United Nations A_{/C.3/67/SR.44}



Distr.: General 28 December 2012

Original: English

Third Committee

Summary record of the 44th meeting

Held at Headquarters, New York, on Monday, 26 November 2012, at 3 p.m.

Chair: Mr. Mac-Donald.....(Suriname)

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(a) Advancement of women (continued)

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The meeting was called to order at 3.15 p.m.

Agenda item 69: Promotion and protection of human rights (continued)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/C.3/67/L.37, A/C.3/67/L.38 and A/C.3/67/L.53)

Draft resolution A/C.3/67/L.37: Enhancement of international cooperation in the field of human rights

- 1. **The Chair** said that the draft resolution had no programme budget implications.
- 2. **Ms. Astiasarán Arias** (Cuba), speaking on behalf of the Non-Aligned Movement, said that China had joined the sponsors of the draft resolution, the aim of which was to recognize that stronger international coordination was essential to the promotion of human rights. She read out oral revisions to paragraph 12. The first word, "Welcomes", should be replaced with "Recalls", and the words "as decided in resolution 19/33 of the Council" should be added to the end of the paragraph. The members of the Non-Aligned Movement invited all delegations to approve it by consensus.
- 3. **Mr. Gustafik** (Secretary of the Committee) said that El Salvador had joined the sponsors of the draft resolution, as orally revised.
- 4. Draft resolution A/C.3/67/L.37, as orally revised, was adopted.
- 5. **Ms. Robl** (United States of America) said that her delegation was pleased to join the consensus on the draft resolution. While it acknowledged the existence of regional crises and price volatility, however, the Food and Agriculture Organization of the United Nations (FAO) had made it clear that the current situation did not constitute a global food crisis. The references to such a crisis in the text were therefore inaccurate.

Draft resolution A/C.3/67/L.38: Human rights and unilateral coercive measures

- 6. **The Chair** said that the draft resolution had no programme budget implications.
- 7. **Ms. Astiasarán Arias** (Cuba), speaking on behalf of the Non-Aligned Movement, reiterated its

opposition to unilateral coercive measures, in particular against developing countries. Under no circumstances should a people be deprived of its means of subsistence and development, and States should refrain from violating international law and the Charter of the United Nations. The Non-Aligned Movement invited all delegations to vote in favour of the draft resolution.

- 8. **Mr. Gustafik** (Secretary of the Committee) said that China had joined the sponsors.
- 9. **The Chair** said that a recorded vote had been requested.
- 10. **Ms. Astiasarán Arias** (Cuba) asked which delegation had requested the recorded vote.
- 11. **The Chair** said that the vote had been requested by the delegation of the United States of America.
- 12. **Ms. Robl** (United States of America), speaking in explanation of vote before the voting, said that the draft resolution had no basis in international law, challenged States' sovereign right freely to conduct their economic relations and protect their interests, including in the area of national security, and attempted to undermine the international community's ability to respond to acts which ran counter to international norms. Her Government was not alone in viewing unilateral and multilateral sanctions as a means of achieving its legitimate objectives.
- 13. A recorded vote was taken on draft resolution A/C.3/67/L.38.

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, India, Indonesia, Honduras, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia,

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Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania. San Marino, Serbia. Slovakia. Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Afghanistan, Malawi.

14. Draft resolution A/C.3/67/L.38 was adopted by 115 votes to 52, with 2 abstentions. 1

Draft resolution A/C.3/67/L.53: International Convention for the Protection of All Persons from Enforced Disappearance

- 15. **The Chair** said that the draft resolution had no programme budget implications.
- 16. **Mr. Gustafik** (Secretary of the Committee) said that Andorra, Armenia, Bolivia (the Plurinational State of), Costa Rica, Côte d'Ivoire, Ethiopia, Haiti, Honduras, Madagascar, Mauritania, Nigeria, Panama,

Peru, Paraguay, Serbia, Somalia and Tunisia had joined the sponsors of the draft resolution.

- 17. **Ms. Perceval** (Argentina), speaking on behalf of the main sponsors, said that Azerbaijan, Belize, Cameroon, Canada, Eritrea, Gabon, Grenada, India, Kazakhstan, Mali, Mongolia, New Zealand, Saint Vincent and the Grenadines, Swaziland, Uganda and Zambia had joined the sponsors. Her delegation trusted that more Member States would adhere to the International Convention for the Protection of All Persons from Enforced Disappearance, the adoption of which had filled a gap in international human rights law and had made it mandatory for States to investigate those responsible.
- 18. The draft resolution recalled that no one should be held in secret detention, recognized the importance of the Declaration on the Protection of All Persons from Enforced Disappearance and took note of the general comments of the Working Group on Enforced or Involuntary Disappearances.
- 19. **Mr. Gustafik** (Secretary of the Committee) said that the Comoros, Grenada, Nicaragua, Niger and Togo had joined the sponsors of the draft resolution.
- 20. Draft resolution A/C.3/67/L.53 was adopted.

Agenda item 103: Crime prevention and criminal justice (continued)

Draft resolution A/C.3/67/L.15/Rev.1: Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity

- 21. **The Chair** said that the draft resolution had no programme budget implications.
- 22. Mr. Mogini (Italy) said that Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, the Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bulgaria, Burkina Faso, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Dominica, the Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Honduras, Hungary, India, Ireland, Israel, Jamaica, Japan, Jordan, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mexico, Micronesia, Mongolia,

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¹ The delegations of Afghanistan, Malawi, the Sudan and Zambia subsequently informed the Committee that they had intended to vote in favour of the draft resolution.

Montenegro, Namibia, the Netherlands, New Zealand, Norway, Papua New Guinea, Paraguay, Peru, the Philippines, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Serbia, Slovakia, Slovenia, South Sudan, Spain, the Sudan, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, the United States of America and Uruguay had joined the sponsors of the draft resolution.

- 23. Since crime impacted all Member States, a common response was needed. Because transnational organized crime operated as a business, curbing its financial power would affect its raison d'être. A lack of international cooperation in attacking criminal assets would lead to the contamination of vulnerable economic systems by crime. The purposes of the resolution were to build consensus on the fight against organized crime through the United Nations; to promote the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto; and to confirm the Member States' support for technical assistance from the United Nations Office on Drugs and Crime (UNODC).
- 24. As a result of informal consultations, language on asset recovery, the implementation of the Global Plan of Action on Trafficking in Persons and support for the United Nations Trust Fund for Victims of Trafficking in Persons, especially Women and Children, international cooperation against trafficking in cultural property, capacity-building to combat environmental crimes, crime prevention and social development, the adoption of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and the enhancement of UNODC technical assistance in forensic science had been incorporated in the text.
- 25. **Mr. Gustafik** (Secretary of the Committee) said that Bangladesh, Benin, Bosnia and Herzegovina, Botswana, Burundi, Indonesia, Kuwait, Mauritania, Niger, Sierra Leone, Uganda and the United Republic of Tanzania had joined the sponsors of the draft resolution.
- 26. Draft resolution A/C.3/67/L.15/Rev.1 was adopted.
- 27. **Ms. Calcinari Van Der Velde** (Bolivarian Republic of Venezuela) said that her delegation had supported the consensus on the draft resolution because

- it believed that the fight against transnational organized crime should be conducted in line with the principles of international cooperation and respect for State sovereignty. It nevertheless expressed reservations about certain paragraphs which contained inaccurate claims.
- 28. Although transnational organized crime negatively affected human rights, the rule of law and national stability, it had no impact on international peace and security. The claim in the sixteenth preambular paragraph that it had such an impact ran counter to the resolutions of the Commission on Crime Prevention and Criminal Justice.
- 29. Her delegation was also concerned by the eighteenth preambular paragraph, in which a direct link was made between arms trafficking, transnational organized crime and other criminal activities, including terrorism. It did not recognize the existence of systematic links between crimes; to make such links was to be unaware of the universal human rights principles of due process and the presumption of innocence. Specifically, the links between terrorism and transnational organized crime were neither automatic nor permanent, but had varying causes which should be analyzed on a case-by-case basis.
- 30. It was claimed in the nineteenth preambular paragraph that States' actions against terrorism were a common and shared responsibility. No such responsibility, however, was mentioned in the international or regional instruments relating to the fight against terrorism, nor was it possible in the absence of an internationally agreed definition of terrorism.
- 31. Her Government had ratified international instruments through which it had made commitments relating to reciprocal legal assistance and the extradition of terrorists. It considered, however, that the nineteenth preambular paragraph was a distortion of the reference in the 2005 Bangkok Declaration to better cooperation against crime in a "spirit of common and shared responsibility". That Declaration, however, was non-binding and did not establish shared responsibility.
- 32. Her delegation felt that terrorism should be addressed by the Sixth Committee and that the references to it exceeded the scope of the draft resolution. The UNODC terrorism mandate was limited to helping States implement legal instruments.

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33. **Mr. Dempsey** (Canada) said that the international community should fight irresponsible trading in arms and their conversion to illicit uses, while acknowledging the legitimate use of weapons in sport shooting, hunting and collecting. Since there were legitimate uses of arms, there was also a legitimate trade in them.

Draft resolution A/C.3/67/L.17/Rev.2: United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

- 34. **Mr. Gustafik** (Secretary of the Committee), presenting a statement of programme budget implications in accordance with rule 153 of the rules of procedure of the General Assembly, said that the request in paragraph 17 of the draft resolution for the Secretary-General to continue making proposals for additional staff would be addressed in the context of the budget proposals and would be reviewed by the intergovernmental bodies. The adoption of the draft resolution would not, therefore, entail additional appropriations under the programme budget for 2012-2013.
- 35. **Ms. Kafeero** (Uganda), speaking on behalf of the African Group, said that Grenada, New Zealand, Saint Lucia and Saint Vincent and the Grenadines had joined the sponsors of the draft resolution.
- 36. African economies were under attack from cybercrime, illicit trafficking in cultural property, drug trafficking, money laundering and piracy. Crime was a major obstacle to sustainable development, and investment in its prevention was a positive step.
- 37. The United Nations African Institute for the Prevention of Crime and the Treatment of Offenders had been instrumental in carrying out research on community correction techniques to relieve congestion in prisons. It had provided technical assistance in criminal justice systems, including training in evidence collection, and the enactment of legislation to combat trafficking in persons and drugs. It had carried out studies of the drug situation in Africa, a situation which could undo all the work carried out in other regions if left unresolved. It had raised awareness of the fight against cybercriminals and had carried out capacity-building in the areas of juvenile justice, childcare and child protection. It needed the cooperation and assistance of its members to carry out

its work, which was essential to crime prevention and beneficial to the international community.

- 38. The text of the draft resolution was the result of consultations with other regional groups and had met the expectations of all concerned. A major change in the revised version was the decision not to request additional financial resources, since the Institute was undergoing a structural review. Instead, the proposals were focused on the Institute's activities.
- 39. Draft resolution A/C.3/67/L.17/Rev.2 was adopted.

Agenda item 104: International drug control (continued)

Draft resolution A/C.3/67/L.14/Rev.2: International cooperation against the world drug problem

- 40. **Mr. Gustafik** (Secretary of the Committee), presenting a statement of programme budget implications in accordance with rule 153 of the rules of procedure of the General Assembly, said that in paragraphs 43 and 45 of the draft resolution, the requirements for the preparatory process for the 2016 special session of the General Assembly on the world drug problem should be assessed when the General Assembly decided on the preparatory work to be undertaken. The resources required to service the session would be reviewed in the light of the proposed programme budgets for 2014-2015 and 2016-2017. The adoption of the draft resolution would thus have no programme budget implications in 2012-2013.
- 41. **Ms. Morgan** (Mexico) said that the draft resolution established measures to address the world drug problem and reaffirmed the international community's commitment to stronger cooperation. It provided for a special session of the General Assembly in 2016, to review progress in the Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem.
- 42. Albania, Austria, Belgium, Benin, Burkina Faso, Bosnia and Herzegovina, China, Côte d'Ivoire, Cyprus, Dominica, the Dominican Republic, Ecuador, Grenada, Greece, Ireland, Israel, Italy, Japan, Liechtenstein, Malaysia, Montenegro, Myanmar, New Zealand, Nigeria, Paraguay, Peru, the Republic of Korea, Saint Lucia, Saint Vincent and the Grenadines, Spain, Sweden, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland and the United

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States of America had joined the sponsors of the draft resolution.

- 43. **Mr. Gustafik** (Secretary of the Committee) said that Andorra, Antigua and Barbuda, Armenia, Bahamas, Barbados, Cameroon, Croatia, Denmark, Egypt, France, Gambia, Germany, Guyana, Hungary, Iceland, Indonesia, Jamaica, Kazakhstan, Kyrgyzstan, Liberia, Lithuania, Luxembourg, Mali, the Republic of Moldova, Monaco, Morocco, Niger, Norway, Poland, Portugal, Romania, San Marino, Serbia, Suriname, Swaziland, the former Yugoslav Republic of Macedonia and Uganda had joined the sponsors.
- 44. Draft resolution A/C.3/67/L.14/Rev.2 was adopted.
- 45. **Ms. Calcinari Van Der Velde** (Bolivarian Republic of Venezuela) said that her delegation had joined the consensus on the draft resolution but wished to point out that the use of drugs and illicit drugs, referred to in the text, was not banned under the 1961 Single Convention on Narcotic Drugs. The Convention recognized both the medical use of narcotic drugs and the need to combat their abuse, which required coordinated and universal action. The references to "illicit drugs" in the draft resolution thus required clarification: it was the demand for drugs for non-medical purposes which was illicit, not the drugs themselves.
- 46. Her delegation was concerned by the precedence given in the draft resolution to the World Drug Report over the three binding international Conventions in the area, which constituted the framework for the fight against drugs.
- 47. Linguistic precision was essential in diplomacy, since the use of incorrect terms caused confusion. Her delegation hoped that the matter would be addressed at the next session of the Commission on Narcotic Drugs and the General Assembly. It would be useful to have a clear picture before the 2016 special session on the world drug problem.
- 48. Her delegation reiterated its opposition to the claim in paragraphs 21 and 22 that automatic links existed between crimes. That claim demonstrated an ignorance of the universally recognized principles of due process and the presumption of innocence.

Agenda item 28: Advancement of women (continued)

(a) Advancement of women (continued)

Draft resolution A/C.3/67/L.22/Rev.1: Supporting efforts to end obstetric fistula

- 49. **The Chair** said that the draft resolution contained no programme budget implications.
- 50. Ms. Sarr (Senegal), introducing the draft resolution on behalf of the African Group, said that Albania, Andorra, Antigua and Barbuda, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Bosnia and Herzegovina, Cambodia, Canada, Colombia, Croatia, Cyprus, the Czech Republic, Denmark, Dominica, Ecuador, Estonia, Finland, France, Greece, Hungary, Iceland, Kyrgyzstan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Mexico, Montenegro, the Netherlands, Norway, Pakistan, Poland, the Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela (Bolivarian Republic of) had joined the sponsors.
- 51. More than 3 million women and girls suffered from obstetric fistula and associated stigma and discrimination, mainly in developing countries, which in turn led to deeper poverty, low-self esteem, and in some cases, suicide. Indeed, the condition, which stemmed from prolonged obstructed labour and was almost entirely preventable with the proper care, was among the leading causes of maternal mortality in the developing world. The draft resolution was about saving the lives of women and girls by calling for renewed focus on the matter. It reflected the recommendations in the report of the Secretary-General (A/67/258) on what must be done at the national, regional and international levels to prevent obstetric fistula and end maternal mortality and morbidity. If Millennium Development Goal 5 (improve maternal health) was to be achieved, the international community must enhance access to affordable, comprehensive health care services to meet the needs of women and girls. The Third Committee and General Assembly must speak out and show commitment to help save those lives.
- 52. **Mr. Gustafik** (Secretary of the Committee) said that Malta and Monaco had joined the sponsors.

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- 53. Mr. López (Peru) said that his Government would consider application of the provisions of the draft resolution insofar as they were in line with its Constitution and the international obligations from human rights treaties to which Peru was a party. Its Constitution recognized the right to life for all persons from the time of conception, and abortion was considered a criminal offence in its criminal code, except on therapeutic grounds. His country's position on sexual and reproductive rights had been stated clearly at the 1994 International Conference on Population and Development and the 1995 Fourth World Conference on Women.
- 54. **Ms. Robl** (United States of America) said that the draft resolution acknowledged that the protection of women's reproductive rights played a key role in combating obstetric fistula. That was key to helping women to achieve the highest available standard of reproductive health. It was only by protecting sexual and reproductive health and rights that safe and healthy environments could be offered women. Reproductive rights, as described in the Programme of Action agreed at the 1994 International Conference on Population and Development, and in many resolutions since, provided the foundation for global efforts, and State compliance with that programme of action was crucial. Her delegation strongly supported the draft resolution and would continue to foster implementation of the Programme of Action. Lastly, she noted that her Government understood child marriage to signify forced and early marriage.
- 55. Draft resolution A/C.3/67/L.22/Rev.1 was adopted.
- 56. Mr. Staur (Denmark), speaking on behalf of the Nordic countries, said that he welcomed the adoption of the draft resolution, as obstetric fistula caused physical and social harm and was preventable. The Nordic countries remained strongly committed to supporting efforts to end obstetric fistula, improving maternal health and reducing maternal mortality as a top priority in its development cooperation and the reason for its strong support of the United Nations Population Fund. It was welcome that the resolution focused on ensuring universal access to the services needed by the women and girls at risk of or suffering from that condition, noting that it was also the result of socio-economic and gender inequalities and the lack of respect for the human rights of women and girls. A holistic and human-rights based approach must thus be adopted to tackle the root causes of obstetric fistula.

- 57. He welcomed the emphasis on the reproductive rights of women and girls, as part of a comprehensive prevention and care strategy, since women should have the right to decide on the number, spacing and timing of their children. Information and education were key to addressing that scourge. The promotion and protection of women's reproductive rights also helped provide the building blocks for achieving women's empowerment and gender equality, and were thus at the core of human development.
- 58. Mr. Wylie (Observer for the Holy See) said that while the resolution contained important elements, his delegation reaffirmed its reservations to any reference to "gender", "sexual and reproductive health", and especially to "reproductive rights", which were clearly set out in the 1994 report of the International Conference on Population and Development and the 1995 report of the Fourth World Conference on Women. He recalled that the 1994 report affirmed that no new human rights were created by that terminology, and abortion was never to be considered a means for family planning. That issue was to be determined not internationally, but in accordance with national legislation. The terms "sexual and reproductive health" and particularly "reproductive rights" should never be understood to include access to abortion or to abortifacients.
- 59. It was important to recall that each child's right to integral human development, including education, was guided by the provisions of the Convention on the Rights of the Child. States must uphold the rights and responsibilities of parents for the upbringing and education of their children, in order to advance the best interests of the child's individual, cultural and spiritual development. Lastly, his delegation understood "gender" to mean male or female, in accordance with the general and historical usage of the term.
- 60. **Mr. Mosot** (Kenya) said that he welcomed the adoption of the resolution by consensus, as it recognized the links between obstetric fistula and poverty, malnutrition, early childbearing and gender discrimination. Many cases were due inter alia to a lack of health facilities and trained medical personnel, particularly in rural areas. The technology, momentum and resources to address the scourge of obstetric fistula were there; it was now a matter of making concerted efforts to address and curb the condition as a priority.

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- 61. For its part, Kenya had made investments to develop its health system, but its health infrastructure needed to be strengthened and the drainage of health service workers to developed countries addressed. The only way for women and girls to enjoy the highest health standards was for obstetric fistula to be recognized as a priority by the international community. In that respect, technical and financial support must be stepped up. Action was also needed to deal with maternal, newborn and child health through pre- and post-natal care, and obstetric and newborn care. Health systems must be strengthened, education encouraged and awareness raised. He hoped that sufficient funds could be mobilized to enable affordable health care and to prevent the occurrence of obstetric fistula.
- 62. **Mr. Ruidiaz** (Chile) said that his delegation had joined consensus on the draft resolution, but noted that Chile's Constitution clearly stated that life was protected from conception to death, and no part of the draft resolution could be understood or interpreted as a direct or indirect acceptance of abortion, as that would run counter to its domestic legislation.
- 63. His Government would continue to address the serious problem of obstetric fistula in the future in a constructive way in order to put an end to that scourge.

The meeting rose at 4.50 p.m.

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