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Chair: Mr. Doualeh (Djibouti)

Contents

Agenda item 74: 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*)

Agenda item 108: Crime prevention and criminal justice (*continued*)Agenda item 74: Promotion and protection of human rights (*continued*)

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

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

Agenda item 74: 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.3/76/L.52/Rev.1)

Draft resolution A/C.3/76/L.52/Rev.1: Protection of migrants

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

2. **Mr. Gómez Robledo Verduzco** (Mexico), introducing the draft resolution on behalf of the sponsors listed in the document, said that migrants had been the unsung heroes of the coronavirus disease (COVID-19) pandemic. Although the World Bank had projected that remittances would fall by 20 per cent, they had in fact declined by less than 2 per cent. Without migrants, the global economic crisis would have been much more severe. Social protections were key to ensuring that all migrants, regardless of their migration status, had access to COVID-19 vaccines, medical services, social programmes and other types of support. All Member States were countries of origin, transit, destination or return of migrants, and international human rights law, the 2030 Agenda for Sustainable Development and the Global Compact for Safe, Orderly and Regular Migration were instruments available to them to manage migration.

3. In the draft resolution, the need to ensure the timely and fair access of migrants, without discrimination, to vaccines, treatment and effective, safe and high-quality diagnostics had been recognized and a call had been made to include migrants in responses to the pandemic. Member States had been invited to consider establishing open and accessible information points along relevant migration routes that could refer migrants to child-sensitive and gender-responsive support and counselling. Further actions had been encouraged to reduce the cost of sending remittances.

4. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Angola, Argentina, Bangladesh, Belarus, Burkina Faso, Cabo Verde, Canada, Cyprus, Egypt, El Salvador, Germany, Guatemala, Haiti, Indonesia, Ireland, Lebanon, Luxembourg, Morocco, Myanmar, Peru, Philippines, Sweden, Tajikistan, Turkey and Venezuela (Bolivarian Republic of).

5. He then noted that the following delegations also wished to become sponsors: Algeria, Djibouti, Eritrea,

Ghana, Guinea, Nigeria, Sao Tome and Principe and Uganda.

6. *Draft resolution A/C.3/76/L.52/Rev.1 was adopted.*

7. **Mr. Malovrh** (Slovenia), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro and North Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, the Republic of Moldova and Ukraine, said that the new references in the draft resolution to promoting gender-responsive policies and the focus on non-discrimination and leaving no one behind were welcome. The European Union remained fully committed to the promotion and protection of all human rights, including those of migrants, and upheld human rights principles in relation to refugees, internally displaced persons and migrants. It was disappointing that the urgent need for international cooperation to counter attempts to manipulate migrants for political purposes had not been recognized in the draft resolution.

8. The European Union was extremely concerned by the situation of migrants at the Belarusian border. The authoritarian regime in Belarus was cynically using vulnerable people for political purposes and putting their lives and health in danger in order to distract from the human rights violations and brutal repression in the country. The European Union condemned in the strongest terms such inhumane and intolerable behaviour and rejected any attempt by third countries to manipulate human beings. The Belarusian regime should immediately stop such practices and urgently allow access to humanitarian aid. That worrying situation required a strong international reaction and cooperation.

9. **Ms. González López** (El Salvador), speaking also on behalf of Argentina, Bangladesh, Guatemala, Honduras, Paraguay and the Philippines, said that their delegations welcomed the emphasis in the draft resolution on the need to ensure non-discrimination, including in equitable, timely and fair access to quality, safe and effective COVID-19 diagnostics, treatment and vaccines, and the call upon States to include migrants, regardless of their migration status, in their responses to the COVID-19 pandemic, including in equitable vaccination plans and protocols, with full respect for human rights and specific attention to migrants in vulnerable situations. Their delegations fully supported the statement that there was no place for discrimination, racism or xenophobia in the responses to the pandemic.

10. Those delegations reiterated their commitment to the Global Compact for Safe, Orderly and Regular Migration and looked forward to the International

Migration Review Forum as a platform for reflecting on migration and mobility in the light of the pandemic and strengthening the collective commitment to uphold the rights of migrants, regardless of their migration status.

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

12. **Mr. Salah** (Libya) said that his delegation, out of its commitment to human rights, including the rights of migrants, had joined the consensus on the draft resolution. Libya strongly endorsed the principle of the promotion and protection of human rights, believing that consensus on such United Nations resolutions enhanced their effectiveness and applicability. However, in line with its previous abstention from voting on General Assembly resolution [73/195](#) adopting the Global Compact for Safe, Orderly and Regular Migration, for reasons that it had made clear at the time, Libya was exempt from certain elements in the resolution on the Compact. It therefore disassociated itself from preambular paragraphs 8, 10, 11 and 34 and paragraph 11 of the draft resolution. Joining the consensus did not indicate that Libya had changed its position with respect to the Compact. Libya had a sovereign right to set its national policies and legislation when it came to migration and to deciding whether migration was “regular” or “irregular”, within the scope of its jurisdiction.

13. **Mr. Guzmán Muñoz** (Chile) said that his delegation supported the draft resolution, notwithstanding its reservations with respect to all the paragraphs containing references to the Global Compact for Safe, Orderly and Regular Migration. His Government was currently updating its migration policy to establish a legal framework for migration management to ensure that migration was safe, orderly and regular in the country.

14. **Ms. Charikhi** (Algeria) said that, under her Government’s generous policy based on social justice and solidarity with those in vulnerable situations, persons living in Algeria, including irregular migrants, were provided free access to education, health care and nutrition. Respect for all human rights, including social, economic and cultural rights, was an integral part of her Government’s policy towards both nationals and non-nationals.

15. Her delegation had joined the consensus on the draft resolution despite disagreeing with the paragraphs relating directly to migration policy, which fell within the sovereign power of States. Her delegation welcomed the inclusion of a paragraph acknowledging the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction, in conformity with international law. That paragraph, which had been agreed in resolutions of the Human Rights Council, was crucial to making the text balanced and guaranteeing its adoption by consensus.

16. Her delegation was concerned by the increase in references in the draft resolution to the Global Compact for Safe, Orderly and Regular Migration and the International Migration Review Forum and dissociated itself from all the paragraphs containing such references. Algeria had abstained from the voting on the Compact, and the provisions thereof were not applicable to her country. Nothing in those paragraphs of the draft resolution should be interpreted as tacit support of her country for the commitments in the Compact.

17. **Ms. Pongor** (Hungary) said that her country reaffirmed its commitment to international human rights instruments, including when enacting and implementing national laws in the area of migration. Migration should not be qualified as a basic human right. All States had the right to define their migration policies, protect their borders and provide protection against criminal networks. States should avoid creating pull factors of migration and thereby generating opportunities for human traffickers and smugglers. Instead of facilitating migration, international efforts should focus on addressing the root causes of migration.

18. Hungary had not voted in favour of the Global Compact for Safe, Orderly and Regular Migration and was not participating in its implementation. Her delegation therefore dissociated itself from the eighth, tenth, eleventh, twenty-first and thirty-fourth preambular paragraphs and paragraphs 11 and 18 of the draft resolution, which contained references to the Compact and the International Migration Review Forum.

19. **Mr. Kuzmenkov** (Russian Federation) said that the protection of migrants was a very relevant topic that warranted the development of international cooperation and mutually respectful dialogue among States to resolve any situations that might arise around the world. Migrants and their rights should be protected not in words or through the deployment of armed forces, but rather through consultations and dialogue among the States concerned. Cooperation in that regard should be

open, and access should be provided to journalists and the public to enable them to gain direct knowledge of the facts of any situation anywhere in the world. His delegation wished to express solidarity with the initiators of the draft resolution, which the Russian Federation fully supported.

20. **Ms. Gebrekidan** (Eritrea) said that the draft resolution contained important updates, including the calls for migrants to be included in the responses to the pandemic and for equitable, timely and fair access to quality, safe and effective COVID-19 treatments and vaccines for migrants. Crucially, collective expulsion and forced returns had also been addressed in the draft resolution. Her delegation was strongly against subjecting migrants to forced measures. All returns should be voluntary, safe and dignified. Her delegation would therefore have liked to add the word “voluntary” before “safe and dignified returns” in paragraph 13 of the draft resolution.

21. Eritrea strongly supported the Global Compact for Safe, Orderly and Regular Migration as an important achievement in addressing international migration in a collective and cooperative manner. Countries should reinforce their commitments under the Compact to the protection of the rights of all migrants and the achievement of safe, orderly and regular migration.

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

23. The United States did not understand the draft resolution to imply that States must join or implement obligations under international instruments to which they were not a party, including the principle of the best interests of the child, derived from the Convention on the Rights of the Child, and the prohibition on collective expulsions, set forth in Protocol No. 4 to the European Convention on Human Rights. It was inappropriate to refer to a specific bilateral legal matter such as the case specified in the fifteenth preambular paragraph.

24. With regard to the references in the draft resolution to consular notification and other relevant issues, her delegation had addressed its concerns in a statement delivered at the 7th meeting (see [A/C.3/76/SR.7](#)).

25. **Monsignor Hansen** (Observer for the Holy See) said that the new elements in the draft resolution contributed to strengthening the collective work of the international community to protect all migrants, regardless of their migration status. His delegation welcomed the calls to include all migrants in COVID-19 responses, including in equitable vaccination plans and protocols, with full respect for human rights and specific attention to migrants in vulnerable situations, and the reaffirmation of commitments to take action to avoid the loss of life of migrants and to uphold the prohibition of collective expulsion, as well as the need to prevent human rights violations in all contexts involving migration. All migrants, regardless of their status, deserved to be treated with dignity and to have their human rights and fundamental freedoms respected and protected along their entire migratory journey, including when they could not remain in the country of destination.

26. The Global Compact for Safe, Orderly and Regular Migration remained the most comprehensive set of best practices and policy instruments within the international system, offering States the opportunity to work together with greater cohesion, together with the United Nations system, to ensure that international migration was truly advantageous to all.

27. The new wording related to national sovereignty and national migration policy should be understood within the context of the draft resolution as a whole, which focused on the protection of migrants. It would be unfortunate if the new wording were to contribute to an understanding that the protection and promotion of the human dignity of, and the full enjoyment of universal human rights by, migrants could be circumscribed through national policies.

Agenda item 108: Crime prevention and criminal justice (*continued*) ([A/C.3/76/L.9/Rev.1](#))

Draft resolution A/C.3/76/L.9/Rev.1: Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity

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

29. **Mr. Massari** (Italy), introducing the draft resolution on behalf of the sponsors listed in the document, said that the text reflected new developments in the field of multilateral cooperation, including the substantial results achieved at the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice and the special session of the General Assembly against corruption and by the Commission on Crime

Prevention and Criminal Justice. Given its importance and broad scope, the draft resolution should be considered in a holistic manner and as a whole. His delegation was particularly pleased that the President of the General Assembly had been invited to organize, during the current session, a high-level debate on the theme “Enhancing youth mainstreaming in crime prevention policies”. The high number of delegations from all regional groups that had sponsored the draft resolution was a sign of the Assembly’s widespread determination to continue to support the text as an important blueprint for multilateral cooperation in combating transnational organized crime in all its forms.

30. His delegation wished that the draft resolution could have been more ambitious, but the online negotiations and the need to achieve consensus had led it to revert to agreed language from the previously adopted resolution. The discussions on cybercrime and the use of information and communications technology for criminal purposes had revealed a significant divergence of views among Member States. Nevertheless, the draft resolution reflected important developments in that area, such as the establishment of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes and the modalities established under General Assembly resolution [75/282](#).

31. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Algeria, Andorra, Angola, Argentina, Australia, Bahamas, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Egypt, El Salvador, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, India, Ireland, Israel, Jamaica, Japan, Jordan, Kenya, Latvia, Lebanon, Libya, Lithuania, Luxembourg, Malta, Montenegro, Morocco, North Macedonia, Norway, Palau, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland and United States of America.

32. He then noted that the following delegations also wished to become sponsors: Afghanistan, Antigua and Barbuda, Congo, Djibouti, Dominican Republic, Ghana, Guinea, Mali, Mexico, Namibia, Sao Tome and Principe, Senegal, Uruguay and Zambia.

33. **Mr. Gómez Robledo Verduzco** (Mexico) said that, during the consultations on the draft resolution, no country had denied the links among firearms-related violence, organized crime and the irresponsible manufacturing and distribution of small arms and light weapons. His delegation was therefore surprised and dismayed that the text of the draft resolution differed from that which had been agreed during the negotiations and that delegations had not been consulted in that regard by the facilitator. It was disappointing that consensus had been achieved at the expense of good faith negotiations. Despite the agreements reached, the delegation of a country that manufactured and traded in firearms had employed inappropriate tactics that were contrary to the spirit of multilateralism with the aim of giving priority to the interests of its arms industry over the lives of the millions of people affected by firearms-related violence. The role and responsibilities of the industry and the private sector should be addressed with a view to preventing illicit business practices and the illicit manufacturing of and trafficking in firearms and ammunition. Effective procedures also needed to be developed to prevent and stop firearms-related violence. His delegation was grateful to all the other countries with arms industries that had engaged openly and been willing to acknowledge the reality.

34. **Mr. Reed** (United Kingdom) said that his delegation had sponsored the draft resolution as a public reaffirmation of his country’s strong commitment to crime prevention and criminal justice programmes and to indicate its satisfaction with the progress made in the past year. The United Nations played a vital role in tackling the increasingly complex international criminal threats facing all societies. The United Kingdom was a proud leader in many of the policies discussed in the draft resolution and had made great strides in tackling online violence against women and girls, child sexual exploitation and abuse, and cybercrime. His Government had recently funded a project with the United Nations Office on Drugs and Crime to develop a strategy toolkit to enable policymakers to create or enhance national strategies against organized crime.

35. It was disappointing that some States had sought to undermine the significance of the problem by focusing on their own national prerogatives, rather than on the criminals committing cybercrime. During the forthcoming negotiations on a United Nations convention, his delegation would argue the need for a robust legal framework that focused on strengthening cooperation to tackle the growing threat posed by criminal activity to citizens, businesses and Governments. The United Kingdom was unwavering in its commitment to confronting criminality and ensuring

a fair criminal justice system. His delegation was pleased that text from the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law relating to cooperation in the transfer of prisoners had been included in the draft resolution.

36. *Draft resolution A/C.3/76/L.9/Rev.1 was adopted.*

37. **Mr. Bulgaru** (Russian Federation) said that, throughout the negotiations, his delegation had called for outdated concepts not to be used in the draft resolution. For example, the term “cybercrime” had been used even though the wording “use of information and communications technologies for criminal purposes” had long been used in discussions on international information security, General Assembly resolutions on combating information crime, including ones that had been adopted by consensus, and the titles of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purpose and the relevant agenda item allocated to the Third Committee. Unlike “cybercrime”, such wording covered not only computer crimes, but also ordinary crimes committed using information and communications technologies.

38. In paragraph 63 of the draft resolution, Member States were called upon to take actions “to create a secure and resilient cyberenvironment”, but the approved wording used in discussions on international information security and all the consensus reports of the Open-ended Working Group on Developments in the Field of Information and Telecommunications in the Context of International Security and the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security was “to create an open, secure, stable, accessible and peaceful information and communications technology environment”.

39. Paragraph 6 of the draft resolution contained the controversial, inaccurate assertion that the United Nations Convention against Transnational Organized Crime was the most important tool for fighting cybercrime. The Convention did not in fact cover the issue of the use of information and communications technologies for criminal purposes or the actions of lone hackers and the criminalization and degree of punishment of such actions. The Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes was currently developing a specialized convention that would cover all aspects of that matter.

40. **Ms. Arab Bafrani** (Islamic Republic of Iran) said that her delegation dissociated itself from paragraph 52 of the draft resolution owing to the references to a non-United Nations initiative to which her country was not a party, namely, the Financial Action Task Force.

41. **Ms. Xu Daizhu** (China) said that the adoption of the draft resolution by consensus would help countries to forge synergies to promote international cooperation in preventing and combating crimes in a more efficient and orderly manner. During the consultations on the draft resolution, some Member States, including China, had proposed that, in line with General Assembly resolution 75/282 on countering the use of information and communications technologies for criminal purposes, relevant wording related to cybercrime should be updated. Such an approach was consistent with the established practice and had therefore garnered the support of many Member States. Regrettably, the current text contained the previous wording and failed to reflect the most recent consensus of Member States on that issue. All parties should participate in consultations in an objective, open and constructive manner.

42. **Ms. Brisbane** (Australia) said that, with lives moving increasingly online in the wake of the COVID-19 pandemic, the growing threat of cybercrime had become even more pernicious. In the discussions on the draft resolution, some States had unfortunately sought to promote their national agendas by departing from consensus-based terminology that had been widely accepted by the international community on many occasions. A good faith, consensus-based approach to international cooperation on cybercrime would be particularly important in the forthcoming negotiations on a treaty on that matter. Her delegation looked forward to engaging in a broad-based exchange of views during those negotiations and would focus on practical steps to combat cybercriminals more effectively.

Agenda item 74: Promotion and protection of human rights (*continued*) (A/C.3/76/L.56/Rev.1)

Draft resolution A/C.3/76/L.56/Rev.1: The human rights to safe drinking water and sanitation

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

44. **Ms. Leendertse** (Germany), introducing the draft resolution also on behalf of Spain, said that a new paragraph 9 should be added to the draft resolution, reading: “Calls upon Member States, in order to effectively respond to and achieve sustainable, inclusive and resilient recovery from health crises such as the COVID-19 pandemic and their consequences, to

urgently, inter alia, enhance efforts to realize the human rights to safe drinking water and sanitation, as well as ensure access to handwashing and hygiene, and, by 2030, implement integrated water resources management, at all levels, including through collaborative approaches, in order to ensure a sustainable supply of water for life, agriculture and food production and other ecosystem services and other benefits.”

45. The COVID-19 pandemic had highlighted the urgent need to increase access to adequate water and sanitation services, not least to prevent the emergence and spread of infectious diseases. The effects of climate change and the intensity of natural disasters across the world had also underlined the need to accelerate efforts to mitigate and reduce vulnerability to climate change, including through water and sanitation systems. The draft resolution was instrumental in strengthening the human rights to safe drinking water and sanitation for all, including women and girls and people in vulnerable situations.

46. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Bahamas, Bangladesh, Belize, Burkina Faso, Cabo Verde, Dominican Republic, El Salvador, France, Georgia, Greece, Haiti, Hungary, Kiribati, Lebanon, Lesotho, Madagascar, Malaysia, Mexico, Micronesia (Federated States of), Morocco, Namibia, Norway, Palau, Papua New Guinea, Peru, Poland, Qatar, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Serbia, Singapore, Slovakia, Solomon Islands, Tajikistan, Thailand, Togo, Tunisia, Tuvalu, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of).

47. He then noted that the following delegations also wished to become sponsors: Djibouti, Egypt, Ghana, Guinea, Malawi, Maldives, Mali, Niger, Nigeria, Republic of Korea, Sao Tome and Principe, Sierra Leone, South Africa and Zambia.

48. **Ms. White** (United Kingdom) said that the human rights to safe drinking water and sanitation were critical elements of the right of everyone to an adequate standard of living. Achieving universal and equitable access to water and sanitation by 2030 would contribute to achieving other Sustainable Development Goals, such as those related to health, gender equality and poverty eradication. The availability of safe and sustainable drinking water, sanitation and hygiene services in households, schools, health-care facilities and public places was critical to ensuring a sustainable, inclusive

and resilient recovery from the COVID-19 pandemic and preparing for future health crises.

49. A four-fold acceleration was needed to achieve universal and equitable access to water and sanitation by 2030. Data of the Joint Monitoring Programme for Water Supply, Sanitation and Hygiene consistently highlighted the need to address inequalities in access for vulnerable and disadvantaged groups. Women and girls continued to bear the burden of inadequate services, which limited their enjoyment of other rights. To realize the rights to safe drinking water and sanitation, the challenges of climate change must be addressed. International cooperation, data and collaboration on achieving Sustainable Development Goal 6 would help to preserve water resources and increase their sustainable use for drinking water and sanitation for agriculture and food production and other ecosystem services.

50. *Draft resolution A/C.3/76/L.56/Rev.1, as orally revised, was adopted.*

51. **Mr. Salah** (Libya) said that his delegation had always joined the consensus on the draft resolution and had joined the list of sponsors, given the extreme importance of its subject matter. However, the current draft resolution contained language that was not the product of consensus. Libya was compelled to express reservations in particular to the reference to “sexual and reproductive health-care services” in preambular paragraph 22. The delegation of Libya viewed that reference in a manner aligned with its national legislation and stressed that such matters must always be governed solely by national legislation set by each society in line with its religious and cultural norms.

52. **Ms. Asgedom** (Ethiopia) said that water scarcity and the underdevelopment of water infrastructure were the causes of several social, economic and political challenges in Africa, and the COVID-19 pandemic had accentuated those deep-seated vulnerabilities.

53. The draft resolution was of paramount importance, and its content should be unambiguous and free from any controversial elements, including the issue of transboundary water resources. Regarding the reference in the thirty-fourth preambular paragraph to “international water law, including international watercourse law”, Ethiopia did not recognize the existence of such a body of law at the global or regional level. The existing international conventions and frameworks for regional cooperation did not warrant such a broad reference in a General Assembly resolution, and her delegation did not see the need to create such a caveat for international cooperation. Her delegation’s joining of the consensus on the draft

resolution should not be construed as its acceptance of such a body of international law.

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

55. **Ms. Alalawat** (Bahrain), speaking also on behalf of Egypt, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, said that their delegations had joined the consensus on the draft resolution out of their conviction that safe drinking water was an important issue. However, they viewed the reference in preambular paragraph 22 to “sexual and reproductive health-care services” and other controversial and unclear language in the draft in the light of their own national legislations and religious and cultural values.

56. **Ms. Arab Bafrani** (Islamic Republic of Iran) said that the human rights to safe drinking water and sanitation, as components of the right to an adequate standard of living, were essential for the full enjoyment of the right of everyone to life. Her delegation wished to dissociate itself from paragraph 5 (a) and (m) of the draft resolution, owing to the wording related to individuals who were marginalized on the grounds of gender and individuals who were vulnerable or marginalized, which was not agreed language.

57. **Mr. Abdoulaye Diallo** (Senegal) said that water management and access to water were of paramount importance to his country and had been among its top priorities when it had been a member of the Security Council, in particular in the context of the promotion of water diplomacy. The rights to drinking water and sanitation should be genuine rights for all. Ensuring equitable access to high-quality sanitation should be of

the utmost concern. His delegation did not support the inclusion of the concept “sexual and reproductive health” in the final text and would have preferred “reproductive health care”, which reflected a holistic understanding of the term.

58. **Ms. Korac** (United States of America) said that her delegation wished to reiterate its understandings on the topic as expressed previously at the General Assembly and the Human Rights Council. Her delegation had joined the consensus on the draft resolution on the understanding that it did not alter the current state of conventional or customary international law or imply that States must implement obligations under human rights instruments to which they were not a party. Her delegation understood the human rights to water and sanitation to be derived from economic, social and cultural rights under the International Covenant on Economic, Social and Cultural Rights. The United States was not a party to that Covenant, and the rights contained therein were not justiciable in the United States.

59. With regard to the references in the draft resolution to the 2030 Agenda, economic, social and cultural rights, and technology transfers, her delegation had addressed its concerns in a statement delivered at the 7th meeting (see [A/C.3/76/SR.7](#)).

60. The United States disagreed that safe drinking water and sanitation were inextricably linked to the right to life as understood under the International Covenant on Civil and Political Rights and did not believe that the legal duty of a State to protect the right to life entailed that it must address general conditions that could threaten life or affect standard of living.

61. **Monsignor Hansen** (Observer for the Holy See) said that his delegation welcomed the recognition in the draft resolution of the importance of safe drinking water and sanitation, in particular for those who continued to lack access to them at home, and the focus on needs that were often overlooked, such as reliable, accessible and secure access to water and sanitation for women and girls, persons with disabilities and persons living in refugee camps. Integral human development could not be achieved without meeting, in a sustainable, environmentally responsible way, the needs of the estimated 2 billion people who lacked access to safely managed drinking water services and the 3.6 billion who lacked access to safely managed sanitation services.

62. The Holy See considered the term “sexual and reproductive health-care services” and related terms to apply to a holistic concept of health. It did not consider abortion, access to abortion or access to abortifacients to be covered by that term. The Holy See understood the

term “gender” to be grounded in biological sexual identity and difference.

(a) Implementation of human rights instruments
(A/C.3/76/L.53/Rev.1)

Draft resolution A/C.3/76/L.53/Rev.1:

Implementation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto: participation

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

64. **Mr. Hawke** (New Zealand), introducing the draft resolution also on behalf of Mexico, said that the focus of the draft resolution was participation in decision-making processes. Ensuring the full, equal and meaningful participation of persons with disabilities in decision-making processes in all areas of public life, including through improved accessibility, equal employment opportunities and enhanced data collection, was essential to realizing international obligations and ensuring that everyone had the chance to have their views considered. Reducing the barriers and addressing the discrimination faced by persons with disabilities was critical to achieving equality for all.

65. While those delegations had hoped to achieve more consensus, including in relation to the rights of women and girls with disabilities, they were pleased that new wording on the impact of the COVID-19 pandemic had been included in the draft resolution and were grateful to Member States for their commitment to addressing the disproportionate impact of the pandemic on persons with disabilities and ensuring an inclusive approach to all response and recovery efforts. Their delegations were also pleased that the important work of the United Nations system had been acknowledged in relation to persons with disabilities, including the United Nations Disability Inclusion Strategy and the Steering Committee on Accessibility.

66. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Andorra, Argentina, Bahamas, Botswana, Burkina Faso, Cabo Verde, Chile, Croatia, Czechia, Dominican Republic, El Salvador, Estonia, France, Georgia, Greece, Guatemala, Hungary, India, Ireland, Israel, Jamaica, Japan, Jordan, Kenya, Latvia, Lebanon, Lithuania, Luxembourg, Madagascar, Malta, Montenegro, Morocco, Namibia, Palau, Papua New Guinea, Peru, Philippines, Poland, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Spain, Switzerland, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland,

Uruguay, Venezuela (Bolivarian Republic of) and Zambia.

67. He then noted that the following delegations also wished to become sponsors: Bangladesh, Congo, Djibouti, Ghana, Guinea, Maldives, Mali, Niger, Nigeria, Republic of Korea, Sao Tome and Principe, Togo and Uganda.

68. **Mr. Bulgaru** (Russian Federation) said that his country was actively and steadily working to improve the situation of persons with disabilities. Further efforts were required to provide those persons with the necessary amount of support and assistance. While his delegation supported the adoption of the draft resolution, the inclusion therein of modified wording based on the Convention on the Rights of Persons with Disabilities could not be considered to supplement or modify the obligations assumed by States upon ratification of that Convention.

69. *Draft resolution A/C.3/76/L.53/Rev.1 was adopted.*

70. **Ms. Hassan** (Egypt) said that although her country emphasized its respect for its obligations under the Convention on the Rights of Persons with Disabilities, it wished to express reservations concerning the references in the eighteenth preambular paragraph and paragraphs 10 and 28 of the text to “intersecting forms of discrimination”. That formulation did not have a clear meaning, in contrast to the expression “all forms of discrimination”, which was comprehensive and agreed by consensus.

71. **Ms. Nassrullah** (Iraq) said that her delegation dissociated itself from the phrase “multiple and intersecting forms of discrimination” in the eighteenth preambular paragraph and paragraphs 10 and 28 of the draft resolution, owing to its ambiguity and the lack of a specific definition thereof. It would have been preferable to use other terminology that had been agreed by consensus and was more inclusive, such as “all forms of discrimination”.

72. **Ms. Korac** (United States of America) said that advancing the participation of persons with disabilities in decision-making processes, including those related to COVID-19 response and recovery efforts, was a critical objective. Her delegation welcomed the references in the draft resolution to a rights-based approach to disability and to the United Nations Disability Inclusion Strategy. It was regrettable that stronger wording on advancing the human rights of women and girls with disabilities had not been included. The phrase “multiple and intersecting forms of discrimination” was long-standing agreed language across the United Nations.

73. **Ms. González** (Argentina) said that the participation of persons with disabilities and their representative organizations in decision-making processes was crucial for those persons to be able to fully enjoy all their human rights and fundamental freedoms on an equal basis with others. Her delegation welcomed the focus on human rights from a gender-sensitive and intersectional perspective. It emphasized the importance of gender equality and the empowerment of women and girls in making progress towards all the Sustainable Development Goals and the implementation of the Convention on the Rights of Persons with Disabilities, and welcomed the recognition in the text of the intersection between older age and disability and the specific challenges linked to accessibility for older persons with disabilities, especially those faced by older women with disabilities.

74. **Mr. Ghazali** (Malaysia) said that his Government had adopted an integrated approach to ensure that persons with disabilities were included in the response to and recovery from the COVID-19 pandemic and that various types of welfare assistance for those persons remained uninterrupted. During the pandemic, partnerships between government agencies and civil society organizations had been encouraged and enhanced with the objective of assisting persons with disabilities. In line with the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific, his Government promoted programmes to raise awareness of the rights of persons with disabilities among the public and service providers.

75. Concerned that the draft resolution and other draft resolutions considered by the Committee used phrases and terminology that did not constitute agreed language, his delegation wished to express its reservations on and dissociate itself from the phrase “multiple and intersecting forms of discrimination”.

76. **Ms. Arab Bafrani** (Islamic Republic of Iran) said that her Government had contributed to the realization of the rights of persons with disabilities by adopting an Act on the protection of their rights, drafting a national strategy on the prevention of discrimination against them and making public spaces and facilities accessible to them. An Act establishing a quota of 3 per cent for the employment of persons with disabilities in governmental departments had also been approved.

77. Her delegation did not accept and dissociated itself from the phrase “multiple and intersecting forms of discrimination” because it was not agreed language.

78. **Monsignor Hansen** (Observer for the Holy See) said that his delegation welcomed the recognition in the draft resolution of the disproportionate impact of the

COVID-19 pandemic on persons with disabilities and the call for their inclusion in all stages of policymaking and decision-making related to the COVID-19 response and recovery. It also commended the focus on ensuring that such persons had access to health care, especially COVID-19 vaccines, and to effective and accessible national protective measures. It was regrettable that the draft resolution contained wording about discrimination that was ambiguous and lacked a common understanding among delegations. The long-standing paragraph about the contribution of family members to the full and equal enjoyment by persons with disabilities of their human rights had thankfully been retained, despite attempts to dilute or remove it.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/C.3/76/L.7/Rev.1)

Draft resolution A/C.3/76/L.7/Rev.1: Countering disinformation for the promotion and protection of human rights and fundamental freedoms

79. **The Chair** drew attention to the statement of programme budget implications contained in document [A/C.3/76/L.66](#).

80. **Mr. Akram** (Pakistan), introducing the draft resolution on behalf of the sponsors listed in the document, said that his Government was committed to countering the virus of disinformation by all possible means. Advances in information technology and telecommunications had provided the purveyors of disinformation with the means to distort reality and the truth in ways that could defy even close examination. The proliferation of disinformation across the world was exacerbating social discord, discrimination, hate speech, stigmatization and racism, xenophobia, Islamophobia and related intolerance, all of which had been further exacerbated by the COVID-19 pandemic. The draft resolution highlighted the negative impact of the rapid spread of disinformation on the enjoyment of human rights and fundamental freedoms and the responsibility of online platforms, including social media companies, to ensure that their commercial objectives did not undermine human rights.

81. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Algeria, Azerbaijan, Belarus, Burkina Faso, Cameroon, China, Morocco, Nigeria, Qatar, Saudi Arabia, South Africa, Syrian Arab Republic and Venezuela (Bolivarian Republic of).

82. He then noted that the following delegations also wished to become sponsors: Congo, Cuba, Djibouti, Egypt, Guinea, Jordan and Uganda.

83. *Draft resolution A/C.3/76/L.7/Rev.1 was adopted.*

84. **Mr. Malovrh** (Slovenia), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro, North Macedonia and Serbia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that, given that it was the first time that the draft resolution had been introduced, it was imperative that the text be carefully balanced and focus on disinformation within the proper framework of international human rights law. The proposals put forward by the European Union throughout the negotiations had been aimed at maintaining a clear focus on disinformation, ensuring that measures to address disinformation were in line with the international obligations of States to protect freedom of expression and other human rights, and making a distinction between disinformation and other issues, including those related to religious intolerance and the freedom of religion or belief.

85. While the European Union was grateful that several of its concerns had been accommodated, additional language on the promotion and protection of human rights while addressing disinformation would have made the text more balanced. Regrettably, it had not been possible to reaffirm, clearly and unambiguously, the positive role of freedom of expression and freedom of information in strengthening democracy and addressing disinformation by deleting the word “can” in the eighth preambular paragraph of the draft resolution. Freedom of expression, freedom of information and independent and free media were the cornerstones of democracy.

86. **Mr. Kuzmenkov** (Russian Federation) said that the exercise of the right to freedom of expression carried with it special duties and responsibilities that were essential to upholding the rights of others and protecting national security, public order and public health and morals. The scale of the spread of disinformation and the manipulation of public opinion around the world was alarming. Social media platforms were being used widely to spread ideas based on racial or ethnic superiority and to incite hatred and violence on the grounds of race, skin colour, nationality or ethnicity. Global information technology companies often did not take into account the laws of the countries in which they were operating and set their own rules for sharing content on their platforms, inevitably leading to the accounts of

individuals and entities to be blocked at their discretion, the arbitrary moderation of content and a lack of effective measures to remove prohibited materials promoting hatred, discrimination, violence, extremism and terrorism, Christianophobia, Islamophobia and antisemitism. All Governments must join efforts with civil society and the information technology industry to combat the use of the Internet and the media space to spread disinformation.

87. **Mr. Magosaki** (Japan) said that transparency was the necessary first step in coping with the COVID-19 pandemic, which was posing a serious challenge of disinformation.

88. Member States had been told during the consultations on the draft resolution that it would not give rise to programme budget implications but had then been informed otherwise after close of business the previous day. Such an oversight was unacceptable. Transparent and inclusive consultations were an integral part of ensuring the core values and principles of the General Assembly. Any additional costs or programme budget implications associated with a draft resolution must be discussed during the consultations.

89. **Mr. Elizondo Belden** (Mexico) said that the topic of the draft resolution was of paramount importance, especially in the context of the COVID-19 pandemic, during which disinformation had claimed lives. His delegation would however have welcomed more exchanges on the draft resolution to be able to sufficiently cover all the elements of the text, given that it was brand new. It had advocated the inclusion of hate speech, which, although a distinct phenomenon, clearly fed into disinformation, especially online, and welcomed the recognition of the United Nations Strategy and Plan of Action on Hate Speech.

90. His delegation understood the fifteenth preambular paragraph of the draft resolution to reaffirm that the same human rights that applied offline also applied online. Mexico rejected any attempt to limit the freedom of expression or to infringe privacy rights. It was the responsibility of Governments to foster greater collaboration with interested parties to prevent, mitigate and address disinformation.

91. **Mr. Van de Maele** (Canada) said that disinformation should be countered with independent, factual and evidence-based information while respecting human rights and fundamental freedoms, including freedom of expression and the right not to be subjected to arbitrary or unlawful interference with privacy or correspondence. A strong democracy relied on members of society having access to diverse and reliable sources of news and information to enable them

to form opinions, hold Governments and individuals to account and participate in public debate.

92. His Government's approach to addressing disinformation while protecting freedom of expression was grounded in the protection and promotion of human rights online and offline. Canada supported freedom of expression, especially for women and girls and other at-risk groups, in international forums and was leading an effort to have that issue placed back on the agenda of the Human Rights Council. Canada was a member of the Freedom Online Coalition and a signatory to the Christchurch Call to eliminate terrorist and violent extremist content online.

93. In the digital age, especially in the context of the COVID-19 pandemic, democracy required digital inclusion, with full and meaningful access to and use of digital technology and the Internet. Canada welcomed an international dialogue on best practices for countering disinformation and the call of the Secretary-General for the promotion of information integrity in all public spheres. Such work must be conducted in a collaborative manner and allow sufficient time for discussion and consensus-building among States, with the valuable input of civil society and industry.

94. **Mr. Hill** (United States of America) said that countering disinformation required a holistic, human rights-based approach that fostered collaboration across Governments, independent media, civil society, academia and the private sector. In their efforts to counter disinformation, States must respect their international human rights obligations and commitments, especially freedom of expression. Such efforts must not result in inadvertent abuse or violation of human rights and fundamental freedoms, including freedom of expression online and offline. Particular attention should be paid to the impact of disinformation on vulnerable populations and the targeting of women and girls and other marginalized groups.

95. His delegation understood the references in the fourteenth preambular paragraph and paragraph 6 of the draft resolution to the "right to privacy" to mean the protections set forth in article 17 of the International Covenant on Civil and Political Rights.

96. **Ms. White** (United Kingdom) said that her country recognized the need for careful multilateral consideration of disinformation and its potential impact on the enjoyment of human rights. The fabrication and manipulation of content to polarize societies, undermine public health messages and sow hostility were of concern. The international human rights framework provided safeguards for addressing those challenges while fully complying with obligations. Campaigns

against disinformation must never be used as a pretext for undermining free speech, which was essential to human rights and the functioning of a democratic society.

97. The United Kingdom had joined the consensus on the draft resolution on the basis that it would be a one-time resolution. Her delegation was disappointed at the manner in which the consultations had been conducted, falling short of a transparent and collaborative approach, and at certain elements of the final text, which did not properly reflect different perspectives. Her delegation was concerned that paragraph 11 overreached into the private sector and would have preferred to "encourage" rather than "call upon" online platforms to adopt content and advertising policies on countering disinformation. Her delegation would be grateful for clarification from the Secretariat on which entity would write the report mandated in the draft resolution. Lastly, a clearer focus could have been maintained on the impact of disinformation on the enjoyment of human rights; a clear distinction could have been made between disinformation and other issues, including hate speech; and stronger wording on the importance of promoting and protecting human rights while addressing disinformation could have been included to balance the text.

98. **Ms. Brisbane** (Australia), speaking also on behalf of Iceland, Liechtenstein, New Zealand, Norway and Switzerland, said that greater international collaboration was needed to combat disinformation. In efforts to address that important issue, human rights, including the right to freedom of opinion and expression both online and offline, must be respected. State sovereignty could not be used to shield a country from scrutiny of its behaviour towards those within its borders.

99. The text of the draft resolution needed to be carefully balanced and focus on combating disinformation within the framework of international human rights law. The manner in which the draft resolution had been facilitated was disappointing. The introduction of the draft resolution had been premature, and ample time should have been left for a second reading of the text in open consultations to help to ensure transparency and build cooperation and dialogue. Regrettably, not all concerns had been addressed. Additional language on the promotion and protection of human rights while combating disinformation would have made the text more balanced. The freedoms of opinion, expression and information, in addition to independent and free media, were essential components of democracies, and it was regrettable that the eighth preambular paragraph, for example, did not reflect that clearly and unambiguously.

100. **Ms. Gebrekidan** (Eritrea) said that her delegation was grateful to the delegation of Pakistan for facilitating the draft resolution in an open and transparent manner. The increasing instances of disinformation aimed at achieving political objectives were a growing threat to countries and people around the world. In the Horn of Africa, disinformation was fuelling and exacerbating existing conflicts and contributing to the destabilization of the region.

101. Her delegation welcomed the fact that areas of concern relevant to the issue of disinformation, such as incitement to discrimination or violence and hate speech, had been addressed in the draft resolution. It also welcomed the reaffirmation of the fact that the exercise of the right to freedom of expression carried with it special duties and responsibilities. The spread of disinformation had a serious negative impact on the full enjoyment of human rights and undermined the promotion of peace and cooperation. Countering disinformation was therefore an important aspect of protecting human rights. Her delegation supported the affirmation of the responsibility of States to counter disinformation and the call to do so through policy measures.

102. **Mr. Baror** (Israel) said that it was vital to counter disinformation, given that it had grave effects on the enjoyment of human rights and fundamental freedoms. Nevertheless, his delegation had serious concerns about the approach taken by the facilitators to addressing that issue. While many of his delegation's concerns had been addressed in the final text, many others had not. The consultations process had left a lot to be desired in terms of coherence, inclusiveness and transparency.

103. **Monsignor Hansen** (Observer for the Holy See) said that, although misinformation had been a long-standing challenge in both national and international contexts, the advent of broader access to and the wider societal role of online and social media required new awareness and measures. The recognition of misinformation's potential and real-world effects should serve as an incentive for greater responsibility.

104. The draft resolution was closely connected with the issues of discrimination, freedom of expression, privacy and hate speech. The ongoing discussions and disagreements among States on those issues pointed to an unfortunate lack of shared understanding of the broader issues at stake, including the protection of the right to freedom of opinion and expression, the right to seek, receive and impart information, the right to freedom of assembly and association and the right to privacy, all of which were inextricably linked to the right to freedom of religion or belief.

105. **Mr. Pilipenko** (Belarus), speaking in exercise of the right of reply, said that the statement made by the European Union was an excellent example of disinformation. At the behest of certain neighbours of Belarus, the European Union was trying to blow the situation out of proportion and save face. While some neighbours of Belarus had been thinking about how best to exploit the migration situation to serve their political interests and drain as much money as possible from the budget of the European Union by coming up with new false stories about the situation on the borders, his Government had been seeking to examine and resolve the issue. It was maintaining contacts with all interested organizations of the United Nations system, in particular the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration, and had engaged the Belarusian Red Cross, organized the delivery of humanitarian assistance and granted access to the media and non-governmental organizations.

106. Having examined the pathways and patterns of organized migration, Belarus knew, as did its neighbours, that the real organizers of the migration flows were citizens of Poland and Lithuania and their accomplices in other countries. The situation could have been resolved long ago, but the repeated requests of his country to engage in consultations with its neighbours unfortunately remained unanswered. Despite the fact that the European Union had accepted about 500,000 migrants in the past year, 3,000 migrants had suddenly become a problem requiring the introduction of a state of emergency, the deployment of troops and the brutal treatment of the migrants, among whom were pregnant women and children.

107. All the false statements of the European Union and its member States on the subject of migration would remain forever in the archives of the United Nations and become a kind of monument to foreign policy cynicism and the manipulation of migration. The backyard of the European Union was already full of such monuments. Brussels should reflect on that, rather than searching for and creating new reasons to attack Belarus.

The meeting rose at 5.10 p.m.