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Chair: Mr. Mac-Donald (Suriname)

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The meeting was called to order at 10.25 a.m.

Agenda item 69: Promotion and protection of human rights

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)*
(A/C.3/67/L.49/Rev.1 and L.70)

Draft resolution A/C.3/67/L.49/Rev.1: Situation of human rights in Myanmar

1. **The Chair** drew attention to the statement of programme budget implications of draft resolution A/C.3/67/L.49/Rev.1 contained in document A/C.3/67/L.70.

2. **Ms. Rafti** (Cyprus), speaking on behalf of the European Union and the other sponsors, said that Iceland and Liechtenstein had joined the sponsors. The past year had seen a transformation in Myanmar, with great strides made towards political reform, democratization and national reconciliation, as well as improvements in the human rights situation. As a result, a significant part of the draft resolution was dedicated to recognizing the positive steps taken. Serious challenges remained, however, and the draft resolution called on the Government of Myanmar to continue releasing prisoners of conscience and conduct a comprehensive investigation to identify those still in prison. The international community remained concerned about continuing armed conflict in Kachin State, the discrimination and human rights violations affecting various ethnic minorities, especially the Rohingya minority, and the fresh outbreaks of violence in Rakhine State.

3. The draft resolution took into account the substantial changes in the country and the Government's increasing engagement with the international community. The European Union had worked closely with Myanmar to produce a draft resolution that reflected both the important strides made over the past year and the main issues of concern still to be addressed. Bilateral consultations had also been held with other delegations with a view to reaching a consensus on the draft resolution.

4. **Mr. Laram** (Qatar) said that his country had joined the consensus on the draft resolution and was encouraged by recent developments in Myanmar, but remained deeply concerned about the situation in both Kachin and Rakhine States. The Government of

Myanmar should strive to achieve national reconciliation and protect minorities' rights, especially those of the Rohingya minority, who should be given birth certificates and work permits. In addition, the Government should hold the perpetrators of criminal acts accountable, reintegrate displaced persons and provide them with appropriate compensation and assistance.

5. **Mr. Diallo** (Senegal) said that Myanmar must redouble its efforts to combat religious discrimination, sexual violence, torture and other human rights violations. Cooperation between Myanmar and the international community must be strengthened to put an end to ethnic and religious violence and deepen the political reform under way. The work of the Special Rapporteur on the situation of human rights in Myanmar was crucial. Myanmar must do more to protect the rights of the Rohingya community, since that was essential to ensure national reconciliation and democratic transition. Senegal supported the draft resolution and expected to see in its implementation irrefutable evidence of Myanmar's desire to uphold the rights of its communities.

6. **Mr. Eler** (Turkey) said that, notwithstanding the positive developments in Myanmar, his country was deeply concerned at the fresh outbreaks of violence against the Rohingya Muslims in Rakhine State. All parties should work together to bring an immediate end to violence, and the Government of Myanmar should authorize a full, transparent, independent investigation to determine its roots and prevent its recurrence. In addition, it should enable the Turkish Red Crescent and other humanitarian organizations to reach persons in need, and should create the necessary conditions for a visit by the Organization of Islamic Cooperation (OIC) as soon as possible. Turkey stood ready to assist Myanmar in creating a peaceful, democratic country in which the rights of all persons were respected.

7. *Draft resolution A/C.3/67/L.49/Rev.1 was adopted.*

8. **Mr. Tin** (Myanmar) said that his delegation had not requested a vote on the resolution, but stood firm in its principled opposition to country-specific resolutions targeting developing countries selectively. Over the past year his Government had embarked on the path of peaceful democratic transition, implemented a raft of political and economic reforms, and strengthened its cooperation with all countries.

9. Myanmar welcomed the marked shift in the tone of the resolution from confrontation and condemnation to encouragement and cooperation, as well as the recognition given to the various positive developments. However, it maintained reservations to paragraphs 7, 14 and 15, which contained sensitive, misleading language. His Government understood that it could implement the recommendation made in paragraph 7 as it deemed necessary in accordance with existing law. Any human rights shortcomings would be addressed as part of the legal reform and through mechanisms such as the National Human Rights Commission. Myanmar was fully aware of the remaining challenges, but would not accept any course of action that could disrupt the national reconciliation and reform process.

10. The Government was stepping up its efforts to protect human rights by granting access to the International Committee of the Red Cross for prisoner visits, launching negotiations with the High Commissioner for Human Rights on the establishment of a country office and devising a transparent mechanism to review remaining cases of political prisoners by the end of 2012. Myanmar regretted the senseless violence committed in Rakhine State, but it was an exaggeration to refer to the clashes between the two communities as religious persecution. Moreover, the violent incidents occurred only in small pockets of the country, and peoples of different faiths had resided side by side harmoniously throughout the country's history. The violence could not be solved overnight, but the Government was adopting a multi-faceted approach that included both short and long-term measures. The President had met with senior leaders of various religious communities and was committed to preventing the recurrence of violence, holding the perpetrators accountable and meeting humanitarian needs.

11. Myanmar accepted the resolution, including paragraphs 14 and 15, but had a strong reservation about the use of the term "Rohingya minority", since Myanmar had never had an ethnic group with that name. The right to citizenship would never be denied to any person who respected the law, but a distinction must be drawn between long-time settlers and illegal immigrants. On that understanding and in the spirit of compromise Myanmar had not insisted on the deletion of those two paragraphs.

12. The sponsors had shown unprecedented flexibility in amending the last paragraph of the

resolution, and his delegation understood that from 2013, the European Union would end its decade-old practice of tabling a draft resolution against Myanmar. A country that was making far-reaching democratic changes did not deserve to remain a subject of criticism. The draft resolution adopted should therefore be the last on the human rights situation in Myanmar, and the need for the continuation of the Secretary-General's good offices mission should be re-examined. Myanmar appreciated the work done by that mission, but its scarce resources should be redirected towards the economic and social development of the people of Myanmar.

13. **Ms. Cousens** (United States of America) said that Burma had made notable strides towards building a sustainable democracy, and the resolution had set clear benchmarks for continued progress through the establishment of democratic institutions founded in respect for the rule of law and human rights. Her country welcomed the creation of a transparent, credible process to review all remaining cases of political prisoners, the Government's commitment to reach a ceasefire in Kachin State and facilitate access for international humanitarian organizations, and its announcement that it would become a full member of the Open Government Partnership by 2016. However, ongoing violence in Rakhine State was a source of concern, and the Government should strive to build peaceful coexistence among all communities through a policy of integration, reconciliation and mutual respect. Her country would continue to work with the Government of Burma and civil society to build a peaceful, prosperous democracy. Lastly, her country fully supported the mandate of the Special Adviser on Myanmar, and understood that the continuation of that mandate would be covered by existing resources.

14. **Ms. Vadiati** (Islamic Republic of Iran) said that her country had joined the consensus on the text, but maintained its principled stance against country-specific resolutions. Iran was deeply concerned at the grave human rights violations affecting the Muslim Rohingya minority, and at the remarks made by some Myanmar authorities about stripping those minorities of their citizenship rights. Ethnic and religious cleansing of Muslims was unjustifiable under international law, and the United Nations must take urgent measures to protect the fundamental rights of Muslims in Myanmar and enable them to return to their homeland safely. More generally, the selective

adoption of country-specific resolutions for political ends breached the principles of universality, objectivity and non-selectivity, and undermined cooperation as the essential principle to effectively promote and protect all universally recognized human rights. The universal periodic review was the main intergovernmental mechanism for reviewing human rights issues at the national level in all countries without distinction.

15. **Mr. Nay** (Cambodia) said that the adoption of the resolution without a vote marked a turning point in international cooperation, and the text was more concise and more forward-looking than in previous years. The time had come to look at Myanmar in a new light; a country that had made significant strides deserved encouragement and cooperation. The international community should continue to support the Government of Myanmar and its people in implementing an historic political reform and promoting socioeconomic development. In view of the significant progress made, the resolution should be the last text on the human rights situation in Myanmar.

16. **Ms. Burgess** (Canada) said that her country had responded to the positive steps taken by the Government of Myanmar by suspending its general trade and investment sanctions, and would continue to review its policies in response to further developments. Canada nevertheless continued to have serious concerns about the status of the remaining political prisoners and ongoing violence in both Kachin and Rakhine States. The rights of all religious and ethnic groups must be protected, and Canada stood ready to support the Government in its efforts to address those issues and build a prosperous, democratic society that respected the human rights of all its people.

17. **Mr. Abdelaziz** (Egypt) said that his country welcomed the positive developments in Myanmar, in particular the Government's condemnation of the extremist violence committed against the Muslim Rohingya minority in Rakhine State, but urged it to recognize them as an ethnic group. The Government should address the political dimensions of the violence, facilitate the return of displaced persons to their homes, and grant them nationality. Egypt welcomed the adoption of the resolution by consensus and hoped that the international community and Myanmar would continue to work together to resolve the country's remaining problems so that the human rights situation in that country would not need to be addressed in future years.

18. **Mr. Chua** (Singapore) said that country-specific resolutions were highly selective and often driven by political rather than human rights considerations, and were inherently divisive and counterproductive. Country-specific human rights issues should be taken up by the Human Rights Council under the universal periodic review mechanism. Singapore would therefore abstain on all country-specific resolutions, but that decision did not reflect its stance on the human rights situation in a given country. Singapore welcomed the progress made in Myanmar and its ongoing reform efforts, and would continue to support the country in its transition to democracy.

19. **Mr. Kumar** (India) said that his country welcomed the economic, political and social reforms implemented by the Government of Myanmar, and the participation of Daw Aung San Suu Kyi as the Chair of the parliamentary committee on the rule of law reflected the extent of the political transition under way. It commended the steps taken by the Government to restore law and order and promote peace and stability in Rakhine State, as well as its efforts to meet the relief and rehabilitation needs of all affected communities. The establishment of a commission to investigate the root causes of the violence and make recommendations was also a positive development. The Government had demonstrated its willingness to cooperate with the international community, and should be provided with all possible support in a spirit of trust and cooperation. Making the resolution the last text on the human rights situation in Myanmar would show the international community's firm support for the reform under way.

20. **Mr. Hisajima** (Japan) said that his country had joined the consensus on the resolution because it supported the overall purpose of the text and the importance of recognition by the international community of the positive steps that Myanmar had taken. The international community should continue to encourage it to take further steps forward. Japan was closely monitoring the situation in Rakhine State, and welcomed the President's recent meeting with religious leaders in both communities as well as the establishment of the investigative commission. All parties must work together constructively, and it was crucial that humanitarian assistance reached the affected communities. The approach of the international community should be based on dialogue and cooperation. Japan urged Myanmar to continue its

efforts to address the remaining challenges so that Member States could reflect on the need for a resolution on its human right situation in the future. In the meantime, Japan would continue supporting the Government in its efforts to further improve its human rights situation.

21. **Mr. Adnan** (Indonesia) said that his country had joined the consensus on the resolution, and welcomed the significant progress made by the Government of Myanmar in addressing its domestic issues, including strengthening its cooperation with United Nations agencies and non-governmental organizations to meet the humanitarian needs of its people. Indonesia was encouraged by the steps taken, and would continue to support the President's reform agenda with a view to promoting peace, stability and development. The Government was clearly serious and focused in its efforts to address ethnic tensions. The international community, including relevant United Nations agencies, should assist in the search for long-term solutions and in the country's pursuit of reform, democratization and national reconciliation.

22. **Ms. Mballa Eyenga** (Cameroon) said that her country welcomed the adoption of the draft resolution by consensus, but had always abstained on country-specific resolutions. Dialogue and cooperation should prevail in human rights issues, and Cameroon was opposed to unilateral measures against countries. Harmonious relations among States were crucial, and country-specific resolutions did not always address the most important aspect: the welfare of the people. Cameroon welcomed the cooperation between the European Union, Myanmar and the international community, and urged all parties to assist Myanmar in deepening the positive reforms that it had implemented to promote peace, social justice and improved living conditions.

23. **Mr. Kommasith** (Lao People's Democratic Republic) said that his country had joined the consensus on the resolution, but hoped that the unprecedented developments in Myanmar would put an end to the controversial resolution on its human rights situation. The remaining challenges in Myanmar would be overcome through ongoing efforts by the Government with the support of international community, as well as through constructive dialogue, mutual respect, compromise and a non-confrontational approach by all parties. In recognition of the positive changes in Myanmar, the international community

should lift all economic sanctions to facilitate the country's integration, enhance its people's enjoyment of their economic and social rights, and strengthen regional economic cooperation and development.

24. **Ms. Hewanpola** (Australia) said that her country welcomed the historic adoption of the resolution by consensus and applauded the remarkable gains made by Myanmar. The people of Myanmar now had a better chance to lead peaceful, prosperous lives than at any time over the past 50 years, and the measure of the new era of openness was embodied in Daw Aung San Suu Kyi, who was now free to articulate her aspirations in Parliament. In recognition of the important steps taken, Australia had lifted its travel and financial sanctions, and normalized its trade and investment relationship with Myanmar. It had also significantly increased its development assistance to help Myanmar achieve its Millennium Development Goals.

25. Australia supported peacebuilding efforts, especially in Rakhine State, where further movement towards peace and reconciliation was particularly pressing. It urged Member States to strengthen their engagement with the Government of Myanmar to ensure that the reforms took root. Myanmar had a long road ahead, and it should remain steadfast on the reform path by continuing to expand political freedoms, releasing all remaining political prisoners, promoting national reconciliation and upholding the rights of all people. Her country hoped that the resolution would be the last substantive text on the human rights situation in Myanmar considered by the Third Committee.

26. **Ms. Li Xiaomei** (China) said that her country had always been in favour of constructive dialogue on human rights issues but was against the use of country-specific resolutions to interfere in national affairs. It nonetheless welcomed the consensus reached on the resolution and commended the delegation of Myanmar for its flexibility. Myanmar had made remarkable progress in promoting national reconciliation, accelerating economic development and improving external relations. China hoped that Myanmar would remain a stable neighbour, and the establishment of a committee to investigate the situation in Rakhine State was a positive step. However, Myanmar should be free to determine its own internal affairs, and the situation in that State was a domestic issue. The international community should provide constructive support and not resort to criticism and pressure, and should respect

the principles of the Charter of the United Nations, as well as the sovereign rights of Myanmar. China vehemently opposed the use of country-specific resolutions to impose Member States' views on other countries, and hoped that the resolution would be the last on the human rights situation in Myanmar.

27. **Ms. Calcinari Van Der Velde** (Bolivarian Republic of Venezuela) said that her country was firmly committed to the principles of non-interference, respect for the sovereignty of States and self-determination of peoples, and therefore rejected the undesirable practice of individually and selectively condemning developing countries under the pretext of upholding human rights. Venezuela welcomed all actions designed to facilitate negotiation and dialogue between parties without resorting to undue pressure, which merely created division and confrontation. The Human Rights Council was the appropriate body for addressing specific human rights situations on the basis of constructive dialogue, impartiality and reliable, objective information, and its universal periodic review was a valuable tool created for that purpose.

28. **Ms. Changtrakul** (Thailand) said that her country welcomed the dramatic transformation that had taken place in Myanmar, and the Government's clear commitment to democratic reform and national reconciliation, but the main challenge lay in ensuring that the reforms took root. The international community must do more than just welcome the changes; it must send out an unequivocal message of support to the Government and its people, refrain from exercising unnecessary political pressure, and provide incentives for further reform. The resolution was more balanced, encouraging and forward-looking than in previous years, and that new approach should pave the way for genuine dialogue and cooperation. Thailand had complete faith in the Government's commitment to move forward in its reform process, and therefore believed that a country-specific resolution on Myanmar would not be necessary in 2013.

29. **Mr. Al-Yafei** (United Arab Emirates), speaking on behalf of the Organization of Islamic Cooperation (OIC), said that most OIC member States had abstained on previous resolutions on Myanmar and other country-specific resolutions, but the newly established democracy in Myanmar needed strong support from the international community; for that reason OIC had joined the consensus on the resolution. It encouraged the Government to continue its efforts to end the

violence between ethnic and religious groups, especially the organized attacks mainly targeting the Muslim Rohingya minority. Steps should be taken to prevent a recurrence of violence, hold the perpetrators accountable and confront deep-rooted prejudices and discriminatory attitudes. It was crucial to develop a policy of integration and long-term reconciliation between Rakhine Buddhists and the Muslim Rohingya minority.

30. OIC was deeply concerned at Myanmar's reservation to paragraphs 7, 14 and 15 of the draft resolution. Without addressing the root causes of the conflict, in particular the entrenched resentment towards the Rohingya minority and the violations of their fundamental human rights, including their citizenship rights, the democratization process could never be complete and fully credible. The President's condemnation of the criminal acts and senseless violence in Rakhine State was a step in the right direction, and OIC hoped that the Government would fulfil all its pledges. In the meantime, OIC would continue to provide humanitarian assistance to the victims of violence regardless of their religion or ethnicity, and hoped that an office would be opened in Myanmar to coordinate that assistance, which should never be politicized.

31. **Mr. Amorós Núñez** (Cuba) said that his country maintained its traditional principled position against country-specific resolutions, which were used to selectively accuse nations of the South and were a demonstration of the application of double standards and politicization. The resolution on Myanmar was not designed to enhance international cooperation on human rights issues; instead it was being used as a political tool that contradicted the principles of objectivity, universality and non-selectivity. Cuba was therefore opposed to the political motivations underpinning the resolution. The Human Rights Council and its universal periodic review mechanism provided the appropriate forum for considering human rights situations in all countries on the basis of constructive dialogue and equality.

32. **Ms. Furman** (Israel) said that her country welcomed the adoption of the resolution by consensus, as well as the positive developments in Myanmar, in particular the release of hundreds of political prisoners and the successful holding of by-elections. It recognized the positive engagement of the delegation

of Myanmar, and was grateful for the flexibility shown by all delegations.

33. **Mr. Shin Dong Ik** (Republic of Korea) said that his country welcomed the progress made by the Government of Myanmar in promoting human rights and establishing democracy. The resolution reflected both the advances and the remaining concerns of the international community in a balanced manner. His delegation hoped that as a result of the continued progress and reforms implemented in Myanmar, that country would not be discussed in the General Assembly in the future.

34. **Ms. Nguyen Cam Linh** (Viet Nam) said that her country had joined the consensus on the resolution and welcomed the positive developments in Myanmar. The international community should continue to support the Government of Myanmar in its efforts to promote greater democratization. However, her country's consistent position had always been that constructive dialogue, positive engagement and cooperation were the only appropriate, effective way to address human rights issues, and that country-specific resolutions served only to undermine cooperation and create confrontation.

35. **Ms. Solórzano-Arriagada** (Nicaragua) said that her Government was fully committed to protecting and promoting the human rights of all Nicaraguans without discrimination. However, it remained opposed to the selective, politicized practice of presenting country-specific draft resolutions each year. Dialogue and cooperation offered the best possible solution to any situation without recourse to foreign intervention or external pressure. Nicaragua noted the positive developments in Myanmar, but stood firm in its belief that the Human Rights Council was the ideal forum for examining human rights situations at the national level. The universal periodic review had been established for that very reason, and provided the opportunity for discussion on the basis of impartiality, objectivity, non-selectivity and non-discrimination. It also ensured greater consistency in the promotion and protection of human rights by allowing constructive dialogue on situations in all countries in equal conditions.

36. **Mr. Llorenty Solíz** (Plurinational State of Bolivia) said that the Human Rights Council was the relevant forum for examining human rights situations in countries in equal conditions. The consideration of country-specific resolutions within the Third

Committee entailed selectivity and politicization, and his country remained opposed to that practice.

37. **Mr. Fiallo** (Ecuador) said that his country had joined the consensus on the resolution but remained opposed to the use of country-specific resolutions to deal with human rights situations. The Human Rights Council was the competent body for considering such situations, and the universal periodic review was the appropriate mechanism, since it was free from politicization and double standards. Ecuador's long-standing rejection of country-specific resolutions was without prejudice to its views on the human rights situations in the countries covered by such resolutions. Cooperation and constructive dialogue were the most effective means of improving the human rights situation worldwide.

Agenda item 69: 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.3/67/L.32/Rev.1)

Draft resolution A/C.3/67/L.32/Rev.1: Human rights and extreme poverty

38. **Mr. Thornberry** (Peru), introducing the draft resolution, said that it noted the adoption of Human Rights Council resolution 21/11, which contained the guiding principles on extreme poverty and human rights.

39. Finland, New Zealand, Norway, the Republic of Korea and Turkey had joined the sponsors.

40. **Mr. Gustafik** (Secretary of the Committee), said that Algeria, Andorra, Antigua and Barbuda, Armenia, Austria, Belarus, the Plurinational State of Bolivia, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cyprus, Ecuador, Egypt, Estonia, Ethiopia, France, Haiti, Hungary, India, Ireland, Israel, Italy, Jamaica, Kyrgyzstan, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Mauritania, Mongolia, Montenegro, Namibia, the Netherlands, Nicaragua, Nigeria, Norway, Portugal, San Marino, the Republic of Moldova, Serbia, Slovakia, Slovenia, South Sudan, Sweden, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia and the Bolivarian Republic of Venezuela had joined the sponsors.

Draft resolution A/C.3/67/L.40: Protection of migrants

41. **Ms. Diaz Gras** (Mexico), introducing the draft resolution, said that the Plurinational State of Bolivia, Ecuador, El Salvador, India, Indonesia, Nigeria, Turkey and Uruguay had joined the sponsors. The draft recalled that the human rights enshrined in the major international human rights instruments should not be affected by the migration status of individuals and should be upheld at all times. States should protect the rights of migrants in their territories. The draft resolution also underscored the obligation of States to protect women migrants from violence and exploitation.

42. **Mr. Gustafik** (Secretary of the Committee), said that Algeria, Angola, Armenia, Bangladesh, Burkina Faso, Colombia, Costa Rica, Côte d'Ivoire, Ethiopia, Haiti, Honduras, Kyrgyzstan, Mali, Mauritius, Morocco, Nicaragua, Paraguay, the Philippines, Senegal, Somalia, South Sudan, Tajikistan, Tunisia, Uganda and Uruguay had joined the sponsors.

Draft resolution A/C.3/67/L.47: Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief

43. **Mr. Al-Yafei** (United Arab Emirates) introducing the draft resolution on behalf of the member States of the Organization of Islamic Cooperation, said that it reflected recent loss of life and violence and discrimination against Muslims triggered by the horrible video that had deliberately denigrated the prophet Mohammed. Governments should safeguard not only freedom of speech but also the right to freedom of belief without insolent provocation. Selective application of the right to freedom of belief under the pretext of free speech contributed to disharmony.

44. Human Rights Council resolution 16/18 and General Assembly resolution 66/167 represented the common understanding of the Organization of Islamic Cooperation on the sensitive issue of intolerance based on religion. Consensus on the matter, which had been achieved with difficulty, would be maintained.

45. **Mr. Gustafik** (Secretary of the Committee), said that the Dominican Republic had joined the sponsors.

Agenda item 28: Advancement of women (continued)**(a) Advancement of women (continued)**

A/C.3/67/L.21/Rev.1)

Draft resolution A/C.3/67/L.21/Rev.1: Intensifying global efforts for the elimination of female genital mutilation

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

47. **Mr. Kogda** (Burkina Faso), introducing the draft resolution, said that the African Group was gratified by the inclusion of female genital mutilation in the agenda of the General Assembly. The draft resolution was the first one on the issue.

48. **Mr. Gustafik** (Secretary of the Committee) said that Albania, Austria, the Plurinational State of Bolivia, Bosnia and Herzegovina, Croatia, the Dominican Republic, Georgia, Grenada, Haiti, Jordan, Lebanon, Montenegro, Norway, Panama, Paraguay, the Philippines, the Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Timor-Leste, Ukraine and Uruguay had joined the sponsors.

49. *Draft resolution A/C.3/67/L.21/Rev.1 was adopted.*

50. **Reverend Wylie** (Observer for the Holy See) said that while the draft resolution contained important elements, his delegation wished to reaffirm its established reservations with regard to the expressions "sexual and reproductive health" and "gender," as set out in the Programme of Action of the International Conference on Population and Development and the Beijing Declaration and Platform for Action. The term "sexual and reproductive health" was not to be taken to include access to abortion and abortifacients. "Gender" meant "male" and "female" according to the general and historic usage of the term.

51. **Ms. Rafti** (Cyprus), speaking on behalf of the European Union, the acceding country Croatia, the candidate countries Iceland, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, the stabilization and association process countries Albania and Bosnia and Herzegovina, and, in addition, Armenia and Liechtenstein, said that adoption of the draft resolution was a historic step in the global effort to end female genital mutilation.

52. **Mr. Ragolini** (Italy) said that the draft resolution was not an end in itself, but rather an instrument to achieve the shared goal of freeing girls

worldwide from female genital mutilation. His country was a major supporter of programmes to end the practice.

53. **Mr. Mosot** (Kenya) said that adoption of the draft resolution would provide a global framework for dealing with the heinous practice of female genital mutilation. It was not the time to point fingers or apportion blame. In addition to the human rights aspect, female genital mutilation had social, cultural economic, community and personal dimensions, thus the difficulty in putting an end to it.

54. A recent law in Kenya made it illegal to practice or procure female genital mutilation and even banned derogatory remarks regarding women who had not undergone the practice.

Agenda item 66: Rights of indigenous peoples

(continued)

(b) Second International Decade of the World's Indigenous People (continued) (A/C.3/67/L.24/Rev.1)

Draft resolution A/C.3/67/L.24/Rev.1: Rights of indigenous peoples

55. **The Chair** said that the draft resolution contained no programme budget implications.

56. **Mr. Llorenty Solíz** (Plurinational State of Bolivia) introduced the draft resolution.

57. **Mr. Gustafik** (Secretary of the Committee), said that Greece, Papua New Guinea, Paraguay and Slovenia had joined the sponsors.

58. *Draft resolution A/C.3/67/L.24/Rev.1 was adopted.*

59. **Mr. Dean** (United Kingdom of Great Britain and Northern Ireland) said that, like all other individuals, indigenous people were entitled to the full protection of their human rights and fundamental freedoms. Human rights were universal and applied equally to all. Certain groups in society should not benefit from rights not available to others. The United Kingdom did not accept the principle of collective human rights. It was important to ensure that individuals within groups were not left vulnerable and unprotected by allowing the rights of the group to supersede the human rights of the individual. That position was without prejudice to the fact that the Governments of many States with indigenous populations had granted them collective rights in their national legislation, thereby

strengthening the economic and political positions of indigenous peoples in those States. The United Kingdom therefore understood any internationally agreed references to the rights of indigenous peoples to refer to those rights bestowed upon indigenous peoples at the national level.

60. **Ms. Robl** (United States of America) said that many indigenous peoples and communities were indeed vulnerable to the effects of climate change. However, the United States disagreed with the implication of the outcome of the Peoples' World Conference on Climate Change and the Rights of Mother Earth, referenced in the draft resolution, that the solution was to assign blame to a particular group of countries.

61. **Mr. Dempsey** (Canada) said that the United Nations Declaration on the Rights of Indigenous Peoples reflected the aspirations of the international community and was not legally binding. It did not reflect customary international law, nor did it change Canadian laws.

62. **The Chair**, in accordance with General Assembly decision 55/488, suggested that the Committee should take note of the note by the Secretary-General transmitting the report of the Special Rapporteur on the rights of indigenous peoples (A/67/301).

63. *It was so decided.*

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (continued)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (continued) (A/C.3/67/L.55/Rev.1)

Draft resolution A/C.3/67/L.55/Rev.1: Glorification of Nazism: inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

64. **The Chair** said that the draft resolution contained no programme budget implications.

65. **Mr. Nebenzi** (Russian Federation) said that the draft resolution was a tribute to the memory of those who had perished in the struggle against the Nazis, and the request for a recorded vote was an attempt to deny history. In certain countries, monuments to Nazis were

being erected with increasing frequency. More and more often, anniversaries of the liberation from Nazism were being declared days of mourning; people who honoured opponents of Nazism found themselves placed under arrest; and Nazi collaborators were glorified.

66. Certain delegations had for some years promoted the idea that racist ideas should not be addressed through prohibitions or criminal prosecution, and that in healthy democracies, society itself would reject racist ideas. However, that explained neither the actions of Anders Breivik, whose freedom of expression had resulted in dozens of innocent casualties in Norway, nor the recent shooting in a Sikh temple in the United States.

67. The sponsors had negotiated some editorial changes paragraph 16 of the draft resolution.

68. **Mr. Gustafik** (Secretary of the Committee) said that Angola, Iraq, Nigeria and the United Republic of Tanzania had joined the sponsors.

69. **Ms. Belskaya** (Belarus), speaking in explanation of vote before the voting, said that one quarter of her country's citizens had perished and 619 of its villages had been burned in the fight against Nazism. However, traces of the ideology remained. Extremist political parties and movements openly cultivated Nazi ideas of hatred, ethnic exceptionalism and superiority. A number of States used the pretext of freedom of speech to ignore the lessons of World War II, looked the other way at the glorification of Nazism and enabled the resurrection of fascist ideology.

70. **Ms. Robl** (United States of America) said that the draft resolution failed to distinguish between offensive expression, which should be protected, and actions, such as discrimination and violence motivated by bias, which should always be prohibited. Individual freedom of expression and association should be robustly protected, even when ideas were offensive. States were urged to refrain from invoking article 4 of the Convention on the Elimination of All Forms of Racial Discrimination and article 20 of the International Covenant on Civil and Political Rights to limit freedom of expression or as an excuse for failing to take effective measures. In a free society, hateful ideas would fail. The best antidote was proactive government outreach to minority religious groups and vigorous defence of both freedom of religion and freedom of expression, not criminalization of hate speech.

71. *At the request of the delegation of the United States of America, a recorded vote was taken on draft resolution A/C.3/67/L.55/Rev.1.*

In favour:

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

Against:

Canada, Marshall Islands, United States of America.

Abstaining:

Afghanistan, Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Monaco, Montenegro, Mozambique,

Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

72. *Draft resolution A/C.3/67/L.55/Rev.1 was adopted by 120 votes to 3, with 57 abstentions.*

73. **Ms. Desai** (Timor-Leste) and **Ms. Polo** (Togo) said that their votes in favour of the draft resolution had not been registered due to a voting machine malfunction.

74. **Ms. Loew** (Switzerland) said that the draft resolution targeted only certain contemporary forms of racism. However, all forms of racism were unacceptable. The draft resolution should be incorporated into the omnibus draft resolution on racism sponsored by the Group of 77 and China, which also addressed contemporary forms of racism.

75. **Mr. Hjelde** (Norway) said that intolerance must be confronted through dialogue and open debate rather than by restricting the rights to freedom of expression and assembly. The narrow scope and insufficient human rights perspective of the draft resolution remained worrisome. The approaches in the draft resolution to freedom of speech and expression and to the independence of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance were regrettable. The biased focus on particular issues not relevant to the human rights agenda did not serve to advance the common struggle against racism, racial discrimination, xenophobia and related intolerance. A more comprehensive, objective and legally appropriate approach should have been adopted.

76. **Ms. Makriyiannis** (Cyprus), speaking on behalf of the European Union, said that a significant number of concerns had been met in the text. Some of the most controversial language introduced into the draft resolution in 2011 had been removed, such as the paragraph on civil society. The current draft resolution was fully in line with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. Although the language could be further refined, the current draft resolution more accurately reflected the judgment of the Nuremberg Tribunal. The reference to the role of the Internet in combating

racism, racial discrimination, xenophobia and related intolerance was more balanced than in previous years.

77. The unexpected change in the title of the draft resolution narrowed its scope, however. The fundamental rights to freedom of expression and assembly were addressed too restrictively. The ways in which the issues of monuments, memorials and national liberation movements were addressed was incorrect with regard to human rights. The prescriptive and detailed requests put to the Special Rapporteur placed his independence at risk and unduly restricted a comprehensive reporting exercise.

78. **Ms. Vaz Patto** (Portugal) said that her delegation appreciated the more precise references to the International Convention on the Elimination of All Forms of Racial Discrimination. Concerns remained regarding safeguarding freedom of expression and the inclusion of matters unrelated to the human rights agenda and racism.

79. **Ms. Vek** (Argentina) said that paragraph 23 of the draft resolution should under no circumstances be understood as restricting freedom of expression.

The meeting rose at 1.10 p.m.