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Chair: Mr. Marschik (Austria)

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

Statement by the President of the seventy-eighth session of the General Assembly

1. **Mr. Francis** (Trinidad and Tobago), President of the General Assembly, said that in challenging times marked by rising inequalities, devastating disasters and the tragedies of war, the work of the Third Committee was more pressing and more important. Those issues were intrinsically linked to the fundamental principles of human rights, which were at the very heart of the United Nations and everything it stood for. It was therefore a matter of great concern and frustration that respect for human rights had deteriorated in many parts of the world.

2. During the current session, Member States would mark the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action. To commemorate the occasion, in December 2023, he would present the 2023 United Nations Prize in the Field of Human Rights, which symbolized an important message to human rights defenders around the world that, even in the face of danger, their work mattered, and they should be able to carry out their activities on behalf of the international community without fear, reprisals or intimidation. The momentous occasion provided a unique opportunity to renew personal and institutional commitments to the principles of the Declaration. That dedication should be unwavering in ensuring that all human rights were upheld universally and that the promise of freedom, equality and justice for all became a living reality. The Committee's work in that regard was essential.

3. In September 2023, Heads of State and Government had reaffirmed their commitment to achieving the Sustainable Development Goals by 2030. Human rights must be leveraged to achieve the Goals, since they were two sides of the same coin.

4. From a gender perspective, the situation was very concerning, and none of the indicators for Goal 5 on gender equality were close to being met. Violence against women and girls continued to be widespread, harmful practices and gender-based discrimination had doubled, and a staggering 54 per cent of countries still lacked laws in all key areas of gender equality. The gap in power and leadership was visible at all levels, including in the General Assembly. In recognition of those issues, and as an International Gender Champion, he had convened a second annual meeting of the General Assembly Platform of Women Leaders during high-level week to emphasize the role of women's leadership

in achieving the Goals. He had appointed a special adviser on gender equality and women's empowerment and would soon re-establish and convene the Advisory Board on Gender Equality.

5. The year had been marked by humanitarian crises, with a record 350 million people, or one of every 23 individuals globally, in need of urgent humanitarian assistance. Crises such as the recent devastating earthquake in Afghanistan and the deteriorating situation in the Middle East had painfully multiplied those numbers and underscored the scale and complexity of the challenges that the global humanitarian system faced every day. He expressed his condolences to the families and relatives of the victims of those tragedies and called for urgent assistance to those in need. He called on partners to support humanitarian operations and to facilitate the delivery of food, water and health care. Humanitarian operations were often obstructed by resource constraints, and the United Nations was yet to receive around 70 per cent of the funds required to meet those urgent needs under global humanitarian appeals. Alarming attacks were being carried out against humanitarian workers and civilian infrastructure in violation of international humanitarian law. He urged Member States to uphold humanitarian principles and international law in all conflicts and to honour their obligations to safeguard all humanitarian spaces without exception. Denying or withholding humanitarian access, especially when basic needs were not being met, must not be tolerated.

6. Member States must draw upon the valuable advice and experiences of civil society, human rights defenders and youth. He urged Member States to heed the call of young people to be accorded adequate space to engage with States so that they could contribute to intergovernmental processes, particularly with regard to the Summit of the Future. He would host a town hall meeting with civil society organizations and hoped that many more such engagements would be held in the future.

7. The Committee for Programme and Coordination had been unable to agree on the programme plan for 10 programmes and had recommended that they should be considered by the relevant Main Committees. He urged the Third Committee to share the conclusions of its examination of the relevant open programmes with the Fifth Committee, so that the latter could take that input into account.

8. He called on Member States to use the Third Committee as a forum for open and respectful dialogue. Human rights mandate holders should be enabled to carry out their work without fear of intimidation or

harassment, and all participants should uphold their obligation to preserve the decorum and good order of the General Assembly and its Committees. Although many issues divided Member States, they would find unity in their common humanity to advocate for a better future for all and place human rights at the heart of their work within the United Nations.

Agenda item 71: Promotion and protection of human rights (*continued*) (A/78/198)

(a) Implementation of human rights instruments (*continued*) (A/78/40, A/78/44, A/78/48, A/78/55, A/78/56, A/78/240, A/78/263, A/78/271, A/78/281, A/78/324 and A/78/354)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/78/125, A/78/131, A/78/136, A/78/155, A/78/160, A/78/161, A/78/166, A/78/167, A/78/168, A/78/169, A/78/171, A/78/172, A/78/173, A/78/174, A/78/175, A/78/176, A/78/179, A/78/180, A/78/181, A/78/182, A/78/185, A/78/192, A/78/195, A/78/196, A/78/202, A/78/203, A/78/207, A/78/213, A/78/226, A/78/227, A/78/241, A/78/242, A/78/243, A/78/245, A/78/246, A/78/253, A/78/254, A/78/255, A/78/260, A/78/262, A/78/269, A/78/270, A/78/272, A/78/282, A/78/288, A/78/289, A/78/298, A/78/306, A/78/310, A/78/311, A/78/347 and A/78/364)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/78/204, A/78/212, A/78/223, A/78/244, A/78/278, A/78/297, A/78/299, A/78/326, A/78/327, A/78/338, A/78/340 and A/78/511)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/78/36)

9. **Ms. Abdo Rocholl** (Chair of the Human Rights Committee), speaking via video link to introduce the report of the Human Rights Committee (A/78/40), said that the Human Rights Committee had continued to engage with States parties to the International Covenant on Civil and Political Rights, United Nations entities, national human rights institutions and non-governmental organizations. The Committee had held constructive dialogues with 18 States parties during the reporting period and with a further 7 during its 138th session, representing an increase from the 15 in the previous reporting period. The Committee had adopted 11 lists of issues on initial or periodic reports of States

parties and 4 lists of issues prior to reporting under the simplified reporting procedure.

10. In 2019, the Committee had adopted an eight-year predictable review cycle, but its implementation had been delayed owing to the coronavirus disease (COVID-19) pandemic. The Committee was nevertheless encouraged by the high number of reports already submitted by States parties, some of them after a delay of several years, serving as a clear indication of their commitment to fulfilling the rights enshrined in the Covenant and complying with their reporting obligations. Currently, 33 reports of States parties were pending consideration by the Committee.

11. The human rights treaty bodies provided objective and non-politicized assessments of human rights issues and offered States parties guidance and technical assistance on human rights reform. The dialogues held between the Committee and States parties were an important pillar of the United Nations human rights system as a whole. The Committee was committed to multilingualism, and its annual report was available in all six official languages of the United Nations.

12. Under the First Optional Protocol to the International Covenant on Civil and Political Rights, the Committee had adopted 181 decisions (Views) during the reporting period and to date. The number of communications examined in 2023 had increased compared with previous years. The Committee received the highest number of individual communications in the treaty body system and it had had 1178 pending communications at the end of 2019 and 1200 at the end of 2022. The Committee had striven to improve its working methods, in particular those relating to the review of individual communications, but the staff made available to it had not kept pace with its increasing workload. Unless staff capacity was increased to allow a greater number of communications to be processed, the Committee would not be able to address its backlog in a timely manner. Such a situation undermined the credibility of the Committee as a forum that could provide timely remedies to victims of human rights violations, as well as the credibility of the United Nations system as a whole.

13. During its 139th session, the Committee had been engaging in constructive dialogues with high-level delegations from two States parties and would review four more States parties in the following week. It would proceed with the consideration of communications under the First Optional Protocol and the adoption of lists of issues and lists of issues prior to reporting in relation to three States parties. It would also adopt a

report on follow-up to the concluding observations of the Committee and a report on follow-up to Views.

14. As the treaty body strengthening process moved forward, the financial situation remained challenging. Member States must fulfil their responsibilities arising from the human rights treaties ratified by them and ensure that the treaty body system was adequately funded from the regular budget of the United Nations.

15. **Ms. Riveroll Usabiaga** (Mexico) said that the observations and recommendations of the Human Rights Committee had contributed to the progressive development of civil and political rights in Mexico. The world was at a critical juncture, in which challenges such as climate crises, population growth and the exponential growth of digital technology threatened the full enjoyment of human rights and affected civil spaces. The pillars of science, ethics and the rule of law were being questioned more than ever. In that context, she wished to know what innovative measures States could take to guarantee the civil and political rights of all people.

16. **Mr. Candia Ibarra** (Paraguay) said that strengthened multilingualism would help to optimize the working methods of the human rights treaty bodies, particularly the Human Rights Committee, and would help developing countries, such as Paraguay, in the submission of reports and follow-up to concluding observations. He wished to know how States could collaborate with the Committee to improve the fulfilment of their obligations under the Covenant.

17. **Mr. Breen** (United States of America) said that the dedication of the Human Rights Committee to promoting civil and political rights had resulted in improvements in law, policy and practice around the globe. However, the United States was concerned by the Committee's tendency to issue highly expansive interpretations and overly broad characterizations of the international legal obligations contained in the Covenant. To strengthen support and respect for international law, it was critical to respect what States parties had agreed to in negotiating and ratifying the Covenant and other treaties. Human rights treaty bodies were not the appropriate avenue for reopening such texts and revising the scope of States parties' obligations under them. His delegation wondered whether the Committee had considered additional measures to address the backlog of communications.

18. **Ms. Banaken Elel** (Cameroon) said that the Chairs of the human rights treaty bodies, at their annual meeting in June 2023, had discussed the importance of the establishment of national mechanisms for implementation, reporting and follow-up. Since 2015, a

national mechanism for reporting obligations under human rights treaties and the universal periodic review had been in place in Cameroon. Her delegation would be interested to hear about good practices with regard to those mechanisms and the added value such mechanisms brought to the work of the Human Rights Committee and its relationship with States parties.

19. Her delegation wished to know how the eight-year reporting cycle would align with the periodic review provisions of the Covenant. She asked how the appointment of focal points for other committees, particularly the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, had contributed to bringing economic, social and family perspectives to the substantive work of the Human Rights Committee.

20. **Mr. Zavala Porras** (Costa Rica) said that the implementation of a predictable reporting cycle had improved the involvement of States parties in the work of the Human Rights Committee. Strengthening the treaty body system was the shared task of States parties and committees. Costa Rica was a defender of multilingualism and wished to emphasize that the members of the Committee should be able to use whichever official language of the United Nations they chose.

21. The increase in individual communications pending consideration was concerning. His delegation would like to know how States could support the Committee in tackling the challenges it faced in addressing those communications and how communication and harmonization across the treaty body system could be improved in addressing individual communications. He asked how the appointment of focal points for regional human rights mechanisms, such as the inter-American human rights system, would strengthen the Committee's relationship with them.

22. **Mr. Kuzmenkov** (Russian Federation) said that his country fully met its international legal obligations, including under the individual complaints procedure. The Russian Federation planned to reform domestic legislation and practices to fulfil its obligations under the major international human rights treaties to which it was party.

23. The Russian Federation opposed attempts to politicize the work of United Nations human rights bodies and to use human rights issues to interfere in the internal affairs of sovereign States. His country noted the difficulties that treaty bodies faced and their requests for additional financial and human resources. However, there were no simple solutions to the problem. His

delegation called on the treaty bodies to focus on their mandate instead of activities outside of that mandate.

24. **Ms. Keogh** (Representative of the European Union, in its capacity as observer) said that her delegation encouraged all States that had not yet acceded to the International Covenant on Civil and Political Rights and its Optional Protocols to use the seventy-fifth anniversary of the Universal Declaration of Human Rights as an opportunity to do so. The European Union urged all treaty bodies to implement the measures set out in the conclusions of the Chairs of the treaty bodies at the thirty-fourth meeting of the Chairs, with guidance from the working paper of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the development of an implementation plan for those conclusions. Her delegation wished to know what measures the Human Rights Committee was planning to introduce to facilitate the meaningful participation of all stakeholders. It would also like to know what procedures were in place within the Committee to address reprisals and what the scale of that issue was.

25. Digitalization had the potential to improve the efficiency, transparency and accessibility of the treaty bodies' work and was particularly important in processing individual complaints. Her delegation wished to know what tangible efforts had been introduced as part of the digital uplift. The European Union would continue to provide financial support to OHCHR and the treaty body reform process.

26. **Ms. Abdo Rocholl** (Chair of the Human Rights Committee) said that she recommended the use of technology to improve States' work and relationships with the Human Rights Committee and to follow up on treaty bodies' concluding observations. Countries with digital platforms for follow-up presented better reports to the Committee, presented higher quality statistics, developed indicators with regard to concluding observations and used concluding observations constructively as an objective diagnostic tool.

27. The predictable eight-year reporting cycle would allow States parties to adequately plan the data collection, budgets and dialogue with civil society and academia needed to present quality periodic reports and meet with the Committee in Geneva.

28. The focal points for the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child had offered new and less rigid perspectives on the provisions of the Covenant. A guide had been developed for focal points for other treaty bodies and regional human rights mechanisms, and meetings were held that helped the Human Rights

Committee to understand the reality that each region faced.

29. The Committee had done everything possible to address the critical situation with regard to individual communications. It could do no more and was at risk of failing, which would harm the reputation of the treaty body system as a whole. The numbers clearly showed that there had been an increase in cases, but no increase in staff. Staff members were working at maximum capacity to prepare dialogues with States parties and individual communications and were harming their health in the process. Member States must support digitalization to improve the number of cases that could be addressed and increase the budget for the treaty body system. In general, the Committee hoped to have greater security in its data and communications and transparent digital platforms through which it could receive updated information, not just through periodic reports, but at any moment.

30. **Ms. Crăciunean-Tatu** (Chair of the Committee on Economic, Social and Cultural Rights), speaking via video link, said that 2023 marked the seventy-fifth anniversary of the Universal Declaration of Human Rights, which provided the anchor for the International Covenant on Economic, Social and Cultural Rights and the 2030 Agenda for Sustainable Development. The outcome of the Sustainable Development Goals Summit, held the previous month, also testified to the interlinkages between the Covenant and the 2030 Agenda. At its seventy-fourth session, which was currently under way, the Committee on Economic, Social and Cultural Rights had recently completed the first reading of its draft general comment on sustainable development and the Covenant.

31. The Committee continued to consider the reports of States parties, but the time and resources allocated for the meetings were insufficient for engaging with all States parties in a predictable eight-year cycle. For the same reason, the Committee was unable to provide a list of issues prior to reporting to all States wishing to avail themselves of the simplified reporting procedure. Disruptions to working methods during the pandemic had led to the current backlog of 32 State party reports pending review, which meant that the Committee was not able to fulfil the mandate entrusted to it by the Economic and Social Council in an optimal manner. In addition, numerous States were more than 10 years late in submitting their reports, many of them initial reports. The Committee continued to encourage States, United Nations country teams and the OHCHR capacity-building programme to identify areas where assistance might be useful.

32. The Committee continued to receive a high number of individual communications. In order to review them, the Committee and its working group on individual communications would need resources, including digital tools that were currently under development. Out of 171 States parties to the Covenant, only 27 had recognized the Committee's competence to receive individual communications. The Committee also called on States parties to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

33. **Mr. Danailov Frchkoski** (North Macedonia) asked whether the Committee on Economic, Social and Cultural Rights was giving attention to the global pushback against the rights of persons from vulnerable groups, such as women, migrants and LGBT+ persons.

34. **Ms. Sorto Rosales** (El Salvador) said that, in recent years, her country had promoted social well-being among its people and had established a basis for fair economic and social development. El Salvador recognized the importance of protecting the rights of the child and had undertaken an unprecedented legislative reform in that regard. Policies had been implemented to promote health, focusing on quality of life and including a new national vaccination scheme. The country had also made progress in implementing a road map for a sustainable food system that would address chronic illnesses and malnutrition.

35. When it came to social and economic development, certain global challenges had had a disproportionate impact on various groups, in particular during emergencies. She asked how the work of the Committee on Economic, Social and Cultural Rights could mitigate that disproportionate impact and what strategies could promote a more inclusive and fair global response to crises.

36. **Ms. Banaken Elel** (Cameroon) said that, at the recent Sustainable Development Goals Summit, Heads of State and Government had stated that economic, social and cultural rights were integral to the achievement of the Sustainable Development Goals and should be given the same consideration as other rights. In that context, her delegation took note of the completion of the first reading of the Committee's draft general comment on sustainable development and the International Covenant on Economic, Social and Cultural Rights. She asked the Chair of the Committee to outline the content of that draft general comment and to provide an update on its progress. In addition, her delegation wished to know what steps had been or would be taken by the Committee to assist States, including donor States, to achieve the Goals.

37. While her delegation appreciated the Committee's work to elaborate the draft general comment, it was concerned about its impact on the Committee's workload. She asked the Chair what effect the preparation of general comments had on the Committee's ability to review State reports.

38. **Mr. Zumilla** (Malaysia) said that programmes pertaining to economic, social and cultural rights consistently faced budget constraints, as other rights, in particular civil and political rights, were prioritized. In the light of the interdependent nature of all human rights, it was imperative to channel additional resources to programmes that strengthened economic, social and cultural rights.

39. His delegation commended the Committee on Economic, Social and Cultural Rights for providing support to States parties and hoped that more resources would be allocated to the Committee so that it could clear the backlog of State party reports awaiting review. He asked for an estimate of how long it would take to clear that backlog. His delegation also wished to know how the proposed covenant on the right to development would complement the International Covenant on Economic, Social and Cultural Rights.

40. **Mr. La Haozhao** (China) said that all stakeholders should work together to strengthen economic recovery, while prioritizing the elimination of inequality and the promotion of economic, social and cultural rights. The United Nations should help developing countries and vulnerable communities to enhance the exercise of economic, social and cultural rights, and developed countries should provide technical assistance and financial support. As the world's largest developing country, China was keenly aware of the importance of safeguarding economic, social and cultural rights. It had adopted a people-centred approach to development and viewed the rights to survival and to development as fundamental human rights. Under the leadership of the Communist Party of China, China had found its own path to development, which was suited to its circumstances and needs. Its achievements in that regard had received worldwide recognition. China had been fulfilling its international obligations under the Covenant and would engage constructively with the Committee on Economic, Social and Cultural Rights to promote human rights around the world.

41. **Ms. Keogh** (Representative of the European Union, in its capacity as observer) said that her delegation encouraged all States to engage fully with the human rights treaty bodies. She asked the Chair of the Committee on Economic, Social and Cultural Rights to identify the main issues that had arisen with respect to

those rights during the Committee's seventy-third and seventy-fourth sessions and to share what remained to be done in that regard. Her delegation also wished to know whether the Committee had considered the impact of the economic crisis on the realization of economic, social and cultural rights.

42. Furthermore, the European Union wished to know whether the Committee had considered introducing a simplified reporting system. Given that all human rights were universal, interdependent and interrelated, she wondered whether the Chair could explain the steps that had been taken to enhance coordination with the Human Rights Committee, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities, in order to prevent overlap in State party reports. Finally, she asked the Chair to share her views on the options for treaty body reform presented by the OHCHR secretariat when it came to the calendar of State party reviews and the harmonization and digitalization of working methods.

43. **Mr. Kuzmenkov** (Russian Federation) said that some countries wished to undermine the fundamental principles of international human rights law so that they could restructure the law to fit their own geopolitical interests. Under the pretext of protecting human rights, they introduced unilateral coercive measures that created artificial barriers to development in sovereign States. The social, economic and cultural rights of millions of people were being brutally violated as a result of unilateral coercive measures, which were meted out as a sort of collective punishment of States for their pursuit of their own domestic and foreign policies. Such measures ran counter to fundamental human rights and liberties, undermined the efforts of the international community to solve crises and, moreover, were ineffective. His delegation hoped that the Committee on Economic, Social and Cultural Rights would be more proactive in addressing that topic, as that would help to protect millions of people from collective punishment at the hands of a group of States that shared a colonial past and a neocolonial mentality.

44. **Mr. Hassani** (Algeria) said that progress on economic, social and cultural rights should be viewed through the lens of the right to development. In that context, Algeria had promoted effective social policy with a view to securing the well-being of its people. The Government's efforts to eradicate development disparities had led to increased purchasing power among its people and to improved services for people in need. Furthermore, an ambitious programme had been developed to improve access to adequate housing and to services such as transportation, drinking water and

electricity. Special attention had been paid to the preservation of tangible and intangible cultural heritage.

45. According to the report of the Secretary-General entitled "Progress towards the Sustainable Development Goals: a rescue plan for people and planet" (A/78/80-E/2023/64), 84 million children would be out of school by 2030. He wondered how OHCHR would work with relevant United Nations agencies to address that issue. Furthermore, his delegation wished to know whether there were indicators on progress made in the key areas of action of OHCHR.

46. **Mr. Alegre** (Portugal) said that his delegation encouraged all States to ratify and implement the Covenant and the Optional Protocol. In February 2023, Portugal had engaged in a constructive dialogue with the Committee on Economic, Social and Cultural Rights and would use its helpful recommendations as a basis for improvements to government policies.

47. In the context of the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action, the United Nations High Commissioner for Human Rights had repeatedly recalled that all human rights were indivisible and interdependent and that the distinction between civil and political rights and economic, social and cultural rights was artificial. At a time of growing inequality, inflation and food insecurity, the realization of economic, social and cultural rights would be critical to implementing the 2030 Agenda. States that paid greater attention to fulfilling the rights to work, food, education, health and cultural life would build more robust economies. He asked about the practical steps that could be taken to build a human rights-based economy. He also asked how economic, social and cultural rights could be integrated into the preparations for the proposed world social summit.

48. **Ms. Crăciunean-Tatu** (Chair of the Committee on Economic, Social and Cultural Rights) said that the consideration of State party reports remained a central aspect of the work of the Committee on Economic, Social and Cultural Rights and was not at all affected by the preparation of general comments because the latter was programmed and sequenced in a manner that enabled the Committee to focus on State reporting. The general comments were a very important tool, as they allowed the Committee to come to a consistent and agreed understanding of various rights.

49. Three general comments were in various stages of development. The first was on the Covenant and sustainable development. Consultations were ongoing on a second general comment, which concerned the

Covenant and drug policies. The third concerned economic, social and cultural rights and armed conflict.

50. A simplified reporting procedure had been rolled out previously, on a pilot basis, and the Committee had then decided to offer it to all interested States parties on an opt-out basis. That decision could not be implemented, however, because of a lack of resources.

51. The Committee's work under the Optional Protocol was particularly important in the light of the renewed stress on the interdependence and interrelatedness of all human rights. It was important for as many States as possible to accede to the Optional Protocol so that the Committee could develop a broad and consistent jurisprudence. If more States ratified the Protocol, that would also give additional weight to the Committee's activities and would enhance the justiciability of economic, social and cultural rights. Finally, the new Bureau was exploring ways of coordinating with other treaty bodies and with regional human rights mechanisms.

52. **Ms. Cruz** (Special Rapporteur on the elimination of discrimination against persons affected by leprosy (Hansen's disease) and their family members), introducing her report (A/78/173), said that, in the past six years, she had thoroughly documented discrimination on the grounds of Hansen's disease and had provided evidence, information and recommendations for civil, political, economic, social and cultural rights-based policymaking by Member States, intergovernmental agencies and civil society. Despite their commitments to leaving no one behind by 2030, which was fast approaching, Member State responses had been feeble. While the low- and middle-income countries where the disease was prevalent admittedly faced numerous challenges, it was clear that colonialism, authoritarian medical practices, violations of State policies and stigmatization had rendered an extremely marginalized and historically ostracized group of people invisible, making it easy to dismiss them, as they had no bargaining power.

53. The pervasiveness of formal and substantive discrimination against persons affected by Hansen's disease included systemic denial of their right to equal access to opportunities; physical, psychological and sexual violence, in particular against affected women and children; and harmful stereotypes that threatened their fundamental rights and freedoms, including the right to life. The fulfilment by States of their immediate and cross-cutting negative obligation not to discriminate as a core principle of international human rights law through general constitutional provisions did not provide for the monitoring of discrimination on the

specific grounds of Hansen's disease or for access to remedies and reparations for violations. An analysis of the legal frameworks of the priority countries identified by the World Health Organization (WHO) for action on the disease not only showed considerable gaps in anti-discrimination legislation, but also raised concerns about provisions that either discriminated on certain grounds or failed to fully protect some groups. States must take positive steps to develop and implement anti-discrimination frameworks, both general and specific to Hansen's disease, that integrated the right to participation with an intersectional approach to protected grounds, so as to prevent third parties from interfering with the ability of those individuals and their family members to exercise their rights. That positive obligation must also extend to customary and religious practices, which continued to be the source of discriminatory attitudes.

54. Given current knowledge about the nature and root causes of Hansen's disease-related discrimination, it was possible to compile a narrative about such discrimination and the steps necessary to tackle it. Furthermore, persons affected by the disease and their representative organizations had increasingly taken ownership of such narratives and of national and subnational activities for claiming their rights. It was essential to continue mainstreaming the matter into relevant human rights mechanisms, to strengthen the capacity of those organizations to interact with relevant mechanisms and to ensure closer cooperation by relevant States in examining their legal frameworks and policies for opportunities and gaps. States were called upon to honour the pledge to leave no one behind by cooperating with the Special Rapporteur and, for those that had not yet done so, by inviting her successor to visit without delay.

55. **Ms. Keogh** (Representative of the European Union, in its capacity as observer) said that, given the gaps in terms of general and specific anti-discrimination legislation, the failure of States to monitor discrimination on the grounds of Hansen's disease and their inefficiencies in collecting data to inform anti-discrimination policies, her delegation wondered what strategies the Special Rapporteur had devised to help States to collect better quality disaggregated data. She asked how Governments could be encouraged to include persons affected by Hansen's disease and their family members in decision-making processes that affected them and how public awareness could be raised to combat the outdated and paternalistic approaches, harmful stereotypes and stigmatization that impeded excluded or underrepresented groups from exercising their right to participation.

56. **Ms. Pereira Gomes** (Brazil) said that her country had the second-highest number of diagnosed cases of Hansen's disease. Brazil had ratified numerous international human rights treaties that protected persons affected by the disease. Discrimination was prohibited under the Constitution of Brazil, and the use of discriminatory language was specifically prohibited under a 1995 law. To reverse the disproportionate impact of Hansen's disease on poorer regions and vulnerable populations, the Ministry of Health had launched a national strategy for the period 2023–2030 for combating the disease, whose objectives included improving health monitoring. In June 2023, her Government had established an interministerial committee for the elimination of tuberculosis and other socially determined diseases, including Hansen's disease, with a view to halting transmission and reducing physical disabilities. Also in 2023, her country had signed an agreement with Angola, since international cooperation was key to reducing the number of cases worldwide.

57. **Ms. Kamiya** (Japan) said that Hansen's disease was not only a health issue, but also a deep-rooted human rights issue, and that the Special Rapporteur, in her report, had provided specific recommendations for overcoming challenges in that regard. Her Government had provided various legal redresses to those who had been severely affected by prior policies. The work of the Special Rapporteur included gathering good practices in combating discrimination against persons with Hansen's disease and their family members and raising awareness through country visits and dialogues with diverse stakeholders. Given that grass-roots assistance was indispensable to real and effective implementation, she would be interested in hearing about good practices that would encourage and empower relevant government and non-government organizations in respecting the dignity of affected persons through a people-centred approach.

58. **Mr. La Haozhao** (China) said that his country had incorporated the diagnosis and treatment of leprosy into public health programmes, to provide free diagnosis and treatment, as well as medical care and livelihood assistance. Since the implementation of its national leprosy control plan for the period 2011–2020, China had taken measures to safeguard the rights of leprosy survivors and their children and ensure that sufferers could participate in society. China had also been carrying out health education and awareness campaigns on the prevention and treatment of leprosy, so as to eliminate discrimination and prejudice against patients and build a culture of respect and care.

59. Although leprosy was not highly prevalent in China, it remained a serious public health problem in

many developing countries. While advances in medicine and technology could cure physical pain, eradicating stigma depended on sound institutional safeguards and humane care. At a recent international training course held in Shandong, China, 24 participants from eight countries had studied leprosy prevention and control technology for developing countries. His country would continue to share experiences and approaches and strengthen international exchanges and cooperation, with a view to further contributing to global leprosy-control efforts.

60. **Ms. Zacarias** (Portugal) said that his delegation especially appreciated the Special Rapporteur's call in her report for specific anti-discrimination legal frameworks. She wondered whether the Special Rapporteur had noticed any improvements in the past six years with regard to her recommendation that States in which Hansen's disease was endemic develop anti-discrimination laws and guidelines aimed at protecting the rights of affected persons and asked how civil society could support government actions in that regard. She requested practical examples of the types of discrimination that persons affected by the disease and their family members still endured in their daily lives. In the light of the recent Sustainable Development Goals Summit and the push to achieve the 2030 Agenda, leaving no one behind, she asked whether Hansen's disease had an impact on sustainable development, beyond human rights.

61. **Mr. Muñoz** (Observer for the Sovereign Order of Malta) said that Hansen's disease had plagued humanity for centuries, inflicting not only physical scars, but also deep emotional and societal wounds on those affected by it and their families owing to pervasive discrimination and stigmatization. Individuals with leprosy and their family members deserved the same rights and opportunities as any other member of society. Exclusion, marginalization and ostracization only perpetuated the cycle of poverty and despair.

62. For decades, the Order of Malta in France and the Order of Malta International Campaign against Leprosy (CIOMAL Foundation) had been at the forefront of action to combat leprosy and prevent the world's poorest communities from abandonment. The Order of Malta in France provided treatment for leprosy and its associated complications to some 30,000 people annually in 11 countries. It had been leading a WHO-recognized scientific research programme dedicated to studying the genetic mechanisms of the disease and developing new therapies, and had recently inaugurated a specialized department for plantar ulcers in Cambodia, where leprosy patients with foot deformities were treated. Eliminating discrimination against persons affected by

leprosy and their family members was both a moral imperative and a human rights issue of paramount importance.

63. **Ms. Cruz** (Special Rapporteur on the elimination of discrimination against persons affected by leprosy (Hansen's disease) and their family members) said that leprosy was a neglected tropical disease for which insufficient medical technologies and drugs existed for both treatment and healing. It was unacceptable that, in 2023, the right to health was still not guaranteed for persons affected by Hansen's disease. Only two countries, Brazil and Japan, had established reparations for previous forced segregation of persons affected by the disease, and only Brazil had legislation in place to combat discrimination on the grounds of Hansen's disease.

64. Because there were no monitoring systems mapping discrimination against persons affected by Hansen's disease, many Governments were unaware that Hansen's disease even existed anymore in their countries or that persons affected by the disease were being excluded from the formal economy or unable to access social protection benefits. It was therefore imperative to include Hansen's disease as a category within national monitoring systems, to enlist individuals affected by the disease and their representative organizations in providing information on the situation in remote areas not reached by States, and to include them in decision-making and awareness-raising at both the national and subnational levels. That required the removal of multiple barriers to their participation, guidance for which could be found in the Convention on the Rights of Persons with Disabilities.

65. Numerous examples of discrimination on the grounds of Hansen's disease could be found in the reports of the Special Rapporteur from the past six years. Children diagnosed with irreversible and long-term impairments were expelled from schools, segregated from their families or abandoned and sent to live in leprosy colonies, which still existed. Women who were dependent on their husbands or parents to authorize their access to medical care could be refused and could be subjected to domestic and sexual violence. More than 100 existing laws actively discriminated against persons affected by Hansen's disease, leaving them unable to access justice, remedies or reparations or hold public office, and thus rendering them powerless to defend their own interests. Out of fear of contact with persons affected by the disease, public servants, health-care workers and people working in social protection services actively discriminated against and dehumanized them. Because of a widespread misconception that Hansen's disease no longer existed,

most health-care workers did not even know how to diagnose or treat it.

66. Hansen's disease was not only a health issue but also a human rights issue, and reparations must be made for past violations by the State. It was necessary to convey to society that discrimination on the grounds of health status was a violation and a crime. Hansen's disease could become a case study for measuring progress towards achievement of the Sustainable Development Goals: as a neglected tropical disease linked to poverty, it was associated with both substantive and intersectional discrimination, touching nearly all the Goals, but specifically target 3.3, which was far from being met owing to insufficient resources. It must be addressed through a human rights and discrimination framework and integrated into the 2030 Agenda. It was unfortunate that developing countries still regarded development purely in terms of economic growth; human rights principles, including participation and accountability, must be integrated so as to reach those furthest behind: the vulnerable and marginalized.

Agenda item 68: Rights of Indigenous Peoples (*continued*)

(a) Rights of Indigenous Peoples (*continued*) (A/78/162)

(b) Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples (*continued*)

67. **Ms. Pella** (Indonesia) said that her country was committed to addressing the ambiguities in the report of the Special Rapporteur on the rights of Indigenous Peoples (A/78/162) with respect to land disputes and potential human rights issues linked to the Indonesian Mandalika project, and had in recent years addressed explanatory communications to special procedure mandate holders in that regard. Her delegation urged the Special Rapporteur to ensure objectivity in his reports in by taking government efforts into account.

68. Indonesia was committed to the promotion and protection of its customary law communities. To that end, the Government had taken policy actions to foster an environment in which those communities could thrive and maintain their way of life. Followers of traditional religions were allowed to register their marriages and take oaths of office in accordance with their beliefs. The Government had also ensured that the rich heritage of customary law communities could be passed on to future generations by establishing a capacity-building programme that helped schools to protect, develop, utilize and nurture the cultural wealth

of those communities. That initiative, which had been implemented in nine provinces, had also served as a medium through which customary law communities could preserve their traditional knowledge.

69. **Ms. Nabeta** (Uganda) said that her country had enacted laws that required the rights and interests of Indigenous Peoples to be taken into consideration in environmental decision-making and in the management of wildlife resources. The role of traditional and cultural leaders in preserving community values and traditions was also recognized by law. Challenges stemming from past historical injustices against Indigenous Peoples and inequality in access to basic services were being addressed by an affirmative action programme.

70. Since 2017, Uganda, with the support of the Department of Economic and Social Affairs, had established a national action plan on the recognition and promotion of the rights of Indigenous Peoples. In 2019, the Government had established the National Indigenous Peoples Reference Committee, which brought together representatives of government institutions and of Indigenous Peoples. The Committee was tasked with ensuring that the issues faced by Indigenous Peoples were integrated in policies and plans and with developing an affirmative action programme for Indigenous Peoples. That programme, which prioritized the principles of free, prior and informed consent, had been adopted in June 2023. The programme had led to increased partnership between the Government and Indigenous communities, capacity-building for representatives of Indigenous Peoples and the integration of issues into policymaking. Despite those efforts, however, most Indigenous Peoples still lived in poverty and experienced high levels of insecurity as a result of land grabs by neighbouring pastoralists.

71. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that, in his country, 12 October was celebrated as Indigenous Resistance Day, in honour of Indigenous Peoples' historic struggle against centuries of cultural, territorial and religious colonization. Venezuela was a multi-ethnic, multicultural society, with 44 Indigenous Peoples and 36 Indigenous languages. Venezuelan public policy recognized the culture, value and heritage of Indigenous Peoples, focused on the preservation and promotion of their diversity, took into account the challenges facing them and gave them priority consideration in national development plans. Indigenous Peoples also participated in decision-making.

72. Illegal unilateral coercive measures hindered Indigenous Peoples' access to social and economic

programmes and affected society as a whole, particularly vulnerable or historically excluded populations. Venezuela called for united efforts and voices to defend Indigenous Peoples in the face of the systemic crisis of exploitative economic models, the ravages of the COVID-19 pandemic and aspirations of political hegemony. His delegation called for due reparations to compensate present and future generations for more than 300 years of colonial exploitation and the sacking of resources, land and life that had damaged the prosperity and culture of Indigenous Peoples.

73. The United Nations was an exceptional platform for dialogue and action with regard to the contributions made by and challenges faced by Indigenous Peoples. States and institutions must recommit to the promotion and preservation of the more than 3,000 Indigenous languages; they formed part of human heritage and some were in danger of disappearing. The contributions to knowledge, the spirituality, the perspective and the intrinsic values of Indigenous cultures were fundamental for peace, development and human rights. Indigenous Peoples must be able to participate, in all their diversity, in policies to achieve the Sustainable Development Goals and in the preservation of the natural world, in line with the United Nations Declaration on the Rights of Indigenous Peoples.

74. **Ms. Mimran Rosenberg** (Israel) said that a stone from a synagogue in Israeli western Galilee, dating from approximately 2,000 years ago, had been gifted to the United Nations on the fiftieth anniversary of the admission of Israel to the Organization and illustrated the clear historical connection of the Indigenous Jewish People to the land of Israel.

75. The artifact depicted a palm branch that was used as part of the holiday of Sukkot. On that holy day recently, however, celebration had turned to nightmare as thousands of rockets had rained down indiscriminately upon Israeli towns and cities and hundreds of Hamas terrorists had infiltrated Israel and begun a barbaric pogrom of unparalleled magnitude. Terrorists had gunned down innocent Israeli civilians and entire families in the streets and had gathered infants as young as 1 month, tied them up, shot them, beheaded them and taken them as trophies back to the Gaza Strip. Over 150 Israelis, including women, children, older persons and Holocaust survivors had been abducted and taken to Gaza.

76. Images and videos of those inhumane acts had been recorded and broadcast on social media. Hamas had shown the depth of its hatred and, as a genocidal jihadist terror organization, could not be reasoned with.

Hamas did not want dialogue or conversation, but rather the annihilation of the Jewish State, as shown in its charter, flag and chants. It was waging a war of hate against the Jews and the Indigenous inhabitants of Israel.

77. **Ms. Blackett** (Observer for the Sovereign Order of Malta) said that Indigenous communities had endured systematic discrimination, repudiation and dispossession of their ancestral homes and resources, yet their traditional knowledge and practices had made them essential stewards of valuable ecologic knowledge, contributing to sustainable resource management, biodiversity preservation and climate change mitigation. The international community's response to climate change must include the insights, knowledge and sustainable practices of those who resided in areas that were most vulnerable to global warming and environmental degradation and who had been in the frontlines of climate change impact. Member States must support those peoples in their pursuit of self-determination, cultural preservation and the protection of their ancestral lands.

78. The COVID-19 pandemic had disproportionately affected the vulnerabilities of Indigenous communities. Targeted policies should be implemented to address inequalities in their access to health care, education and economic opportunities. Since 2014, the humanitarian relief division of the Sovereign Order of Malta had worked with the Indigenous Wayuu people in northern Colombia and, during the COVID-19 pandemic, had conducted water, sanitation and hygiene training and had repaired water tanks. The division provided quality health care and nutrition to children under 5 years of age and pregnant mothers through mobile health brigades to address the alarming child malnutrition rates in the region and had established a mental health clinic in partnership with grassroots Indigenous organizations. Empowering communities to lead their own success fostered lasting and sustainable development and aligned with the United Nations Declaration on the Rights of Indigenous Peoples.

The meeting rose at 12.30 p.m.