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## Third Committee

### Summary record of the 54th meeting

Held at Headquarters, New York, on Tuesday, 25 November 2014, at 3 p.m.

*Chair:* Ms. Mesquita Borges . . . . . (Timor-Leste)

## Contents

Agenda item 68: Promotion and protection of human rights (*continued*)

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

Agenda item 105: Crime prevention and criminal justice (*continued*)

Agenda item 106: International drug control (*continued*)

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

**Agenda item 68: 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.3/69/L.26/Rev.1)

*Draft resolution A/C.3/69/L.26/Rev.1: The right to privacy in the digital age*

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

2. **Mr. Braun** (Germany) said that Armenia, Colombia, Cuba, the Czech Republic, Estonia, Ghana, Italy, Latvia, Lebanon, Morocco, Panama, Saint Lucia, Saint Vincent and the Grenadines, Serbia, Slovakia, Sweden, Timor-Leste, Turkey and the Bolivarian Republic of Venezuela had joined the sponsors. While the adoption of General Assembly resolution 68/167 had reaffirmed that human rights must be protected online in the same way that they were protected offline, gaps remained, with unprecedented technical possibilities to conduct surveillance or to intercept and collect personal data challenging the right to privacy and other human rights. New elements in the text included a reference to metadata in the context of digital surveillance. Such metadata could be as privacy-sensitive as the content of communications themselves. Furthermore, the draft resolution established that individuals whose right to privacy had been violated as a consequence of unlawful or arbitrary surveillance must have access to effective remedy. Finally, it encouraged the Human Rights Council to consider establishing a special procedure that monitored the promotion and protection of the right to privacy. While surveillance and the interception of communications could sometimes contribute to the effective prevention and prosecution of crimes, it was crucial for the State to demonstrate that its surveillance activities to defend legitimate security concerns were necessary and proportionate. By keeping the sensitive topic of the right to privacy on the human rights agenda of the United Nations, the draft resolution constituted an important starting point for the steps needed to uphold that right.

3. **Mr. Khane** (Secretary of the Committee) said that Albania, Belize, Burkina Faso, Egypt, Eritrea,

Malaysia, Montenegro, Rwanda and Ukraine had joined the sponsors.

4. *Draft resolution A/C.3/69/L.26/Rev.1 was adopted.*

5. **Ms. Rahlaga** (South Africa) said that issues raised in paragraph 5 relating to the establishment of the mandate of a special rapporteur remained unclear vis à vis the work already done on the right to privacy by the Human Rights Committee and other special procedures. Her delegation was concerned at attempts to conflate the right to privacy with Internet governance and to establish human rights as a conditionality. South Africa had consistently cautioned against mandate creep in that regard and opposed the language that addressed the enjoyment of human rights offline and online, particularly as there had been resistance to recognizing the misuse of modern information and communications technology and the permissible limitations provided for in the International Covenant on Civil and Political Rights. General recommendation 15 of the Committee on the Elimination of Racial Discrimination had clearly stated that such permissible limitations were compatible with the exercise of the right of freedom of opinion and expression. Furthermore, given her delegation's concerns about incitement to hatred, discrimination and violence and the provision in South Africa's Constitution highlighting the incompatibility of democracy and racism, it would dissociate itself from the draft resolution, in line with its position of dissociating itself from United Nations resolutions on the protection of human rights offline and online.

6. **Ms. Loew** (Switzerland), speaking also on behalf of Austria, Liechtenstein, Mexico and Norway, welcomed the adoption by consensus of the draft resolution and through it, the international community's decision to address surveillance, interception and data collection activities that could violate the right to privacy and other rights. Throughout the deliberations, States had reached an understanding that they must ensure that any interference in the right to privacy had a legal basis and was proportionate and necessary to achieve a legitimate aim. Further discussion was needed on the indisputable fact that States had human rights obligations when conducting surveillance activities outside their territory. Lastly, she welcomed the fact that the draft resolution would pave the way for substantive deliberations by the Human Rights

Council, the competent body to further address the important issue.

7. **Mr. De Aguiar Patriota** (Brazil) said that while his delegation was pleased that consensus had been reached, it was important to recall the compromises made to do so. References to the principles of necessity and proportionality, particularly with regard to surveillance programmes, were not as strong as they should have been, owing to the fact that some Member States had not been in a position to acknowledge even the most basic principles of international law. The kind of reasoning that used the fight against terrorism as justification for any measure crossed dangerous thresholds, morally and legally, and could pave the way to a state of exception that transcended the rule of law.

8. The sponsors would have preferred to say that States must respect human rights obligations when conducting surveillance and intercepting communications from a communications infrastructure over which they exerted control, regardless of its location or the nationality of the individual. Nevertheless, positive new elements had been introduced, drawing from the reports of the Office of the United Nations High Commissioner for Human Rights and of the Special Rapporteur on the promotion and protection of human rights while countering terrorism. His delegation expected the recommendation that the Human Rights Council should consider establishing a special procedure on the promotion and protection of the right to privacy to result in the creation of a new mandate. The draft resolution represented significant progress, laying down the main elements for an in-depth analysis of the right to privacy.

9. **Mr. Dempsey** (Canada) said that in order to tackle the unique challenges of the digital age, the international community needed to consider privacy issues broadly and overcome a single-minded focus on surveillance. Canada thus regretted the narrow focus of the draft resolution and, in particular, its preoccupation with surveillance undertaken on a mass scale. That distinction was a dangerous distraction from the real issue, namely, that all unlawful and arbitrary surveillance, regardless of scale, was a violation of the State's obligation under international law to respect the right to privacy. Those disturbing abuses included the unscrupulous use of State power by repressive regimes to target political opponents and religious minorities.

In that context, his delegation commended the recognition of human rights defenders, who frequently faced threats, harassment, insecurity and violations of their privacy rights as a result of their activities.

10. While his Government welcomed the ongoing discussion on how to promote and protect privacy rights given technological advances and capabilities, it regarded the draft resolution's nod towards the creation of a special procedure as premature. Addressing the impact of the digital age on privacy would require ongoing, concerted engagement between all stakeholders, including Governments, industry, civil society and the technical community. His delegation looked forward to participating in future discussions and hoped that all countries would continue to strive for further consensus, recognizing the need for societies to both protect civil liberties and provide security without diminishing either goal.

11. **Mr. Clyne** (New Zealand) said that his Government's domestic legal framework to protect the privacy of individuals included robust oversight mechanisms and was consistent with the relevant human rights obligations. New Zealand recognized the need to strike an appropriate balance between considerations of privacy rights on the one hand and protecting national security on the other hand. The draft resolution must reflect current understandings of international law. In that regard, his delegation understood article 2.1 of the International Covenant on Civil and Political Rights and the interpretative guidance provided by the Human Rights Committee in paragraph 10 of General Comment No. 31 to be the appropriate legal standard, and interpreted the resolution accordingly. The wish of the delegation of Brazil for the draft resolution to assert extraterritoriality where effective control over communications infrastructure existed, wherever located, would have constituted an unwarranted extension of international law.

12. Any follow-on work from the draft resolution should take a broad look at issues interfering with privacy, including activities by non-State actors, and should include all relevant stakeholders. In order for cyberspace to be an effective catalyst of twenty-first century development, it was essential to ensure that the rights people enjoyed offline were also protected online, including the fundamental freedoms of expression and assembly. His delegation therefore

welcomed the inclusion of those issues in the draft resolution.

13. **Ms. Hewanpola** (Australia) said that technological advancements in the digital age presented immense opportunities for humankind to work together to meet its common challenges. Australia stood by its international human rights obligations and encouraged all States to do the same. It was therefore fundamental for her Government that the same human rights enjoyed offline were protected online, in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Surveillance tools must not be used by States to arbitrarily target individuals under their jurisdiction, including human rights defenders. In that connection, her delegation welcomed the focus on the targeted threats, harassment and insecurity such individuals were subjected to as a result of their activities.

14. The protection and promotion of the rights to freedom of expression, freedom of opinion, freedom of assembly, freedom of association, and freedom of thought, conscience and religion or belief were fundamental tenets of liberal democratic societies and as such, must be protected in all settings. Furthermore, the duty of Governments to ensure the safety and security of persons subject to their jurisdiction and to protect their human rights could necessitate lawful and non-arbitrary interference with the privacy of individuals. In such cases, lawful surveillance and access to telecommunications metadata, subject to appropriate safeguards and oversight, could serve as important tools to protect individuals from criminal or terrorist threats. Advances in technology had changed the way States approached the relationship between freedoms and privacy, and efforts to protect both must continue.

15. **Ms. De Jong** (Netherlands) said that the principles affirmed by the draft resolution, namely, that the rights people enjoyed offline must be protected online and that multi-stakeholder engagement was necessary to address the challenges related to privacy in the context of modern information and communications technology, had long been informing her Government's efforts to that end. In that connection, the Netherlands would be hosting a global conference on cyberspace in 2015, with a particular focus on freedom and privacy. The conference would bring together Governments, the private sector and

civil society to discuss how to keep the Internet free, open and secure. She hoped that the adoption of the draft resolution by consensus and the forthcoming conference would help to move forward the international debate on protecting the right to privacy.

16. **Mr. Mattar** (Egypt) said that his delegation had joined consensus on the draft resolution out of its commitment to protecting the right to privacy in the digital age. It had, however, noted that some of the language in the text did not provide the desired balance regarding the matter of extraterritoriality. His delegation hoped that those concerns would be addressed in coming years in order to maintain consensus on the draft resolution and ensure focus on its primary goal. In future, weighing down the resolution with matters already addressed more comprehensively elsewhere should be avoided.

17. **Ms. Razzouk** (United States of America) said that her delegation had joined consensus on the draft resolution because it reaffirmed privacy rights and the rights to freedom of expression, peaceful assembly and association, including their exercise online, as upheld by the International Covenant on Civil and Political Rights and her country's Constitution and domestic legislation. The draft resolution acknowledged the harassment and abuses to which human rights defenders were subjected; in that connection, she welcomed the call to address the arbitrary use of surveillance to intimidate, harass and at times arrest individuals who were lawfully exercising their rights. Communication should not be monitored to suppress criticism or dissent or to put people at a disadvantage based on their ethnicity, race, gender, sexual orientation or religion.

18. The United States of America welcomed the recognition that security concerns might justify the gathering of certain sensitive information in a manner consistent with international human rights obligations. Her delegation understood the draft resolution to be consistent with its long-standing views regarding the International Covenant on Civil and Political Rights, including articles 2, 17 and 19, and interpreted it accordingly. Further, it welcomed the reference to that key concept that the appropriate standard applied under article 17 as to whether an interference with privacy was permissible was whether it was lawful and not arbitrary; an interference with privacy must be reasonable given the circumstances, and article 17 did not impose a standard of necessity and proportionality.

The United States of America hoped further work on the topic could touch on other areas relating to privacy rights, beyond the digital environment and surveillance.

19. **Ms. Pringle** (United Kingdom) said that her Government was fully committed to upholding the right to privacy and affirmed that rights enjoyed offline must be protected online. States faced the challenge of ensuring that the right to privacy — a qualified right — was respected while fulfilling their obligation of protecting their citizens from threats, in particular, terrorist and criminal activity. In order to do so, law enforcement and intelligence agencies must continue to respond to the pace of technological change, which provided potential perpetrators with increasing opportunities to commit crime, do harm and avoid detection. The response should be necessary and proportionate and in accordance with an open, transparent and accountable legal framework and with obligations under international human rights law. However, the routine, indiscriminate use by Governments of surveillance to repress their own people and target political opposition should arouse concern among all supporters of open and democratic societies. Her delegation therefore welcomed the emphasis on tackling unlawful and arbitrary interference with the right to privacy. Lastly, it agreed that States should respect their international human rights obligations when carrying out surveillance, interception or intelligence gathering and welcomed the acknowledgement of the threats and harassment faced by human rights defenders, expressing the hope that attention would be paid to that growing problem.

*Draft resolution A/C.3/69/L.29/Rev.1: Protection of migrants*

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

21. **Ms. Diaz Gras** (Mexico) said that since the introduction of the draft resolution, Algeria, Bangladesh, Belarus, Belize, Brazil, Chile, El Salvador, Ethiopia, Haiti, Indonesia, Portugal, Senegal and the Philippines had joined the sponsors.

22. She read out a number of oral revisions to the text. In paragraph 3 (a), the words “to provide” should be deleted and added after the words “where appropriate”. In paragraph 3 (a) bis, the words “when appropriate” should be added after the words

“Encourages states to establish or”, and the word “potential” should be deleted and replaced with the word “alleged”.

23. In paragraph 4 (a) bis, the word “To” should be deleted and replaced with “Encourages States to”. In operative paragraph 4 (a) ter, the words “aimed” and “smuggling and” following the phrase “joint operational functions” should be deleted, and the word “act” should be deleted and replaced with the word “acts”. In paragraph 10, the words “on-going discussions” should be deleted and replaced with the word “elaboration”. Lastly, in paragraph 15 bis, the word “Takes” should be deleted and replaced with the word “Taking”.

24. *Draft resolution A/C.3/69/L.29/Rev.1, as orally revised, was adopted.*

25. **Mr. Khane** (Secretary of the Committee) said that Burkina Faso, Costa Rica, Egypt, Montenegro and Panama had joined the sponsors.

26. **Ms. Robl** (United States of America) said that the United States of America strongly believed that States had the responsibility to protect the human rights of all people in their territories, including migrants. Her Government took that duty seriously and promoted policies that protected the human rights of migrants, prosecuted crimes committed against them and encouraged international cooperation on efforts to ensure safe, orderly and legal migration. Her delegation had joined consensus and reiterated that States must protect the rights of migrants, consistent with their obligations under international law. To that end, the United States of America provided substantial Constitutional and legal protections to migrants within its territory regardless of their immigration status. At the same time, it was a well-settled principle under international law that all States had the sovereign right to control admission to their territory and to regulate the admission and expulsion of foreign nationals. The draft resolution, which sought common ground on advancing the protection of the human rights of migrants, should not be sidetracked by undue focus on bilateral issues that were the subject of discussions between affected States. In that spirit, referencing a bilateral legal matter was highly inappropriate and did not promote constructive cooperation on the issue at hand.

27. Her country had a long history of welcoming legal immigrants, temporary visitors with proper

documentation and refugees. Moreover, it was firmly committed to combating racial discrimination, xenophobia, intolerance and bigotry. In that connection, she clarified that paragraph 3 was intended to urge States to prevent criminal acts of hostility against migrants and should not be misinterpreted to inhibit freedom of expression.

*Draft resolution A/C.3/69/L.30: The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights*

28. **The Chair** announced that the draft resolution contained no programme budget implications.

29. **Mr. Rabi** (Morocco) said that Andorra, Azerbaijan, Cyprus, Eritrea, Finland, Italy, Japan, Kazakhstan, Mauritania, Peru, Qatar, the Republic of Korea, the Republic of Moldova, Saint Lucia, South Sudan, Spain, Sudan, Sweden, Thailand and the former Yugoslav Republic of Macedonia had also joined the sponsors. He expressed the hope that the draft resolution would be adopted by consensus.

30. **Mr. Khane** (Secretary of the Committee) announced that Belize, Brazil, Chile, Guatemala, Kyrgyzstan, Uganda, Ukraine and Uruguay had joined the sponsors.

31. *Draft resolution A/C.3/69/L.30 was adopted.*

*Draft resolution A/C.3/69/L.41: Promotion of peace as a vital requirement for the full enjoyment of all human rights by all*

32. **The Chair** announced that the draft resolution contained no programme budget implications.

33. **Ms. Moreno Guerra** (Cuba) said that Bangladesh, Belize, Benin, Brazil, Ethiopia, Lesotho, Malaysia, Namibia, Senegal and Sudan had joined the sponsors. The draft resolution reaffirmed the fundamental obligation of all States to preserve and promote the right of peoples to peace. Reading out an oral revision to the text, she said that, in paragraph 12, the word “seventieth” should be replaced with “seventy-first.”

34. **Mr. Khane** (Secretary of the Committee) announced that Chad, Côte d’Ivoire, Eritrea, Kenya, Madagascar, Malawi, Myanmar, Somalia and South Africa had joined the sponsors.

*Statements made in explanation of vote before the voting*

35. **Mr. Sfregola** (Italy), speaking on behalf of the European Union in explanation of vote before the voting, said that the member States of the European Union were committed to human rights, democracy and the rule of law and to international peace and security. His delegation shared the view that there were links between peace and respect for human rights; however, the absence of peace could not justify a failure to respect human rights. The draft resolution elaborated only on the obligations and relations among States in promoting peace without mentioning the fundamental obligation of the State towards its citizens and thus neglected an important component of the mandates of the Committee and the Human Rights Council.

36. The Open-ended Intergovernmental working group on a draft United Nations declaration on the right to peace remained controversial and problematic and the draft declaration adopted during its second session was not a suitable starting point for the group’s discussions. There was no international consensus that the right to peace existed in international law and the draft resolution was potentially inconsistent with other international norms, including the Charter of the United Nations. For those reasons, the European Union would vote against the draft resolution, as it had done in the past.

37. *A recorded vote was taken on draft resolution A/C.3/69/L.41, as orally revised.*

*In favour:*

Afghanistan, Algeria, Angola, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao



People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, 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, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, 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, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, 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, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Singapore.

38. *Draft resolution A/C.3/69/L.41, as orally revised, was adopted by 122 votes to 53, with 1 abstention.*

*Draft resolution A/C.3/69/L.42: The right to food*

39. **The Chair** announced that the draft resolution contained no programme budget implications.

40. **Mr. Nuñez Padron** said that Angola, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Cambodia, Croatia, Cyprus, Djibouti, El Salvador, Equatorial Guinea, Eritrea, Estonia, Finland, France, Germany, Greece, Guinea, Hungary, Ireland, Italy, Jamaica, Japan, Jordan, Latvia, Lesotho, Lithuania,

Luxembourg, Malaysia, Malta, Mexico, Mongolia, Namibia, the Netherlands, New Zealand, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sudan, Surinam, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Turkmenistan and Yemen had joined the sponsors. The draft resolution reaffirmed that hunger constituted an outrage and a violation of human dignity that required the adoption of urgent measures at the national, regional and international levels for its elimination. It also expressed deep concern that the vast majority of those affected by that scourge lived in developing countries.

41. Reading out oral revisions to the text, he said that, in the sixth preambular paragraph, the words "the importance of" should be inserted after the word "Reaffirming." In the twelfth preambular paragraph, the first occurrence of the word "is" should be replaced with "has been" and the second occurrence of the word "is" should be replaced with "as." In the thirteenth preambular paragraph, the words "impacts of the" should be inserted before the words "global food crisis." Two new preambular paragraphs should be inserted after the sixteenth preambular paragraph. The first of those paragraphs should read: "Recalling the principles for responsible investments in agriculture and food systems which were transmitted for consideration to the Governing Bodies of FAO at the 41st plenary session of the Committee on World Food Security in October 2014." The second of those paragraphs should read: "Stressing the importance of the Second International Conference on Nutrition hosted by the World Health Organization and the Food and Agriculture Organization in Rome on 19/21 November 2014." In the seventeenth preambular paragraph (new nineteenth preambular paragraph), the words "importance of reversing the continuing decline of" should be replaced with "need to increase the." Several revisions should be made to paragraph 3: the figure "842 million" should be replaced with "805 million;" the words "and that an additional 1 billion people are suffering from serious malnutrition" should be removed; and the words "a result of" should be replaced with "one of the effects derivative from." In paragraph 4, the first occurrence of the word "of" should be replaced with "created by;" the word "still" should be inserted before the word "continue;" and the words "the impacts of" should be inserted after "aggravated by." In paragraph 8, the word "his" should be replaced with "her" and the word

“integrate” should be replaced with “continue integrating.” In paragraph 15, the figure “80 per cent” should be replaced with “70 per cent” and the words “and 50 per cent are small scale farm holders” should be replaced with “where nearly half a billion family farmers are located,.” After paragraph 18, a new paragraph 18 bis should be inserted with the following text: “Welcomes the outcome document of the high-level meeting of the General Assembly known as the World Conference on Indigenous Peoples held on 22 and 23 September 2014 and the commitment to developing, in conjunction with the indigenous peoples concerned, and where appropriate, policies, programmes, and resources to support indigenous peoples’ occupations, traditional subsistence activities, economies, livelihoods, food security and nutrition.” In paragraph 24, the word “early” should be removed. In paragraph 39, the words “notes the holding of the meeting at the forty-first session of the Committee on World Food Security in October 2014, on a 10 year retrospective on progress made in implementing the Voluntary Guidelines to mark the tenth anniversary of their adoption” should be replaced with “welcomes the outcome of the meeting on the ten year retrospective of the implementation of the Right to Food Guidelines held in October 2014.” Finally, in paragraphs 40 and 41, all occurrences of “his” and “him” should be replaced with “her.”

42. **Mr. Khane** (Secretary of the Committee) announced that Albania, Andorra, Azerbaijan, Belize, Benin, Bosnia and Herzegovina, the Central African Republic, Chad, Gabon, the Gambia, Guatemala, Iceland, Kenya, Kuwait, Kyrgyzstan, Lebanon, Liberia, Liechtenstein, Malawi, the Maldives, Montenegro, Norway, the Republic of Moldova, Rwanda, Samoa, San Marino, Serbia, Sierra Leone, the Solomon Islands, Somalia, South Africa, Tunisia, Ukraine and the United Arab Emirates had joined the sponsors.

43. *Draft resolution A/C.3/69/L.42, as orally revised, was adopted.*

44. **Ms. Robl** (United States of America) said that her delegation had joined the consensus on the draft resolution in recognition of her country’s ongoing support for, and leading role in, the broader goal of worldwide food and nutrition security. It recognized the need to maintain focus on that goal in order to achieve a world free from hunger. The United States was nonetheless disappointed that the draft resolution continued to employ language, including references to

trade and trade negotiations, that fell outside the scope of the Third Committee’s work and distracted from larger issues at play. The draft resolution would in no way undermine or modify commitments to existing trade agreements or the mandates of ongoing trade negotiations. Her delegation was pleased, however, at the emphasis on the important link between the empowerment of women and the progressive realization of the right to food in the context of national food security. Women’s empowerment and the improvement of global food security and nutrition were key among her country’s foreign policy objectives. In that context, the United States had implemented a variety of initiatives demonstrating its commitment to incorporating a gender equality perspective in efforts to address the root causes of poverty.

45. While her Government was the world’s largest food aid donor, it did not concur with any reading of the draft resolution that would suggest that States had particular extraterritorial obligations arising from the right to food. Rather, her country had pursued that role based on its understanding that, in order to advance global stability and prosperity, international cooperation was required to fulfil the need for nutrition, food and adequate resources to purchase it.

46. **Ms. Burgess** (Canada) said that her delegation continued to have concerns with some aspects of the draft resolution. The World Trade Organization (WTO) agreement on trade-related aspects of intellectual property rights (TRIPS) contained no reference to the concepts of food security and the right to food. Her delegation interpreted paragraph 31 of the draft resolution to mean that it encouraged WTO members to consider the manner in which they implemented TRIPS but did not suggest that Member States should make substantive interpretations of the TRIPS agreement or instruct WTO members on how to implement the agreement. Her Government saw nothing in the agreement that prevented States from pursuing the right to food or food security. Canada continued to support the progressive realization of the right to food as part of the right to an adequate standard of living.

*Draft resolution A/C.3/69/L.43: Promotion of a democratic and equitable international order*

47. **The Chair** announced that the draft resolution contained no programme budget implications.



48. **Ms. Moreno Guerra** (Cuba) said that Angola, Bangladesh, Benin, the Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Lesotho, Malaysia, Namibia, Pakistan, Senegal, Sri Lanka, Sudan, and Togo had joined the sponsors. The draft resolution followed up on the work of the Independent Expert on the promotion of a democratic and equitable international order. As such, it called upon the Secretary-General, the Office of the High Commissioner for Human Rights (OHCHR) and all Member States to continue to collaborate with the Independent Expert. She drew the Committee's attention to several minor oral revisions to the text.

49. **Mr. Khane** (Secretary of the Committee) announced that Burundi, the Central African Republic, Chad, the Democratic Republic of the Congo, the Gambia, Kenya, Madagascar, Malawi, Somalia and the United Republic of Tanzania had joined the sponsors.

*Statements made in explanation of vote before the voting*

50. **Ms. Robl** (United States of America) said that international development was a critical element of her country's foreign policy and that the United States had contributed substantial resources to global development efforts. Owing to her delegation's ongoing reservations about the draft resolution and its treatment of development-related issues, it would vote against the text, which inappropriately challenged the sovereign right of States to freely conduct their economic relations and protect their legitimate national interests. The United States had longstanding concerns regarding the existence of a right to development, on which there was no common international understanding. Efforts were required to make such a right consistent with human rights, to which all individuals were entitled from their Governments. Her country believed in allowing markets to operate and in collaborating with other countries to promote a favourable investment climate instead of relying on governments and international institutions to direct private capital. Development assistance was most effective when used to help countries attract private capital flows and participate in global trade rather than when directed toward wealth distribution or redistribution. She urged all countries to invest in a better future by pursuing an approach to development that respected human rights, promoted transparency and accountability, involved local stakeholders and

built the institutions that underpinned sustainable democracy.

51. **Mr. Lambertini** (Italy), speaking on behalf of the European Union, said that it was necessary to work towards a democratic and equitable international order and that the issues raised in the draft resolution required careful analysis and action by all nations. The European Union had been founded on a determination to promote peace and stability and to build a world based on respect for human rights, democracy and the rule of law, principles underpinning all aspects of its domestic and international policy. However, after giving consideration to the draft resolution and the report of the Independent Expert on the promotion of a democratic and equitable international order, the member States of the European Union remained of the view that many elements of the draft resolution extended far beyond the scope of the United Nations human rights agenda. They would therefore vote against it.

52. *At the request of the representative of Italy, a recorded vote was taken on draft resolution A/C.3/69/L.43, as orally revised.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore,

Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, 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, Marshall Islands, 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, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Armenia, Chile, Costa Rica, Mexico, Peru, Samoa.

53. Draft resolution [A/C.3/69/L.43](#), as orally revised, was adopted by 120 votes to 52, with 6 abstentions.

*Draft resolution A/C.3/69/L.49/Rev.1: Missing persons*

54. **Mr. Aliyev** (Azerbaijan), introducing the draft resolution, said that Benin, Bolivia, Bosnia and Herzegovina, Bulgaria, Chile, Costa Rica, Croatia, Ecuador, El Salvador, Finland, France, Guatemala, Haiti, Hungary, Latvia, Lithuania, Luxembourg, Madagascar, Montenegro, Netherlands, New Zealand, Panama, Paraguay, Peru, Romania, Senegal, Serbia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Tunisia, Uganda and Uruguay had joined the sponsors.

55. In the fourth line of paragraph 2, the word “the” should be added after the words “in cases of”.

56. **Mr. Khane** (Secretary of the Committee) said that Andorra, Côte d’Ivoire and Nigeria had joined the sponsors.

57. Draft resolution [A/C.3/69/L.49/Rev.1](#), as orally revised, was adopted.

*Draft resolution A/C.3/69/L.52/Rev.1: Migrant children and adolescents*

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

59. **Mr. Zamora Rivas** (El Salvador), introducing the draft resolution, said that Colombia, Italy, Japan, Mexico, Morocco, Peru, Portugal, Senegal, Spain, Sweden, and the United States of America had joined the sponsors.

60. The situation of migrant children and adolescents constituted a development challenge, and the sponsors of the draft resolution would work to implement mechanisms to develop intergovernmental, institutional, and intersectoral programmes that would comprehensively address it. The international community should address the causes and consequences of migration as well as those problems that affected children and adolescents, which would require a collaborative and coordinated response.

61. **Mr. Khane** (Secretary of the Committee) said that Bulgaria, Central African Republic, Chad, Cyprus, Liberia, Malta, Montenegro, New Zealand and Slovenia had joined the sponsors.

62. Draft resolution [A/C.3/69/L.52/Rev.1](#) was adopted.

63. The **Chair**, in accordance with General Assembly decision 55/488, suggested that the Committee should take note of the report of the Human Rights Committee ([A/69/40](#) (Vol.1) and [A/69/40](#) (Vol. II, Parts One and Two)), the report of the Committee against Torture ([A/69/44](#)), the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture ([A/69/296](#)), the report of the Secretary-General on the status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto ([A/69/284](#)), the note by the Secretary-General transmitting the report of the Chairs of the human rights treaty bodies ([A/69/285](#)), the note by the Secretary-General transmitting the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment ([A/69/387](#)), the report of the Secretary-General on the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ([A/69/289](#)), the

report of the Secretary-General on the right to development (A/69/121), the note by the Secretary-General transmitting the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (A/69/263), the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights defenders (A/69/259), the note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of internally displaced persons (A/69/295), the note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of migrants (A/69/302), the note by the Secretary-General transmitting the report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/69/273), the note by the Secretary-General transmitting the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context (A/69/274), the note by the Secretary-General transmitting the report of the Special Rapporteur on the right to education (A/69/402), the note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/69/518), the note by the Secretary-General transmitting the report of the Special Rapporteur on the independence of judges and lawyers (A/69/294), the note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/69/299), the note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/69/335), the note by the Secretary-General transmitting the report of the Special Rapporteur on trafficking in persons, especially women and children (A/69/269), the note by the Secretary-General transmitting the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/69/365), the note by the Secretary-General transmitting the report of the Special Rapporteur in the field of cultural rights (A/69/286), the note by the Secretariat referring to the report of the High Commissioner for Human Rights on the right to privacy in the digital age (A/69/276), the

note by the Secretary-General transmitting the report of the Independent Expert on human rights and international solidarity (A/69/366), the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/69/301) and the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in Belarus (A/69/307).

64. *It was so decided.*

**Agenda item 105: Crime prevention and criminal justice** (*continued*)

*Draft resolution A/C.3/69/L.16/Rev.1: Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity*

65. **Mr. Khane** (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 implementing the request contained in paragraph 7 would entail \$872,700 in extrabudgetary resources. Paragraph 18 would entail \$355,700 in extrabudgetary resources. Paragraph 25 would require \$1,375,100, and paragraph 32 would involve \$1,187,800. Should the above resources not be provided, the activities would not take place.

66. **Mr. Lambertini** (Italy), introducing the draft resolution, said that Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Barbados, Belarus, Belize, Benin, Bolivia, Canada, Chile, China, Colombia, Côte d'Ivoire, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Guatemala, Guyana, Haiti, Iceland, Jamaica, Jordan, Kazakhstan, Kuwait, Madagascar, Malaysia, Mexico, Mongolia, Montenegro, Morocco, Panama, Peru, Poland, Republic of Moldova, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Singapore, Sudan, Suriname, Thailand, Trinidad and Tobago, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uruguay had joined the sponsors.

67. The main purpose of the resolution was to build consensus on and highlight the combat against transnational crime within the broader framework of United Nations policy and action, promote the

universality and effective implementation of relevant instruments, including the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, and confirm support for the technical assistance activities of the United Nations Office on Drugs and Crime in that field.

68. Presenting an oral amendment to the text, he said that the words “inter alia” should be deleted from paragraph 36.

69. **Mr. Lambertini** (Italy) asked the Secretary of the Committee to clarify whether the draft resolution had any programme budget implications.

70. **Mr. Khane** (Secretary of the Committee) confirmed that adoption of draft resolution [A/C.3/69/L.16/Rev.1](#) would not give rise to any programme budget implications. However, the activities foreseen by the draft resolution required additional resources to be met through voluntary contributions, without which the activities could not take place.

71. Andorra, Central African Republic, Honduras, Kyrgyzstan, Lao People’s Democratic Republic, New Zealand, Nigeria, Somalia and Russian Federation had joined the sponsors.

72. **Ms. Belskaya** (Belarus) said that the draft resolution would be a significant step in improving the work of UNODC and Member States in meeting their obligations in the sphere of combating crime. Unfortunately, however, the relevant provisions of General Assembly resolution 68/192 on improving coordination regarding trafficking in persons and on the preparation of a report had not yet been implemented. The relevant report of the Secretary-General ([A/69/94](#)) lacked updated information on implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons by the United Nations system and Member States. Reports of the Secretary-General should conform to the high standards of the Organization, and present the analysis of experts both within and outside of the United Nations system. Failure to follow General Assembly instructions on preparation of reports could undermine the value of resolutions adopted by the General Assembly. States should take a serious approach when providing information for reports.

73. **Mr. Sargsyan** (Armenia) said that although his delegation was a traditional sponsor of the draft

resolution, due to its well-known position on the Arms Trade Treaty it was unable to support the language contained in the thirty-first preambular paragraph. Though forced to withdraw its sponsorship, Armenia continued to support all other aspects of the draft resolution.

74. **Mr. Ansari Dogaheh** (Islamic Republic of Iran), speaking in explanation of position, said that the Islamic Republic of Iran was committed to strengthening the United Nations Crime Prevention and Criminal Justice Programme. Though his Government appreciated that a number of its concerns had been reflected in the draft resolution, given its strong reservations with regard to the reference in paragraph 22 to the Financial Action Task Force, which issued biased, unsubstantiated and politicized public statements and recommendations about certain countries, the Islamic Republic of Iran disassociated itself from that paragraph. As a demonstration of his Government’s desire to show maximum flexibility, it would join the consensus on the draft resolution with the understanding that the language in paragraph 22 was not consensual.

75. **Ms. Robl** (United States of America) said that her delegation was pleased that the draft resolution recognized that respect for and promotion of crime prevention and criminal justice as well as the rule of law should be considered in the post-2015 development agenda. When leaders governed responsibly, set in place good policies and made investments conducive to development, positive outcomes could be achieved. When those conditions were absent, it was difficult to engineer sustained progress despite the best of intentions.

76. With regard to the last-minute request made by the Secretariat for significant, albeit voluntary, funding, her delegation would have appreciated advance notice as well as the opportunity to consider the statement before being asked to take action on the draft resolution.

77. *The meeting was suspended at 5.55 p.m. and resumed at 6 p.m.*

78. **Mr. Lambertini** (Italy) said that he was prepared to proceed with the adoption of the draft resolution.

79. **Ms. Pringle** (United Kingdom and Great Britain) said that the confusion stemmed from the fact that the draft resolution itself did not mention the need for

voluntary funding. Time to further consider the implications would be appreciated.

80. **Mr. Sengsourinha** (Lao People's Democratic Republic) said that his delegation wished to withdraw its sponsorship of the draft resolution.

81. **Mr. Khane** (Secretary of the Committee) said that because the main sponsor, Italy, had clearly indicated its readiness to take action on the draft resolution, the Committee was bound to do so unless a delegation wished to move formally under rule 116 of the rules of procedure to suspend consideration of the draft resolution.

82. **Ms. Robl** (United States of America) said that her delegation was also in a state of confusion as it had not anticipated any programme budget implications. How specific activities would be funded had not been discussed during the negotiations on the draft resolution. As a result, her delegation would appreciate further time to confer with its capital to ensure its sponsorship of the draft resolution was secure.

83. The **Chair** said that, in the absence of a formal request to postpone consideration, she suggested that the Committee should proceed with the adoption of the draft resolution.

84. *It was so decided.*

85. *Draft resolution A/C.3/69/L.16/Rev.1 was adopted.*

86. The **Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (A/69/89), the note by the Secretary-General transmitting the report of the Conference of the States Parties to the United Nations Convention against Corruption on its fifth session (A/69/86) and the note by the Secretary-General transmitting the report containing the outcome of the meeting of the open-ended intergovernmental expert group on the development of a draft set of model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice (A/69/88).

87. *It was so decided.*

#### **Agenda item 106: International drug control** (continued)

*Draft resolution A/C.3/69/L.15/Rev.1: International cooperation against the world drug problem*

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

89. **Ms. Morgan** (Mexico) said that Argentina, Bahamas, Barbados, Belize, Burkina Faso, Cameroon, Ecuador, Philippines, Equatorial Guinea, Haiti, Jamaica, Liberia Monaco, Mongolia, Montenegro, Saint Lucia, Saint Vincent and the Grenadines, Singapore, Suriname, Thailand, Trinidad and Tobago, Ukraine, Uruguay and Vanuatu had joined the sponsors. She read out an oral revision to the text. Paragraph 55 should be deleted and replaced with the following: "Invites the president of the General Assembly, in cooperation with the Commission on Narcotic Drugs as the central policymaking body within the United Nations system dealing with drug-related matters and with the leading role in the preparation of the Special Session of the General Assembly, to hold, within existing resources, a high level thematic debate in 2015 in support of the process towards the 2016 Special Session of the General Assembly on the World Drug Problem with Member States and other relevant stakeholders and to prepare a Chair's summary of the discussions for its transmission to the Commission on Narcotic Drugs".

90. **Mr. Khane** (Secretary of the Committee) said that Antigua and Barbuda, Bosnia and Herzegovina, Chad, Dominican Republic, Japan, Lao People's Democratic Republic, Myanmar, Nigeria, Republic of Moldova, Senegal and Serbia had joined the sponsors.

91. *Draft resolution A/C.3/69/L.15/Rev.1 was adopted.*

*The meeting rose at 6.20 p.m.*