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Chair: Mr. Braun..... (Luxembourg)

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The meeting was called to order at 3 p.m.

Agenda item 25: Social development (continued)

(b) Social development, including questions relating to the world social situation and to youth, ageing, persons with disabilities and the family (continued) (A/C.3/74/L.16)

Draft resolution A/C.3/74/L.16: Cooperatives in social development

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

2. **Mr. Purev** (Mongolia), introducing the draft resolution, said that cooperatives played an important role in implementing the 2030 Agenda for Sustainable Development. In the draft resolution, the General Assembly recognized that cooperatives promoted the fullest possible participation of all people in economic and social development. It also encouraged Governments to review existing legislation and regulations, including by establishing new regulations in the areas of access to capital, competitiveness and fair taxation.

3. Introducing an oral revision to the draft resolution, he proposed adding paragraph 11 bis, which read as follows: “Encourages Governments to take appropriate measures to adopt or develop legislation and policies that provide women with equal access to land and support women’s cooperatives and agricultural programs and enable women’s cooperatives to benefit from public and private sector procurement processes and increase trade”.

4. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Algeria, Argentina, Australia, Austria, Belgium, Belize, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, China, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czechia, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, India, Indonesia, Ireland, Israel, Italy, Japan, Latvia, Liberia, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Morocco, Myanmar, Netherlands, Nicaragua, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Thailand, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zambia and Zimbabwe. He then noted that the following delegations also wished to become sponsors: Albania, Cameroon, Democratic

Republic of the Congo, Djibouti, Dominican Republic, Equatorial Guinea, Guinea-Bissau, Lebanon, Lesotho, Mali, Montenegro, Nigeria, Romania, Seychelles, Sierra Leone, Timor-Leste, Togo, Tunisia and Viet Nam.

5. *Draft resolution A/C.3/74/L.16 was adopted.*

6. **Ms. Nemroff** (United States of America), noting that her current statement applied to all agenda items considered by the Third Committee, said that General Assembly resolutions were non-binding documents that did not create rights or obligations under international law and did not change the current state of conventional or customary international law. The United States did not understand resolutions to imply that a State must join or implement obligations under international instruments to which the State was not a party, and any reaffirmation of a convention applied only to those States that were party to it. Moreover, the fact that the United States sponsored or joined a consensus on a resolution did not imply endorsement of the views of special rapporteurs or other special procedures mandate holders as to the contents of international law.

7. The United States aspired to help increase access to high-quality health care but understood that each country should develop its own approach to achieving health care within its own context. In that regard, it also recognized the important role of partnerships with the private sector and non-governmental organizations, including faith-based organizations and other stakeholders. Patient control and access to high-quality, people-centred care were key.

8. Her country was also committed to promoting women’s equality and to empowering women and girls. Accordingly, when “women” or “women and girls” were the subject of a resolution, those terms should be used rather than “gender”. The outcome from the 2019 meeting of the Commission on the Status of Women had not been the product of a consensus.

9. Her delegation did not support references to the International Criminal Court and the Rome Statute that did not distinguish sufficiently between parties and non-parties to the Statute or were otherwise contrary to the position of her Government with respect to the Court. The United States reiterated its principled objection to any assertion of International Criminal Court jurisdiction over nationals of States that were not party to the Rome Statute except in the case of a Security Council referral or the consent of the State concerned. That position in no way diminished the commitment of the United States to supporting accountability for atrocities.

10. Her Government could not accept references to sexual and reproductive health, sexual and reproductive

health-care services, safe termination of pregnancy or language that would promote abortion or suggest a right to abortion. Each nation had the sovereign right to implement related programmes and activities consistent with their laws and policies. There was no international right to abortion. Consistent with the Programme of Action of the International Conference on Population and Development and the Beijing Declaration and Platform for Action, her Government did not recognize abortion as a method for family planning.

11. The United States maintained the sovereign right to facilitate or restrict access to its territory in accordance with its national laws and policies, subject to its existing international obligations. In addition, it did not support the Global Compact for Safe, Orderly and Regular Migration or the New York Declaration for Refugees and Migrants. Her country supported the 2030 Agenda for Sustainable Development as a voluntary framework for development with the understanding that each country must work towards its implementation in accordance with its own national policies and priorities. With regard to its concerns regarding the Addis Ababa Action Agenda, her delegation referred to the statement it had delivered to the General Assembly on 10 October 2019.

12. The United States had submitted formal notification of its withdrawal from the Paris Agreement to the United Nations on 4 November 2019 and the withdrawal would take effect one year from then. References to the Paris Agreement and the Intergovernmental Panel on Climate Change and language on climate were without prejudice to the position of the United States. Her Government believed that each State had the sovereign right to determine how it conducted trade with other countries and that the General Assembly was an inappropriate venue for discussions that affected trade.

13. The right to development was not recognized in any of the core United Nations human rights conventions and did not have an agreed international meaning. The United States was not a party to the International Covenant on Economic, Social and Cultural Rights and the rights contained therein were not justiciable as such in the courts of the United States. Delegations should therefore not try to define the content of those rights or related rights, including those derived from other instruments, in resolutions.

14. Given that educational matters in the United States were primarily determined at the State and local levels, when resolutions called on States to strengthen aspects of education, including with respect to curriculum, that was done in terms that were consistent with its federal laws.

Agenda item 61: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (continued) (A/C.3/74/L.57)

Draft resolution A/C.3/74/L.57: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

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

16. **Mr. Thorvardarson** (Iceland), introducing the draft resolution also on behalf of Burkina Faso, Mali and Malta, said that, with the number of displaced persons on the rise worldwide, it was essential to increase participation in the work of the United Nations High Commissioner for Refugees. The States took note of Economic and Social Council decision 2019/248 of 23 July and decision 2020/204 of 15 October 2019 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees. Pursuant to the procedural draft resolution, the number of members of the Committee would increase from 102 to 106 States, in accordance with the interest of Burkina Faso, Iceland, Mali and Malta to join as full members of the Executive Committee. Those four States had also requested the Economic and Social Council to elect the additional members at a meeting of its management segment in 2020.

17. **Mr. Mahmassani** (Secretary of the Committee) said that Morocco and Venezuela (Bolivarian Republic of) had become sponsors of the draft resolution. He then noted that the Democratic Republic of the Congo, Equatorial Guinea and Lesotho also wished to become sponsors.

18. *Draft resolution A/C.3/74/L.57 was adopted.*

Agenda item 65: Report of the Human Rights Council (continued) (A/C.3/74/L.56)

Draft resolution A/C.3/74/L.56: Report of the Human Rights Council

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

20. **Ms. Elmansouri** (Tunisia), introducing the draft resolution on behalf of the Group of African States, said that the establishment of the Human Rights Council had been a milestone in global efforts to promote and protect human rights for all based on a constructive, cooperative approach that avoided selectivity and double standards. The Group subscribed to the principles of constructive and genuine dialogue and cooperation, as set out in

General Assembly resolution [60/251](#). The Group reaffirmed General Assembly resolution [65/281](#), by which the status of the Human Rights Council as a subsidiary body of the General Assembly was maintained. The draft resolution was a procedural update that took note of the report of the Council ([A/74/53](#)), including the addendum thereto ([A/74/53/Add.1](#)) and its recommendations.

21. **Mr. Mahmassani** (Secretary of the Committee) said that the delegations of Ecuador, the Russian Federation and Venezuela (Bolivarian Republic of) had become sponsors of the draft resolution. He then noted that the delegation of Lebanon also wished to become a sponsor.

22. **Ms. Velichko** (Belarus), speaking in explanation of vote before the voting, said that, although her country agreed in principle with the idea of introducing a draft resolution on the report of the Human Rights Council, it could not support the universal approval of the activities of the Council during the past year. While the Council made positive, noteworthy decisions, for example, through the universal periodic review, the volume of negative and contradictory actions and the lack of a constructive and unifying spirit within the Council made it difficult to trust and respect it. The report of the Council contained decisions that contradicted the fundamental principles of friendly cooperation and relations between Member States enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights. Belarus therefore requested a recorded vote and would vote against the draft resolution. Its request for a vote was not in any way directed against the initiative of the Group of African States; the Council had simply discredited itself over time, making the well-intentioned idea of the Group a victim of the negative and divisive trends in that body.

23. **Ms. Marin Sevilla** (Bolivarian Republic of Venezuela), reaffirming the importance of the Human Rights Council as the primary platform for addressing human rights issues on the basis of cooperation and dialogue with States, said that her country would vote in favour of the draft resolution. However, it maintained its position of opposing country-specific human rights resolutions and special procedures, which were beyond the mandate of the Third Committee and contravened the principles of universality, objectivity and non-selectivity in addressing human rights issues. Cooperation and dialogue were the appropriate means for the effective promotion and protection of human rights, as called for repeatedly by the Movement of Non-Aligned Countries. Her delegation called for a continuation of the valuable progress that had been achieved since the establishment of the Human Rights Council. The universal periodic

review was the most appropriate mechanism for addressing human rights issues.

24. **Ms. Gebrekidan** (Eritrea) said that her country would support the draft resolution with the conviction that it was imperative for the Third Committee, as a subsidiary organ of the General Assembly, to discuss the report of the Human Rights Council in accordance with General Assembly resolution [60/251](#). Her delegation's vote should not be interpreted in any way as an endorsement of the report of the Human Rights Council ([A/74/53](#)). Eritrea disassociated itself from the part of the report that included resolution [41/1](#) on the situation of human rights in Eritrea, which was politically motivated and went against the Council's mandate to promote human rights in a universal, objective and non-selective manner.

25. **Ms. Ndayishimiye** (Burundi) said that her country was committed to human rights despite the challenges that it currently faced. Dialogue, cooperation and consensus-based mechanisms like the universal periodic review were the ideal forums for addressing human rights issues without selectivity. The increasing politicization of human rights to satisfy the political interests of certain States undermined the efforts being made by several countries, including Burundi, and was diverting the Human Rights Council from its goals. The international community should focus on addressing suffering around the world and avoid any other geopolitical considerations. Burundi would therefore maintain its position of principle of rejecting country-specific resolutions and mechanisms and disassociate itself from the part of the report that referred to Burundi, in particular those paragraphs relating to the Commission of Inquiry on Burundi, which was established by the Human Rights Council against the will of the Government of Burundi.

26. **Mr. Terva** (Finland), speaking in explanation of vote before the voting on behalf of the European Union and its member States, said that the States members of the European Union had had concerns about the initiative since its inception, primarily on procedural grounds. By requesting the Committee to take note of the entire report of the Council, the draft resolution disregarded the agreement reached on the allocation of the report to both the plenary and the Third Committee. The Third Committee should consider and, when necessary, take action only on individual recommendations contained in the report of the Human Rights Council. Since the compromise reached in the General Assembly had been institutionalized as a result of the review of the Council's work, it had been the understanding of the European Union that the matter had been settled. It was therefore disappointing that the draft

resolution continued to disregard that common understanding. It had been sufficient to consider the report of the Human Rights Council at a plenary meeting of the General Assembly on 1 November. During the current session, the European Union had expressed its views on the work and functioning of the Council in that forum and had welcomed the opportunity to listen to the views of others on the Council's overall performance.

27. Given the questions that many Member States continued to have regarding the initiative, the European Union hoped that, in future, open discussions would be held before a draft resolution was introduced under the agenda item. For those reasons, the States members of the European Union would abstain from the vote.

28. **Ms. Fangco** (Philippines), speaking in explanation of vote before the voting, said that Human Rights Council resolution 41/2, on the situation of human rights in the Philippines, had been adopted by a minority of votes and its validity was therefore highly questionable. The United Nations and the Human Rights Council must uphold the principles of respect for sovereignty, non-interference in the internal affairs of any State, objectivity, non-selectivity, impartiality, transparency, cooperation and dialogue; the universal periodic review was therefore the most appropriate mechanism for addressing human rights issues. In founding the Human Rights Council, States had agreed to adhere to the principles of dialogue and cooperation and reject the politicization of human rights issues. Even prior to the formation of the United Nations, the Philippines had given refuge to displaced persons who had been turned away by the same countries that were now seeking to use Council resolution 41/2 against her country. Country-specific resolutions had failed to have a positive impact on the ground and resources were not being devoted to projects that would have a positive effect on the lives of ordinary people. The Philippines would therefore abstain from the vote.

29. **Mr. Baror** (Israel), speaking in explanation of vote before the voting, said that, as a member of the LGBTI Core Group and the Equal Rights Coalition, Israel was a strong supporter of the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. The renewal of his mandate was in line with the mandate of the Human Rights Council to work in a constructive, unbiased and non-politicized manner. However, the same mandate also stated that the Council should be guided by the principles of impartiality, objectivity and non-selectivity. The establishment of a special agenda item dedicated solely to condemning a specific country could only be understood by taking into account that some of the world's worst human rights violators served on the

Council. Israel would vote against the adoption of the report of the Human Rights Council, not because the report should not be adopted, but because it should be presented by a very different Council.

30. **Ms. Oehri** (Liechtenstein), speaking also on behalf of Australia, Canada, Iceland, New Zealand, Norway and Switzerland, said that those countries were strong supporters of the Human Rights Council and contributed actively to its work. Since its creation in 2006, the Human Rights Council had established itself as an authoritative voice in the promotion and protection of human rights, including through the universal periodic review process, its body of special procedures and close engagement with human rights defenders. In General Assembly resolution 65/281, an understanding had been reached on the institutional arrangements between the Human Rights Council and the General Assembly, pursuant to which the Third Committee would discuss recommendations contained in the report of the Human Rights Council, while it was the responsibility of the General Assembly plenary to take action on the report of the Council. It was disappointing that the draft resolution continued to disregard that understanding, by providing for the report to be taken note of in the Third Committee. Such action undermined the Council's mandate, which was regrettable.

31. **Mr. Swai** (Myanmar), speaking in explanation of vote before the voting, said that his country would vote against the draft resolution because the report of the Human Rights Council contained country-specific mandates and resolutions that had not been adopted by consensus. Myanmar opposed all country-specific mandates and resolutions and believed that the principles of non-politicization, non-selectivity and impartiality in addressing human rights issues should be upheld. In that regard, the universal periodic review was the most effective process for addressing human rights issues.

32. Myanmar rejected the resolutions relating to the human rights situation in Myanmar, which were based on one-sided narratives and sweeping allegations. It also objected strongly to the establishment of the Independent Investigative Mechanism for Myanmar, which constituted unprecedented discriminatory scrutinization of a member State and went beyond the mandate of the Human Rights Council. His country would neither recognize nor cooperate with that mechanism. The resolutions were clearly intended to increase international pressure against Myanmar and undermine its sovereignty and integrity, and they would only serve to increase mistrust and polarization among the diverse communities in Rakhine State. The Council and its mechanisms should focus on enhancing technical cooperation, including by assisting States in developing

their national institutions and capacities for the promotion and protection of human rights.

33. *A recorded vote was taken on draft resolution A/C.3/74/L.56.*

In favour:

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

Against:

Belarus, Democratic People's Republic of Korea, Israel, Myanmar.

Abstaining:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Papua New Guinea, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Turkey, Turkmenistan, Ukraine, United

Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan.

34. *Draft resolution A/C.3/74/L.56 was adopted by 115 votes to 4, with 60 abstentions.*

35. **Ms. Nemroff** (United States of America) said that her delegation continued to view the draft resolution on the report of the Human Rights Council as procedurally unnecessary. In recognition of its long-standing position, her delegation would address any concerns it had regarding the report when it was presented for adoption in a plenary meeting of the General Assembly.

36. **Mr. Mozaffarpour** (Islamic Republic of Iran), speaking in explanation of vote, said that, despite the proper functioning of the universal periodic review mechanism, it was deeply regrettable that certain countries carried on their well-worn policies of confrontation and recrimination. The insistence on politicization and polarization of human rights, including through the introduction of country-specific resolutions, did no good to the noble cause of human rights. His delegation thus disassociated itself from the part of the Council's report (A/74/53) that included resolution 40/18 on the situation of human rights in the Islamic Republic of Iran and, for that reason, had abstained from the vote.

Agenda item 67: Rights of indigenous peoples (continued) (A/C.3/74/L.19/Rev.1)

Draft resolution A/C.3/74/L.19/Rev.1: Rights of indigenous peoples

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

38. **Mr. León Peñaranda** (Plurinational State of Bolivia), introducing the draft resolution, said that indigenous peoples lived in rich, diverse regions, had inherited cultural and linguistic diversity and were faithful guardians of the world's natural resources. However, many indigenous peoples continued to live in poverty and faced inequality and racism, and they were the poorest 15 per cent of the world's population.

39. With the draft resolution, the General Assembly reaffirmed the positive influence of the United Nations Declaration on the Rights of Indigenous Peoples, which had contributed to the development of legal policies to protect indigenous peoples. Those policies recognized indigenous agricultural practices that could serve to overcome the combined challenges of climate change, ensuring food security, conserving biodiversity and combating desertification and land degradation. With the draft resolution, the Assembly recognized the importance of indigenous peoples' religious and cultural

sites and their access to the repatriation of their ceremonial objects and human remains, and underscored the efforts made by Member States to combat the illegal trafficking of the cultural property of indigenous peoples. The Assembly also decided to expand the mandate of the United Nations Voluntary Fund for Indigenous Peoples.

40. In recognition of the urgent need to preserve, revitalize and promote indigenous languages, the General Assembly had proclaimed 2019 the International Year of Indigenous Languages and, with the adoption of the draft resolution, would proclaim 2022–2032 the International Decade of Indigenous Languages. All States and their respective Governments should take the necessary measures to that end.

41. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Armenia, Australia, Canada, Costa Rica, Cyprus, Denmark, El Salvador, Finland, Germany, Greece, Guatemala, Iceland, Ireland, Malaysia, Malta, New Zealand, Norway, Panama, Paraguay, Peru, Republic of Moldova, Slovenia, Spain, Sweden and Ukraine. He then noted that the following delegations also wished to become sponsors: Croatia, Dominican Republic, Estonia and Palau.

42. **Mr. de Souza Monteiro** (Brazil) said that his country had systematically supported the adoption of instruments on the rights of indigenous peoples, including the American Declaration on the Rights of Indigenous Peoples, the United Nations Declaration on the Rights of Indigenous Peoples, and the Indigenous and Tribal Peoples Convention, 1989 (No. 169). The comprehensive rights of indigenous peoples, including over traditional occupied lands, were guaranteed in the Constitution of Brazil, which also promoted the revitalization and preservation of indigenous languages. The proposed International Decade of Indigenous Languages could play a positive role in that regard.

43. Although Brazil had joined consensus on the proposed draft resolution on the rights of indigenous peoples, it dissociated itself from the seventh preambular paragraph, which addressed the Global Compact for Safe, Orderly and Regular Migration, to which Brazil was not a signatory. Migratory issues were not central to the main issue addressed in the resolution, namely the International Decade of Indigenous Languages.

44. **Mr. Zambrano Ortiz** (Ecuador) said that significant progress had been made for the benefit of indigenous peoples within the United Nations system, including as a result of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. As part of its commitment to preserving

indigenous languages and multilingualism and sustaining intercultural educational systems, Ecuador had supported the proclamation of 2019 as the International Year of Indigenous Languages. More efforts were needed to preserve, revitalize and promote indigenous languages. Of the approximately 7,000 languages that were spoken around the world, around 6,700 were indigenous and preserved a huge amount of ancestral knowledge. However, 40 per cent of indigenous languages were at risk of disappearing. The proclamation of 2022–2032 as the International Decade of Indigenous Languages would bring attention to that serious issue and was a call for urgent measures to be taken nationally and internationally to preserve, revitalize and promote those languages.

45. **Ms. Mackenzie** (Canada) said that the General Assembly had contributed significantly to the realization of the rights of indigenous peoples and the draft resolution contained provisions that would advance the important work being undertaken. The draft resolution drew attention to the vital issue of indigenous languages, and Canada welcomed the opportunities that had arisen during the International Year of Indigenous Languages to highlight the importance of promoting, preserving and revitalizing indigenous languages. In that context, Canada had passed historic legislation co-developed with indigenous partners to help to ensure the vitality of indigenous languages in Canada. Following the swearing-in of the recently elected cabinet, the Government of Canada would be in a position to consider the ways in which it could give meaningful effect to the International Decade of Indigenous Languages, working in partnership with indigenous peoples.

46. *Draft resolution A/C.3/74/L.19/Rev.1 was adopted.*

47. **Mr. Varga** (Hungary) said that his country reaffirmed its deep and long-standing commitment to the protection and promotion of the rights of indigenous peoples and welcomed the adoption of the resolution. However, the seventh preambular paragraph contained a reference to the Global Compact for Safe, Orderly and Regular Migration. Hungary had voted against the Global Compact, would not take part in its implementation and could not accept any reference to it in international documents. The definition of migration policies remained a national prerogative, and his delegation interpreted the current resolution in line with those considerations. Given the importance of the promotion and protection of the rights of indigenous peoples, as set out in the draft resolution, Hungary would join the consensus but dissociated itself from the seventh preambular paragraph.

48. **Mr. Skoknic Tapia** (Chile) said that his country had abstained from the vote on the adoption of the draft resolution on the Compact for Safe, Orderly and Regular Migration, and its content was therefore not applicable to Chile. Consequently, his delegation dissociated itself from the seventh preambular paragraph of the draft resolution.

49. **Mr. Kováčik** (Slovakia), speaking also on behalf of Bulgaria, France and Romania, said that the group of countries was fully engaged in the promotion and protection of the rights of all individuals. Persons belonging to indigenous groups were often victims of discrimination and violations of human rights and fundamental freedoms because of their affiliation. Those persons must enjoy the same rights and freedoms as any other individuals with full respect for the principles of the equality and universality of human rights.

50. Human rights were individual rights. Those delegations did not recognize collective rights of any groups defined by their origins, culture, language or beliefs, and subscribed to the political and legal tradition of human rights that was based on individual rights and opposed to all forms of discrimination. Those delegations therefore could not accept references in the draft resolution to collective rights of indigenous peoples. It would be preferable to refer to the rights of persons belonging to indigenous groups, in line with commonly recognized human rights principles. The four States would remain engaged in the promotion and protection of the rights of those persons without discrimination.

51. **Ms. Arndt** (United States of America) said that her delegation wished to reaffirm its support for the Declaration on the Rights of Indigenous Peoples as an aspirational document of moral and political force. However, the Declaration was not legally binding, nor was it a statement of current international law. The United States sought to achieve the aspirations of the Declaration within the structure of its Constitution, laws and international obligations, while seeking, where appropriate, to improve its laws and policies.

52. The United States wished that a consensus agreement had been reached on wording to promote the repatriation of ceremonial objects and human remains. Her delegation encouraged States to develop national mechanisms, such as laws or museum policies, in consultation with the indigenous peoples concerned. In 1990, the United States had established a mechanism for its Government to work in consultation with Native Americans to repatriate human remains and ceremonial objects. As a result, United States institutions had

returned approximately 1.9 million items to Native American communities.

53. With regard to paragraph 21, her delegation noted that sexual harassment, while always condemnable, was not necessarily violent. In the laws of the United States, the term “violence” referred to physical force or the threat of physical force.

54. With regard to the references in the draft resolution to the 2030 Agenda for Sustainable Development, the Global Compact for Safe, Orderly and Regular Migration and the non-consensus-based conclusions of the sixty-third session of the Commission on the Status of Women, her delegation had addressed its concerns in a detailed statement delivered earlier in the meeting.

55. **Ms. Elmarmuri** (Libya) said that the United Nations Declaration on the Rights of Indigenous Peoples had had a very positive impact on national and international stances on respecting those rights. Although her delegation had joined the consensus on the draft resolution, it had reservations concerning the seventh preambular paragraph in view of the reference made to the Global Compact for Safe, Orderly and Regular Migration. She reasserted the sovereign right of all States to determine their migration policies and domestic legislation in accordance with international norms.

Agenda item 68: Elimination of racism, racial discrimination, xenophobia and related intolerance
(*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)
(A/C.3/74/L.62)

Draft resolution A/C.3/74/L.62: Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

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

57. **Mr. Aliautdinov** (Russian Federation), introducing the draft resolution, said that the year 2020 would mark 75 years since the anti-Hitler coalition had defeated Nazism and fascism. It was therefore unacceptable and utterly disrespectful that attempts were still being made, for political purposes and with ulterior motives, to reinterpret the decisions of the Nuremberg Tribunal, to falsify history and to assert that the existence of the ideology of National Socialism was justified and that the actions of Nazis and Nazi

collaborators had been dictated by some kind of higher considerations.

58. The draft resolution addressed current, very dangerous trends that must be tackled at both the national and the international levels. The spread of racist and extremist ideas was increasingly justified by citing the supposed absolute nature of the freedom of expression, disregarding the obligations of States under the main international human rights agreements, including the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The fact that extremist groups still took inspiration from the ideology and practices against which the anti-Hitler coalition had fought was enabled in no small part by the glorification of those involved in the crimes of Nazism and the whitewashing of the crimes of former SS and Waffen SS members. In Europe, the grand unveiling of monuments to Nazis made a mockery of veterans of the anti-fascist movement. Glorifying those who had fought in favour of fascism or equating them with participants in national liberation movements played into the hands of advocates of “racial purity” and discrimination based on race and ethnicity, to say nothing of the example that set for the younger generation.

59. The international community must work together to tackle the threat of the phenomena and practices described in the draft resolution. It was in the hands of the international community as to whether Nazi ideology would become a subject for historians to study or whether National Socialism would find a second wind for momentary political gain.

60. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Algeria, Angola, Azerbaijan, Bangladesh, Benin, Bolivia (Plurinational State of), Burkina Faso, Cambodia, Cameroon, the Comoros, Côte d’Ivoire, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guyana, Haiti, India, Jamaica, Jordan, Kazakhstan, Lebanon, Mali, Mauritania, Namibia, Nigeria, Serbia, the Sudan, Suriname, Tajikistan, Tunisia, Turkmenistan, Uganda and Viet Nam. He then noted that the following delegations also wished to become sponsors: Antigua and Barbuda, Congo, Equatorial Guinea, Senegal, Sierra Leone and Togo.

61. **Mr. Aliautdinov** (Russian Federation) said that it was unfortunate that the issue of combating the glorification of Nazism, neo-Nazism and other practices that contributed to fuelling contemporary forms of racism remained relevant. Despite the fact that the Nuremberg Tribunal had determined once and for all who had represented the force of good and who the force

of evil during the Second World War, doubt was still cast on those outcomes. It was indisputable, however, that the defeat of Nazism had been a victory over the ideology of racial supremacy and misanthropy. That victory had led to the emergence of the contemporary framework for the promotion and protection of human rights, which included such fundamental instruments as the Universal Declaration of Human Rights, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, and the creation of conditions for decolonization.

62. Incessant attempts to deny, revise or falsify history were not harmless academic exercises. They upset the global order and eroded the principles of international law and security established after the Second World War.

63. The draft resolution was relevant to current human rights concerns. The global migration crisis, which had been triggered primarily by senseless interference in the internal affairs of sovereign States, had contributed to an increase in racist and xenophobic discourse and calls to expel immigrants and so-called foreign elements. Some countries had elevated the war against monuments honouring those who had fought against Nazism and fascism to a State policy bolstered by legislative measures; marches were held every year to commemorate Nazis and Nazi collaborators, while neo-Nazis and nationalists conducted torch processions reminiscent of gatherings in Hitler’s Germany; the unveiling of memorials to those who had fought alongside or in collaboration with the Nazis made a mockery of the memory of those who had fallen in the fight against Nazism; and streets, squares, schools and other public structures had been renamed in honour of Nazi collaborators.

64. It was totally unacceptable to glorify those involved in crimes of Nazism, to whitewash the crimes of former SS and Waffen SS members and to extol those who had fought against the anti-Hitler coalition and collaborated with the Nazis as national heroes and heroes of national liberation movements. Such fuelling of contemporary forms of racism, racial discrimination, xenophobia and related intolerance was cause for grave concern. The actions in question were illegal under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.

65. States had a duty not only towards the founders of the United Nations but also towards future generations to adopt the draft resolution. He asked which delegation had requested the recorded vote and urged delegations to vote in favour.

66. **Mr. Mack** (United States of America) said that the United States expressed opposition to the draft resolution for its attempts to legitimize long-standing Russian disinformation narratives that smeared neighbouring nations under the guise of halting Nazi glorification. The United States, which together with its democratic allies had made decisive contributions to the victory over Nazi Germany in 1945, condemned the glorification of Nazism and all modern forms of racism, xenophobia, discrimination and related intolerance, while maintaining its commitment to freedom of expression. In fighting against the tyranny of Nazism, the United States had also fought for the freedom and human rights of all, including the right to freedom of expression, association and peaceful assembly.

67. The United States Supreme Court had affirmed the Constitutional right to freedoms of expression, association and peaceful assembly, including of self-avowed Nazis whose hatred and xenophobia were widely derided by the American people. His country also defended the constitutional rights of those who exercised their rights to combat intolerance and express strong opposition to the odious Nazi creed and others who espoused hatred.

68. The United States had voted against each new version of the resolution since 2005. Despite its efforts to negotiate with the Russian delegation and, in the past two years, to introduce revisions and amendments to protect against unacceptable restrictions on freedom of expression, the recommendations made by his delegation to improve and strengthen the resolution had been intentionally ignored. The United States encouraged States to refrain from invoking article 4 of the International 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 actions to combat intolerance. All Member States that shared the concerns, values and principles of the United States of America should vote against the draft resolution.

69. **Mr. Yaremenko** (Ukraine), speaking in explanation of vote before the voting, said that his country had paid a very high price for its contribution to the victory over Nazism: over eight million Ukrainians had lost their lives in the Second World War. Ukraine strongly condemned all forms of Nazism, neo-Nazism and other practices that contributed to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. However, the draft resolution had nothing in common with that struggle but rather reflected a manipulation of history and a twisting of the essence of the Nuremberg Tribunal in pursuit of

aggressive political interests. Ukraine condemned all totalitarian regimes and wished to honour the memory of all their victims, in particular those who perished in the Holocaust and the victims of the artificially created genocide, the Holodomor, in Ukraine. In the course of the negotiations, his delegation had taken a balanced and impartial approach, based on the historical documents, and had suggested a number of changes to the draft. However, that approach had been rejected by the Russian Federation.

70. His delegation condemned the cynical attempt of the Russian Federation to present itself as a champion of the struggle against Nazism and neo-Nazism. Ukraine was deeply concerned by the unprecedented rise in radicalism, hatred, enmity, aggressive nationalism, neo-Nazism and xenophobia in the Russian Federation, fuelled by State-owned media outlets, and the extended support for numerous authoritarian regimes. The Russian Federation had submitted the draft resolution in an attempt to hide its responsibility for crimes and violations stemming from its aggression against Ukraine and other neighbouring countries. Since the draft resolution had been motivated by propaganda, his delegation had voted against it.

71. *A recorded vote was taken on draft resolution A/C.3/74/L.62.*

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, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan,

Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Ukraine, United States of America.

Abstaining:

Afghanistan, Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Colombia, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Tonga, Turkey, United Kingdom of Great Britain and Northern Ireland.

72. *Draft resolution A/C.3/74/L.62 was adopted by 121 votes to 2, with 55 abstentions.*

73. **Mr. Terva** (Finland), speaking on behalf of the European Union and its member States, said that the European Union remained fully committed to the global fight against racism, racial discrimination, xenophobia and related intolerance. The fight against contemporary forms of all extremist and totalitarian ideologies, including neo-Nazism, must be a priority for the entire international community, including through the full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The European Union continued to believe that all contemporary forms of racism and discrimination should be addressed in an impartial, balanced and comprehensive way in the draft resolution, with a clear focus on human rights.

74. The European Union welcomed the open and participatory informal consultations on the draft resolution and the fact that some of its proposals had been taken into consideration. Nevertheless, a number of concerns remained, and several European Union proposals including compromise language had been dropped. Furthermore, the language of problematic paragraphs for the European Union had, in some instances, been strengthened. It was regrettable that the draft resolution continued to place emphasis on issues unrelated to combating racism and discrimination. Centring the fight against racism on the teaching of

history, monuments, memorials or erroneous references to national liberation movements or other politically-motivated issues fell outside the scope of the human rights agenda and aimed to monopolize the fight against Nazism through a one-sided view of history, as shown by attempts to justify the Molotov-Ribbentrop Pact. The European Union paid tribute to the historic role of the allied forces in the defeat of Nazism during the Second World War, whose end had brought painful divisions in many European countries, occupation and more crimes against humanity rather than freedom. It was therefore regrettable that the proposal to include references in the draft resolution to all totalitarian regimes had not been taken on board.

75. **Mr. Leuprecht** (Canada), speaking in explanation of vote after the voting on behalf of Australia, Canada, Iceland, Liechtenstein, Norway and Switzerland, said that those States unequivocally condemned any form of racism, racial discrimination, xenophobia or related intolerance, including Nazism and neo-Nazism. They had ratified the relevant international conventions, were fully committed to their implementation and urged those States that had not already done so to ratify the International Convention on the Elimination of All Forms of Racial Discrimination.

76. While the draft resolution contained some very important elements, which contributed to the fight against racism, racial discrimination, xenophobia and related intolerance, it was regrettable that changes proposed by delegations to broaden its scope had not been sufficiently taken on board. In addition, the manner in which the text mis-characterized the obligations of Member States with regard to international human rights law and the provisions of the Charter of the United Nations was a matter of serious concern. His country was committed to the protecting the rights of freedom of expression, peaceful assembly and freedom of association.

77. **Ms. Velichko** (Belarus) said that it was unfortunate that the draft resolution had not been adopted by consensus given its importance in the context of the expansion of extremist political parties, movements, ideologies and groups of a racist or xenophobic nature across the world. The influence of neo-Nazi groups on young people, including through the digital dissemination of neo-Nazi ideology, was cause for concern. Such dangerous trends required an appropriate response. The need to combat the glorification of all forms of Nazism, neo-Nazism and the Nazi past must not be called into question under the pretext of concern for the right to freedom of expression.

78. Belarus was taking decisive steps to eliminate hate crime and to combat all forms of racism and racial

discrimination. In 2019, Belarus had criminalized deliberate public rehabilitation of Nazism as incitement to racial hatred or social discord. The world must not forget the high price paid in the victory over Nazism during the Second World War. Her delegation therefore welcomed the inclusion in the draft resolution of the initiative to hold a special solemn meeting of the General Assembly to mark the seventy-fifth anniversary of the end of the Second World War and urged all States to participate actively in it.

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

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/74/L.51)

Draft resolution A/C.3/74/L.51: International Convention for the Protection of All Persons from Enforced Disappearance

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

80. **Mr. Kadiri** (Morocco), introducing the draft resolution also on behalf of Argentina and France, said that the text recognized the importance of the International Convention for the Protection of All Persons from Enforced Disappearance and the role of the Committee on Enforced Disappearances in preventing and combating that phenomenon. The Convention was intended to assist victims of enforced disappearance and the members of their families, regardless of region or origin. More progress was needed in promoting its universalization and in encouraging States parties to recognize the competence of the Committee on Enforced Disappearances to receive and consider communications, in complementarity with the Working Group on Enforced or Involuntary Disappearances. It was necessary to document cases concerning enforced or involuntary disappearances allegedly perpetrated by non-State actors, as decided by the Working Group. The Secretary-General and the High Commissioner for Human Rights were called upon to increase their efforts to assist States in becoming parties to the Convention, including by providing technical and capacity-building assistance to States.

81. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Albania, Andorra, Armenia, Belgium, Belize, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Central African Republic, Costa Rica, Côte d'Ivoire, Croatia, Czechia, Denmark, Ecuador,

El Salvador, Finland, Haiti, Hungary, Iceland, Ireland, Japan, Latvia, Lithuania, Madagascar, Mali, Malta, Mongolia, Nigeria, North Macedonia, Norway, Palau, Paraguay, Peru, Poland, Portugal, Samoa, Senegal, Serbia, Seychelles, Slovenia, Sri Lanka, Sweden, Tunisia and Venezuela (Bolivarian Republic of).

82. *Draft resolution A/C.3/74/L.51 was adopted.*

83. **Ms. Arndt** (United States of America) said that her delegation was pleased to join the consensus on the draft resolution. State-sanctioned enforced disappearances were devastating to both the victim and their families. The United States was not a party to the International Convention for the Protection of All Persons from Enforced Disappearance and believed it was important to be clear about the international legal basis of the paragraphs of the draft resolution that referred to the Convention. The obligations articulated in the sixth, seventh and eighth preambular paragraphs applied only to States that had undertaken those obligations as parties to the Convention. The draft resolution did not create any new rights or obligations.

Agenda item 107: Countering the use of information and communications technologies for criminal purposes (*continued*) (A/C.3/74/L.11/Rev.1)

Draft resolution A/C.3/74/L.11/Rev.1: Countering the use of information and communications technologies for criminal purposes

84. **Ms. Zabolotskaya** (Russian Federation), introducing the draft resolution, said that it had been clear from the discussions in the Committee on the previous resolution on countering the use of information and communications technologies for criminal purposes (General Assembly resolution 73/187) that the international efforts made to that end had been insufficient. The sharp upsurge in the activities of cybercriminals had cost the world \$1.5 trillion in 2018 according to the Secretary-General, and that number was projected to reach \$2.5 trillion in 2019. No country or group of countries, regardless of their level of technological development, could tackle that threat alone because cybercrime was a transnational phenomenon with a transboundary nature.

85. Given the lack of a comprehensive international legal framework for cooperation in combating cybercrime, there was a clear need to develop a universal international legal instrument in that area. Such an instrument should take the form of a United Nations convention on countering cybercrime that was based on the principles of sovereign equality and non-interference in internal affairs. It should be free of the flaws of existing instruments and available to all

countries, and should take into account the realities of all countries and current trends.

86. The United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime had been elaborated by United Nations committees established for that very purpose. Such an approach was proposed in the draft resolution. The operative paragraphs were based on time-tested decisions, as was the case with those conventions, with the main goal being to create an ad hoc committee to elaborate a universal instrument on countering the use of information and communications technologies for criminal purposes. Drafting would begin in 2021, when the mandate of the Expert Group to Conduct a Comprehensive Study on Cybercrime in Vienna was to expire. The Group would adopt its concluding recommendations, which should be reflected in the future draft convention. The mandate of the committee would be limited exclusively to elaborating a universal United Nations instrument. Existing instruments that had proven to be effective and best practices in combating cybercrime should form the basis for the convention. Such an initiative in no way created barriers for regional agreements, including the Convention on Cybercrime adopted by the Council of Europe, and should take into account the national legislation of every country.

87. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Algeria, Angola, Antigua and Barbuda, Azerbaijan, Benin, Bolivia (Plurinational State of), Burundi, Cuba, Egypt, Equatorial Guinea, Eritrea, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, the Lao People's Democratic Republic, Libya, Madagascar, the Sudan, Suriname, the Syrian Arab Republic, Tajikistan, Togo, Uzbekistan and Zimbabwe had joined the sponsors. He then noted that the delegations of Equatorial Guinea, Indonesia and Togo also wished to become sponsors.

The meeting rose at 5.10 p.m.