



# General Assembly

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Sixty-third General Assembly  
Third Committee  
39<sup>th</sup> Meeting (AM)

### **ATTACKS ON REFUGEES CONDEMNED, HUMANITARIAN, NON-POLITICAL NATURE OF HIGH**

### **COMMISSIONER'S WORK REAFFIRMED, UNDER TEXT APPROVED BY THIRD COMMITTEE**

#### **Also Approves Drafts on Human Rights and Extreme Poverty, Indigenous Issues, Disabilities Convention, Crime Prevention, Drug Problem, Regional Arrangements**

The General Assembly would condemn attacks on refugees, asylum-seekers and internally displaced persons, and call on concerned States -- and, where applicable, parties involved in an armed conflict -- to ensure respect for human rights and international humanitarian law, according to one of seven draft resolutions approved today without a vote by the Third Committee (Social, Humanitarian and Cultural).

By the terms of that text -- on the Office of the United Nations High Commissioner for Refugees -- the Assembly would strongly reaffirm the humanitarian and non-political character of the work of the Office of the High Commissioner for Refugees, while recalling that those solutions included voluntary repatriation and, where appropriate, local integration and resettlement in a third country. It would further reaffirm that voluntary repatriation remained the preferred solution, supported as necessary by development assistance to facilitate sustainable reintegration.

At the same time, the text would have the Assembly re-emphasize that the protection of refugees was primarily the responsibility of States, and would strongly emphasize the importance of international solidarity and burden-sharing in that context. In a similar fashion, the Assembly would re-emphasize that the protection of and assistance to internally displaced persons was the responsibility of States, in appropriate cooperation with the international community. The Assembly would take note of activities of the Office of the High Commissioner related to protection of, and assistance to, internally displaced persons, though it would emphasize that such activities be consistent with relevant General Assembly resolutions and not undermine the mandate of the Office for refugees and the institution of asylum.

By the same text, the Assembly would further note the importance of States and the Office of the High Commissioner discussing and clarifying the role of the Office in mixed migratory flows, in order to better address protection needs in that context, including by safeguarding access to asylum for those in need of international protection.

Although the draft was approved without a vote, the representative of Pakistan, in a general statement after action, explained his concern over the notion of "local integration" as contained in the text, which could not be an option for the refugee population in Pakistan. He reminded the Committee that large groups of refugees could have adverse impacts on a host country's economy, as well as on the social sector, such as the area of health. The international community must share the burden of responsibility with countries like Pakistan, who had opened their country to large numbers of refugees. In particular, he called on the international community to further support the voluntary return of Afghan refugees currently in Pakistan.

Other drafts approved without a vote today included a text on human rights and extreme poverty which would have the Assembly express concern over the worldwide "crises" in food, energy and finance. With its focus on extreme poverty, the draft would have the Assembly invite relevant parties to contribute to consultations led by the High Commissioner for Human Rights on the draft guiding principles on extreme poverty and human rights: the rights of the poor.

Also approved without a vote were draft texts on international cooperation against the world drug problem; strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity; and regional arrangements for the promotion and protection of human rights. In addition, the Committee approved texts on indigenous issues and on the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto.

The Committee deferred action on two drafts: on the implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly, as well as on the future operation of the International Research and Training Institute for the Advancement of Women.

Also today, the Committee heard the introduction of sixteen draft resolutions on a wide range of topics, including on the report of the Human Rights Council, the elimination of racism and racial discrimination, alternative approaches for improving the effective enjoyment of human rights, and on the right of peoples to self-determination. Two of the drafts were country-specific resolutions -- on the situation of human rights in Myanmar and the Democratic People's Republic of Korea.

In addition to the representative of Pakistan, the representatives of Cuba, United States, South Africa, Venezuela, Iran and Russian Federation also delivered statements before or after acting on the texts.

The Democratic Republic of Korea spoke in the right of reply.

The Committee will meet again at 10 a.m. Tuesday, 18 November, to take action on, and hear the introduction of, additional draft resolutions.

### Background

The Third Committee (Social, Humanitarian and Cultural) met today to take action on several draft resolutions, including a text on the Office of the United Nations High Commissioner for Refugees (document A/C.3/63/L.56) -- to be introduced today -- which would have the Assembly encourage States that had not done so to consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. It would further note the work of the High Commissioner in terms of identifying stateless persons, preventing and reducing statelessness, and protecting stateless persons, and urge the Office of the High Commissioner to continue to work in that area.

By the same text, the Assembly would further note the importance of States and the Office of the High Commissioner discussing and clarifying the role of the Office in mixed migratory flows, in order to better address protection needs in that context, including by safeguarding access to asylum for those in need of international protection. It would also call on the Office of the High Commissioner to further explore ways broaden its donor base.

The Committee was also expected to take action on a draft text on the implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (document A/C.3/63/L.5), which would have the Assembly emphasize the need to enhance the role of the Commission for Social Development in the follow-up and review of the World Summit for Social Development, held at Copenhagen in March 1995, and the outcome of the twenty-fourth special session of the General Assembly. It would have the Assembly express a deep concern that the attainment of social development objectives may be hindered by instability in global and national financial markets, as well as challenges brought about by the ongoing fuel and food crisis, and stresses that an enabling environment is a critical precondition for achieving equity and social development.

Against that backdrop, the draft resolution would have the Assembly urge developed countries that had not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries. In addition, the Assembly would encourage developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets. It would also stress the importance of removing obstacles to the realization of the right of peoples to self-determination, in particular of people living under colonial or other forms of alien domination or foreign occupation, which adversely affect their social and economic development, including their exclusion from labour markets.

Another text on this action was scheduled concerning the future operation of the International Research and Training Institute for the Advancement of Women (document A/C.3/63/L.14), by which the Assembly would acknowledge the contributions of the Institute in promoting gender equality and the empowerment of women in the areas of security, international migration, and governance and political participation. By the terms of the text, the General Assembly would call for the diversification of funding resources and, while expressing its satisfaction with the progress of the Institute in the area of resource mobilization, invite Member States to continue to provide assistance and support to the Institute through voluntary contributions and substantive involvement in its projects and activities. It would also stress the critical importance of voluntary financial contributions by Member States to the United Nations Trust Fund for the International Research and Training Institute for the Advancement of Women and would invite Member States to make voluntary contributions to the Trust Fund. At the same time, it would request that the Institute, within its mandate, continue to assist countries in promoting and supporting the political participation and economic and social advancement of women through training programmes.

A draft resolution on indigenous issues (document A/C.3/63/L.17/Rev.1), also before the Committee, would have the General Assembly request the Secretary-General to undertake an evaluation of progress made in the achievement of the objectives of the Second International Decade of the World's Indigenous People, 2005 to 2015, and to present a midterm assessment report at the Assembly's sixty-fifth session. It would further request the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to report on the implementation of his mandate to the General Assembly at its sixty-fourth session, while recalling that, in previous sessions of the Assembly, constructive dialogues were held with the first Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples. It would also decide to adjust the mandate of the United Nations Voluntary Fund for Indigenous Populations, so as to facilitate the participation of representatives of indigenous peoples' organizations in the expert mechanism.

The Committee also had before it the draft resolution on regional arrangements for the promotion and protection of human rights (document A/C.3/63/L.21), which would have the General Assembly reaffirm the important role that regional arrangements play in promoting and protecting human rights, while also recognizing that progress in promoting and protecting all human rights depends primarily on efforts made at the national and local levels. As such, it would invite States in areas in which regional arrangements in the field of human rights do not yet exist to consider establishing suitable regional machinery, and would request the Secretary-General to strengthen exchanges between the United Nations and regional intergovernmental human rights organizations and to make adequate resources available to the activities of the Office of the High Commissioner to promote regional arrangements. The draft would also request the Office of the High Commissioner to continue to pay special attention to the most appropriate ways of assisting countries of the various regions.

The draft resolution on human rights and extreme poverty (document A/C.3/63/L.27) was also before the Committee. The terms of that text would have the General Assembly recognize that the eradication of extreme poverty was a major challenge within the process of globalization and that it required coordinated and continued policies through decisive national action and international cooperation. While expressing concern over today's challenges, including those derived from the food crisis, the energy crisis and the financial crisis, the draft would have the Assembly encourage the international community to strengthen its efforts to address challenges that are contributing to extreme poverty, and would call upon States, United Nations bodies, intergovernmental organizations and non-governmental organizations to continue to give appropriate attention to the links between human rights and extreme poverty. It also invites relevant parties to contribute further to the consultations led by the High Commissioner for Human Rights on the draft guiding principles on extreme poverty and human rights: the rights of the poor.

Also slated for action was the draft resolution on the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (document A/C.3/63/L.37). By the terms of the draft text, the General Assembly would welcome the entry into force of the Convention and its Optional Protocol, in May 2008, and welcome the fact that, to date, 136 States have already signed the Convention and 41 States have ratified it. States that had not yet done so would be called on to consider signing and ratifying the Convention and Protocol as a matter of priority and the Secretary-General would be invited to intensify efforts to assist States in doing so, including by providing assistance with a view to achieving universal adherence. The draft would also have the Assembly request further actions by the Secretary-General to promote the rights of persons with disabilities in the United Nations system, in accordance with the Convention, and request United Nations agencies to strengthen efforts undertaken to disseminate accessible information on the Convention and its Optional Protocol and to assist States parties with implementation, while inviting

intergovernmental and non-governmental organizations to do the same.

Also before the Committee was a draft resolution on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity (document A/C.3/63/L.10), by which the Assembly would urge the United Nations Office on Drugs and Crime (UNODC) to increase collaboration with intergovernmental, international and regional organizations with transnational organized crime mandates so as to share best practices, while drawing attention to emerging policy issues identified in the Secretary-General's report, which included, among other things, the sexual exploitation of children, economic fraud and identity theft, international trafficking in forest products, and, within the context of advisory services and technical assistance, cybercrime -- and would invite the UNODC to explore ways to address those issues.

Further by the text, it would request the UNODC to enhance its technical assistance to Member States to strengthen international cooperation in preventing and combating terrorism by facilitating the ratification and implementation of the universal conventions and protocols related to terrorism, in close consultation with the Counter-Terrorism Committee and its Executive Directorate. It would reiterate the importance of providing the United Nations Crime Prevention and Criminal Justice Programme with sufficient, stable and predictable funding for carrying out its mandate, particularly in providing increased assistance to developing countries. The Assembly would also reiterate its request to provide the United Nations Crime Prevention and Criminal Justice Programme with sufficient resources for the full implementation of its mandate, and to provide adequate support to the Commission on Crime Prevention and Criminal Justice.

The final draft before the Committee on which action was scheduled was on international cooperation against the world drug problem (document A/C.3/63/L.8/Rev.1), which would have the General Assembly urge States and the United Nations to undertake actions to counter the world drug problem, based on a grave concern over the serious threat that the problem continued to pose to public health, safety and the well-being of humanity. In particular, the draft would have the Assembly urge all States to continue to promote and implement the outcomes of the twentieth special session of the General Assembly, held in June 1998, including the allocation of adequate resources and the development of clear and consistent national policies. The draft would also have the Assembly encourage Member States to take adequate national, regional and international measures to prevent criminal organizations involved in drug trafficking from acquiring and using firearms and ammunition, with a view to guaranteeing security in all nations.

In addition to taking action, the Committee was also expected to hear the introduction of a number of draft texts, on: the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees (document A/C.3/63/L.54); the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (document A/C.3/63/L.47); the report of the Human Rights Council (document A/C.3/63/L.57); and the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance (document A/C.3/63/L.49).

Also to be introduced are resolutions on: the universal realization of the right of peoples to self-determination (document A/C.3/63/L.48); the right of the Palestinian people to self-determination (document A/C.3/63/L.52); a moratorium on the use of the death penalty (document A/C.3/63/L.19/Rev.1); combating defamation of religions (document A/C.3/63/L.22); the right to development (document A/C.3/63/L.30); human rights and unilateral coercive measures (document A/C.3/63/L.31); and the enhancement of international cooperation in the field of human rights (document A/C.3/63/L.32).

The remaining drafts to be introduced are on: the elimination of all forms of intolerance and of discrimination based on religion or belief (document A/C.3/63/L.34); protection of migrants (document A/C.3/63/L.38); protection of human rights and fundamental freedoms while countering terrorism (document A/C.3/63/L.39); the situation of human rights in the Democratic People's Republic of Korea (document A/C.3/63/L.26); and the situation of human rights in Myanmar (document A/C.3/63/L.33).

#### Introduction of Draft Resolutions

The representative of Djibouti, introducing the draft resolution on the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees (A/C.3/63/L.54), also on behalf of Moldova, said that Moldova and Djibouti would not be in a position to introduce the draft today and asked for the introduction to be referred to the next meeting. That request was approved by the Chair.

Introducing the draft resolution on the Office of the United Nations High Commissioner for Refugees(A/C.3/63/L.56), the representative of Norway, speaking also on behalf of the Nordic countries and the draft's co-sponsors, said that the current draft text was similar to previous omnibus resolutions that had been introduced in recent years and which were customarily adopted without a vote. The text being introduced today had been drafted based on a series of consultations and informal meetings held in recent months. The purpose of the draft resolution, similar to its purpose in the past, was to reaffirm the support of the General Assembly for the work of the Office and to allow the Assembly to suggest some policy directives for the work of that Office. He said the current draft also reflects the work undertaken by the Office and focuses on a number of significant recent developments, particularly in the area of international protection. Summing up his introduction, he made a minor oral revision to operative paragraph 26, apologized for the late change to the text, and expressed his delegation's hope that the resolution would be adopted, as in the past, by consensus.

Portugal's delegate, introducing the draft resolution on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (document A/C.3/63/L.47), also on behalf of its 42 co-sponsors, said that the Protocol included in the draft resolution was the result of five years of intensive debate and was the "best possible compromise", based on the consultations held. He expressed his delegation's profound gratitude for the spirit of cooperation and participation in the deliberations. The success of those deliberations would not have been possible without that spirit of cooperation within the Working Group, or without the hard work of non-governmental organizations, the Office of the United Nations High Commissioner for Human Rights, the members of the Committee on Economic, Social and Cultural Rights, and all other participants.

Continuing, he said that the new mechanism being introduced was regarded as an "extremely important" mechanism by many Member States, because it would give a true meaning to the Universal Declaration of Human Rights, which states that all human rights were equal and should, therefore, be treated in an equal manner and be given the same emphasis. It was frequently through individual complaints that human rights were given a concrete form and, as such, Portugal firmly believed that the draft Optional Protocol represented an important step towards the realization of all human rights. That was particularly significant as the sixtieth anniversary of the Universal Declaration of Human Rights approached. He noted that the proposals made by some delegations had been included in the draft text and expressed his delegation's hope that such changes would allow the draft to be approved and adopted by consensus.

The representative of Cuba next introduced the draft resolution on the report of the Human Rights Council (document A/C.3/63/L.57), on behalf of the Non-Aligned Movement. He said the intention behind the draft was to express support for the work of the Council at its sixth to ninth sessions, as well as its seventh special session. In drafting the text, its authors were proposing that the General Assembly endorse the Council's report, while taking account of its recommendations to that body, which had been broadly accepted within the Council. He expressed confidence that the draft could be adopted by consensus.

The representative of the Russian Federation introduced the draft resolution on the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance (document A/C.3/63/L.49), which he said addressed an issue that was highly relevant to today's world. The problems dealt with by the text had not decreased, which was particularly important in light of the upcoming Durban Review Conference. The Russian Federation was deeply concerned by the upsurge of extremist groups, such as the neo-Nazis and skinheads, and indeed, the Special Rapporteur had focused on the dangers of that phenomenon. It was unacceptable that members of such groups were treated as heroes in some places, which had the effect of playing into the hands of those advocating "racial purity". Such contemporary manifestations of racism must be countered at the national and international levels.

He made several oral amendments to the text, including to change the word "or" to "and" in operative paragraph 2, and to add the phrase "within existing resources" in paragraph 12, by which the Special Rapporteur would be requested to prepare a report on the issue for submission to the General Assembly and the Human Rights Council.

The representative of Pakistan then introduced the draft resolution on the universal realization of the right of peoples to self-determination (document A/C.3/63/L.48), which he said was a cardinal principle upon which the whole system of international relations was based, and whose realization was a sine qua non for the enjoyment of all other rights. The exercise of that right had enabled people under racist regimes to achieve equality before law; helped millions to achieve liberation from colonialism, apartheid, foreign occupation and alien domination; and was a beacon of hope for those

still enduring such a plight. The text was similar to one adopted by consensus at the sixty-second session of the General Assembly. Due to the universal character of that right, the resolution had traditionally been a consensus resolution, and it was hoped that the same would apply this year.

Before the introduction of the draft resolution on the right of the Palestinian people to self-determination (document A/C.3/63/L.52), the Secretary of the Committee drew attention to an error in the list of co-sponsors listed on the document, which failed to mention Palestine as a sponsor. On a point of order, the observer of the Observer Mission of Palestine asked for the document to be reissued with his delegations included in the list of co-sponsor. The request was duly noted by the chair.

The representative of Egypt, taking the floor to introduce the draft, also on behalf of its co-sponsors, said that, for over 4 decades, the Palestinian people had been suffering from occupation and had been denied their basic rights, including their right to self-determination. His delegation, by introducing the draft, was calling for the fulfilment of those rights, and it would continue to do so until those rights were realized. The draft was essentially the same as the drafts introduced in previous years, though with the necessary technical updates included. It recalls the advisory opinion rendered in July 2004 by the International Court of Justice on the construction of the wall in the Occupied Palestinian Territory and its conclusion that the wall, and other measures, severely impeded the right of the Palestinian people to self-determination. The draft also stresses the need for respect for the territorial integrity of all of the occupied territories, including east Jerusalem, as only such respect would guarantee peace and security for Palestinians, living alongside the State of Israel. He expressed his delegation's sincere hope that Member States would send a "strong message of solidarity and encouragement", as such a message would surely contribute to the ultimate realization of the Palestinian people's fundamental rights.

The representative of Angola, introducing the draft resolution on a moratorium on the use of the death penalty (document A/C.3/6L.19/Rev.1), also on behalf of its co-sponsors, said that the draft resolution was a short follow-up to General Assembly resolution 62/149, which called on States to establish a moratorium on the use of the death penalty. That resolution was a "historical landmark" in the progressive development of human rights and, now, it was very important to keep that momentum going. Today, 137 countries had abolished the death penalty in law or in practice, compared to 130 countries from the previous year. That increase confirmed the solid and long-standing global trend towards the abolition of the death penalty. The text presented today was a concise follow-up resolution with two preambular paragraphs that reaffirm General Assembly resolution 62/149 and welcome the decisions taken by an increased number of States towards the abolition of the death penalty. The operative paragraphs welcome the report of the Secretary-General on the matter, request him to provide a follow-up report, and decide to continue consideration of the matter at the sixty-fifth session of the Assembly.

The focus of the draft continues to be on a moratorium on the use of the death penalty, which would hopefully lead to its abolition, and which was a process that would take more time, he said. The decision to establish a moratorium was a national one, which often required changes to the legal order and, at times, to constitutions. For that reason, the draft resolution would attempt to bi-annualize the resolution, to give States time to reflect on and implement the resolution and to allow for more time to better assess improvements on the ground. After three informal meetings, some minor modifications had been made to the text, and he expressed the co-sponsors' hope that the adoption of the text would be straightforward and would generate the broadest consensus possible.

The draft resolution on combating defamation of religions (document A/C.3/63/L.22) was introduced by the representative of Uganda, who also spoke on behalf of the draft's co-sponsors. She said the draft dealt with the disturbing increase in racist violence and xenophobia, which had occurred in many parts of the world. Discrimination based on religion or belief had, in some parts of the world, found its way into national policies, laws and measures that impeded the ability of those individuals and groups to manifest their religion freely, without fear of coercion, violence or reprisal. Three rounds of informal consultations had been held on the draft and proposals from those consultations had been included in a revised text that would soon be issued as a document.

On behalf of the co-sponsors of the draft, she expressed appreciation for the active participation throughout the consultative process, though also expressed regret over those who, from the beginning, chose to "detach" themselves from the process. The revised draft stresses that defamation of all religions was a serious affront to human dignity, which could lead to incitement of religious hatred and violence. It calls for confronting all such deplorable acts urgently, since "the world should not wait for a third world war to act". In conclusion, she said that the current draft embarked on a new approach: it identified the problem; highlighted its gravity; highlighted its negative

consequences; and called for greater cooperation to tackle those issues within the framework of existing human rights instruments.

The Committee then turned its attention to the resolution on the right to development (document A/C.3/63/L.30), which was introduced by the representative of Cuba, on behalf of the Non-Aligned Movement. He said the idea behind the draft was to promote the right to development, which was an “inalienable right” and which put the individual at the centre of the development process. The text would reaffirm the Assembly’s commitment to the Vienna Declaration, which had reaffirmed the right to development as a universal right and an integral part of the human rights framework. The text would also have the Assembly lend support to the Working Group on the Right to Development, as well as the special team on that right. The text would also have the Assembly lend support to the Group’s roadmap, outlining intended measures for ensuring that human rights standards were respected, including through the possible drafting of guidelines on the right to development, which, in turn, could be used to establish a binding international framework on the right. He called on all Member States to support the text, adding that special effort had been made by the Non-Aligned Movement to build consensus.

The representative of Cuba, still speaking on behalf of the Non-Aligned Movement, then introduced the draft resolution on human rights and unilateral coercive measures (document A/C.3/63/L.31), saying that, despite opposition against such measures, there were still unilateral coercive measures being adopted and enforced. Such measures posed negative consequences to developing countries, including “territorial effects”, as well as posed obstacles to the enjoyment of human rights, especially undermining the well-being of women and children. In addition, when such measures were applied, food and medicine became instruments of political pressure. The text would have the Assembly call on States that had taken such measures to revoke them and to respect the principles of international law and relevant United Nations resolutions. It would also call on States to comply with their obligations under the international human rights instruments to which they were party. He called on States to reject the use of such measures and said he trusted that there would be overwhelming support for the text.

Next, the representative of Cuba, again speaking on behalf of the Non-Aligned Movement, introduced the draft text on the enhancement of international cooperation in the field of human rights (document A/C.3/63/L.32). He said the promotion and protection of human rights should be based on cooperation and genuine dialogue. Cooperation between States could “effectively” and “practically” contribute to prevention of human rights violations. Further, the promotion, protection and full realization of all human rights and fundamental freedoms should be pursued according to the principles of universality, non-selectivity, objectivity and transparency, as well as the absence of double standards as compatible with United Nations Charter. He said members of the Non-Aligned Movement were confident that other Member States would lend support to the text, and that they would work towards building consensus on the draft.

The representative of France, introducing the draft resolution on the elimination of all forms of intolerance and of discrimination based on religion or belief (document A/C.3/63/L.34), also on behalf of the European Union and the draft’s co-sponsors, said that the current draft condemns all forms of intolerance and discrimination based on religion or belief, as well as violations of freedom of thought, conscience, religion or belief. Further, the draft aims to protect those freedoms, including through support for the Special Rapporteur on the issue and other special procedures and mechanisms. It would also have the Assembly urge States to step up efforts to ensure that the freedom of religion or belief would be protected and, in addition, that all social, economic and cultural rights would be upheld.

At the same time, she said the draft expresses concern over ongoing acts of violence, intimidation and constraints exercised against the freedom of belief. Education, commitment and dialogue at all levels had an important role to play in eliminating intolerance and discrimination based on religion or belief. In order to continue the consensus approach that had prevailed on the draft in recent years, the current draft was based on previous resolutions, while including new recommendations and comments made by the Special Rapporteur on the issue. Several informal meetings on the draft had demonstrated the interest of Member States on the issue and the adoption of the draft by consensus would reaffirm the determination of the entire international community to eliminate all forms of such intolerance.

Introducing the draft resolution on the protection of migrants (document A/C.3/63/L.38), the representative of Mexico said that the current draft calls on States to effectively promote and protect the rights of all migrants, regardless of their migration status. It expresses concern over some national legislative measures

that might restrict those rights, and it reasserts the need for States to ensure that national measures complied with national obligations under international law, including international human rights standards. The draft also calls on States to adopt specific measures to prosecute any and all violations on the rights of migrants, including violations of the right to life. It also urges States to take into account the principle of the best interest of the child and family reunification with regard to repatriation measures. Further, it strongly condemns acts of violence, racism, and discrimination against migrants. She said that the co-sponsors of the draft hoped that, as in previous years, the draft would be approved without a vote.

The representative of Mexico also introduced the draft resolution on the protection of human rights and fundamental freedoms while countering terrorism (document A/C.3/63/L.39). She said the co-sponsors of that draft recognized that, while terrorism was a serious problem, the imperative need for States to act against such acts could not justify the cessation or suspension of human rights or fundamental freedoms of persons under their jurisdiction. The respect and the promotion of human rights should be a fundamental basis for the adoption of any legal measure, administrative measure, or any other measure used to counter terrorism. She said the current draft had been strengthened in a number of ways, in particular: it includes a reminder that human rights were one of the pillars on which the global counter-terrorism strategy had been based and approved by the General Assembly, and it reiterates the call made by the Assembly in September to give priority to the human rights perspective in implementation; it includes new references, in its operative paragraphs, directed towards a reassertion of the human rights of persons deprived of their liberty; and it also highlights the essential importance of fair and transparent procedures for the protection and promotion of human rights. In addition, the draft expresses support for the efforts of the High Commissioner and special procedures to ensure the protection of human rights while countering terrorism. In conclusion, she said that open consultations on the draft were ongoing, with a view to garnering the full support of all delegations and adoption by consensus.

Next, the representative of France, speaking on behalf of the European Union, Japan and all co-sponsors, introduced the draft resolution on the situation of human rights in the Democratic People's Republic of Korea (document A/C.3/63/L.26), which he said was a source of concern. The text took account of positive signs shown by the authorities in the Republic including: the submission of its periodic reports on implementation of the Convention the Rights of the Child; its recent show of cooperation with the United Nations Children's Fund (UNICEF), World Health Organization (WHO), and the World Food Programme; and efforts at an inter-Korean dialogue. Unfortunately such positive signs were few. The world continued to receive information on widespread human rights violations that reflected the Government's lack of will to protect its population. Some of those violations included the practice of torture and other cruel forms of punishment; inhuman forms of detention; lack of due process; the continued practice of the death penalty; the situation of refugees and asylum-seekers sent back to the country, as well as that of people trying to leave the country with authorization.

Also of concern were reports of malnutrition among vulnerable people such as women, children and the elderly, which formed a violation of economic, social and cultural rights. There were also reports of discrimination on the basis of gender, and the violation of workers' rights. The Government of the Democratic People's Republic of Korea was called on to end the systematic violations of human rights by implementing existing resolutions of the General Assembly and Human Rights Council on the situation of human rights in that country. It was also called on to tackle the underlying cause of the refugee problem and cases of human trafficking, and to ensure that victims were not submitted to punishment. The draft would urge cooperation with the Special Rapporteur by giving him access to the country, and for the Government to cooperate with other United Nations human rights mechanisms. It would also encourage the Government to take part in technical cooperation activities with the Office of the United Nations High Commissioner for Human Rights (OHCHR), including preparing for the Universal Periodic Review, which it was scheduled to undergo in 2009. The draft would further call on the country to provide humanitarian actors full access, and to resolve the issue of foreign kidnapping in a transparent way, including through the immediate return of those abducted. He said the Assembly should not remain silent amid such allegations, and so appealed to all States to join with efforts to draw attention to a situation that was deeply concerning. He voiced hope that the draft would be adopted with the broadest support possible.

Another representative of France then introduced the draft resolution on the situation of human rights in Myanmar (document A/C.3/63/L.33), on behalf of the European Union and other co-sponsors.

The representative of Myanmar drew attention to the French version of the text, which had not used his country's official name. He asked Chair to prevail on the representative of France on that issue, leading the Chair to appeal to all delegations to refer to the country by its recognized name.

Resuming the introduction of the resolution, the representative of France said the text would have the Assembly appeal urgently to the authorities of the country concerned to show respect for human rights and to fully cooperate with the international community in doing so. It would appeal to that Government to cooperate with United Nations mechanisms in the area of human rights. Recalling that the General Assembly had welcomed efforts to improve such cooperation, it would encourage the Government to continue in that regard. It would reaffirm support for efforts undertaken by the Secretary-General's good offices.

She noted that previous resolutions on the topic had not been implemented and the situation in that country had continued to worsen. Some alarming incidents included the continued detention of political prisoners. Although 9,000 prisoners had recently been released, few among them had been political prisoners. Aung San Suu Kyi continued to be under house arrest, showing a lack of political will to include all parties in the country's national reconciliation process. Other serious violations included the recruitment of child soldiers, the use of forced labour and the continued displacement of persons. In the face of that worrying situation, the Assembly would call on the country's authorities to cooperate in good faith to allow its population the full enjoyment of their rights.

The representative of Myanmar raised a point of order in light of the "distortion of facts" by the last speaker. He said the representative of France had given the Committee the false impression that the text was a negotiated text.

Interrupting the representative of Myanmar, the Chair recalled that it was the Committee's practice not to hear statements after the introduction of resolutions. Thus, he requested the representative of Myanmar not to make a statement at this stage, and reminded him that he was free to make a statement at the time of action, or he could exercise right of reply at the end of today's session. The representative of Myanmar responded by saying he would like to make a right of reply at the end of the session, to which the Chair agreed.

#### Action on Draft Resolutions

Before taking action on the draft resolution on the Office of the United Nations High Commissioner for Refugees (document A/C.3/63/L.56) as orally revised by the representative of Norway earlier in the meeting, the Chair of the Committee informed delegates that the draft contained no programme budget implications.

The draft resolution, with its oral revisions, was approved without a vote.

The representative of Pakistan, making a general statement after the vote, said that his delegation had joined the consensus on the draft, despite a concern over the inclusion of "local integration" in operative paragraph 16. Local integration could not be an option for the refugee population in Pakistan, and his country had stated that position repeatedly in all international forums. Refugee situations that included large numbers of individuals could impact host countries adversely, specifically in terms of the economy, social structure, the health sector and natural resource management. Indeed, such large numbers of refugees were beyond the capacity of any country, especially developing ones, particularly in today's world, aggravated by global crises. The principle of voluntary repatriation should be respected and, in line with that principle, he called for the strengthening of "pull factors" that would help encourage voluntary repatriation. At the same time, the international community must share the burden of responsibility with countries, like Pakistan, who opened their country to large numbers of refugees. In particular, he called on the international community to further support the voluntary return of Afghan refugees currently in Pakistan.

The Committee then moved to take action on the draft resolution on the implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (document A/C.3/63/L.5), which held no budgetary implications.

Making a brief statement before the expected vote, the representative of the main sponsor of the draft, Antigua and Barbuda, informed the Committee that last-minute informal consultations were ongoing, and she requested that action on the resolution be deferred until the following Tuesday, to allow those consultations to conclude.

The request was duly noted and granted by the Chair.

Similarly, when the Committee then moved to take action on the draft resolution on the future operation of the International Research and Training Institute for the Advancement of Women (document A/C.3/63/L.14), the representative of the main sponsor, also Antigua and Barbuda, again asked for action on that draft be deferred to the following Tuesday.

The Chair took note of the request and agreed to the postponement.

Before continuing to the next draft, the Chair drew the Committee's attention to the draft resolution approved in an earlier meeting on supporting efforts to end obstetric fistula. Two paragraphs had been inadvertently omitted from that text, though the Chair understood that those two paragraphs enjoyed consensus. To remedy the omission, the Chair suggested that the main sponsor of the draft, Senegal, orally correct the text of the draft resolution at the time of its consideration by the General Assembly. The Committee approved such action.

The Committee then moved to take action on the draft resolution on indigenous issues (document A/C.3/63/L.17/Rev.1), which contained no programme budget implications.

Making a brief statement before the vote, the representative of the main sponsor of the draft, Guatemala, said that parts of the draft text had arisen from a need to stimulate dialogue between members of the Third Committee and the Special Rapporteur on indigenous issues. The only possibility to strike up that dialogue was at the General Assembly -- not in Geneva -- and that message had been sent and well-received. Turning to the second operative paragraph of the draft resolution, she said that paragraph addresses the need to evaluate the progress made in the achievement of the goals and objectives of the Second International Decade of the World's Indigenous People, which included the need to strengthen international cooperation and to resolve problems that faced indigenous people, especially in areas such as health, human rights, social and economic development through programmes aimed at action. She noted the referencing, in the third operative paragraph, to the Voluntary Fund, and called on Member States to make substantial contributions to the Fund so that it would be able to properly conduct its work. "As the sacred book of the Maya says, everybody rise", she said, adding that no one should be left behind.

Following her statement, the draft resolution was approved without a vote.

The Committee then took up the draft resolution on regional arrangements for the promotion and protection of human rights (document A/C.3/63/L.21), which the Chair said contained no programme budget implications. Its main sponsor, the representative of Belgium, made some oral revisions to the text, including the rewording of operative paragraph 6 to read: "decision by the Association of South-East Asian Nations (ASEAN) to develop a mechanism for the promotion and protection of human rights".

He also inserted a new operative paragraph 6(g), which meant that the current paragraph 6(g) would be renumbered 6(h). The new paragraph would read: "Ongoing initiatives to further develop arrangements for the promotion and protection of human rights by MERCOSUR". The phrase "and its various human rights bodies and mechanisms" was inserted into the text of operative paragraph 6(h) -- which would now be renumbered 6(i) -- after the words "Council of Europe".

He said regional arrangements were important in the promotion and protection of human rights, and the Vienna Declaration had supported the strengthening of those arrangements. The biennial draft resolution had been enriched by exchanges with the Human Rights Commissioner and regional United Nations human rights bodies. He voiced hope that the draft would be approved by consensus.

Speaking before action on the text, the representative of Cuba said he supported the draft because it dealt with an important concern. However, he wished to indicate that he understood operative paragraph 5 to be implemented within the mandate of the Office of the United Nations High Commissioner for Human Rights. Also, while associating himself with consensus reached on operative paragraph 9, he made clear that any decisions of the Office of the Human Rights Commissioner should be made in conformity with intergovernmental agreements and the Secretariat. He also added that the suggestion to strengthen national protection systems, as referred to in that paragraph, had not been endorsed by Member States, because it did not take into account the principle of consent in terms of field operations. The sentiment in that paragraph would seem to apply solely to developing countries, and seemed to indicate an implicit assumption that only developing countries needed assistance to strengthen human rights protection. He asked that such "deficiencies" not be repeated in future texts.

The Committee then adopted the resolution without a vote, as orally revised.

The Committee then moved to take action on the draft resolution on human rights and extreme poverty (document A/C.3/63/L.27), which contained no programme budget implications.

The draft was approved without a vote.

Speaking after action on the text, the representative of the United States said that her delegation, while pleased to join the consensus on the draft, had reservations in regard to preambular paragraph 1, which referred to certain international instruments. It was her delegation's understanding that the paragraph referred only to the States parties of those instruments. While expressing those reservations, the United States also joined the call on all States to fulfill their obligations under all international instruments that they were party to. Countries had the primary responsibility for their own development. While crises would come and go, some commitments would always remain constant, such as the commitment to good governance and international support for efforts to eradicate extreme poverty.

Though South Africa had also joined the consensus, the representative of that country expressed a number of reservations on the draft, as well. She said the question of extreme poverty and human rights represented a major challenge for developing countries, especially those in sub-Saharan Africa. The plight of those living in extreme poverty should not be ignored and addressing their situation should also take into account issues such as marginalization, economic exclusion, and the elimination of racial discrimination, among other things. Her delegation, therefore, regretted the fact that the resolution did not fully address those issues. She also expressed her delegation's concern over the terms of reference of the Independent Expert to assess implementation of the second United Nations Decade for the Eradication of Poverty (2008-2017) without contextualizing a constructive environment for the eradication of poverty. Her delegation was also concerned over attempts to locate the mandate of that Independent Expert in processes peripheral to the Human Rights Council, which was tantamount to "mandate creep". While joining the consensus, she said her delegation felt strongly that the resolution failed to address a number of core issues and she requested that her statement be reflected in the official records.

Her request was duly noted by the Chair.

The Committee then turned its attention to the draft resolution on the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (document A/C.3/63/L.37).

The Secretary of the Committee made an oral statement in which he recalled a statement of programme budget implications relating to the entry into force of that Convention, as made by the Secretary-General and contained in document A/C.5/61/15. The Secretariat had informed the Third Committee at the Assembly's sixty-first session of financial implications of \$1.2 million or \$1.5 million for its entry into force in 2007 or during the 2008-2009 biennium, respectively. The Secretariat was currently finalizing the resource requirements of the respective departments responsible for the implementation of the Convention and to service the Committee on the Rights of Persons with Disabilities.

With regard to operative paragraph 8 (which would request the Secretary-General to provide the staff and facilities necessary to support the function of the Conference of States Parties and Committee established under the Convention), attention was drawn to the fact that the Assembly had reaffirmed the Fifth Committee as the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and had also reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

As one of the main co-sponsors, the representative of Mexico, speaking also on behalf of New Zealand and Sweden, drew attention to the international community's commitment to an instrument that had been signed by 136 countries and ratified by 41 states. She voiced hope that the resolution would be approved without a vote.

The resolution was then approved without a vote.

The Committee then moved to take action on the draft resolution on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity (document A/C.3/63/L.10/Rev.1), which the Secretary said would not give rise to any financial implications for the 2008-2009 programme budget.

The representative of Italy, on behalf of the co-sponsors, said that organized crime was a serious threat to all States, and often interfered with the normal functioning of public institutions, impacted on legitimate economic activities, and affected the stability of markets. To face that situation, States needed to come up with a strong and coordinated response and, to that end, the United Nations Convention against Transnational Organized Crime had been the first universal instrument to fight the scourge. The draft resolution before the Committee highlighted the critical importance of the fight against organized crime, and placed it within the broader framework of United Nations activities and programmes.

Continuing, he said the draft favoured a global approach to the situation, and informal consultations had allowed for the introduction of new language in regard to specific criminal threats. He said the draft text also reaffirms support for the United Nations Office on Drugs and Crime and its ability to offer technical assistance, and it draws attention to strengthening resources available for those activities. He also drew attention to a number of specific operative paragraphs that addressed issues of importance, including: operative paragraph 14 on violence against women and girls; operative paragraph 7 on cybercrime; operative paragraph 17 on the establishment of an open-ended intergovernmental working group by the Commission on Crime Prevention and Criminal Justice; and operative paragraph 12 on the progress achieved by the Conference of Parties. In regard to the bodies referred to in operative paragraphs 12 and 17, he said, as a rule, those bodies must meet the highest standards of objectivity and impartiality and the best way to allow them to do so was to ensure that their operations would be funded through the regular budget.

The draft was then approved without a vote.

Following action on the text, the representative of Venezuela said though she had joined the consensus, in regard to preambular paragraphs 15 and 17 and operative paragraph 3, there should not be a link made between terrorism and transnational organized crimes, since the motivations for those crimes were different.

In regard to operative paragraph 4, the representative of Iran said that it was neither necessary nor appropriate to incorporate recommendations by regional organizations in General Assembly resolutions, since the recommendations of regional organizations could not be seen as obligatory for non-member States.

The Committee then took up the draft resolution on international cooperation against the world drug problem (document A/C.3/63/L.8/Rev.1), which the Secretary of the Committee said would not entail any additional appropriation for the biennium 2008-2009.

The draft's main sponsor, the representative of Mexico, said numerous rounds of negotiations had shown the commitment of the international community to eradicating drugs while respecting the sovereignty of States.

That draft resolution was approved without a vote.

In a statement after action, the representative of the Russian Federation -- whose country had refrained from being a co-sponsor -- said he had not wanted to break consensus on the text, despite the fact that the resolution had not reflected provisions on strengthening cooperation to curb the drug threat from Afghanistan. It was important to seek ways to collaborate on the drug problem, and to expand international anti-drug efforts. He was firmly convinced that an omnibus resolution on the issue should be balanced, and should reflect those areas that required priority attention.

Unfortunately, the draft had moved away from that perspective in recent years, and had lost references to issues that had received approval at previous United Nations meetings, he said. The current resolution contained no wording on efforts to counter the opium poppy trade originating from Afghanistan. Such wording was not meant to single out a particular country, but to highlight the role of Afghan drugs, which had global repercussions. The absence of such wording sent a counterproductive signal. There were no serious grounds to exclude a paragraph containing an appeal to strengthen cooperation in that area, and in stepping up efforts to assist the Afghan Government. It was also difficult to justify not including a reference to Security Council resolution 1817 (2008), in which an appeal was made for States to take measures to enhance international control over trafficking and the trade in precursors.

Right of Reply

The representative of the Democratic People's Republic of Korea spoke in exercise of the right of reply to the statement made by France, on behalf of the European Union, on the draft resolution on the situation of human rights in the Democratic People's Republic of Korea. He said his delegation totally rejected the draft resolution, which was the product of political fraud and devoid of all objectivity and fairness. The human rights abuses described in the resolution were non-existent and such abuse would not be tolerated, under any circumstance, in his country. People living in the Democratic People's Republic of Korea were able to fully enjoy all human rights and fundamental freedoms. It was "reckless" to force the adoption of the country-specific resolution out of "Cold War thinking". He strongly urged the co-sponsors of the draft to cease tabling the resolution and called on other Member States to reject the "overly politicized" text.

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**For information media • not an official record**