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**Third Committee****Summary record of the 56th meeting**

Held at Headquarters, New York, on Thursday, 16 November 2023, at 3 p.m.

*Chair:* Mr. Marschik ..... (Austria)**Contents**Agenda item 69: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

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

**Agenda item 69: Elimination of racism, racial discrimination, xenophobia and related intolerance**  
(continued)

**(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action** (continued) (A/C.3/78/L.60/Rev.1)

*Draft resolution A/C.3/78/L.60/Rev.1: A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action*

1. **The Chair** drew attention to the statement of programme budget implications contained in document [A/C.3/78/L.71](#).
2. **Mr. González Behmaras** (Cuba), introducing the draft resolution on behalf of the Group of 77 and China, said that the text was primarily based on General Assembly resolution [77/205](#). The enduring value of the Durban Review Conference was indisputable, and it must remain the guiding compass for efforts to combat racism, racial discrimination, xenophobia and related intolerance, which represented a denial of common humanity. The draft resolution recognized the urgency of addressing the rise in hate and incitement to discrimination and violence, the spread of notions of racial superiority and intolerance, including by leaders and political parties, and against migrants and people of African descent. Language had been strengthened on the link between racism, racial discrimination, xenophobia and related intolerance, and violence at the hands of police or law enforcement institutions. The draft resolution also contained requests to the Secretary-General to enhance the support provided to the secretariat of the Permanent Forum on People of African Descent and to present practical steps to be taken to make a Second International Decade for People of African Descent effective.
3. **The Chair** said that a recorded vote had been requested.
4. **Mr. González Behmaras** (Cuba) asked which delegation had requested a vote on a draft resolution that aimed to end racism, racial discrimination, xenophobia and related intolerance.
5. **The Chair** said that the recorded vote had been requested by the delegation of Israel.
6. **Ms. Mimran Rosenberg** (Israel), speaking in explanation of vote before the voting, said that, while the World Conference against Racism, Racial

Discrimination, Xenophobia and Related Intolerance of 2001 had aimed to foster international cooperation to combat racism, it had instead fallen into the hands of manipulative forces, whose goal was to delegitimize Israel under the pretext of combating racism. Rhetoric at the Conference had shifted from conversations to staggering hate, which had then spread to newspapers and to the streets. Representatives of Jewish organizations who had attended to promote collaboration had instead fled in fear. Israel had not participated in the follow-up to the Conference. Her country understood the historical implications of racism and wished to create collective action to combat it. However, it had painfully learned how racist rhetoric translated into action, and the hateful rhetoric against Israel in Durban had created a violent environment that had threatened the Israeli and Jewish participants on the basis of their identities, regardless of their political views.

7. Her delegation had called for a vote on the draft resolution to ensure that its cause was not affected by extremist agendas used to inflict hate. Israel would only cease to call for a vote upon acknowledgement that the events in Durban in 2001 had been unlawful and in complete contradiction to the noble cause of combating racism. Her delegation would vote against the draft resolution and encouraged Member States that were genuinely committed to that important cause to do the same.

8. **Mr. Passmoor** (South Africa), speaking in explanation of vote before the voting, said that the indication of the need for increased capacity for the Permanent Forum on People of African Descent and consideration of another International Decade for People of African Descent had been met with concerns over the proliferation of mechanisms on racism and excessive resource allocation. However, the only active legal instrument on racism and racial discrimination was the 1965 International Convention on the Elimination of All Forms of Racial Discrimination. No additional protocols thereto had been negotiated, implying that the racial discrimination that the Convention had sought to address in 1965 had not changed or expanded. The other key element, the Durban Declaration and Programme of Action, served as soft law to combat racism. Overall, eight mechanisms existed, but they did not enjoy full support or proper funding. They were also undermined to the point that they could not succeed, in a deliberate attempt to prevent any progress towards addressing racism, racial discrimination, xenophobia and related intolerance. Although the majority of States had supported the outcomes of the Durban Review Conference, disagreements and differences persisted. As

a result, some of the rhetoric aimed to prevent any progress, and many Member States resisted the global call to action, turning away from moral imperatives in order to maintain a well-established status quo that involved an active undermining of anti-racism efforts.

9. **Ms. Rios Balbino** (Brazil), speaking in explanation of vote before the voting, said that Brazil was a staunch supporter of the Durban Declaration and Programme of Action, which had sparked meaningful change in her country. The draft resolution was particularly positive, given its calls for the Second International Decade for People of African Descent. In that regard, Member States and the United Nations must remain committed to the promotion and protection of the rights of people of African descent.

10. *At the request of the representative of Israel, a recorded vote was taken on draft resolution A/C.3/78/L.60/Rev.1.*

*In favour:*

Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Djibouti, 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, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Türkiye, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Australia, Austria, Canada, Croatia, Czechia, France, Germany, Hungary, Israel, Italy, Nauru, Netherlands (Kingdom of the), Slovakia, South Sudan, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Albania, Andorra, Armenia, Belgium, Bosnia and Herzegovina, Bulgaria, Côte d'Ivoire, Cyprus, Denmark, Estonia, Finland, Georgia, Greece, Iceland, Ireland, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, New Zealand, North Macedonia, Norway, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovenia, Sweden, Switzerland, Tonga, Ukraine.

11. *Draft resolution A/C.3/78/L.60/Rev.1 was adopted by 124 votes to 17, with 39 abstentions.*

12. **Ms. Lundy** (United Kingdom) said that her country remained committed to combating racism, racial discrimination and xenophobia in all its forms, including through continuous efforts to eradicate racial disparities, as demonstrated by its 2022 Inclusive Britain action plan. Her delegation could not, however, endorse the draft resolution because of its multiple references to the Durban Conference, given the historic concerns over antisemitism. Likewise, it questioned the proposals in the text to expand the resourcing and scope of United Nations mechanisms to address racism.

13. Increased efficiency and collaboration among United Nations anti-racism mechanisms was necessary, with a view to avoiding more budgetary ramifications and assisting with resource management. In order to advance progress towards combating racism, collaboration was required on a strategy to confront the challenges of contemporary racism, both individually and collectively. However, the draft resolution did not provide an approach on which consensus could be established. Her delegation had therefore voted against it, and looked forward to collaborating with the sponsors in order to reach a different outcome in the future.

14. **Mr. Ono Sho** (Japan) said that his country remained firmly committed to the elimination of racial discrimination, including through implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. His delegation had abstained from voting on the draft resolution owing to concerns that it may perpetuate the conflict that had occurred at the Durban Review Conference. Furthermore, Japan remained unconvinced that the Permanent Forum on People of African Descent

required additional funding; if such funding were necessary, costs should be covered through a reallocation of existing resources or voluntary contributions. His delegation stood ready to participate in thorough discussions on the relevant programme budget implications in the Fifth Committee.

15. **Mr. Belmont Roldán** (Spain), speaking on behalf of the European Union and its member States and the candidate countries Albania, Montenegro, the Republic of Moldova and Serbia, said that the European Union remained committed to combating racism, racial discrimination, xenophobia and related intolerance, including in its contemporary forms, as well as to the promotion and protection of human rights for all without discrimination. Racism was a global scourge that must be tackled in a comprehensive manner, by taking effective measures at the national, regional and international levels, including through implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The European Union also remained firmly committed to the objectives of the Durban Review Conference and supported the International Decade for People of African Descent.

16. While the informal consultations held by South Africa on behalf of the Group of 77 and China had been welcome and had led to constructive engagement, they had focused on a small number of paragraphs and changes to the text. Concerning the Permanent Forum on People of African Descent, after four annual sessions, the General Assembly would undertake an evaluation of its modalities on the basis of an evaluation by the Human Rights Council in 2025. No additional budgetary resources should therefore be requested at the current time. Greater synergies and efficiencies between the United Nations mechanisms for combating racism would contribute towards enhanced resource management and avoid an increase in budgetary implications. Lastly, the European Union did not believe that the International Convention on the Elimination of All Forms of Racial Discrimination contained any gaps, meaning that the negotiation of complementary standards to the Convention was unnecessary. In the light of the above, the States members of the European Union remained unable to support the draft resolution.

17. **Mr. Johnson** (United States of America) said that his country was profoundly committed to eliminating racism, racial discrimination, xenophobia and related intolerance, including through an honest confrontation of the legacies of slavery and the associated injustices that persisted. In 2021, the United States had submitted its latest periodic report to the Committee on the Elimination of Racial Discrimination, in which it had highlighted measures taken by the Government to

address racial and ethnic discrimination domestically. The United States had issued invitations to the Special Rapporteur on minority issues, the International Independent Expert Mechanism to Advance Racial Equality and Justice in Law Enforcement and the Special Rapporteur on contemporary forms of racism.

18. His delegation was deeply concerned by the unreserved endorsement in the draft resolution of the Durban Declaration and Programme of Action, which contained elements that were antisemitic, such as the application of double standards and the singling out of the State of Israel, as well as overly broad restrictions on the freedom of expression. In the light of the dangerous tensions precipitated by the conflict in Gaza, it was more important than ever to avoid any suggestion of antisemitism or Islamophobia. For those reasons, his delegation had once again voted against the draft resolution. Nonetheless, the United States remained fully supportive of other elements of the text, including its endorsement of the Permanent Forum on People of African Descent and its call for a second International Decade for People of African Descent.

**Agenda item 70: Right of peoples to self-determination** (*continued*) (A/C.3/78/L.62)

*Draft resolution A/C.3/78/L.62: Universal realization of the right of peoples to self-determination*

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

20. **Mr. Akram** (Pakistan), introducing the draft resolution, said that self-determination was a central principle of the Charter of the United Nations, and was enshrined in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Almost all former colonies and subjugated peoples represented in the Third Committee as sovereign nations had secured their independence by exercising their right to self-determination.

21. Some occupied peoples were being systematically denied that right, however, and were forced to struggle to ensure that it could be exercised. The methods used by occupying Powers to suppress those legitimate claims for self-determination were often brutal and violent, including military force, human rights violations, war crimes, crimes against humanity and genocide.

22. The universal character of the right to self-determination and its continued applicability in situations of foreign occupation meant that the draft resolution had traditionally been adopted by consensus

in the Committee. He hoped that delegations would again adopt it by consensus to reaffirm the global commitment to self-determination.

23. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Angola, Bangladesh, Belize, Burkina Faso, Burundi, Cameroon, Colombia, Congo, Ecuador, Egypt, El Salvador, Eritrea, Eswatini, Haiti, Honduras, Jamaica, Lebanon, Lesotho, Madagascar, Namibia, Paraguay, Somalia, South Africa, Sudan, Tajikistan, Thailand, Tunisia, Uganda, United Arab Emirates, Uzbekistan and Zimbabwe.

24. He then noted that the following delegations also wished to become sponsors: Maldives, Nigeria, Senegal, Suriname and United Republic of Tanzania.

25. *Draft resolution A/C.3/78/L.62 was adopted.*

26. **Mr. Johnson** (United States of America) said that his country recognized the importance of the right of peoples to self-determination and had therefore joined the consensus on the draft resolution. The text, however, contained many misstatements on international law and was inconsistent with current practices. It was also disappointing that the sponsors had not circulated the draft resolution until the week prior to its consideration, which had not given Member States sufficient time for review. He referred the Committee to his delegation's general statement delivered on 3 November 2023 (see [A/C.3/78/SR.47](#)), which would also be posted on the website of the United States Mission to the United Nations.

27. **Ms. González** (Argentina) said that her country fully supported the right to self-determination of peoples who remained under colonial domination and foreign occupation, in keeping with the purposes and principles of the Charter of the United Nations and the relevant General Assembly resolutions. Self-determination was applicable only when there was an active subject of that right, namely a people subject to alien subjugation, domination and exploitation, as defined in General Assembly resolution [1514 \(XV\)](#), paragraph 1. Without such a subject, there was no right to self-determination. In the same vein, the draft resolution that had been adopted should be interpreted and implemented in accordance with the relevant resolutions of the General 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.

28. **Mr. Belmont Roldán** (Spain) said that his country supported the draft resolution. General Assembly resolution [1514 \(XV\)](#) established that the

right to self-determination of peoples under colonization was a precondition for the full exercise of human rights that coexisted with the principle of territorial integrity of States. In some cases, colonization undermined the right of a State to maintain the integrity of its territory, which was contrary to the provisions of the Charter of the United Nations and the principles of the Organization.

29. The right to self-determination could not be used to justify colonial situations that compromised the territorial integrity of States. An administering Power and the authorities of a colonized territory could not attempt to create the illusion that the colonial link had been broken following supposed changes in the political relationship, while at the same time claiming a so-called right to self-determination. With regard to the case of Gibraltar, one of the 17 Non-Self-Governing Territories, Spain denied the existence of a right to self-determination protected under international law, and its position was clearly supported by General Assembly resolution [2353 \(XXII\)](#). The United Nations recognized that the colonial situation in Gibraltar undermined the territorial integrity of Spain, and his country had repeatedly called for dialogue on the issue in order to reach a solution, with full respect for the principle of peaceful settlement of disputes and the Organization's doctrine.

30. The continuing existence of the colony on Spanish territory was having a negative impact on Campo de Gibraltar, which was home to many of the descendants of the Spanish population expelled from Gibraltar during the military occupation. Spain was willing to resume dialogue with the United Kingdom in order to find a solution that was in keeping with United Nations principles.

31. Spain was also fully committed to the negotiations under way in relation to Gibraltar following the withdrawal of the United Kingdom from the European Union. Such negotiations should respect the legal position of Spain in terms of sovereignty and jurisdiction. His country was trying to reach an agreement that would directly benefit all the region's inhabitants and address the existing imbalances. The President of Spain had stated during the current session that his Government would work for the prosperous social and economic development of Gibraltar, including Campo de Gibraltar. It had been demonstrated in the case of other territories that had gained independence from the United Kingdom that decolonization was possible if the administering Power had the political will to undertake it. Therefore, Spain reiterated its call for dialogue.



32. **Ms. Sonkar** (India) said that the right to self-determination was a fundamental right for people of Non-Self-Governing Territories and Trust Territories, since they should be allowed to freely choose and establish their governing structures. India had played a leading role in the historic struggle for decolonization and was at the forefront of the movement to promote rights in that regard. Nevertheless, the right to self-determination should always be viewed from a historical perspective and not abused for succession purposes or to undermine pluralistic and democratic States. The international community had consistently affirmed that the right did not extend to component parts or groups within independent sovereign States. In the United Nations context, self-determination should be applied as a vehicle for decolonization, not as a justification for succession or undermining the territorial integrity of Member States. In independent States, self-determination was best maintained through the regular exercise of democratic choice. Human dignity, freedom, justice, tolerance and plurality were based on the full and equal participation in governance of each citizen in an open democracy.

**Agenda item 71: 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.3/78/L.30/Rev.1, A/C.3/78/L.52/Rev.1 and A/C.3/78/L.55)

*Draft resolution A/C.3/78/L.30/Rev.1: Implementing the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms through providing a safe and enabling environment for human rights defenders and ensuring their protection*

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

34. **Ms. Dale** (Norway), introducing the draft resolution, said that the year 2023 marked the twenty-fifth anniversary of the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders). Significant progress had been made since then, with an increased understanding of how human rights defenders contributed to creating inclusive, sustainable and peaceful societies that benefited all. Nonetheless, human rights defenders continued to suffer intimidation,

judicial harassment, arbitrary arrest and even death because of their work. A clear message of support for human rights defenders was therefore crucial. Member States had once again found common ground in the draft resolution and remained committed to providing a safe and enabling environment for human rights defenders. In a world marred by inequality, rising tensions and increasing political divides, protecting human rights defenders was more crucial than ever. Therefore, her delegation invited the Committee to adopt the draft resolution by consensus.

35. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Afghanistan, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Cabo Verde, Cyprus, Czechia, Denmark, El Salvador, Finland, France, Georgia, Greece, Guatemala, Hungary, Italy, Japan, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Myanmar, Netherlands (Kingdom of the), Panama, Paraguay, Peru, Portugal, Republic of Korea, San Marino, Serbia, Slovakia, Slovenia, Switzerland, Timor-Leste, United States of America and Vanuatu.

36. **Ms. Eyrich** (United States of America) said that the draft resolution recognized the essential role played by human rights defenders throughout the world. Human rights defenders were critical to creating more just and democratic societies, often at great personal risk. The United States supported human rights defenders in their work to protect human rights and fundamental freedoms, advocate for government transparency and accountability, promote equitable access to justice and expose and prevent corruption, all without hindrance or undue restrictions. Her country also supported the rights of all individuals to exercise the right to freedom of expression, association and peaceful assembly. The harm experienced by human rights defenders, particularly women human rights defenders, was a matter of concern, and included harassment, intimidation, detention, imprisonment, torture and even death. The United States remained committed to a world centred on universal human rights in which those who committed human rights abuses were held accountable, and would continue promoting the work and safety of human rights defenders to those ends.

37. *Draft resolution A/C.3/78/L.30/Rev.1 was adopted.*

38. **Mr. Mahamadou Seydou** (Niger) said that his delegation had joined the consensus on the draft resolution. However, the Niger reserved the right to interpret and implement the provisions contained

therein in accordance with its national laws and development priorities, with full respect for diverse religious and ethical values and the cultural backgrounds of its people, in conformity with universally recognized international human rights. The draft resolution did not modify the current state of conventional or customary international law, and imposed no obligation on States. With regard to concepts in the text that did not enjoy consensus, he referred the Committee to his delegation's previous statements.

39. **Mr. Belmont Roldán** (Spain), speaking on behalf of the European Union, said that the draft resolution expressed the debt of gratitude owed to human rights defenders, against the backdrop of significant anniversaries of the Declaration on Human Rights Defenders, the Universal Declaration of Human Rights and the Vienna Declaration. The European Union and its member States welcomed in particular the recognition given to the important contribution of women human rights defenders, including through documenting violations, promoting accountability, assisting victims of abuses and advancing gender equality. However, the reprisals, violence and discrimination often faced by human rights defenders were deeply concerning, occurring both online and offline and particularly affecting women human rights defenders. Those who worked on issues such as sexual and reproductive health and reproductive rights were particularly at risk.

40. The European Union and its member States welcomed the new language in the text on the recognition and protection of human rights defenders in conflict and post-conflict situations; the multiple and intersecting forms of discrimination and sexual and gender-based violence faced by women human rights defenders; the impact of Internet shutdowns; and the use of digital technologies. Nonetheless, the caveats that sought to limit the legitimate work of human rights defenders, including with reference to morality and public order, had no place in the text. Those subjective and arbitrary concepts could too easily be misused and manipulated to restrict human rights defenders, and such outdated language should be removed. The European Union and its member States underscored the need to create a safe and enabling environment for human rights defenders, both online and offline, with a view to realizing human rights for all and to achieving the Sustainable Development Goals by 2030.

41. **Mr. Ayad** (Iraq) said that Iraq supported human rights defenders and appreciated the significant sacrifices that they made. However, some human rights defenders were far removed from the ethical and religious values of certain populations, creating a gulf

between their principles and the ethical values of the societies in question. In addition, his delegation had reservations regarding non-consensus-based terms that did not reflect its values or national legislation, including "multiple and intersecting forms of discrimination", "sexual and reproductive health care" and "gender-based violence".

42. **Mr. Rizal** (Malaysia) said that his delegation had joined the consensus on the draft resolution, in the spirit of promoting and protecting universally recognized human rights and fundamental freedoms, which must remain the guiding principle of the human rights agenda. However, the text continued to feature references to the ambiguous term "diversity" in the twenty-seventh preambular paragraph and in paragraph 26, as well as "multiple and intersecting forms of discrimination" in the twenty-second preambular paragraph. Interpretation of those terms would be based on the national laws, values and customs of Malaysia, and did not include any concepts that were inconsistent with the existing international human rights architecture.

43. **Ms. Rizk** (Egypt) said that her delegation continued to have reservations regarding all references in the text to the so-called legitimate role of human rights defenders. Individuals, groups and bodies involved in the promotion of universally recognized human rights had both rights and responsibilities, and their actions fell within the legal parameters defined by States, in line with international human rights law. Accordingly, such actors did not enjoy a *de facto* legitimacy. Her delegation also opposed any references to the concept of multiple and intersecting forms of discrimination, as the term lacked any legal basis and did not have an agreed definition or enjoy consensus. In particular, Egypt opposed the references to sexual and reproductive health-care services, which represented a reductionist approach to the empowerment of women at the expense of more urgent needs, including access to safe drinking water and sanitation, adequate housing and quality education. An ongoing insistence on including new controversial terms would jeopardize future consensus on the draft resolution.

44. Pregnant Palestinian women in Gaza, under indiscriminate bombardment by Israel, were currently forced to deliver their babies without safe and adequate medical services, exponentially increasing risks to the lives of mothers, children and unborn children. With regard to the contributions of children in defending human rights mentioned in paragraph 15, her delegation did not consider that reference to provide any basis for the establishment of a new category of human rights defenders. However, it welcomed the references to the age and maturity of children in that paragraph. Egypt

also reaffirmed the rights, duties and responsibilities of parents or legal guardians in providing necessary guidance and protection to children.

45. **Ms. Buist-Catherwood** (New Zealand), speaking also on behalf of Australia, Canada, Iceland, Liechtenstein and Switzerland, said that their delegations welcomed the adoption of the draft resolution by consensus, which was particularly timely given that 2023 marked the seventy-fifth anniversary of the adoption of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the adoption of Declaration on Human Rights Defenders. Human rights defenders worldwide played a key role in contributing to the implementation of internationally agreed human rights standards and to strengthening the rule of law.

46. Their delegations also welcomed the focus in the draft resolution on women and girls, together with its recognition of the persistence of multiple and intersecting forms of discrimination against them, as well as all forms of violence. Emphasis in the text on sexual and gender-based violence, defamation, stigmatization, smear campaigns and hate speech was also important. Their delegations welcomed recognition in the draft resolution that those promoting access to sexual and reproductive health-care services might face stigma and violence, and that restrictive or discriminatory legislation or gender stereotypes and negative social norms could amplify those risks and embolden perpetrators of violence.

47. Recognition of the work of human rights defenders was crucial, not only in the draft resolution but also across the agenda of the Third Committee. In that regard, it was important to protect and strengthen the participation of civil society, including human rights defenders, at the United Nations, in order to foster meaningful exchanges.

48. **Ms. Asaju** (Nigeria) said that her delegation wished to disassociate itself from the references to “multiple and intersecting forms of discrimination” in the draft resolution. It also considered the use of the term “gender-based violence” in the twenty-third preambular paragraph and paragraph 13 to be redundant, in addition to constituting a ploy to promote the proliferation of non-consensus-based terminology and the agenda of certain delegations within internationally agreed documents. Nonetheless, Nigeria continued to condemn all forms of discrimination and violence against women and girls. Her delegation also dissociated itself from the references to sexual and reproductive health-care services, as stigmatization of and violence against women human rights defenders

transcended the sphere of sexual and reproductive health. Its definition of the term “gender” remained the biological distinction between male and female. Lastly, the right of sovereign countries to define and determine the scope of health services in line with their national laws and cultural values remained sacrosanct.

49. **Mr. Imanuel** (Indonesia) said that Indonesia appreciated the focus on women human rights defenders in the draft resolution. Multi-stakeholder partnerships were key to the efforts of his country to fulfil human rights, involving collaboration with national human rights institutions, civil society, the private sector and academia. Gender equality and the empowerment of women remained a priority for his Government, which took national measures to protect women human rights defenders.

50. While there was a general consensus on the draft resolution, issues that did not enjoy consensus continued to divert discussions away from important issues on the ground, such as capacity-building, despite the objections raised by countries. Indonesia had reservations regarding the references to multiple and intersecting forms of discrimination, given that such terminology excluded forms of discrimination that were not intersecting; there was also a lack of universal understanding and agreement on the factors that contributed to such forms of discrimination. Indonesia also had reservations regarding the twenty-eighth preambular paragraph due to a lack of clarity on the notion of diversity of human rights defenders. Protection should be granted to all human rights defenders, without exceptions. The draft resolution would be implemented by Indonesia in accordance with its specific context, priorities and regulations.

51. **Mr. Niasse** (Senegal) said that the defence of human rights was a priority for Senegal in line with its democratic culture and adherence to the rule of law. While his delegation had joined the consensus on the draft resolution, it dissociated itself from non-consensus-based language in the text, notably “multiple and intersecting forms of discrimination” in the twenty-third preambular paragraph and “sexual and reproductive health-care services” in paragraph 12. For Senegal, references to gender and all related terminology referred exclusively to social relations between men and women. In addition, all references in the draft resolution to sexual and reproductive health and access to health-care services would be interpreted according to the laws and regulations of his country, as well as its social and cultural realities. Lastly, nothing in the draft resolution or any other General Assembly resolution would change conventional or customary



international law and or create any new legal obligations for his country.

52. **Ms. Dabo N'diaye** (Mali) said that, while human rights defenders played a key role, Governments remained the primary human rights defenders of their populations, and her Government provided support for the actions taken by human rights defenders on a daily basis. However, the support of her delegation for the draft resolution was limited by the fact that several substantive issues had not been taken into account, while non-consensus-based terms had been included, such as “multiple and intersecting forms of discrimination”, “sexual and reproductive health-care services” and “gender-based violence”. Any terms not based on consensus included in any resolution would be interpreted in line with the legislation and priorities of Mali, with its social, societal and cultural values and without prejudice to universally recognized international norms. The draft resolution would not change the current state of conventional or customary international law, and therefore imposed no legal obligation on her country.

53. **Ms. Zhang Sisi** (China) said that her Government had always been committed to the promotion and protection of human rights, and encouraged and supported individuals to play an active role in that regard within the legal framework.

54. The term “human rights defenders” had no internationally agreed, legally based definition that was recognized by all countries. The scope of the term when used in a draft resolution should be in line with the purposes, principles and provisions of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. All persons should enjoy the same rights and fundamental freedoms, and human rights defenders should not be singled out for special rights or legal status. So-called human rights defenders must carry out their activities in a peaceful and lawful manner; where they violated national laws, they should be subject to the same legal sanctions as other persons.

55. The draft resolution should be interpreted within the framework of the Declaration and should not undermine the purposes and principles of the Charter of the United Nations or increase the obligations and commitments of Member States. China would interpret the draft resolution in accordance with its own laws and its consistent position on such matters and would not accept any content that conflicted with Chinese laws, regulations or policies. On that understanding, her country had joined the consensus on the draft resolution.

56. **Ms. Arab Bafrani** (Islamic Republic of Iran) said that her country attached utmost importance to human rights, and reaffirmed that Governments had the primary responsibility for their protection. Civil society, academia and unions should play an active role in respecting human rights and support activities to that end, in accordance with national legal frameworks. Owing to the lack of a clear, internationally agreed definition of human rights defenders, certain organizations and individuals with malicious intentions had sought to misappropriate the concept, thereby sabotaging genuine efforts to protect and promote human rights. All people should enjoy human rights and fundamental freedoms, and so-called human rights defenders should not be granted special privileges. Her delegation objected to the use of non-consensus-based and ambiguous terminology in the text, and therefore dissociated itself from the twenty-third preambular paragraph and paragraph 13.

57. **Mr. Altarsha** (Syrian Arab Republic) said that the Syrian Arab Republic aligned itself with the statement made by the representative of the Islamic Republic of Iran.

58. **Monsignor Murphy** (Observer for the Holy See) said that the significant anniversaries of major human rights instruments invited an in-depth reflection on human rights and the renewal of commitments to defend human dignity. In that regard, his delegation appreciated the work undertaken by women engaged in the promotion and protection of human rights.

59. The Holy See was deeply concerned by references promoting access to sexual and reproductive health-care services, which were often understood as referring to access to abortion. Given that those terms were mentioned in the context of paragraphs addressing women human rights defenders, the draft resolution could be read as indicating the existence of a human right to abortion, which was incorrect as a matter of law. Abortion purposefully ended the lives of unborn children and often harmed their mothers. Unborn children diagnosed with disabilities and girls were particularly at risk due to disability- and sex-selective abortions. It was not possible to defend human rights while leaving aside the right to life for the most vulnerable members of the human family. Fortunately, many people were working to defend the unborn, particularly women who participated in movements that defended the right to life of unborn children, often at significant personal cost and risk.

60. His delegation considered the terms “sexual and reproductive health”, “sexual and reproductive health-care services” and related terms to apply to a holistic

concept of health that did not include abortion, access to abortion or access to abortifacients. The term “gender” was understood to be grounded in male or female biological sexual identity. The expression “multiple and intersecting forms of discrimination” lacked an intergovernmentally agreed definition, therefore lending itself to an interpretation that reduced humans to particular characteristics in line with artificial and selective criteria that were not universally acknowledged, thereby undermining the universality of human rights.

*Draft resolution A/C.3/78/L.52/Rev.1: Protection of migrants*

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

62. **Ms. Mendoza Elguea** (Mexico), introducing the draft resolution, said that, at a time when movements of people had reached historic levels, it was essential to reiterate the role of States in protecting the human rights of all migrants regardless of their migration status, while also highlighting their positive contributions. Migration was a fundamental human experience that affected the lives of individuals worldwide. Therefore, the draft resolution recognized the need to protect and respect the human rights of the 281 million migrants around the world. It was vital that the General Assembly once again recognized the role played by migrants.

63. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Bangladesh, Belarus, Bolivia (Plurinational State of), Cabo Verde, Canada, Costa Rica, Côte d’Ivoire, Cyprus, Germany, Guatemala, Ireland, Luxembourg, Morocco, Paraguay, Peru, Philippines, Spain, Tajikistan and Türkiye.

64. He then noted that the following delegations also wished to become sponsors: Brazil, Burundi, Egypt, El Salvador and Malawi.

65. *Draft resolution A/C.3/78/L.52/Rev.1 was adopted.*

66. **Ms. Alonso Giganto** (Spain), speaking on behalf of the European Union, said that the references in the text to the promotion of gender-responsive, child-sensitive and disability-responsive policies that left no one behind were welcome, as was the reference to the importance of ensuring the full, equal and meaningful participation of women in the formulation and implementation of migration policies. The European Union and its member States remained fully committed to the protection and fulfilment of all human rights and fundamental freedoms, including those of migrants,

with particular attention to women, children and persons in vulnerable situations.

67. The European Union and its member States had engaged constructively in negotiations on the draft resolution to ensure a comprehensive approach to the protection and promotion of the human rights of migrants. The large and increasing number of migrants in vulnerable situations highlighted the need to address migration through strong international cooperation. All Member States should strive to protect the human rights and lives of all those affected.

68. **Ms. Sorto Rosales** (El Salvador) said that all migrants, regardless of their migration status, were human beings with dignity, whose human rights must be protected, respected and fulfilled by all States. Her delegation welcomed the text adopted and recognized the positive role and contributions of migrants for inclusive growth and sustainable development in countries of origin, transit and destination. Furthermore, the text referred to the issue of gender-based violence, particularly against migrant women, and the need to identify measures to improve and diversify the availability of pathways for safe, orderly and regular migration.

69. Although her delegation had been pleased to sponsor the draft resolution, it did not accept the tenth preambular paragraph as agreed language that could be used as a precedent in future discussions or negotiations related to migration. That paragraph could be employed to undermine the promotion, protection and fulfilment of the human rights of migrants as it shifted the focus from human rights and the protection of migrants to migration management.

70. **Ms. Pongor** (Hungary) said that her country remained committed to international human rights law, including when enacting and implementing national legislation in the area of migration. However, her delegation opposed the calls in the draft resolution for States to facilitate migration or to diversify the availability of regular pathways for migration, which were deeply concerning. Migration was not a human right, and all States had the right to determine their national policies on migration, border security, demography, labour market and health care.

71. With regard to paragraphs 12 and 14 of the draft resolution, commitments related to access to health-care services should be interpreted in line with national competences. The text also reflected the issue of migration in an unbalanced manner, focusing solely on the positive contributions of migrants, without sufficiently addressing the realities and challenges stemming from migration, such as people smuggling

and trafficking in persons. Hungary had reservations regarding the highlighting of contributions by specific social groups to sustainable development, as all individuals deserved equal acknowledgement, as part of an inclusive approach. Moreover, rather than promoting migration as a solution to challenges affecting countries of origin, the international community should focus on addressing its root causes, including by preventing conflict, fostering sustainable development and upholding human rights.

72. Hungary had not voted in favour of the Global Compact for Safe, Orderly and Regular Migration and was not participating in its implementation. Her delegation therefore dissociated itself from all paragraphs that contained references to the Compact and the International Migration Review Forum.

73. **Mr. Devereaux** (United Kingdom) said that there were over 110 million people displaced worldwide, all of whom were particularly vulnerable to discrimination, abuse and exploitation. While the United Kingdom welcomed references in the draft resolution to strengthening international cooperation to combat the actions of criminals who targeted migrants, it did not align itself with certain elements of the text. States had a sovereign right to determine their own migration and immigration policies and laws and were not bound to increase or modify their approaches to legal migration pathways. In addition, the draft resolution did not place any obligation on States to end the detention of migrants or migrant children, including while assessments of migration status were under way. While arbitrary detention was unlawful, when detention pursued a legitimate aim, followed due process and was based on necessity and proportionality, it was lawful under international human rights law.

74. In addition, Governments maintained the right to apply criminal law and penalties on those who had been smuggled into their countries. While vulnerability should be taken into account as part of a proportionate legal response, knowledge of and intent for illegal entry and border crossing could still be considered a criminal offence, in line with national legislation and international law. All migrants must have safe access to basic services, but nationals and regular migrants might be entitled to more comprehensive services, as outlined in the Global Compact for Safe, Orderly and Regular Migration.

75. The United Kingdom would not tolerate unlawful discrimination towards migrants. The draft resolution in no way restricted or curtailed existing legislation or well-established human rights, including the right to freedom of expression. His country had a tradition of

debating issues of importance to society, including migration in all its aspects and, on that basis, had joined the consensus on the draft resolution.

76. **Ms. Hardwick** (Austria) said that, in a spirit of solidarity, cooperation and partnership, Austria had joined the consensus on the draft resolution. However, certain paragraphs were in conflict with its national position on the Global Compact for Safe, Orderly and Regular Migration, on which Austria had abstained from voting. References to the Compact did not alter the respective national positions of States towards it, and the position of her country remained unchanged in that regard.

77. **Mr. Johnson** (United States of America) said that States had the responsibility to protect the human rights of all persons in their territories and subject to their jurisdictions, regardless of migration status. The United States maintained the sovereign right to facilitate or restrict access to its territory, subject to its existing international obligations. His Government was committed to ensuring that migrants, including migrant children, were treated in a safe and secure manner.

78. The United States did not understand the draft resolution to imply that States were prevented from taking appropriate measures, in line with international law, to detain or prosecute persons involved in criminal activity in connection with irregular migration. Furthermore, it did not imply that States must join or implement obligations under international instruments to which they were not a party, including the principle of the best interests of the child, derived from the Convention on the Rights of the Child, and the prohibition on collective expulsions, set forth in Protocol No. 4 to the European Convention on Human Rights. The United States was not a party to the Convention on the Rights of the Child, and while it took the best interests of the child into account in certain immigration actions, it was not always a primary consideration in the context of immigration.

79. Consular access and assistance were not rights held by individuals; rather, those rights were exercised by the representatives of the State of nationality of the detained individual, and they decided on whether to provide such assistance. Moreover, the reference to a specific bilateral legal matter was inappropriate in the draft resolution. The draft resolution did not alter international law. The United States understood abbreviated references to certain rights to be shorthand for the more accurate and widely accepted terms used in the applicable instruments, and maintained its long-standing positions on those rights. In particular, his country interpreted language regarding a prohibition on

collective expulsions to refer to non-refoulement obligations under article 33 of the Convention relating to the Status of Refugees and article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

80. **Mr. Mohamed** (Egypt) said that his delegation welcomed the adoption of the draft resolution and the message on reinforcing international efforts aimed at protecting migrants contained therein. His Government provided over 9 million migrants from over 60 countries with essential services, including health care and education, and worked to increase the resilience of communities. In that connection, significant aid for developing countries was required. No country could manage migration alone, as recognized in the twenty-eighth preambular paragraph.

81. Migration should involve a guarantee to safeguard the dignity of migrants, while responding to demographic realities and the labour market. The attempts of certain delegations to weaken language related to migration was regrettable, particularly in connection with the right of migrants to health care. It was incomprehensible that certain migrants could be deprived of their rights under certain circumstances. An increase in cooperation, solidarity and support was required as a matter of urgency for the developing countries that received increasing numbers of migrants, with a view to protecting such individuals and providing them with essential services.

82. **Mr. Dimitrov** (Bulgaria) said that, while his country had joined the consensus on the draft resolution, its position on the Global Compact for Safe, Orderly and Regular Migration remained unchanged.

83. **Monsignor Murphy** (Observer for the Holy See) said that his delegation welcomed the new elements in the draft resolution that contributed towards strengthening international efforts to protect all migrants, regardless of their migration status, as well as language on the right to life. All migrants deserved to be treated with dignity and respect for their human rights and fundamental freedoms throughout the migration journey. The Global Compact for Safe, Orderly and Regular Migration remained the most comprehensive set of best practices and policy instruments, enabling States to work with greater cohesion within the United Nations system. The inclusion of language on national sovereignty and migration policy in the tenth preambular paragraph must be understood within the context of the draft resolution as a whole. Lastly, the Holy See understood the term “gender” to be grounded in biological male or female sexual identity.

*Draft resolution A/C.3/78/L.55: Subregional Centre for Human Rights and Democracy in Central Africa*

84. **The Chair** drew attention to the statement of programme budget implications contained in document [A/C.3/78/L.73](#).

85. **Ms. Banaken Elel** (Cameroon), introducing the draft resolution on behalf of the Economic Community of Central African States, said that negotiations on the text had been longer and more complex than usual. The draft resolution contained five new paragraphs and technical updates to three paragraphs. The new elements in the text mainly related to a request to strengthen the work of the Subregional Centre for Human Rights and Democracy in Central Africa in the area of economic, social and cultural rights, bearing in mind that all human rights were universal, indivisible and interdependent. Given the Centre’s limited resources and the growing demand for its services from various stakeholders, the draft resolution noted the Secretary-General’s appeal for an increase in the regular budget allocations to the Centre. It also requested the Secretary-General and the United Nations High Commissioner for Human Rights to strengthen the capacity of the Centre, including through human resources from within the subregion, and to enhance support for the Centre so as to enable it to achieve greater results on the ground.

86. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Belarus, Burkina Faso, Cabo Verde, China, Democratic People’s Republic of Korea, Djibouti, Egypt, Eritrea, Gambia, Guinea, Kenya, Lesotho, Mali, Morocco, Namibia, Nigeria, Sudan, Togo, Tunisia, Turkmenistan, Uganda and United Republic of Tanzania.

87. He then noted that the following delegations also wished to become sponsors: Costa Rica, Ghana, Haiti, Malawi, Niger, Pakistan and Senegal.

88. **Ms. Umulisa** (Rwanda), speaking also on behalf of Angola, Burundi, Cameroon, the Central African Republic, Chad, the Congo, the Democratic Republic of Congo, Equatorial Guinea, Gabon and Sao Tome and Principe, said that, since the creation of the Centre in 2001, it had steadily increased its activities in the field of human rights and democracy, in response to requests from all 11 Central African countries regarding all human rights, including social, economic and cultural rights.

89. Their countries shared the Secretary-General’s concern regarding the Centre’s limited capacity, which was mainly due to financial constraints and the growing demand for the Centre’s services from stakeholders.

The Centre's budget had last been updated in 2007 and, 16 years later, its resources were insufficient to provide 11 countries with services for promoting human rights and democracy in Central Africa, which was a region facing significant challenges. In response to the Secretary-General's appeal to Member States to increase regular budget allocations to the Centre, Cameroon, the Centre's host country, had allocated \$700,000 annually to the Centre, in addition to its earmarked contributions to the Centre's budget.

90. The adoption of the draft resolution by consensus would send a strong message to the people of Central Africa that the United Nations spared no effort in improving human rights and democracy in the subregion and would encourage their 11 countries to further enhance their contributions to the Centre's work.

91. **Ms. Ahoue Itoua Lekegny** (Congo) said that her country remained committed to the promotion and protection of all human rights, including economic, social and cultural rights. Since 2021, the Centre had supported the Congo, including by providing training for the national human rights institution, public administration heads and leaders of civil society organizations and incorporating human rights into coronavirus disease (COVID-19) response and recovery, and could have done more with appropriate resources. In the Centre's budget, only \$200,000 was allocated for activities benefiting 11 countries and that amount had not increased since 2007, despite growing demand for the Centre's services. Her country welcomed the call contained in the draft resolution to strengthen the human and financial capacities of the Centre, which would enable it to carry out its mandate more effectively.

92. **Ms. Dabo N'diaye** (Mali) said that her delegation had welcomed the constructive negotiations on the draft resolution. The Centre contributed meaningfully to the promotion and protection of human rights in Africa in general and in Central Africa in particular. Capacity-building and increased support from the international community would help the Centre's development, particularly in a context of growing demand from Member States and security challenges, including the threat of terrorism.

93. *Draft resolution A/C.3/78/L.55 was adopted.*

94. **Ms. Alonso Giganto** (Spain), speaking on behalf of the European Union, said that the European Union and its member States wished to reiterate their support for the Office of the United Nations High Commissioner for Human Rights (OHCHR) and its regional offices, including the Subregional Centre for Human Rights and Democracy in Central Africa. Human rights were

universal, indivisible, interdependent and interrelated. Civil and political rights, as well as economic, social and cultural rights, should be treated on an equal basis. However, the efforts of the European Union and its member States to correct the focus given to economic, social and cultural rights in the draft resolution had only been partially accommodated.

95. The European Union and its member States were concerned that statements of programme budget implications were shared very shortly before action on draft resolutions was taken and encouraged the Secretariat to make such statements available as early as possible. It was concerning that the Programme Planning and Budget Division had interpreted the broad supportive language contained in the resolution as entailing programme budget implications worth more than \$4.7 million over the period 2024–2025, which undermined the transparent and coherent budgetary process within the United Nations. The Third Committee was not qualified to discuss budgetary matters, which were under the purview of the Fifth Committee.

96. **Mr. Tommo Monthe** (Cameroon) said that he wished to thank the Committee for the adoption by consensus of the draft resolution. Human rights, including civil and political rights, economic, social and cultural rights and the right to development, should be conceived of in their entirety. Human rights were truly universal and took root in the human condition. They were the rights of real people living in a particular space and time that acted as markers of identity and culture. There could be no enjoyment of human rights without infrastructure, no enjoyment of the right to education without schools and no enjoyment of the right to health without hospitals. The Centre would conduct its work in full understanding of the foregoing considerations.

97. He welcomed the authorization of the programme budget implications of the draft resolution, pending consideration by the Fifth Committee. He trusted that any remaining concerns of delegations would be allayed by the opinion of the Advisory Committee on Administrative and Budgetary Questions.

98. **Ms. Wallenius** (Canada) said that her delegation commended the Centre's contributions to technical assistance, capacity-building and advisory services for Governments, civil society organizations, United Nations country teams and other stakeholders. The Centre had supported the establishment of several national human rights institutions and the holding of inclusive democratic elections and had successfully advocated for the ratification of international human rights instruments.

99. Human rights were indivisible, universal, interdependent and interrelated, and each individual was entitled to their rights and freedoms without distinction. Encouraging the Centre to continue to fulfil its mandate, her delegation stressed the importance of a holistic approach in the realization of civil, political, economic, social and cultural rights. The OHCHR vision for reinforcing its work in promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from the COVID-19 pandemic (A/HRC/54/35) acknowledged the need for a measured, holistic approach to initiatives aimed at enhancing the work of OHCHR in that regard.

100. Her delegation regretted the late circulation of the statement of programme budget implications, which had made it challenging for Member States to consider such implications comprehensively. Canada requested the Secretariat to share details of any programme budget implications promptly for the consideration of all delegations.

101. **Ms. Asaju** (Nigeria) said that the importance of the Centre in supporting the promotion and protection of human rights and democracy could not be overemphasized. The Centre had been effective in advancing security and addressing the menace of terrorism in the subregion and the Lake Chad basin. The increased funding and human capacity of the Centre would further enhance peace and security and foster the fundamental principles of human rights and democracy in the subregion.

102. **Mr. Lang** (United States of America) said that all human rights were universal, indivisible, interdependent and interrelated, and the United States was committed to advancing economic, social and cultural rights. However, his delegation was concerned that new language in paragraph 6 of the draft resolution sought to narrow the scope of the Centre to economic, social and cultural rights. Singling out a set of rights at the Centre, which was dedicated to the promotion and protection of all human rights and democracy, undermined the principle that human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis. Any budget implications resulting from the draft resolution must be kept to a minimum, and any request for additional resources should be backed by solid analysis and a commitment to show results for the investments made in the Centre.

103. **Mr. Ono** (Japan) said that his delegation understood the importance of the Centre in the promotion and protection of human rights and had therefore engaged constructively in informal meetings and joined the consensus on the draft resolution. The

draft resolution had been discussed on the assumption that programme budget implications could occur, but they had not been presented in detail during informal meetings. The statement of programme budget implications had been circulated only the night before, making it difficult for Member States to consult the implications in detail. Japan strongly urged the Secretariat to provide programme budget implications, if any, in a timelier manner. Together with other Member States, Japan would discuss the programme budget implications associated with the draft resolution thoroughly and carefully in the Fifth Committee.

104. **Ms. Lundy** (United Kingdom) said that, as a State party to the International Covenant on Economic, Social and Cultural Rights, the United Kingdom was committed to the advancement of the rights enshrined therein and recognized the need for renewed and reinvigorated efforts by States for their realization. However, it was regrettable that paragraph 6 of the draft resolution did not fully reflect the Centre's role in promoting and protecting all human rights. Focusing on economic, social and cultural rights, which should go hand in hand with civil and political rights, went against the principle that all human rights were universal, indivisible and interdependent.

105. **Mr. Moussa** (Djibouti) said that the Centre was almost certain to become overwhelmed and incapable of properly implementing its activities, due to insufficient financial and human resources. As a result of the adoption of the draft resolution, there would be a report in two years' time corroborating the primary intent of Member States to stand by the Centre in its rebirth and revival.

106. Concerns regarding contributions to financing the Centre's activities must be addressed. Without support from the international community, the achievements made to date could be eroded. His delegation believed that human rights should be promoted everywhere and for everyone and had gladly joined the consensus.

#### **Agenda item 107: Crime prevention and criminal justice** (*continued*) (A/C.3/78/L.8/Rev.1)

*Draft resolution A/C.3/78/L.8/Rev.1: Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity*

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

108. **Mr. Greco** (Italy), introducing the draft resolution, said that the omnibus resolution took stock of new developments in the field of multilateral cooperation,



including the substantial results achieved by the Commission on Crime Prevention and Criminal Justice and the five draft resolutions that had been adopted by consensus under agenda item 107 by the Committee at its 47th meeting. The text included new language to strengthen the role of youth crime prevention policies and to emphasize the importance of follow-up mechanisms, environmental protection and effectively combating sexual exploitation and child abuse. The draft resolution contained a request to the Secretary-General to submit reports on the crime prevention and criminal justice programme at the seventy-ninth and eightieth sessions. The proposed themes for high-level debates at the seventy-eight and seventy-ninth sessions were “Crime prevention and sustainable development through sports” and “A second chance: addressing the global prison challenge”. The text also strengthened the role of the United Nations Office on Drugs and Crime (UNODC), within its mandate, regarding issues such as legal aid, anti-corruption measures, crime prevention and technical assistance policies related to youth and counter-terrorism.

109. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had joined as sponsors of the draft resolution: Albania, Algeria, Andorra, Antigua and Barbuda, Australia, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Czechia, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Israel, Jamaica, Japan, Kenya, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Mexico, Monaco, Mongolia, Montenegro, Morocco, Netherlands (Kingdom of the), Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, San Marino, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Türkiye, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.

110. He then noted that the following delegations also wished to join as sponsors: Jordan, Kazakhstan, Malawi, Mali and Namibia.

111. *Draft resolution A/C.3/78/L.8/Rev.1 was adopted.*

112. **Ms. Lukabyo** (Australia), speaking also on behalf of Canada, Iceland, Liechtenstein, New Zealand and Norway, said that strengthening crime prevention and criminal justice responses required strong cooperation between Member States. Their delegations were pleased that the draft resolution had maintained the term “cybercrime”, which was established, well understood and had been widely used by the international

community for more than a decade. However, the term “criminal misuse of information and communications technologies” also appeared in the draft resolution. The concluding session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes in January 2024 should remain the appropriate forum in which to debate and agree on appropriate terminology, and it was not for the Third Committee to set precedent in that regard.

113. Their delegations welcomed the new reference in the text to victims and survivors of trafficking in persons, which was a serious crime constituting a grave offence to human dignity and physical integrity. It was important to acknowledge both victims and survivors, so as to recognize the agency of those individuals who had endured, lived with the consequences of or recovered from the infliction of those human rights abuses and violations. Their delegations also welcomed reference to the importance of mainstreaming gender in crime prevention and criminal justice. States must strengthen their crime prevention and criminal justice responses to the gender-related killing of women and girls. Reference to the importance of achieving equal access to justice was also welcome, since all were equal before the law and were entitled, without discrimination, to equal protection of the law.

114. **Mr. Bulgaru** (Russian Federation) said that the text was primarily an omnibus resolution designed to reaffirm the agreements reached in the framework of the activities of the specialized United Nations bodies responsible for policy on combating transnational organized crime. As such, it should not include controversial elements that could undermine international cooperation in crime prevention.

115. His delegation opposed the inclusion of controversial subjects that did not enjoy the support of all Member States. A truly effective omnibus resolution should be produced collaboratively, and facilitating the text was not a privilege but a great responsibility. However, the delegation of Italy, diverging from its previous constructive approach, had ignored the established practice of reverting to previously agreed language if an agreement on new proposals could not be reached.

116. As a result, his delegation was forced, for the first time, to disassociate itself from a number of paragraphs in the draft resolution. It wished to disassociate itself from the fifty-seventh preambular paragraph and paragraph 30, which contained the ambiguous term “survivors” alongside the conventional term “victims”. It also wished to disassociate itself from paragraph 13,

in which the General Assembly abused its mandate and called on States parties to the United Nations Convention against Corruption to ensure the timely conclusion of the second cycle of the Mechanism for the Review of Implementation of the Convention, thus interfering with the prerogatives of the Conference of States Parties to the Convention. His delegation also wished to disassociate itself from paragraph 43, which contained a call for follow-up to just one of the five Economic and Social Council resolutions adopted on crime prevention and criminal justice in 2023, along with the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development.

117. His delegation would be unable to simply disassociate from certain paragraphs next time and called on facilitators to avoid deviating from established working methods. It was vital that the draft resolution could continue to be adopted by consensus.

118. **Ms. Rizk** (Egypt) said that her delegation noted the facilitators' decision to refer to agreed language in many of the paragraphs that had not gained consensus. Egypt had hoped for a more streamlined process in the production of consecutive iterations of the text and for the provision of compiled comments and suggested amendments to the zero draft.

119. Egypt interpreted the draft resolution in accordance with the provisions of the relevant legal instruments to which it was party and valued cooperation with UNODC and other United Nations entities in that regard. Her delegation had repeatedly expressed reservations regarding the final text and had requested the deletion of the term "survivors" in the fifty-seventh preambular paragraph and paragraph 30. The term had no legal definition and did not create new legal obligations for States. The term "non-punishment of victims" in the fifty-seventh preambular paragraph would be interpreted in the context of national legislation, in line with international legal obligations. Her delegation did not recognize the undefined term "gender-related discrimination" in paragraph 41.

120. Her delegation had repeatedly requested clarity on the implications of the penholder's decision to make the omnibus resolution biennial. However, having received no substantive reasons, and owing to the lack of clarity on the future action to be taken to streamline the text, her delegation expressed its reservations regarding paragraph 93. It looked forward to an inclusive Member State-driven process on the resolution and a review of the decision to make it biennial.

121. **Mr. Paredes Campaña** (Colombia) said that, faced with growing collaboration between criminal organizations, it was crucial to enhance cooperation between States to combat all forms of crime and to counter their harmful effects. It was essential for the international community to remain united in its shared objective to counter crime, which affected the development of nations, weakened the rule of law, fractured confidence in States, increased violence and negatively affected the future of young people and societies.

122. Colombia welcomed the adoption of paragraph 62 providing for the investigation and prosecution of the smuggling of commercial goods, which was a widespread criminal activity. Although money-laundering and corruption were key to the financing of criminal organizations, they had yet not been adequately addressed. His delegation welcomed the adoption of the draft resolution by consensus, which was a signal of international unity and coherence in addressing crime.

123. **Mr. Johnson** (United States of America) said that his delegation understood references in the draft resolution pertaining to firearms to be consistent with and subject to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Firearms Protocol). Any reference to "trafficking" in firearms, their parts and components and ammunition meant "illicit trafficking" as defined in article 3 (e) of the Firearms Protocol; references to diversion, loss and theft referred to the security and preventive measures as provided in article 11 of the Firearms Protocol; references to data collection, analysis, systems, information and similar regarding firearms, their parts and components and ammunition were subject to domestic law; and references to firearms support and cooperation were consistent with what was authoritatively provided in article 13 of the Firearms Protocol.

124. His delegation was concerned that, in the fortieth preambular paragraph and paragraph 30, the phrase "criminal misuse of the Internet and other information and communications technologies" was followed by "as well as such misuse for terrorist purposes", which risked conflating criminal misuse of the Internet and other information and communications technologies with their use for terrorist purposes, which were distinct issues. The United States continued to address cyberenabled crime separately given different non-State actors, motivations and activities. The United States did not wish to pre-empt ongoing negotiations in the Ad Hoc Committee to Elaborate a Comprehensive International

Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes and would address terminology in that forum.

125. The United States interpreted paragraph 63 to be consistent with the full text of article 14 of the United Nations Convention against Transnational Organized Crime, wherein article 14 (2) applied only when a State had made a request of another State in the context of providing compensation to victims of a crime and article 14 (1) specified action only in accordance with relevant domestic law.

126. In practice, cultural property was generally returned to a requesting State that had identified such property under its domestic laws and, as such, had invoked relevant obligations of multilateral treaties to which a State might be party, such as the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

127. **Ms. Pella** (Indonesia) said that it was imperative to commit to robust crime prevention and criminal justice systems as they were important prerequisites for realizing sustainable development, human rights and global peace. Indonesia had joined the consensus and recognized the significance of the draft resolution in strengthening technical cooperation capacity. However, consensus-driven terminology, based on relevant international legal instruments and other intergovernmental documents, was needed to guide the efforts of Member States. Her delegation expressed its reservations regarding the term “survivors” and questioned its suitability and clarity within the text.

128. As a newly elected member of the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs, Indonesia remained dedicated to collaborating with the international community and United Nations agencies to strengthen crime prevention and criminal justice, with full respect for the diverse legal and cultural contexts of Member States and ensuring that collective efforts were inclusive, respectful of sovereignty and effective in addressing challenges.

129. **Ms. Arab Bafrani** (Islamic Republic of Iran) said that, although her delegation had engaged in all stages of negotiations on the draft resolution, its concerns had not been addressed. The draft resolution, despite its importance and nature, contained controversial terms that had not been agreed upon by Member States. Further discussion was therefore required.

130. The norms and definitions of some countries should not be imposed on others through General

Assembly resolutions. Her delegation wished to disassociate itself from the term “survivors” and from paragraph 57, which referred to the Financial Action Task Force, which was external to the United Nations and of which her country was not a member.

#### **Agenda item 120: Revitalization of the work of the General Assembly (A/C.3/78/L.72)**

*Draft decision A/C.3/78/L.72: Draft programme of work of the Third Committee for the seventy-ninth session of the General Assembly*

131. **The Chair** drew attention to the Committee’s draft programme of work for the seventy-ninth session as contained in document [A/C.3/78/L.72](#). The draft decision had no programme budget implications.

132. **Ms. Sorto Rosales** (El Salvador), speaking also on behalf of Antigua and Barbuda, Argentina, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago and Uruguay, said that the Committee should be given more time between the high-level week and beginning its work at the seventy-ninth session. That would allow delegations, in particular small delegations, to make the necessary internal arrangements to participate in the Committee. The practice of working solely on new language without fully opening up texts and of presenting resolutions containing only technical rollovers, so as to meet scheduled deadlines, prevented progress on the agenda items and topics addressed in the Committee.

133. The dates of the Committee’s work should be set in relation to the dates of the sessions of the Human Rights Council in order to have a predictable schedule for the presentations of the reports of the special procedure mandate holders and other experts. Their delegations were concerned at the annual increase in the number of interactive dialogues, without the allocation of additional time for the Committee’s work, which posed challenges for the participation of small delegations and reduced the time available for substantive interactions with mandate holders, thus compromising the quality of engagement.

134. Setting separate deadlines for the submission of draft resolutions under the agenda items on the rights of the child and the advancement of women would enable better coordination of the informal consultations and prevent up to five informal consultations taking place at the same time, which had posed significant challenges for the participation of small delegations.

135. **Ms. Zoghbi** (Lebanon) said that representatives of small delegations were often responsible for reporting to other Committees, as well as to the Third Committee. There had been some 100 interactive dialogues during the session, representing a significant increase from the 25 held during the sixty-third session, 15 years earlier. Participating in so many interactive dialogues was challenging for small delegations, who could not do so on an equal footing with large delegations. Lebanon looked forward to discussions with the Bureau on how to lighten the work of the Committee.

136. **Ms. Jabou Bessadok** (Tunisia) said that her delegation aligned itself with the statement made by the representative of Lebanon.

137. **The Chair** took it that the Committee wished to adopt the draft programme of work for the seventy-ninth session and transmit it to the General Assembly for approval.

138. *It was so decided.*

#### **Agenda item 135: Programme planning**

139. **The Chair** recalled that an informal meeting of the Committee on programme planning had been held on 10 October 2023 to consider programme 13, on international drug control, crime and terrorism prevention and criminal justice, programme 20, on human rights, and programme 21, on international protection, durable solutions and assistance to refugees, of the proposed programme budget for 2024. A summary of the meeting had been transmitted in a letter to the Chair of the Fifth Committee on 20 October 2023, so that the views expressed by the members of the Third Committee could be taken into consideration by the Fifth Committee during its deliberations on those programmes.

#### **Conclusion of the work of the Committee**

140. **The Chair** declared that the Third Committee had completed its work for the main part of the seventy-eighth session of the General Assembly.

*The meeting rose at 6.15 p.m.*