



# General Assembly

Sixty-third session

Official Records

Distr.: General  
23 December 2008

Original: English

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## Third Committee

### Summary record of the 38th meeting

Held at Headquarters, New York, on Thursday, 6 November 2008, at 10 a.m.

*Chairman:* Mr. Majoor . . . . . (Netherlands)

## Contents

Agenda item 64: Promotion and protection of human rights (*continued*)

- (a) Implementation of human rights instruments (*continued*)
- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Agenda item 56: Advancement of women (*continued*)

- (a) Advancement of women (*continued*)

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08-59018 (E)



*The meeting was called to order at 10.50 a.m.*

**Agenda item 64: Promotion and protection of human rights** (*continued*)

**(a) Implementation of human rights instruments**

(*continued*)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/C.3/63/L.20, L.24, L.25, L.27-L.29, L.36 and L.40-L.45)

*Draft resolution A/C.3/63/L.20: The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights*

1. **The Chairman** said that he had been informed that the draft resolution contained no programme budget implications.

2. **Mr. Bouchaara** (Morocco), speaking on behalf of the sponsors, said that the following delegations had joined the sponsors: Angola, Australia, Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, the Gambia, Germany, Greece, Guatemala, Hungary, Indonesia, Ireland, Italy, Jordan, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Mongolia, the Netherlands, Oman, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovakia, Slovenia, Spain, the Sudan, Sweden, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland.

3. The draft resolution underscored the importance of national human rights institutions, in particular Ombudsmen and mediators, in promoting and protecting human rights. The text was the result of frank and open discussions during informal consultations. In that context he expressed concern at the increasingly acrimonious atmosphere of debate within the Third Committee and stressed the importance of a frank but respectful exchange of views. Despite differences of opinion, the international community must be united in its efforts to promote human rights. He urged the Committee to adopt the draft resolution without a vote.

4. **Mr. Khane** (Secretary of the Committee) announced that the following delegations had also joined the sponsors of the draft resolution: Azerbaijan, Bosnia and Herzegovina, Burkina Faso, Burundi,

Canada, Colombia, Croatia, Haiti, Honduras, Iceland, Iraq, Jamaica, Liberia, Madagascar, Malawi, Norway, Panama, the Republic of Moldova, Serbia, Sierra Leone, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, and Ukraine.

5. *Draft resolution A/C.3/63/L.20 was adopted.*

6. **Ms. Gasri** (France), speaking on behalf of the European Union, recalled that the Paris Principles relating to the status of national institutions, adopted in annex to General Assembly resolution 48/134, played a key role in the establishment and strengthening of such mechanisms as ombudsmen and mediators as well as other national human rights institutions. She underscored the important contribution that civil society and non-governmental organizations (NGOs) made to the work of national human rights institutions and said that the draft resolution should be considered in the context of the more general draft resolution A/C.3/63/L.23 on national institutions for the promotion and protection of human rights.

*Draft resolution A/C.3/63/L.24: International Year of Human Rights Learning*

7. **The Chairman** said that he had been informed that the draft resolution contained no programme budget implications.

8. **Mr. Babadoudou** (Benin), speaking on behalf of the sponsors, said that a number of revisions had been made to the text. In the first line of the second preambular paragraph, the words "and reiterating" had been replaced by the phrase "which decided". In the first line of the ninth preambular paragraph the words "where appropriate," had been inserted following the phrase "the private sector and". At the end of paragraph 2, the words "without losing sight, where appropriate, of the work" had been replaced with the phrase "bearing in mind the complementary efforts undertaken within the framework". Lastly, in the fifth line of paragraph 2 and the sixth line of paragraph 3 the word "plans" had been replaced by "programmes".

9. He expressed concern at the lack of awareness of human rights across the world. The draft resolution sought to address that problem by stressing the importance of human rights learning, as opposed to merely education. Education tended to be the teaching of what and how to think whereas learning was a more independent and experience-based process in which individuals shaped their own ideas. That would make

human rights more relevant, promote greater acceptance of human rights standards and ensure the fullest possible enjoyment of human rights.

10. The following delegations had joined the sponsors: Antigua and Barbuda, Bosnia and Herzegovina, Brazil, Chile, Costa Rica, Croatia, Indonesia, Jordan, Lebanon, Oman, Portugal, Switzerland and the United States of America. He urged the Committee to adopt the draft resolution by consensus with a view to promoting a culture of human rights and dignity and contributing to increased freedom in the world and the realization of the Millennium Development Goals.

11. **Mr. Khane** (Secretary of the Committee) announced that the following delegations wished to join the sponsors: Algeria, Armenia, Belize, Cyprus, Ecuador, Greece, Grenada, Haiti, Honduras, Israel, Lithuania, Panama, the Philippines, Poland, Qatar, Saudi Arabia, Serbia, Spain, Suriname, Thailand, the former Yugoslav Republic of Macedonia and the United Arab Emirates.

12. *Draft resolution A/C.3/63/L.24, as orally revised, was adopted.*

*Draft resolution A/C.3/63/L.25: Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*

13. **Ms. Schofer** (Austria) introduced draft resolution A/C.3/63/L.25 on behalf of the sponsors, which had been joined by Albania, Australia, Bolivia, Bosnia and Herzegovina, Ecuador, El Salvador, Georgia, Latvia, Malta, Montenegro, Poland, Romania, the Russian Federation, Serbia, Sweden and Timor-Leste. Meeting the aspirations of persons belonging to minorities and promoting their full participation in societies contributed to political and social stability and peace and enriched the cultural diversity and heritage of society. That could be achieved only through the promotion of tolerance, mutual understanding and the recognition of pluralism. Her delegation therefore hoped that the draft resolution would be adopted by consensus.

14. **Mr. Khane** (Secretary of the Committee) announced that Italy and San Marino had also joined the sponsors.

*Draft resolution A/C.3/63/L.27: Human rights and extreme poverty*

15. **Mr. Pérez** (Peru) introduced draft resolution A/C.3/63/L.27 on behalf of the sponsors, which had been joined by Angola, Australia, Madagascar, Mongolia and the former Yugoslav Republic of Macedonia. The eradication of poverty was one of the greatest challenges facing the international community as a whole and developing countries in particular. Greater international cooperation and improved national strategies were required to meet international poverty reduction commitments, including the Millennium Development Goals (MDGs). The draft resolution drew attention to the need to respect human rights and fundamental freedoms in all poverty reduction strategies. It was hoped that, as in the past, the draft resolution would be adopted by consensus.

16. **Mr. Khane** (Secretary of the Committee) announced that the sponsors had also been joined by Albania, Benin, Bosnia and Herzegovina, Burkina Faso, Burundi, China, Côte d'Ivoire, Ghana, Guyana, Haiti, Indonesia, Israel, Kuwait, Lebanon, Liberia, Liechtenstein, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Norway, Qatar, the Republic of Korea, the Republic of Moldova, Rwanda, San Marino, Saudi Arabia, Serbia, the Sudan, Swaziland, Timor-Leste, Uganda, the United Arab Emirates and the United Republic of Tanzania.

*Draft resolution A/C.3/63/L.28: Globalization and its impact on the full enjoyment of all human rights*

17. **Mr. Attiya** (Egypt) introduced draft resolution A/C.3/63/L.28 on behalf of the sponsors, which had been joined by Afghanistan, Botswana, the Congo, Kuwait, Lesotho, Nicaragua, Nigeria, Oman, Qatar, Sierra Leone, Suriname, Tunisia, Uzbekistan, and Zambia. The draft resolution addressed the multifaceted effects of globalization on production, technology and means of communication in the context of the food, fuel and economic crises. It explored the effects of globalization on the enjoyment of human rights and underscored the right to development of all countries as well as the need to step up international cooperation to narrow the gap between North and South. His delegation hoped that increased international cooperation would combat the negative effects of globalization, and it also hoped that the draft resolution would be adopted by consensus.

18. **Mr. Khane** (Secretary of the Committee) announced that El Salvador, Honduras, Mozambique, Namibia and Sri Lanka had also joined the sponsors.

*Draft resolution A/C.3/63/L.29: Subregional Centre for Human Rights and Democracy in Central Africa*

19. **Mr. Makanga** (Gabon) introduced draft resolution A/C.3/63/L.29 on behalf of the sponsors, which had been joined by Algeria, Burkina Faso, Cape Verde, Côte d'Ivoire, Egypt, Ghana, Guinea, Kenya, Madagascar, Mali, Morocco, Rwanda, Senegal, Swaziland, and Zambia. Since its establishment in 2002, the Subregional Centre had made a significant contribution to promoting and protecting human rights in Central Africa. It encouraged the establishment of national institutions for the protection of human rights and promoted democracy, the rule of law, conflict prevention as well as peace and sustainable development. General Assembly resolution 62/221 had provided the Centre with additional funds to enable it to respond to growing needs in carrying out its mandate. His delegation hoped the draft resolution would be adopted by consensus.

20. **Mr. Khane** (Secretary of the Committee) announced that the sponsors had also been joined by Albania, Austria, Chile, Costa Rica, Croatia, Djibouti, El Salvador, France, Honduras, Lebanon, Lesotho, Liberia, Portugal, South Africa, Sri Lanka, the Sudan, the former Yugoslav Republic of Macedonia, and Uganda.

*Draft resolution A/C.3/63/L.36: Missing persons*

21. **Mr. Musayev** (Azerbaijan) introduced draft resolution A/C.3/63/L.36 on behalf of the sponsors, which had been joined by Austria, Bulgaria, Cameroon, Costa Rica, Croatia, Jordan, Peru, Nigeria, Saudi Arabia, Switzerland, and Ukraine. The draft resolution reaffirmed the right of families to know the fate of their relatives reported missing in connection with armed conflicts. It showed that the issue of missing persons had a negative impact on efforts to put an end to conflicts and it stressed the need to address the issue as part of peacebuilding processes on the basis of transparency, accountability and public participation. Given the importance of the issue, his delegation would appreciate the support of Member States for the draft resolution.

22. **Mr. Khane** (Secretary of the Committee) announced that the sponsors had also been joined by Albania, Angola, Canada, Egypt, Honduras, Italy, Lebanon, Liechtenstein, Qatar, Tajikistan, and Uganda.

*Draft resolution A/C.3/63/L.40: Situation of human rights in the Islamic Republic of Iran*

23. **Mr. Normandin** (Canada), introducing the draft resolution on behalf of the sponsors, said that a year had passed since the adoption of General Assembly resolution 62/168, which expressed very serious concern at the situation of human rights in the Islamic Republic of Iran. In October 2008, the Secretary-General had issued a report pursuant to that resolution (A/63/459), which noted positive developments, but provided evidence of a wide range of human rights violations. Section IV of the report indicated that cooperation with international human rights mechanisms had been inadequate.

24. The draft resolution was based on the findings of the Secretary-General's report. The Third Committee had universal membership and, therefore, had a particular responsibility to call attention to such abuses. In order to maintain the credibility of the General Assembly, it was essential that Member States should vote in favour of the draft resolution. By establishing the Human Rights Council, the General Assembly had not intended to reduce the Committee's remit. The Council's universal periodic review system was valuable, but took place only every four years and was at any rate intended to complement other human rights mechanisms rather than to replace them.

*Draft resolution A/C.3/63/L.41: International Convention for the Protection of All Persons from Enforced Disappearance*

25. **Ms. Melon** (Argentina), introducing the draft resolution on behalf of the sponsors, said that the International Convention for the Protection of All Persons from Enforced Disappearance had been adopted on 20 December 2006. Under the Convention, States parties had a duty to take action against enforced disappearance. The draft resolution supported the Convention by calling upon States that had not yet done so to consider signing and ratifying it as a matter of priority and also requested the Secretary-General to submit to the General Assembly a report on the status of the Convention and the implementation of the resolution. The following States had joined the

sponsors: Bosnia and Herzegovina, Cambodia, Canada, Côte d'Ivoire, Georgia, Malawi, Malta, Norway, Poland, the Republic of Moldova, Slovakia, Slovenia, Swaziland, Sweden and the United Republic of Tanzania.

26. **Mr. Khane** (Secretary of the Committee) said that Cyprus, Liechtenstein, the Republic of Korea, Senegal and Serbia had also joined in sponsoring the resolution.

*Draft resolution A/C.3/63/L.42: The right to food*

27. **Ms. Pérez Álvarez** (Cuba), introducing the draft resolution on behalf of the sponsors, said that, because of the food and financial crisis, a far greater number of people suffered from hunger than had previously been the case. However, the problem was not solely a result of that crisis; the aim of the resolution was to take a broader approach to the issue. She welcomed the rapid response of the Human Rights Council. The following States had joined the sponsors of the resolution: Armenia, Bolivia, Bosnia and Herzegovina, Costa Rica, El Salvador, Malawi, Nigeria, Peru, the Russian Federation, Timor-Leste and Turkey.

28. **Mr. Khane** (Secretary of the Committee) said that the following States had also become sponsors: Algeria, Belize, Bhutan, Botswana, Cambodia, Cameroon, Croatia, Djibouti, Gabon, Guyana, Hungary, the Islamic Republic of Iran, the Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Liechtenstein, Mauritius, Mozambique, Nicaragua, Oman, Qatar, Rwanda, Saint Vincent and the Grenadines, Sierra Leone, South Africa, Suriname, the former Yugoslav Republic of Macedonia, the United Republic of Tanzania and Zambia.

*Draft resolution A/C.3/63/L.43: Respect for the right to universal freedom of travel and the vital importance of family reunification*

29. **Ms. Pérez Álvarez** (Cuba), introducing the draft resolution on behalf of the sponsors, said that her country, like other Latin American and Caribbean States, was concerned at legislation curtailing the reunification of families and the sending of remittances. A resolution on that item was submitted biennially. Because the problem had remained the same, the current draft resolution contained only minimal changes. She called on Latin American and Caribbean States in particular to join the sponsors.

Lastly, she said that Belarus, El Salvador, Honduras and the Libyan Arab Jamahiriya had become sponsors.

30. **Mr. Khane** (Secretary of the Committee) said that Angola, the Philippines and Zimbabwe had also joined in sponsoring the draft resolution.

*Draft resolution A/C.3/63/L.44: Promotion of a democratic and equitable international order*

31. **Ms. Pérez Álvarez** (Cuba), introduced the draft resolution on behalf of the sponsors, which had been joined by Honduras, the Libyan Arab Jamahiriya, the Russian Federation and Viet Nam. All persons had a right to a democratic and equitable international order, which would lead to the fulfilment of their human rights. The current food and financial crisis endangered the enjoyment of human rights and drew attention to fundamental issues such as sovereignty over wealth and natural resources and the right to development.

32. **Mr. Khane** (Secretary of the Committee) said that Algeria, Burkina Faso, Cameroon, El Salvador, the Islamic Republic of Iran, Lebanon, Sierra Leone and South Africa had also joined the sponsors of the draft resolution.

*Draft resolution A/C.3/63/L.45: Equitable geographical distribution in the membership of the human rights treaty bodies*

33. **Ms. Pérez Álvarez** (Cuba), introducing the draft resolution on behalf of the sponsors, said that its purpose was to ensure that all human rights treaty bodies truly represented the diversity of historical, cultural, religious, political and juridical heritages across the world. She said that Fiji, India, the Islamic Republic of Iran, Lesotho, the Libyan Arab Jamahiriya, Namibia and the Russian Federation had joined the sponsors of the draft resolution and she urged all Member States to support it.

34. **Mr. Khane** (Secretary of the Committee) announced that Algeria, Angola, Belize, El Salvador, Kenya, Kuwait, Lebanon, Liberia, Malawi, Mali, Mauritania, Nigeria, Pakistan, Qatar, the Russian Federation and Saudi Arabia had also joined the sponsors of the draft resolution.

35. **Mr. Rezvani** (Islamic Republic of Iran), speaking in exercise of the right of reply with regard to the statement by the representative of Canada introducing draft resolution A/C.3/63/L.40, expressed regret at the

introduction yet again of a draft resolution on the situation of human rights in the Islamic Republic of Iran. That was an example of the confrontational attitude toward his Government adopted by the delegation of Canada, which was trying to make an old legal dispute between the two countries a multilateral issue.

36. The draft resolution was clearly a politically motivated attempt to exert pressure on the Iranian Government and lacked objectivity, credibility and relevance, presenting an excessively negative and outdated picture. It took note of the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/63/459), about which his delegation had already expressed its reservations.

37. From a procedural point of view, the role of the Third Committee was primarily to discuss policy and make strategic policy recommendations to the General Assembly which would serve to guide the international community, in particular the Human Rights Council, in its task of promoting human rights. Consideration of the situation of human rights in specific countries fell within the purview of the Human Rights Council, in particular its Universal Periodic Review mechanism, which provided an appropriate forum for impartial and careful review.

38. The introduction of country-specific draft resolutions in the Third Committee was an abuse of the Committee, undermined the authority of the Human Rights Council and duplicated and interfered with the work of the Universal Periodic Review. Such draft resolutions were counter-productive and divisive. Accordingly, when the Committee was asked to take action on the draft resolution, his delegation would move the adjournment of the debate in accordance with rule 116 of the rules of procedure. He recalled that in 2006 and 2007 the Committee had decided to take no action with regard to the draft resolution. He was confident that it would do so once again at the current session.

39. **Mr. Normandin** (Canada), speaking in exercise of the right of reply to the statement by the representative of the Islamic Republic of Iran, pointed out that draft resolution A/C.3/63/L.40 had forty-two sponsors.

## **Agenda item 56: Advancement of women (continued)**

### **(a) Advancement of women (continued)** (A/C.3/63/L.12/Rev.1)

*Draft resolution A/C.3/63/L.12/Rev.1: Intensification of efforts to eliminate all forms of violence against women*

40. **Mr. Nihon** (Belgium), introducing the draft resolution on behalf of Belgium and the Netherlands, said that some revisions had been introduced into the text. In footnote 8 to paragraph 4, a reference to document A/63/214/Corr.1\* had been added. In paragraph 12, the word “conflict,” which appeared in the first, third and fifth lines, had been changed to “conflicts”; and in the third line, the comma after “conflicts” had been replaced by the word “and”. In the ninth line of paragraph 12, the phrase “where violence is committed against women and girls,” had been replaced by “where violence against women and girls is committed against them,”. Finally, paragraph 18 had been reworded to read: “*Stresses* the contribution of the ad hoc international criminal tribunals in ending impunity through ensuring accountability and punishing perpetrators of violence against women, as well as the contribution that the International Criminal Court can make, and urges States to consider ratifying or acceding as a matter of priority to the Rome Statute, which entered into force on 1 July 2002;”.

41. The following countries had joined the sponsors of the draft resolution, as orally revised: Albania, Australia, Belize, Botswana, Cameroon, Hungary, Iceland, Malta, Mexico and Uruguay. The draft resolution focused on combating impunity and the culture of tolerance in regard to violence against women. It recognized efforts made, but called upon Member States to continue developing more global and systematic national strategies to eliminate violence against women that made use of best practices in legislation, prevention, enforcement, assistance to victims and rehabilitation.

42. **Mr. Khane** (Secretary of the Committee) said that the following countries had also joined the sponsors of the draft resolution, as orally revised: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Burkina Faso, Côte d'Ivoire, Eritrea, Grenada, Guyana, Indonesia, Jamaica, Kazakhstan, Lebanon, Lesotho, Liberia, Malawi, Mauritius, Montenegro, Morocco, Namibia, Nicaragua, Norway, Philippines, Poland, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, South Africa,

Swaziland, Thailand, Timor-Leste, Togo, Ukraine and Zambia.

43. **Mr. González** (Costa Rica) said that the changes to paragraph 18 did not reflect his country's point of view on the role of the International Criminal Court, which was a vital instrument in fighting impunity.

44. **Mr. Frommelt** (Liechtenstein) said that, while his country had supported the draft resolution, it could not become a sponsor owing to the changes in paragraph 18. The contributions of the International Criminal Court were well-known and should be recognized. The way in which the text had been revised was objectionable.

45. **Mr. Schlosser** (Israel) expressed dissatisfaction with the language in paragraph 12. His country had supported a clear statement regarding gender-based violence, and its request had not been properly reflected in the final text. However, in the spirit of cooperation, Israel would join the consensus.

46. **Mr. Bené** (Holy See) noted the need for States and the international community to confront all acts of sexual violence, especially those used to achieve military, political or social ends. Failure to do so was a breach of the responsibility of all States to protect their citizens. The Holy See provided legal, social and spiritual assistance to women who were abused. Violence against women should be addressed not only as a matter of law, but of justice as well.

47. **Ms. Kurosaki** (Japan) said that her Government was making the strongest possible efforts to eradicate violence against women. It joined in supporting the draft resolution on the understanding that paragraph 11 did not conflict with the principle of discretionary prosecution, which meant that due consideration would be given to the gravity of the offence and the circumstances under which it had been committed. Her country understood that in efforts to bring perpetrators of violence against women to justice, victims must be protected.

48. **Mr. Cardoso** (Brazil) said his country was not satisfied with the changes to paragraph 18 and also disagreed with the way in which the changes had been made at the last minute. The importance of the International Criminal Court should not be downgraded. Nonetheless, Brazil would support the draft resolution.

49. **Ms. Tomic** (Slovenia) said that her country was traditionally a strong supporter of the draft resolution. The last-minute change in paragraph 18 was regrettable. Although the International Criminal Court had not yet rendered any final judgments, it did make an important contribution to ending impunity by deterring atrocities through its indictments and ongoing cases.

50. **Mr. Ochoa** (Mexico) said that the last-minute changes in paragraph 18 were very unfortunate for reasons already stated by other delegations and because the changes had been made in a procedurally inappropriate manner. However, due to the importance of the issue, his country would maintain its sponsorship.

51. **Mr. Suárez** (Colombia) said that, with regard to paragraph 12, his country understood that the allusion to the international community would not affect the role of States in responding to and preventing human rights violations in their territories, nor their role in investigating, charging and punishing those responsible. It was unfortunate that, during the consultations on that paragraph, the proposal made by Colombia had not been appropriately considered.

52. **Ms. Hill** (New Zealand) said that the International Criminal Court did indeed make a contribution to combating impunity for violence against women. It was regrettable that the revised wording of paragraph 18 had perhaps not been fully discussed and understood, as the consultations had been very brief.

53. **Ms. Sapag** (Chile) said that the draft resolution was of historic significance for the Third Committee. It was important that paragraph 18 should remain in the operative section of the draft. The document would contribute in a major way to the fight against impunity for violence against women.

54. **Ms. Phipps** (United States of America) said that General Assembly resolution 62/134 had called for a report to help identify situations in which rape was used to advance political and military objectives. While paragraph 4 of the draft resolution under consideration welcomed the report of the Secretary-General on the intensification of efforts to eliminate all forms of violence against women, that report in fact said little about that egregious practice. Unfortunately, highly politicized language and legal imprecision

detracted from paragraph 12, which should explicitly focus on violence against women and girls.

55. The draft resolution focused on the need to end impunity for serious crimes of violence against women and girls, and paragraph 13 appropriately referred to an important provision of Security Council resolution 1820 (2008), according to which amnesty should not apply to crimes of sexual violence. The United States understood the phrase “killing and maiming” in paragraph 13 to refer to deliberate acts targeting women and girls. As the International Criminal Court had never tried or convicted even a single case, it could not yet be said to play a significant role in ending impunity for violence against women. Lastly, her delegation understood that the reference in the third preambular paragraph to the Beijing Declaration and Platform for Action and in the fourth preambular paragraph to the International Conference on Population and Development did not create any rights and, in particular, did not create or recognize a right to abortion. The references could not be interpreted to constitute support for or endorsement or promotion of abortion.

56. **Ms. Giménez-Jiménez** (Bolivarian Republic of Venezuela) said that her delegation deplored the last-minute changes to paragraph 18 and hoped that they would not be a precedent. Nonetheless, her country would remain a sponsor because of its commitment to the issue.

57. **Mr. Bennwik** (Sweden) said that his delegation also found deplorable the last-minute changes to paragraph 18 in regard to the International Criminal Court, but would remain a sponsor of the draft resolution.

*The meeting rose at 1.05 p.m.*