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Chair: Mr. Doualeh (Djibouti)

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The meeting was called to order at 10.10 a.m.

Agenda item 28: Social development (continued)
(A/C.3/76/L.12/Rev.1)

Draft resolution A/C.3/76/L.12/Rev.1: Inclusive policies and programmes to address homelessness, including in the aftermath of the coronavirus disease (COVID-19)

1. **Mr. Mahmassani** (Secretary of the Committee) said that, pursuant to the request contained in paragraph 22 of the draft resolution, it was envisaged that a report would be developed in 2023 as a close collaboration between the United Nations Human Settlements Programme (UN-Habitat) and the Department of Economic and Social Affairs. Under the leadership of UN-Habitat, each entity would conduct research and contribute to the development of the report within its areas of expertise.

2. The Department of Economic and Social Affairs would conduct focused research on the particular challenges faced by disadvantaged social groups, such as indigenous peoples, older persons, persons with disabilities and youth. It would also provide recommendations for possible indicators of social protection in the aftermath of COVID-19. To conduct that work, the Department would require general temporary assistance from a social development specialist at the P-3 level for four months.

3. UN-Habitat would conduct desk research to map the policies and programmes in place to address homelessness and assess progress and challenges in that area and would recommend indicators on access to housing for all. It would also organize an online consultation meeting with a range of relevant stakeholders, allowing for an open peer review to validate the joint research findings of UN-Habitat and the Department of Economic and Social Affairs. Relevant stakeholders would also validate the recommendations on possible indicators. To conduct that work, a housing specialist consultant would be required for six months.

4. To implement that mandate, the Department for General Assembly and Conference Management would be required to produce one pre-session document with a word count of 8,500 words in all six languages in 2023. Additional resource requirements for documentation would therefore arise in 2023.

5. Should the General Assembly adopt the draft resolution, additional requirements in the amount of \$155,700 would arise in 2023, comprising \$27,100 under section 2, on General Assembly and Economic and Social Council affairs and conference management,

\$59,600 under section 9, on economic and social affairs, and \$69,000 under section 15, on human settlements, of the programme budget for 2023. Those requirements would be included in the proposed programme budget for 2023 for the consideration of the General Assembly at its seventy-seventh session.

6. Additional resource requirements in the amount of \$10,400 would be included in the proposed programme budget for 2023 under section 36, on staff assessment, which would be offset by an equivalent increase under income section 1, on income from staff assessment.

7. **Ms. Andriamiarisoa** (Madagascar), introducing the draft resolution on behalf of the Group of African States, said that many persons around the world faced increasing vulnerability as a result of factors such as precarious or inadequate housing, food insecurity, inequality, poverty, violence and a lack of access to safe drinking water. People experiencing or at risk of homelessness were disproportionately affected by serious health concerns, as they were often at risk of contracting communicable diseases, such as COVID-19.

8. Homelessness was rooted in multiple, complex and interrelated causes, and it needed to be addressed in line with the vision of leaving no one behind. The draft resolution recognized that, as the world entered a period of post-pandemic reconstruction, homelessness issues should also be taken into account as part of both the fight against the virus responsible for COVID-19 and the implementation of recovery plans. The Group invited all delegations to support the text in order to give a strong signal that homelessness, as a global concern, was being addressed at the highest level of the General Assembly.

9. Through the draft resolution, the Group hoped to raise awareness of the main causes of homelessness and of possible methods for coping with the different categories of homelessness in a holistic manner. More actions should be taken to tackle the structural drivers of homelessness, such as poverty, the loss of housing and livelihood, a lack of decent job opportunities, limited access to affordable housing and a lack of social protection. The text also addressed personal aspects of homelessness and invited Member States to strengthen policies by promoting wider medical and psychosocial support services and mental health programmes.

10. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Antigua and Barbuda, Bangladesh, Brazil, China, Costa Rica, Cuba, India, Indonesia, Lebanon, Saudi Arabia, Thailand and Venezuela (Bolivarian Republic of).

11. He then noted that the following delegations also wished to become sponsors: Belize, Haiti, Pakistan, Timor-Leste, Trinidad and Tobago and Viet Nam.

12. *Draft resolution A/C.3/76/L.12/Rev.1 was adopted.*

13. **Mr. Malovrh** (Slovenia), speaking on behalf of the European Union and its member States, said that swift action was needed to tackle rising homelessness, which was one of the most extreme forms of social exclusion. The European Union and its member States had recently launched the European Platform on Combating Homelessness in order to trigger dialogue, facilitate mutual learning, improve evidence and monitoring and strengthen cooperation among all actors seeking to combat homelessness. Providing access to housing and assistance for the homeless was one of the principles of the European Pillar of Social Rights, and it was an imperative if the international community was serious about building a fair and inclusive society. The European Union and its member States therefore welcomed the initiative to create a draft resolution to tackle homelessness.

14. It was regrettable, however, that the final text did not live up to the shared ambition of combating homelessness, having failed to adopt a human rights-based approach to the issue. The European Union had engaged in the negotiations with a constructive spirit, presenting new language to strengthen the text, while also demonstrating flexibility and a readiness to accept compromises, and yet the final text did not represent the broad range of positions held on many issues and did not present a suitable balance.

15. The European Union had a strong preference for the term “persons experiencing homelessness” instead of “people experiencing homelessness”. Additionally, the text failed to consider the importance of menstrual hygiene for homeless women and girls, despite a lack of opposition to that issue. The European Union had also proposed language that had not been accepted on climate change, sexual and gender-based violence, health care services, civil rights and discrimination.

16. When presenting a new resolution, it was critical that enough time should be provided for in-depth consultations to avoid the risk of adopting resolutions that did not represent the ambitions, values and positions of the Committee. Despite those serious concerns, the European Union had joined the consensus on the draft resolution. It looked forward to working with all delegations to strengthen the text at the next opportunity.

17. **Mr. Hill** (United States of America) said that his country was pleased to join the consensus on the draft

resolution. His Government was committed to working on solutions to help eradicate homelessness. With regard to the references to economic, social and cultural rights and the 2030 Agenda for Sustainable Development contained in the draft resolution, he referred the Committee to his delegation’s general statement delivered on 5 November 2022 (see [A/C.3/76/SR.7](#)).

18. The United States interpreted references to the obligations of States as being applicable only to the extent that those States had assumed such obligations, in accordance with article 2(1) of the International Covenant on Economic, Social and Cultural Rights. The United States was not a party to the International Covenant; that instrument was therefore not binding on the United States and the rights that it contained were not justiciable as such in the courts of the United States. A wide array of possible policies and actions were available to countries for promoting the progressive realization of economic, social and cultural rights. Resolutions should therefore not try to define the content of those rights, or related rights, including those derived from other instruments.

19. His delegation had joined the consensus on the draft resolution with the express understanding that its reference to a right to adequate housing did not alter the current state of conventional or customary international law, which did not contain a stand-alone right to adequate housing. His delegation therefore understood the reference to a right to adequate housing in the draft resolution to be an abbreviated reference to the right to an adequate standard of living, including housing, as contained in the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights.

20. **Mr. Reed** (United Kingdom) said that her Government was committed to preventing and tackling homelessness, in particular throughout the COVID-19 pandemic, during which it had provided emergency accommodation and priority vaccines. It was vital that rough sleeping services and health services continued to work together to ensure that support was available where required.

21. While his delegation welcomed the inclusion of language in the draft resolution that encouraged States to improve access to affordable housing through integrated housing policies and social protection measures, it regretted that its proposals on paragraph 19 had not been accepted. Rent caps were not a solution to a lack of affordable housing. The Government of the United Kingdom did not support rent controls in the private rented sector as a means of setting limits on rent increases, as historical evidence suggested that such

controls would discourage investment in the sector and would lead to declining property standards, which would not help either landlords or tenants. Recent international examples also suggested that rent controls could have an inadvertent negative impact on the supply of housing and could encourage subletting.

22. It was also regrettable that the ill-defined term “integrated psychosocial support services” had been maintained in paragraph 13; the more inclusive term “integrated care and support” would have been preferable.

23. Lastly, his delegation regretted that it had had no opportunity to give proper consideration to the costs associated with commission of the Secretary-General’s report. The Secretariat should work collaboratively with concerned delegations after the adoption of the draft resolution to identify a more sensible and cost-effective approach. Notwithstanding those concerns, his delegation supported the draft resolution.

24. **Mr. Baror** (Israel), expressing his delegation’s appreciation for the transparency, inclusivity and thoroughness of the negotiation process, said that the draft resolution provided a solid foundation for addressing the issues of homelessness. Nonetheless, the draft resolution – and, by extension, efforts to address the needs of persons experiencing homelessness – would benefit from the inclusion of clear references to the groups and individuals who were most vulnerable and at the highest risk of experiencing homelessness, such as lesbian, gay, bisexual, transgender and intersex persons. It was time that the existence of those persons was acknowledged by the United Nations and its Member States and observers within the context of the draft resolutions adopted by the Committee. His delegation hoped that the issue would be remedied in the future.

25. **Ms. Allen** (Australia), speaking also on behalf of Canada, Iceland, Liechtenstein, New Zealand, Norway and Switzerland, said that, when addressing the issue of homelessness, it was essential for Member States to promote and protect the human rights of all persons.

26. While their countries were grateful that many of their proposals to strengthen the text had been taken on board, the text would have benefited from a strengthened focus on human rights – including the right to adequate housing – as well as gender and inclusion issues. In particular, language should have been included on addressing sexual and gender-based violence, ensuring access to health services and meeting the needs of particular groups at greater risk of discrimination. A greater focus should also have been placed on the overall nexus between homelessness and

human rights. In addition, the use of the term “persons experiencing homelessness” would have been preferable to the term “people experiencing homelessness”, as it emphasized the fact that human rights were held by individuals, not groups.

27. **Monsignor Hansen** (Observer for the Holy See) said that he welcomed the new impetus provided by the draft resolution towards combating homelessness. Addressing homelessness and supporting those affected by it were also key to eliminating poverty, hunger and exclusion.

28. The Catholic Church and numerous Catholic institutions and organizations around the world actively provided assistance and support to homeless persons in the form of shelter, clothing, food, and employment and housing support. The focus in the draft resolution on addressing the various socioeconomic drivers of homelessness at the individual, familial and societal levels was welcome. The Holy See hoped that the draft resolution would help States to develop policies and programmes to provide support to persons in vulnerable situations of homelessness.

29. While his delegation welcomed the fact that, during the negotiations, the facilitators had sought to minimize the use of controversial terms and language in the draft resolution, he reiterated that the Holy See understood the term “gender” to be grounded in biological sexual identity and difference, namely male or female.

Agenda item 29: Advancement of women (continued)

(b) Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly (A/C.3/76/L.65)

Draft resolution A/C.3/76/L.65: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

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

31. **Ms. Abraham** (Trinidad and Tobago), introducing the draft resolution, said that twenty-six years after its adoption, the Beijing Declaration and Platform for Action remained the most comprehensive and transformative global agenda for achieving gender equality and empowering all women and girls. The 2030 Agenda, and in particular Goal 5 of the Sustainable Development Goals, highlighted the centrality of gender equality in achieving meaningful progress across all

Goals and targets. Only through concerted efforts to ensure the full and accelerated implementation of those documents could gender equality and the Goals be achieved. The General Assembly must therefore continue to follow up on the implementation of the Platform for Action, including as it pertained to the work of the United Nations system and its intergovernmental processes.

32. *Draft resolution A/C.3/76/L.65 was adopted.*

33. **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 the European Union and its member States welcomed the adoption of the draft resolution. Many draft resolutions adopted during the current session, across all agenda items, included forward-looking recommendations on gender equality, thereby recognizing the need to put women and girls at the centre of all efforts through systematic gender mainstreaming and the implementation of gender-responsive strategies.

34. The European Union and its member States welcomed the recommendations included in several draft resolutions to promote and protect the role of civil society organizations, including feminist and women-led organizations, and women human rights defenders. They also welcomed the commitments made to combat multiple and intersecting forms of discrimination, which continued to affect women and girls in diverse situations and conditions, and to eliminate all forms of sexual and gender-based violence.

35. The European Union and its member States remained committed to the promotion, protection and fulfilment of all human rights and to the full and effective implementation of the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and the outcome documents produced at their review conferences. The European Union and its member States also reaffirmed their commitment to respecting and protecting the right of every individual to have full control over matters related to their sexuality and sexual and reproductive health without discrimination, coercion or violence. Lastly, the European Union and its member States underscored the need for universal access to quality and affordable comprehensive sexual and reproductive health information, education – including comprehensive sexuality education – and health-care services.

36. **Ms. Trejo Muncia** (Mexico), speaking also on behalf of Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Honduras, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Monaco, Morocco, Namibia, the Netherlands, New Zealand, North Macedonia, Norway, Peru, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and the European Union, said that the Generation Equality Forum had been a major global inflection point and the most important multi-stakeholder initiative for gender equality and the empowerment of women and girls. The landmark event had brought together Governments, civil society, corporations and change makers from around the world with the aim of defining and announcing ambitious investments and policies and implementing a road map for accelerating equality, leadership and opportunity for all women and girls worldwide.

37. **Mr. Samson** (France), speaking also on behalf of Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Honduras, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Monaco, Morocco, Namibia, the Netherlands, New Zealand, North Macedonia, Norway, Peru, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and the European Union, said that the Generation Equality Forum had fuelled a powerful and lasting coalition for gender equality. It had represented a vital moment in which activists, feminists, youth and allies had secured crucial financial investments of nearly \$40 billion with a view to achieving transformative change for generations to come.

38. The Forum had taken place at a critical moment; the COVID-19 pandemic had exacerbated existing gender inequities, and women in all their diversity were bearing the brunt of the economic and social fallout, with reports of rising sexual and gender-based violence,

as well as growing adverse economic impacts caused both by an increase in unpaid care and domestic work and by the overrepresentation of women in low-paid and informal employment and in many of the industries hardest hit by the pandemic. As the Secretary-General had noted, women had suffered most from the COVID-19 crisis. The Generation Equality Forum had provided a unique opportunity to address the situation.

39. The five-year commitments to action agreed at the Forum were built around the Global Acceleration Plan, which was a global road map for gender equality that aimed to fulfil the promise of the Beijing Declaration and Platform for Action and achieve the Sustainable Development Goals, with the involvement of every sector of society.

40. The recognition of those achievements in the draft resolution was welcome. He called on all Member States to join the collective effort to achieve generation equality and ensure that no woman or girl was left behind.

41. **Mr. Kuzmenkov** (Russian Federation) said that the draft resolution should have a broad scope and not, for example, focus on gender aspects in the functioning of bodies of the United Nations system. Although that was relevant, it was far from the most important aspect of gender equality. It was also regrettable that the only private final initiative referred to in the draft resolution was the Generation Equality Forum. The Eurasian Women's Forum, attended by representatives from over 100 States, was equally important and had yielded many practical outcomes. The Russian Federation considered the Beijing Declaration and Platform for Action to be the road map for improving gender equality and the opportunities of women and the draft resolution did not imply the need to revise it.

42. Despite the various concerns of his delegation, it had joined the consensus on the draft resolution. It hoped, however, that its comments would be taken on board in the drafting of future resolutions on the topic.

43. **Ms. Cedano** (Dominican Republic), speaking also on behalf of Albania, Andorra, Argentina, Australia, Austria, Belgium, Belize, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Monaco, Montenegro, Morocco, Namibia, Nepal, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, the

Republic of Moldova, Romania, Rwanda, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and the European Union, said that women and girls faced diverse and changing situations and conditions that required tailor-made responses. The international community needed to work together to design actions that were gender-responsive, anchored in respect for human rights and reached all persons concerned, especially those who were the most vulnerable and marginalized. The solutions to those issues were well known. Member States had all committed to addressing and eliminating multiple and intersecting forms of discrimination. That established concept, which had been included in many resolutions, promoted inclusivity and increased the visibility of discrimination of all forms to ensure that no one was left behind.

44. Member States had all committed to stopping sexual and gender-based violence and to ensuring universal access to sexual and reproductive health and reproductive rights. Those universally agreed concepts were clearly defined in the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the 2030 Agenda, as well as in a multitude of resolutions issued by the General Assembly, the Economic and Social Council and the Security Council.

45. Those concepts had been accompanied by considerable progress in recent decades, such as a significant decrease in the global maternal mortality rate. The COVID-19 pandemic had demonstrated that such progress was fragile, however, and that women and girls were the first to be affected by crises. Governments bore a responsibility to uphold their commitments and to take decisive action to build a more equal world for all women and girls.

46. **Mr. Hill** (United States of America) said that his delegation was pleased to note the inclusion in the draft resolution of stronger language on the empowerment of all women and girls and on efforts to integrate a gender perspective into the work of the General Assembly. His delegation also welcomed the inclusion of language reflecting the contributions of women and girls as agents of change and calling on United Nations entities to prevent, address and eliminate sexual harassment.

47. **Ms. Flores Tello** (Panama) said that her country remained committed to the full implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly. Gender equality and the

empowerment of women and girls were essential for attaining the Sustainable Development Goals.

48. Panama remained committed to achieving gender equality, having supported initiatives such as the Equal Pay International Coalition and having co-chaired the Organization for Economic Cooperation and Development Social Institutions and Gender Index. Panama was also a State party to the Convention on the Elimination of All Forms of Discrimination against Women. To empower women economically, the Government of Panama had approved a public policy to support employability and access to work among young women and socioeconomically vulnerable women. It had also adopted a national strategy for integrating girls and youth into science, technology, engineering and mathematics disciplines and a national strategy on female entrepreneurship, as well as an economic empowerment plan for indigenous women.

49. With technical support from the United Nations Entity for Gender Equality and the Empowerment of Women, Panama was implementing a road map for the construction of a national care system aimed at supporting female autonomy and participation, as well as the sharing of responsibilities between men and women. Recently, the National Council for Adolescent Mothers had published a new national intersectoral strategy which would lay the foundations for public policy on preventing and providing care for early pregnancies.

50. **Monsignor Hansen** (Observer for the Holy See), acknowledging that the COVID-19 pandemic continued to inhibit the usual working methods for informal consultations, said that the Holy See appreciated the efforts to focus the discussion on select paragraphs. Resolutions adopted by the General Assembly should focus on processes conducted, documents elaborated and events held under the auspices of the United Nations; processes, documents and events external to the United Nations should be mentioned in resolutions only where they were uncontroversial and would receive consensual support.

51. As Pope Francis had stressed, equality between men and women could not be achieved by the mere repetition of the fact that all men and women were equal; rather, it required conscious and careful efforts to advance that goal. His delegation welcomed the continued commitment of the international community in that regard, as reflected in the draft resolution.

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

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/76/L.25/Rev.1)

Draft resolution A/C.3/76/L.25/Rev.1: Rights of the child

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

53. **Mr. Amorín** (Uruguay), introducing the draft resolution on behalf of the Group of Latin American and Caribbean States and the European Union, said that the Sustainable Development Goals presented both a great challenge and an opportunity to improve understanding of the implementation of the Convention on the Rights of the Child within the framework of the 2030 Agenda. The draft resolution highlighted the link between the Goals and the rights set out in the Convention and reaffirmed the commitment at the heart of the 2030 Agenda to leaving no one behind, including children.

54. The aim of the draft resolution was to address the main factors related to the promotion, protection and respect of the rights of children with regard to access to education, health, food and nutrition, protection from different forms of violence and the right to be heard. The draft resolution would also help tackle other issues, such as the impact of climate change and the COVID-19 pandemic on children and the need to treat children involved, or allegedly involved, with armed groups as victims, in line with their best interests.

55. As it had not been possible to make reference to all Sustainable Development Goals or all articles of the Convention in the draft resolution, a holistic approach had been necessary in the drafting process, based on the understanding that, even though some of the Goals were not explicitly linked to the rights of the child, the commitments set out in the Convention could be upheld only through the comprehensive implementation of the 2030 Agenda.

56. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Andorra, Australia, Botswana, Canada, Iceland, Japan, Lebanon, Lesotho, Liechtenstein, Madagascar, Morocco, New Zealand, Norway, Republic of Korea, San Marino, Serbia, Switzerland, Thailand, Timor-Leste, Tunisia and United Kingdom of Great Britain and Northern Ireland.

57. He then noted that the Congo, Sao Tome and Principe and Sierra Leone also wished to become sponsors.

58. *Draft resolution A/C.3/76/L.25/Rev.1 was adopted.*

59. **Mr. Malovrh** (Slovenia), speaking on behalf of the European Union and its member States, said that the adoption of the draft resolution by consensus mirrored the strong commitment needed to further protect the rights of the child.

60. The inextricable link between the 2030 Agenda and the rights of the Child was reflected in the call to leave no child behind. All the Sustainable Development Goals had an impact on the enjoyment of the rights of the child, and, in turn, the promotion of the rights of the child was a fundamental step for the attainment of all the Goals.

61. Despite the fact that the Convention on the Rights of the Child was the most widely ratified human rights instrument in history, much remained to be done in that area. The COVID-19 pandemic had further exacerbated risks and hindered progress. Children continued to suffer from violence both online and offline, including from sexual and gender-based violence, domestic violence, physical and psychological abuse, exploitation, poverty, inequality and trafficking.

62. The draft resolution paid special attention to vulnerable persons and persons in marginalized situations, including indigenous and minority children and children with disabilities. His delegation reaffirmed the need to achieve gender equality, to implement gender responsive strategies and to put girls at the centre of all efforts. Children had the right to be heard and to express their views freely on all matters affecting them, including climate change and environmental matters.

63. **Mr. Kuzmenkov** (Russian Federation) said that his country remained committed to its obligations under international law with regard to the promotion and protection of the rights of the child. Improving the well-being of children and upholding their rights were matters of crucial importance. Particular attention should be paid to strengthening the traditional family unit, which was the most significant actor in the development of a child's identity. Nurture within a family was critical to success and empowerment, and the support provided by parents and legal guardians enabled children to fully exercise their rights under the Convention on the Rights of the Child. His delegation understood all references in the draft resolution to the full, equal and meaningful participation of children in relevant decision-making processes exclusively in the context of relevant articles of the Convention.

64. **Mr. Hill** (United States of America) said that his country had joined the consensus on the draft resolution to underscore its commitment to respecting the human rights of children and the priority that it placed on

domestic and international efforts to promote and protect the well-being of children.

65. The United States recognized that the Convention on the Rights of the Child provided the relevant framework for States parties to the Convention; in its understanding, however, references in the draft resolution to obligations or principles derived from the Convention – including references to the principle of the best interests of the child – did not suggest that the United States had obligations in that regard. In addition, the draft resolution inaccurately characterized certain obligations under the Convention.

66. His delegation understood the sixteenth preambular paragraph of the draft resolution to refer to punishment that rose to the level of child abuse, in line with the domestic law of the United States. With regard to the seventeenth preambular paragraph, his delegation noted that, while children should have the ability to be heard, there was no general right to be heard.

67. With regard to the eleventh preambular paragraph and paragraphs 6, 19 and 43(f) of the draft resolution, his delegation would have preferred the phrase “child sexual abuse material or child sexual abuse imagery, often referred to or criminalized as child pornography” instead of the phrase “child pornography and other child sexual abuse material”, as sexual images of children constituted abuse and exploitation, not pornography, under the domestic law of the United States. His delegation would have also preferred the term “child sex trafficking” to “the commercial sexual exploitation of children” and the term “exploitation of children in prostitution” in place of “child prostitution”, as minors could not give consent to commercial sexual acts and therefore any involvement of children in prostitution was non-consensual and criminal.

68. With regard to the twenty-seventh preambular paragraph of the draft resolution, he noted that there was no general obligation on States to fulfil human rights or to take appropriate action to protect the rights of the child. His delegation understood the reference to obligations in paragraph 11 to be those set forth in article 24(2) of the International Covenant on Civil and Political Rights.

69. Lastly, with regard to paragraph 26 of the draft resolution, his delegation noted that there was no internationally recognized human right to high-quality online resources.

70. **Mr. Ruiz** (Philippines) said that his delegation remained committed to its obligations under the Convention on the Rights of the Child and the related Protocols. It welcomed the focus of the draft resolution

on ensuring the rights of children in digital contexts, given that the COVID-19 pandemic had forced millions of children to resort to digital platforms for learning and play. The Philippines regretted, however, that it was not able to sponsor the draft resolution in view of paragraph 24, which mentioned the International Criminal Court. The Philippines therefore wished to disassociate itself from that paragraph.

71. **Ms. Hassan** (Egypt) said that her delegation had reservations about the references in paragraphs 7 and 29 of the draft resolution to “intersecting forms of discrimination”. That expression was unclear, whereas expressions regarding the prohibition of all forms of discrimination were comprehensive and consensual. In that regard, Egypt emphasized that it did not consider “intersecting forms of discrimination” to be a consensual formulation. Furthermore, paragraphs 14, 22, 32 and 33 of the text should be interpreted in accordance with the national legislation of States and their religious and cultural values.

72. **Ms. Alalaiwat** (Bahrain), speaking also on behalf of Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, said that those delegations had joined the consensus on the draft resolution owing to the importance of its subject. However, the references to “sexual and reproductive health” and “sexual and reproductive health-care services” in paragraphs 14, 22, 32 (g) and 33 of the text, as well as other controversial and unclear language, were regarded in a manner that was aligned with the national legislation of those States and their religious and cultural values.

73. **Mr. Salah** (Libya) said that his delegation had joined the consensus on the draft resolution, given the importance of its subject matter. Libya had ratified the Convention on the Rights of the Child in 1993 and had enacted relevant national legislation, including the Child Protection Act of 1997. Article 1 of the Act explicitly provided that a foetus in the womb was considered a child. The right to life was therefore absolutely guaranteed. Indeed, it was the primary and most basic right and complemented all other rights. His delegation could not accept any language that could be interpreted as allowing any person, even the mother herself, to deprive a fetus of its right to life, except in the very narrow cases exhaustively enumerated under the legislation, such as cases involving a risk to the mother’s life. His delegation disassociated itself from the references to “sexual and reproductive health” and “sexual and reproductive health-care services” in paragraphs 14, 22, 32 and 33 of the draft resolution. Libya also had reservations regarding the term “multiple and intersecting forms of discrimination” in paragraphs 7 and 29, which were interpreted by Libya

in a manner that was aligned with its national legislation and its religious and cultural norms.

74. **Ms. Rajandran** (Singapore) said that her delegation welcomed the adoption of the draft resolution and supported the objective of promoting and protecting the rights of children. Singapore had acceded to the Convention on the Rights of the Child in 1995 and had repeatedly reiterated its commitment to its obligations under the Convention. Nonetheless, Singapore wished to express its reservations with respect to the sixteenth and twenty-eighth preambular paragraphs of the text. As the international community sought to protect the rights and well-being of children through the draft resolution, it needed to recognize and take into account the different national contexts, realities, capacities and levels of development of Member States, and respect their national policies and priorities. Those reservations were in line with the declarations and reservations made by Singapore with respect to the Convention.

75. **Mr. Mamadou Mounsir Ndiaye** (Senegal) said that his country had acceded to the Convention on the Rights of the Child and had published a national strategy for its implementation. The Government respected its commitments under the Convention, recognizing that children were holders of rights and that there was an imperative to protect them and ensure their appropriate psychological, physical and educational development, as far as possible. The international community needed to respond to the challenges that persisted in that regard, in particular in the context of the COVID-19 pandemic. All children must be given opportunities, while guaranteeing their right to education on the basis of equal opportunities and non-discrimination, with a special focus on children living with disabilities.

76. The best interests of the child should be the sole consideration in all measures that affected them. The multiple ways in which those interests could be interpreted should be taken into account, and the international community must have the humility to allow societies to shape their offspring according to their own priorities. While recognizing the importance of the draft resolution, his delegation reiterated that societies and Member States should be allowed to translate the rights of children in line with the realities in place within their own countries. In that context, his delegation disassociated itself from the use of unclear and divisive terms related to sexual reproductive health in paragraph 14 of the draft resolution, as the modification of a country’s educational curriculum should depend on the societal and endogenous values of that country alone.

77. **Mr. Ghazali** (Malaysia) said that his country was committed to promoting and protecting the rights of children. While the consensus achieved in the adoption of the draft resolution was welcome, the Committee needed to consider the interests and concerns of all Member States. His delegation wished to express its reservations with respect to paragraphs 7 and 29 of the text and also wished to disassociate itself from the use of the phrase “multiple and intersecting forms of discrimination”.

78. **Mr. Giorgio** (Eritrea) said that, given the deep global inequalities highlighted by the COVID-19 pandemic, his delegation had proposed including a reference in the draft resolution to the digital divide between developing and developed countries, thereby drawing attention to the need to address it. It would have welcomed the inclusion of more focused, stronger language on the digital divide. The concerns of all delegations should be given equal consideration during the negotiations. It was unacceptable that so much debate had been required on constructive proposals designed to enrich the text, as such an approach was taxing for smaller delegations. The significance of the draft resolution was dependent on its ability to address issues affecting all children and on the proper and equal consideration of the inputs and concerns of all delegations.

79. **Ms. Al-mashehari** (Yemen) said that her delegation regretted that the draft resolution contained concepts and language that had not been agreed by consensus. Yemen therefore wished to disassociate itself from the term “sexual and reproductive health” in paragraphs 14, 22, 32 (g) and 33 of the text, the word “intersecting” in paragraphs 7 and 29 and all references that ran counter to sharia law and Yemeni legislation.

80. **Mr. Reed** (United Kingdom) said that there was much to commend about the draft resolution, including the inclusion of strengthened language on the rights of girls, the need for gender-responsive approaches, and a focus on eliminating sexual and gender-based violence. His delegation supported the inclusion of references to the full, equal and meaningful participation of children, especially girls, in decision-making on issues that affected them. It was regrettable, however, that caveats had been placed on the language on that concept and that some delegations continued to frame that long-standing language as “controversial”. His delegation was also pleased to see more language on addressing the needs of persons with disabilities, as well as persons experiencing multiple and intersecting forms of discrimination.

81. Despite those gains, it was regrettable that some Member States continued to hold back progress on language related to sexual and reproductive health and to sexual orientation and gender identity. Continued objections to such language denied the reality that children with diverse sexual orientations and gender identities often faced disproportionate persecution. The pushback on more inclusive and encompassing language was not occurring in a vacuum; rather, it was part of a wider effort by some Member States to not only limit progress but also undermine the status quo, which did a disservice to children by continually failing to recognize their unique and evolving needs and experiences. As a champion of child rights and gender equality, the United Kingdom reiterated its strong commitment to protecting and empowering children in all their diversity and to promoting equal rights for all children to ensure that no child was left behind.

82. **Ms. Charikhi** (Algeria) said that her country had joined the consensus on the draft resolution because the protection of children remained a matter of priority. While some of the major concerns expressed by her delegation had been accommodated, it was worrisome that the draft resolution contained a number of provisions on which consensus have not been achieved, such as the references to “multiple and intersecting forms of discrimination” and the overall emphasis on gender-related matters.

83. Although health care was crucial for the well-being of children, the multiple references to the sexual and reproductive health of children created an imbalance within the draft resolution. All matters related to sexual and reproductive health should be dealt with in line with national legislation, should align with the cultural and religious values of society and should receive the agreement of the child’s parents or legal guardians. Algeria would interpret all paragraphs related to sexual and reproductive health in that light.

84. Her delegation encouraged the facilitators to reflect on the overall approach taken to drafting the text. Important issues such as the availability of technological devices for quality education, access to the results of scientific progress and research and the need to close the developmental and digital divide between countries had been overlooked in favour of other considerations on which consensus had not been reached. International cooperation needed to be fostered in order to end developmental inequalities and provide children in developing countries with a safe and enabling environment in which to grow as the citizens of the future. Unnecessary burdens should not be created with regard to matters on which countries had the final say.

85. Her delegation called for a more balanced approach to be taken to drafting resolutions in order to better respond to the needs of children in developing countries. Cautioning against attempts to impose, through draft resolutions, a model of child development that was not suited to all countries, her delegation called for respect for the cultural and religious values of all Member States.

86. **Ms. Bafrani** (Islamic Republic of Iran) said that her country paid significant attention to the promotion and protection of the rights of children. While her delegation had joined the consensus on the draft resolution, it disassociated itself from all paragraphs which referred to “vulnerable groups” or “multiple and intersecting forms of discrimination”.

87. **Mr. Pieris** (Sri Lanka) said that his delegation welcomed the adoption by consensus of the draft resolution. Sri Lanka had a long history of achievements in securing the well-being of its child population. Since the 1940s, both boys and girls, including those in rural areas, had had access to basic State-sponsored health-care and education programmes, and multiple government departments provided administrative support in the implementation of State policies on children. One year after ratifying the Convention on the Rights of the Child, the Government of Sri Lanka had adopted the Children’s Charter to ensure that the standards set out in the Convention would guide law reform and enforcement, policy formulation and resource allocation and to promote a child-centred focus in State policy, legislation and jurisprudence. Sri Lanka remained committed to protecting the welfare of children.

88. **Ms. Inanç Örnekol** (Turkey) said that her country wished to sponsor the draft resolution.

89. **Monsignor Hansen** (Observer for the Holy See) said that his delegation appreciated the recognition in the draft resolution of the special care and assistance necessary for children and of the importance of the family in guiding, caring for and protecting children as they grew in age and maturity, supported by family-oriented policies. His delegation also commended the focus on ensuring quality education for all children despite pandemic-related school disruptions, including for young mothers, migrant and displaced children and children with disabilities, as well as the need to adapt education to meet children’s needs. The acknowledgement of infant, child and maternal health needs was also appreciated. The eradication of poverty was related to many of those important elements, as reflected in the draft resolution.

90. While his delegation recognized the challenge of balancing opposing perspectives, it was regrettable that the text contained ambiguous and divisive language on discrimination, as well as language related to reproductive health-care services. The Holy See considered “sexual and reproductive health-care services” and related terms as applying to a holistic concept of health that did not include abortion, access to abortion or access to abortifacients. In addition, it understood “gender” to be grounded in biological sexual identity and difference.

Agenda item 73: Right of peoples to self-determination (*continued*) (A/C.3/76/L.58)

Draft resolution A/C.3/76/L.58: Universal realization of the right of peoples to self-determination

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

92. **Mr. Akram** (Pakistan), speaking also on behalf of Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, the Central African Republic, Côte d’Ivoire, the Democratic People’s Republic of Korea, Ecuador, Eritrea, Iran (Islamic Republic of), Jordan, Kuwait, Nicaragua, Oman, Qatar, the Russian Federation, Saudi Arabia, Singapore, South Africa, the Syrian Arab Republic, Tajikistan, Timor-Leste, the United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen, Zambia, Zimbabwe and the State of Palestine, introducing the draft resolution, said that the draft resolution reflected the global consensus on the fundamental right to self-determination, which was a cardinal principle of the Charter of the United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. That right had been further elaborated on in the Declaration on the Granting of Independence to Colonial Countries and Peoples and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

93. Self-determination had become a peremptory norm of international law. The international community had an obligation to uphold that right for all peoples under subjugation, alien domination or foreign occupation. The *erga omnes* obligation of the right to self-determination had been conferred by the International Court of Justice in the cases of Namibia and Timor-Leste, among others. Almost all former colonies and subjugated peoples represented on the Committee as sovereign nations had secured their

independence by exercising their right to self-determination.

94. Some occupied peoples were being systematically denied that right, however, and were forced to struggle to ensure that it could be exercised. The often brutal and violent suppression of the legitimate struggle for self-determination was among the gravest violations of United Nations resolutions and of fundamental human rights. The annual affirmation of support by means of the General Assembly resolution preserved the hope of peoples under foreign and colonial occupation that their destinies would be decided through the exercise of the right of self-determination.

95. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Antigua and Barbuda, Bolivia (Plurinational State of), Botswana, Burkina Faso, Cameroon, China, Comoros, Egypt, El Salvador, Haiti, Honduras, Jamaica, Kenya, Kyrgyzstan, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Namibia, Nigeria, Paraguay, Senegal, Thailand, Tunisia, Uganda and Uzbekistan.

96. He noted that the following delegations also wished to become sponsors: Angola, Chad, Congo, Guinea, Guinea-Bissau, Maldives, Sao Tome and Principe, Sierra Leone, Sudan, South Sudan and United Republic of Tanzania.

97. *Draft resolution A/C.3/76/L.58 was adopted.*

98. **Mr. Alvarez** (Argentina) said that his country fully supported the right to self-determination of peoples under colonial domination and foreign occupation. That right should be interpreted in accordance with the provisions and principles of the Charter of the United Nations and all relevant United Nations resolutions, in particular General Assembly resolutions 1514 (XV) and 2625 (XXV).

99. The right to self-determination was applicable only where an active holder of that right existed, namely the people under foreign subjugation, domination or exploitation, in accordance with article 1 of General Assembly resolution 1514 (XV). If there was no one to hold that right, that right did not exist. In that context, the draft resolution should be interpreted and applied in line with the relevant resolutions of the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

100. **Mr. Belmont Roldan** (Spain) said that his country supported the draft resolution. The right to self-determination of peoples under colonization was a

precondition for the full exercise of human rights, in particular political rights. In some cases, colonization undermined the right of a State to maintain the integrity of its territory, which was contrary to the provisions of the Charter of the United Nations and the principles of the Organization.

101. The right to self-determination could not, and should not, be used to justify colonial situations that compromised the territorial integrity of States. It was in that context that an administering Power – the United Kingdom – and the authorities of a colonized territory – Gibraltar – were attempting to create the illusion that the colonial link had been broken following supposed changes in the political relationship, while at the same time claiming a so-called right to self-determination.

102. The original population of Gibraltar had been forced to leave and the current inhabitants were descendants of those installed by the occupying Power for military purposes. In such circumstances, Spain denied the existence of a right to self-determination protected under international law, and its position was clearly supported by General Assembly resolution 2353 (XXII). The United Nations recognized that the situation in Gibraltar undermined the territorial integrity of Spain, and his country had repeatedly called for dialogue on the issue.

103. The continuing existence of the colony on Spanish territory was having a negative impact on Campo de Gibraltar, which was home to many of the descendants of the Spanish population expelled from Gibraltar. The dialogue between Spain and the United Kingdom must be urgently resumed in order to find a solution that was in keeping with United Nations principles. At the same time, Spain was trying to reach an agreement with the United Kingdom for the implementation of a new cooperation arrangement that would directly benefit all the region's inhabitants and address the imbalances that had become apparent during the withdrawal of the United Kingdom from the European Union.

104. **Mr. Reed** (United Kingdom) said that the right to self-determination was firmly entrenched in both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Respect for the right of self-determination was an important pillar of the international system. Self-determination was closely associated with respect for all human rights, for decency and for the rule of law, including the principle of equality between citizens. Respect for the right of self-determination required the holding of free, regular and fair elections within the framework of a democratic society. Full respect for all human rights – civil, cultural,

economic, political and social – and fundamental freedoms was also essential

105. Responding to the comments made by the representative of Spain, he recalled that the United Kingdom had sovereignty over Gibraltar and the territorial waters surrounding it and that, as a separate Territory recognized by the United Nations and included since 1946 in its list of Non-Self-Governing Territories, Gibraltar enjoyed the rights accorded to it by the Charter of the United Nations. His delegation also recalled that the people of Gibraltar enjoyed the right to self-determination. The 2006 Gibraltar Constitution, which had been endorsed in a referendum by the people of Gibraltar, provided for a modern and mature relationship between Gibraltar and the United Kingdom. He restated his Government's long-standing commitment that it would not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their freely and democratically expressed wishes and that it would not enter into sovereignty negotiations to which they were opposed. He reaffirmed his Government's commitment to safeguarding Gibraltar, its people and its economy.

106. Returning to the draft resolution, his delegation believed that the scope remained too narrow. All peoples had the right to self-determination, which should be exercised in accordance with international law. As such, his delegation would have preferred the draft resolution to have reflected more clearly the practice of self-determination under international law. The text also contained a number of inaccuracies regarding international law. The right itself, as stated in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, was a right that attached only to "people", and not to "nations".

107. **Mr. Belmont Roldan** (Spain), speaking in exercise of the right of reply, said that, pursuant to General Assembly resolution 2353 (XXII), any colonial situation that partially or completely destroyed the national unity and territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations. Accordingly, the decolonization of Gibraltar must be governed by the principle of territorial integrity rather than the principle of self-determination. The General Assembly had been clear in rejecting the existence of a supposed right to self-determination of Gibraltar.

108. The United Nations clearly considered Gibraltar to be a colony, and it was on the list of Non-Self-Governing Territories. Only the United Nations could

decide whether the process of decolonization of Gibraltar had been completed.

109. Spain rejected the efforts of the administering Power and the authorities of the colonized Territory to claim a hypothetical right to self-determination. There was no colonized population, only a colonized territory. Spain was the victim of colonization on its own territory and therefore had the right to its decolonization through the restoration of its territorial integrity.

110. Under article X of the Treaty of Utrecht, Spain had been forced to cede ownership of the town and castle of Gibraltar, together with its port, fortifications and forts, without ceding territorial jurisdiction. It had ceded nothing more. The United Kingdom was illegally occupying a portion of the isthmus as well as a portion of the territorial waters of Spain, having extended the land surface of the Rock of Gibraltar by means of backfilling, including the area where the airstrip of the airport of Gibraltar was located. Spain had protested against that occupation, unequivocally and formally, and had sought the restitution of the territories seized from it by force. His Government was clear about the limits of its territory, which included the waters surrounding Gibraltar. Spanish ships had been operating in those waters since time immemorial, as Spain had declared upon its ratification of the United Nations Convention on the Law of the Sea.

111. **Mr. Reed** (United Kingdom), speaking in exercise of the right of reply, said that it was regrettable that the adoption by consensus of the draft resolution had been hijacked by one delegation seeking to resolve a bilateral dispute within the Committee. The United Kingdom was under no illusions regarding the sovereignty of Gibraltar. He restated his Government's commitment to the people of Gibraltar that it would not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their freely and democratically expressed wishes and that it would not enter into sovereignty negotiations to which they were opposed. He reaffirmed his Government's commitment to safeguarding Gibraltar, its people, and its economy.

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.49/Rev.1 and A/C.3/76/L.51/Rev.1)

Draft resolution A/C.3/76/L.49/Rev.1: The safety of journalists and the issue of impunity

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

113. **Ms. Theofili** (Greece), introducing the draft resolution on behalf of the sponsors listed in the document, said that the draft resolution reflected new challenges to journalists and underlined the need to protect them against attack both online and offline. The draft resolution also recognized that, in situations of armed conflict, journalists should be considered civilians and protected as such, provided that they took no actions that adversely affected their status. It also incorporated provisions on the negative impact of the COVID-19 pandemic on the work and safety of journalists and media workers. The text, *inter alia*, underscored the need to enhance the protection of women journalists by making explicit references to the need to tackle all forms of sexual and gender-based discrimination, violence, abuse and harassment. Information empowered citizens and enabled participation and trust in public governance and sustainable development. The protection of journalists and media workers was therefore a necessary precondition for building democratic, stable, peaceful and resilient societies.

114. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Andorra, Antigua and Barbuda, Australia, Belize, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cabo Verde, Colombia, Dominican Republic, Egypt, El Salvador, Ghana, Guatemala, Guyana, Israel, Jordan, Lesotho, Liberia, Libya, Madagascar, Mali, Marshall Islands, Mexico, Morocco, Myanmar, Namibia, New Zealand, Nigeria, Norway, Palau, Panama, Peru, Qatar, the Republic of Korea, San Marino, Serbia, Seychelles, South Africa, Sudan, Tajikistan, Timor-Leste, Uruguay and Zambia.

115. He then noted that the following delegations also wished to become sponsors: Algeria, Canada, Chad, Congo, Guinea, Guinea-Bissau, Haiti, Maldives, Mauritania, Niger, Sao Tome and Principe, Sierra Leone, Trinidad and Tobago and Vanuatu.

116. *Draft resolution A/C.3/76/L.49/Rev.1 was adopted.*

117. **Ms. Korac** (United States of America) said that the work performed by journalists supported the free flow of information and ideas vital for creating resilient societies. No journalists should face harassment, intimidation or violence for doing their job. His delegation shared the commitment to promoting accountability for crimes against journalists and media workers.

118. With regard to paragraph 3 of the draft resolution, his delegation noted that the right to freedom of expression included the freedom to seek, receive and impart information, but that there was no right to information or access to information.

119. **Mr. Kuzmenkov** (Russian Federation) said that the safety of journalists must continue to be prioritized in the work of relevant United Nations bodies. His delegation had joined the consensus on the draft resolution, but considered that the situation of journalists could be better. In some countries, their rights were flouted, threats were made to their life or health, they had been blacklisted from carrying out professional activities or their visas and work permits had been cancelled. There were even States that blocked the streaming of unapproved media in a bid to suppress those who thought differently. Future versions of the draft resolution should reflect those disturbing trends.

120. The term “media worker” was vague and its use in the draft resolution allowed for a broad interpretation of journalists that included almost any Internet user, regardless of whether they worked in professional journalism. His delegation supported the emphasis in the text on preventing violence against journalists, but more focus was needed on protecting journalists from the pressure exerted by mass media structures, in particular large corporations. Such structures, especially Western corporations, should be subjected to restrictions to prevent them from arbitrarily dictating editorial policy and firing or ostracizing independent journalists. The use in the draft resolution of the word “offline” was also ambiguous as it had no specific meaning in international human rights law.

Draft resolution A/C.3/76/L.51/Rev.1: Implementing the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms through providing a safe and enabling environment for human rights defenders and ensuring their protection in the context of and recovery from the COVID-19 pandemic

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

122. **Ms. Dale** (Norway), introducing the draft resolution on behalf of the sponsors listed in the document, said that human rights defenders continued to play a vital role in promoting human rights, peace, inclusivity and democracy and realizing the 2030 Agenda. They nonetheless continued to face threats, harassment, surveillance and violence in response to their work, which had been further exacerbated by the COVID-19 pandemic.

123. Against that background, the draft resolution called on States and all other stakeholders to implement the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and to provide a safe and enabling environment for human rights defenders and ensure their protection. The General Assembly was also urged to respond with a clear message of support for human rights defenders and their work.

124. In the fourth preambular paragraph of the draft resolution, “in the context of the Declaration” should be added after “including human rights defenders”. In the eleventh preambular paragraph, “and of meeting the just requirements of morality, public order and the general welfare in a democratic society” should be added after “and respect for the rights and freedoms of others”. In the nineteenth preambular paragraph, “that are inclusive, safe and enabling” should be replaced with “that are inclusive, safe, enabling and accessible for all, including for persons with disabilities”. In the twenty-second preambular paragraph, “civil society” should be replaced by “civic”. Paragraph 12 should be revised to read “Recognizes young people’s essential contributions to defending human rights, democracy and the rule of law and expresses deep concern about the threats, human rights violations and abuses and discrimination young people may face because of their age and the nature of their civic engagement and as a result of their activities in promoting human rights, and in this regard calls upon States to provide a safe, enabling and empowering environment for young people to promote human rights”. Lastly, in paragraph 28, “including field presences,” should be deleted and “their” should be added after “upon”.

125. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Albania, Andorra, Antigua and Barbuda, Austria, Belgium, Botswana, Bulgaria, Cabo Verde, Chile, Colombia, Croatia, Cyprus, Czechia, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mexico, Micronesia

(Federated States of), Montenegro, Myanmar, Netherlands, North Macedonia, Palau, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, South Africa, Spain, Sweden, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Vanuatu.

126. He then noted that the Congo, Sao Tome and Principe and Sierra Leone also wished to become sponsors.

127. *Draft resolution [A/C.3/76/L.51/Rev.1](#), as orally revised, was adopted.*

128. **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, said that one of the deeply regrettable side effects of the COVID-19 pandemic had been the continued shrinking of civil society space; human rights defenders played a key role in calling attention to those risks and in grounding responses in the area of human rights.

129. The European Union and its member States applauded the work of all human rights defenders, who worked tirelessly to protect and defend human rights even in the face of grave risks and dangers. They welcomed the inclusion in the draft resolution of language on the contribution of young people to defending human rights, the important recognition that counter-terrorism and national security measures must not endanger the safety of human rights defenders or hinder their work, and the strengthened focus on gender equality, persons with disabilities and diversity.

130. Caveats seeking to limit the legitimate work of human rights defenders, including in reference to morality and public order, had no place in the text. Such subjective and arbitrary concepts could be misused and manipulated all too easily to restrict human rights defenders. It was hoped that such outdated language would be omitted from future draft resolutions on the topic.

131. **Ms. Buist-Catherwood** (New Zealand), speaking also on behalf of Australia, Canada, Iceland, Liechtenstein and Switzerland, said that, while the oral revisions made to the draft resolution had served as a way to bring together all contributors to the text, they regrettably weakened the scope of the text. It was hoped that such changes could be avoided in future.

132. The focus placed on ensuring a safe and enabling environment for human rights defenders was welcome.

The draft resolution served as a reminder that all countries, regardless of their development status or political systems, must do more to protect human rights defenders.

133. Their delegations welcomed the attention paid to the impact of the COVID-19 pandemic, to the important role played by human rights defenders and to ensuring that human rights remained front and centre in pandemic response and recovery. Emergency measures taken in response to the pandemic must not be misused to endanger, limit or hinder the work of human rights defenders.

134. It was commendable that the draft resolution called on States to strengthen protections against online and offline violence and harassment of women human rights defenders and recognized the role of indigenous and environmental human rights defenders. It was also pleasing that the draft resolution recognized the importance of the rights to freedom of association and peaceful assembly and to freedom of opinion and expression.

135. The work of human rights defenders should be given recognition across the broad agenda of the Committee and not only in the draft resolution under that agenda item. The important contributions made by human rights defenders to implementing internationally agreed human rights standards and strengthening the rule of law reflected the commitments of Member States to their citizens in ensuring the promotion and protection of human rights for all persons.

136. Following an almost two-year absence, civil society organizations had finally been granted access to United Nations premises once again. Grounds passes for civil society organizations should be renewed and issued without delay so that their relevant and meaningful exchanges with the United Nations and its Member States could resume.

137. **Mr. Hill** (United States of America) said that the work of human rights defenders was critical to a vibrant civil society, and the Committee's support for human rights defenders was an investment in equitable access to justice and the promotion of democracy. The United States strongly supported the rights of all individuals to exercise the freedom of association, peaceful assembly and expression, including the freedom to seek, receive and impart information. Those rights should be subject only to such limitations as were in accordance with the applicable international obligations. No language in the draft resolution should be read to suggest otherwise. The United States supported human rights defenders as they worked tirelessly to protect human rights and fundamental freedoms, advocate for government

transparency and accountability, promote equitable access to justice and expose and prevent corruption.

138. His delegation remained concerned that human rights defenders, especially those working on environmental issues, as well as their families, friends and associates, were often harassed, detained, interrogated, imprisoned, tortured or killed for promoting accountability and protecting human rights. His delegation understood the references in the draft resolution to environmental human rights defenders to refer both to individuals working on environmental matters and to individuals seeking to express their views on environmental issues.

139. With regard to the references to human rights relating to the enjoyment of a safe, clean, healthy and sustainable environment, he referred the Committee to his delegation's general statement delivered on 5 November 2022, the unabridged version of which would be posted on his mission's website.

140. **Mr. Kuzmenkov** (Russian Federation) said that his delegation appreciated the efforts by Norway to take into account his country's concerns about a draft resolution whose theme had proven to be divisive. Although his delegation had joined the consensus on the draft resolution, it found the text problematic both because of its inconsistency with international law and the new approach to the international human rights regime proposed by the authors.

141. As effective collaboration between State authorities and civil society was critical to democracy and the promotion of human rights, his delegation welcomed efforts by United Nations human rights bodies to support the legitimate activities of people actively engaged in promoting and protecting human rights. Such activities must, however, be compliant with national laws. By categorizing "human rights defenders" as a legally undefined group entitled to special protection under the law, Member States were, *inter alia*: creating an artificial hierarchy of civil society institutions, thereby harming civil society; undermining the integrity of the national judicial and law enforcement systems; casting doubt on the principles of the rule of law; and violating their own international obligations under international treaties, especially with regard to non-discrimination. His delegation had a responsible attitude to international law and its obligations thereunder and therefore disassociated itself from paragraphs 12, 16, 18, 20, 23, 27 and 28 of the draft resolution.

142. **Ms. Le Thoa Thi Minh** (Viet Nam) said that her country remained strongly committed to the promotion and protection of human rights and fundamental

freedoms, as clearly reflected in its laws and policies. In Viet Nam, individuals and organizations engaged in the promotion and protection of human rights were free to carry out their work in accordance with the law and were protected by the law. Nonetheless, they had certain obligations and responsibilities under the law. A balance must be maintained between those rights and obligations.

143. **Ms. Andújar** (Dominican Republic) said that human rights defenders were the allies of Governments by carrying out valuable work to improve societies and support peace and democracy. Youth perspectives on the most pressing problems faced by societies, and the innovative solutions that they proposed, offered new and efficient ways of tackling human rights violations, building peace and ensuring sustainable development.

144. The Dominican Republic was alarmed by the rise in arbitrary detention, censorship, threats, reprisals and other forms of violence against young people. Her delegation therefore welcomed the inclusion in the draft resolution of paragraph 12, in which, for the first time, the General Assembly would recognize the abuses and discrimination often faced by young people and would call on States to provide a safe and enabling environment for young people to promote human rights. While the topic of human rights defenders remained a sensitive one, the spirit of compromise and flexibility had prevailed during the negotiations, which was just as important as the content of paragraph 12. She hoped that joint efforts would continue to be made to support the work of young human rights defenders and ensure protection for them and for their civic spaces.

145. **Mr. Shahin** (Egypt) said that it would be more appropriate and consistent to employ the terminology used in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Egypt understood the term “human rights defenders” only as defined in the Declaration. That term did not enjoy wide consensus among Member States and tended to lead to the creation of subcategories in a manner that could be divisive for society.

146. National legislation provided the legal framework within which persons seeking to promote and protect universally recognized human rights should conduct their activities. No human rights offender or defender should be above the law or granted amnesty for violations. While States had a responsibility to create a safe and enabling environment for the protection of persons seeking to promote and protect universally recognized human rights, all activities carried out in that

regard should comply with relevant national legislation and should not disturb public order.

147. **Ms. Xu** Daizhu (China) said that her delegation had joined the consensus on the draft resolution. Her Government, which had long been committed to the promotion and protection of human rights, encouraged and supported individuals to play an active role in that regard within the legal framework.

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

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

150. **Mr. Reed** (United Kingdom) said that the draft resolution focused on important issues, such as ensuring that measures to respond to the COVID-19 pandemic did not have a negative impact on human rights defenders. His delegation welcomed the recognition that the protection of human rights defenders required a holistic approach, including actions to strengthen democratic institutions, safeguard civic space, fight impunity, end gender and economic inequality and social exclusion and ensure equal access to justice. His delegation was pleased with that outcome, despite the continuous attempts to weaken certain key aspects of the text. Collective action was needed to address that important issue.

151. The United Kingdom strongly supported civil society participation and would continue to champion the engagement and inclusion of civil society via the Committee on Non-Governmental Organizations if

elected to it in 2022. His delegation welcomed the decision to readmit civil society into the buildings of the United Nations.

152. **Ms. Caldera Gutiérrez** (Plurinational State of Bolivia) said that, while her delegation had joined the consensus on the draft resolution, the language that it contained should not be used for political ends. Human rights defenders were not exempt from national laws, and civil society organizations should not be allowed to use the draft resolution to contravene national or international law.

153. **Ms. Charikhi** (Algeria) said that her delegation had engaged constructively throughout the negotiation process to ensure that the final text was balanced and took into account the agreed framework for implementing the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Algeria had joined the consensus on the draft resolution on the basis of its firm commitment to promoting and protecting the human rights of all law-abiding citizens, as provided for in the Declaration. There was, however, no definition of a “human rights defender”; Algeria therefore understood that term as it was used within the framework of the Declaration. Human rights defenders had both rights and responsibilities. Algeria did not agree with the assumption that any citizens, because of their activities, should be above the law.

154. Her delegation was deeply concerned at the new trend within the draft resolutions on that topic to expand the scope of the Declaration and create new norms under the umbrella of protecting so-called human rights defenders. Those concerns had been exacerbated by the strengthening of language on the use of national security laws and by the introduction of paragraph 12. Despite its noble objective of recognizing the contribution of youth to the promotion and protection of human rights, paragraph 12 was suggestive of a new path within the draft resolution by which some citizens, on the basis of their age and civic engagement, held more rights or deserved more protection than other citizens. Algeria fundamentally disagreed with that assumption; all human rights should apply to all citizens regardless of their age or activities. Paragraph 12 seemed to provide for discrimination between citizens, the creation of a hierarchy and a dangerous categorization of human rights defenders. Algeria did not view paragraph 12 as creating any new norm or standards on policies involving youth. It was regrettable that, despite the adoption of a different draft resolution on policies and programmes involving youth, a new paragraph on the same issue had nonetheless been introduced into the

draft resolution under the current agenda item, thereby creating duplication and opening up a dangerous path.

The meeting rose at 12.45 p.m.