



General Assembly

Seventy-fifth session

Official Records

Distr.: General
17 February 2021

Original: English

Third Committee

Summary record of the 15th meeting

Held at Headquarters, New York, on Thursday, 19 November 2020, at 3 p.m.

Chair: Ms. Bogyay (Hungary)

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The meeting was called to order at 3.10 p.m.

Agenda item 70: Elimination of racism, racial discrimination, xenophobia and related intolerance
(continued)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (continued) (A/C.3/75/L.50/Rev.1 and A/C.3/75/L.88)

Draft resolution A/C.3/75/L.50/Rev.1: A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

1. **The Chair** drew attention to the statement of programme budget implications contained in document A/C.3/75/L.88.

2. **Ms. Persaud** (Guyana) introducing the draft resolution on behalf of the Group of 77 and China, said that the year 2021 would mark the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action. The anniversary would be a valuable opportunity to enhance public understanding about the comprehensive nature of that instrument and a timely reminder that racism, racial discrimination, xenophobia and related intolerance must be eliminated. The Group of 77 and China had therefore made substantive changes to the draft resolution with a view to commemorating that important milestone.

3. Pursuant to the draft resolution, a one-day high-level meeting of the General Assembly would be held to commemorate the anniversary on the second day of the general debate of the seventy-sixth session, on the theme "Reparations, racial justice and equality for people of African descent." At the meeting, a declaration would be adopted aimed at mobilizing political will for the full and effective implementation of the Durban Declaration and Programme of Action and its follow-up processes. The President of the General Assembly had been requested to carry out consultations on the modalities of the high-level meeting and to appoint co-facilitators for the political declaration.

4. In paragraph 32 of the draft resolution, Member States, United Nations entities, international and regional organizations, civil society and other stakeholders were invited to organize and support high-visibility initiatives, with the aim of increasing awareness at all levels.

5. The draft resolution also included a call for Member States to intensify efforts to widely distribute copies of the Durban Declaration and Programme of

Action and requested the Office of the United Nations High Commissioner for Human Rights and the Department of Global Communications of the Secretariat to launch a public information campaign. It also recalled Human Rights Council resolution 43/1 of June 2020.

6. During the forthcoming commemoration, greater attention should be paid to the issues affecting people of African descent. The International Decade for the People of African Descent and the adoption by consensus of the programme of activities for the implementation of the Decade were integral parts of the full and effective implementation of the Durban Declaration and Programme of Action.

7. It was regrettable that it had not been possible to decide on the modalities of the Permanent Forum on People of African Descent during the seventy-fourth session owing to the coronavirus pandemic, and the Group looked forward to that work being completed during the seventy-fifth session.

8. Lastly, she wished to make an oral revision. Paragraph 19 of the draft resolution had been deleted, since it did not accurately reflect the decision of the Human Rights Council.

9. **Mr. Mahmassani** (Secretary of the Committee) said that the Russian Federation had become a sponsor of the draft resolution.

Statements made in explanation of vote before the voting

10. **Mr. Heusgen** (Germany), speaking on behalf of the European Union and its member States, the candidate countries Albania, Montenegro, North Macedonia and Serbia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia and the Republic of Moldova, said that his delegation shared the concern of the main sponsors of the draft resolution that the objective of eradicating racism had not yet been attained. Racism in all its forms should be tackled in a comprehensive way by implementing effective measures mainly at the national level, but also at the regional and international levels, in particular by ratifying and implementing the International Convention on the Elimination of All Forms of Racial Discrimination. The European Union remained firmly committed to the primary objectives and commitments undertaken at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

11. While the European Union appreciated the efforts made by the delegations of Guyana and South Africa on behalf of the Group of 77 and China to hold constructive

informal consultations on the draft resolution, it would have preferred to have seen a process directed towards finding compromise. In Geneva, the adoption without a vote of a draft resolution on racism had demonstrated that it was feasible for the international community to work together to reach a compromise on the topic. The European Union had engaged constructively in discussions in the belief that consensus would provide a solid basis for Member States to focus on implementing the resolution.

12. One proposal made by his delegation had been to reaffirm that the Convention on the Elimination of All Forms of Racial Discrimination was and should remain the basis for all efforts to prevent, combat and eradicate racism and that additional instruments, such as a protocol to the Convention or a declaration on the rights of people of African descent, were unnecessary. In the light of discussions in Geneva on the modalities of the Permanent Forum on People of African Descent, his delegation had also proposed more neutral language: draft resolutions on the topic had been adopted by the General Assembly both by consensus and following a vote, but the consensual approach improved the chances of success for the Permanent Forum. The programme of activities for the implementation of the International Decade for People of African Descent must continue to guide the Committee's work and the European Union rejected attempts to endorse the draft programme of action, since that would undo the consensus reached on the final document. In order to ensure the impact of the activities set forth in the draft resolution, the European Union had also proposed mobilizing Member States, the United Nations system, civil society and other stakeholders to work together in a coordinated manner towards their common goal of combating racism, racial discrimination, xenophobia and related intolerance. In addition, the European Union had made proposals that correctly reflected the language of the Durban Declaration and Programme of Action.

13. It was regrettable that none of the substantive proposals made by the European Union had been accommodated in any way. It was the common duty of Member States to combat the scourge of racism, particularly by overcoming the divisions regarding the Durban Declaration and Programme of Action. The draft resolution did not move the international community closer to that goal and the States members of the European Union would therefore not support it.

14. **Mr. Baror** (Israel) said that his delegation had once again called for a vote on the draft resolution. Almost 20 years had passed since States had come together in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and

Related Intolerance. However, celebrating that particular anniversary was highly questionable. In 2001, Israel had been forced to withdraw from the conference after a small group of States had turned it into a platform for delegitimizing, demonizing and defaming the State of Israel, and eight years later it had withdrawn from the Durban Review Conference in 2009. The Durban Conference and its outcome document had caused lasting damage by mainstreaming politics into the fight against racism. Rather than an event to be commemorated, it was an example of how an opportunity to make a real difference could be used for political purposes.

15. **Ms. Nemroff** (United States of America) said that the United States, recognizing its special obligation to combat racism and racial discrimination because of historical injustices perpetrated in past eras, pledged to work with civil society, international mechanisms and all nations of goodwill to address the consequences of that legacy of injustice. The country's transparency, commitment to a free press and insistence on ensuring that justice was served enabled the world to witness its challenges and contribute to efforts to find solutions.

16. The International Convention on the Elimination of All Forms of Racial Discrimination provided comprehensive protections in that regard and was the most relevant international framework for addressing all forms of racial discrimination. The United States also sought to raise the profile of the International Decade for People of African Descent. The best antidote to offensive speech was not a ban or a punishment, but a combination of robust legal protections against discrimination and hate crimes, proactive government outreach to communities and vigorous protection of freedom of expression, both offline and online.

17. Her delegation, as in previous years, was unable to support the draft resolution because the text was not genuinely focused on combating racism, racial discrimination, xenophobia and related intolerance. Among her delegation's concerns were the endorsements of the Durban Declaration and Programme of Action and of the outcome of the Durban Review Conference and the latter's overly broad restrictions on freedom of speech and expression. Her delegation rejected any efforts to advance the "full implementation" of the Durban Declaration and Programme of Action. Rather than providing a comprehensive and inclusive way forward to combat the scourge of racism and racial discrimination, the draft resolution perpetuated the divisions caused by the World Conference and its follow-up. Furthermore, the United States could not accept the appeal in the draft resolution for Member States to withdraw reservations to article 4

of the International Convention on the Elimination of All Forms of Racial Discrimination. Her delegation noted that the draft resolution had no bearing on international law and categorically rejected the call for “former colonial Powers” to provide reparations “consistent with” the Durban Programme of Action.

18. The draft resolution was silent regarding the oppression of ethnic minority groups in the People’s Republic of China, which regularly oppressed its own people, including members of minority groups of Asian, Turkic and other descent. A merciless crackdown in Xinjiang had resulted in the mass arbitrary detention of more than 1 million Uighur Muslims and other ethnic and religious minority groups, forced labour, forced sterilization and other serious human rights abuses.

19. Lastly, it would be inappropriate and costly for the General Assembly to host the high-level meeting to commemorate the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action during the seventy-sixth General Assembly as proposed by the draft resolution. For those reasons, the United States would vote against the draft resolution.

20. **Mr. Sylvester** (United Kingdom) said that the United Kingdom was working domestically to create a fair society in which all people, regardless of ethnic origin or background, were valued and able to participate fully. Internationally, his country was one of the strongest advocates for the United Nations mechanisms that helped to combat racism.

21. The unwillingness of the main sponsors to engage with his delegation and to take its very reasonable suggestions on board was regrettable. His delegation’s proposals had included efforts to streamline the text, to focus on the actual language used in the Durban Declaration, which contained references to remedies, recourse, redress and other measures in the context of combating poverty, and social and economic development programmes for affected societies, rather than the subsequent reinterpretation of those commitments by some States.

22. States had an opportunity to shape the debate on racism at the United Nations in a way that brought countries together, forging a collaborative approach and working with civil society to uproot the evils of violence and discrimination. His delegation hoped that the main sponsors would seize those opportunities at the following session and take an approach that recognized the need for collaboration and consensus.

23. *At the request of the representative of Israel, a recorded vote was taken on draft resolution [A/C.3/75/L.50/Rev.1](#), as orally revised.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chile, China, Colombia, 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, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, 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, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Czechia, France, Germany, Hungary, Israel, Marshall Islands, Nauru, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, Georgia, Greece, Iceland, Ireland, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Spain, Sweden, Switzerland, Tonga, Ukraine.

24. *Draft resolution A/C.3/75/L.50/Rev.1, as orally revised, was adopted by 124 votes to 12, with 44 abstentions.*

25. **Ms. Garcia Moyano** (Uruguay) said that her delegation had voted in favour of the draft resolution, since its general content was highly relevant to the Committee's work. However, it wished to disassociate itself from the ninth preambular paragraph and paragraph 21 of the version circulated prior to the presentation of the oral revision. Uruguay did not agree with the language introduced into the draft resolution during the present session.

26. **Mr. Zhang Zhe** (China), speaking in exercise of the right of reply, said that his delegation categorically rejected the utterly baseless attack made by the representative of the United States against China regarding its Xinjiang policy.

27. The law enforcement system in the United States was rife with discrimination and violence, including arbitrary detention and arrest and violent suppression of demonstrations. His delegation was alarmed by that country's treatment of African Americans. China welcomed the adoption of Human Rights Council resolution 43/1 on systemic racism in the United States and hoped that the international community would continue to pay attention to the issue. The United States must stop politicizing the issue, avoid double standards, stop pressurizing other countries and refrain from interfering in their internal affairs. Before blaming others, the United States should reflect on its own situation. It must stop abusing the august body of the United Nations and stop inventing lies.

Agenda item 71: Right of peoples to self-determination (continued) (A/C.3/75/L.47)

Draft resolution A/C.3/75/L.47: Universal realization of the right of peoples to self-determination

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

29. **Mr. Akram** (Pakistan), introducing the draft resolution, said that the right to self-determination was enshrined in the Charter of the United Nations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, General Assembly resolution 1514 (XV), the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and General Assembly resolution 2649 (XXV). Attempts to unilaterally change the legal or demographic status of an occupied territory whose

people had yet to exercise their right to self-determination had been declared ipso facto null and void in several resolutions of the General Assembly and the Security Council.

30. However, in some situations occupied peoples were being systematically and brutally denied their right to self-determination. Those actions constituted the gravest violations of the principles and purposes of the Charter of the United Nations, fundamental human rights and international law, and subverted and delayed the realization of the right to self-determination. Aggressors and occupiers frequently attempted to justify such suppression by portraying struggles for self-determination as terrorism, yet those so-called terrorists often later emerged as freedom fighters and leaders. Adoption of the draft resolution by consensus as in previous years would be a reaffirmation of the global commitment to the principle of self-determination.

31. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Belize, Bolivia (Plurinational State of), Brunei Darussalam, Burkina Faso, Eritrea, Guinea, Haiti, Kazakhstan, Lesotho, Libya, Madagascar, Maldives, Mali, Nigeria, Palau, Paraguay, South Africa, Thailand, Togo, Tunisia, Uzbekistan and State of Palestine.

32. He then noted that the following delegations also wished to become sponsors: Papua New Guinea, Sierra Leone, United Republic of Tanzania and Zimbabwe.

33. **Mr. Sharma** (India) said that India had played a leading role in the struggle for decolonization and had been at the forefront of the movement to secure the right of peoples to self-determination. The right to self-determination should always be viewed with historical perspective. As the international community had consistently affirmed, it did not extend to component parts or groups within independent sovereign States. Self-determination in the United Nations context referred to the rights of a people that had been colonized or continued to be under foreign domination. It clearly referred to the peoples of Non-Self-Governing and Trust Territories. The United Nations had established that the principle of self-determination was a vehicle for decolonization, not a justification for secession or for undermining the territorial integrity of any Member State. It was unacceptable that attempts were continuously being made to reinvent some the basic principles of the Charter and to apply them selectively for political ends. In independent States, self-determination was best maintained through the regular exercise of democratic choice. Human dignity, freedom, justice, tolerance and plurality were based on the full

and equal participation in governance of each citizen in an open democracy.

34. *Draft resolution A/C.3/75/L.47 was adopted.*

35. **Mr. Bellmont Roldan** (Spain) said that, in some cases, colonization constituted an attack on a State's right to territorial integrity, which was contrary to the Charter of the United Nations and the Organization's principles and doctrine. The right to self-determination should not be used to justify colonial situations that compromised the territorial integrity of States. There were situations in which the administering Power and authorities of a colonized territory claimed that there was no longer a colonial link following supposed changes in the political relationship, while still claiming a so-called right to self-determination.

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

37. The continuing existence of the colony on Spanish territory was having a negative impact on Campo de Gibraltar, which was home to many of the descendants of the Spanish population expelled from Gibraltar. The dialogue between Spain and the United Kingdom must be urgently resumed in order to find a solution that was in keeping with United Nations principles. At the same time, Spain was trying to reach an agreement with the United Kingdom for the implementation of a new cooperation arrangement that would directly benefit all the region's inhabitants and address existing imbalances. It had been demonstrated in the case of other territories that had gained independence from the United Kingdom that decolonization was possible if the administering Power had the political will to undertake it. Spain therefore reiterated its invitation to the United Kingdom to negotiate a solution that would put an end to an anachronistic situation.

38. **Ms. Nemroff** (United States of America) said that her delegation recognized the importance of the right of peoples to self-determination and had therefore joined the consensus on the draft resolution. Nevertheless, the draft resolution contained many misstatements of international law and was inconsistent with current State practice. She also recalled the general statement made by her delegation at the 7th meeting of the Committee.

39. **Mr. Oddone** (Argentina) said that his Government fully supported the right to self-determination of peoples subjected to colonial domination and foreign occupation, in accordance with the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 2625 (XXV). The exercise of the right to self-determination required an active subject, namely a people under alien subjugation, domination and exploitation, as set out in paragraph 1 of General Assembly resolution 1514 (XV), without which the right to self-determination was not applicable. The draft resolution just adopted should be interpreted and implemented in keeping with the relevant resolutions of the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

40. **Mr. Sylvester** (United Kingdom), speaking in exercise of the right of reply, recalled that the United Kingdom had sovereignty over Gibraltar and the territorial waters surrounding it and that, as a separate Territory recognized by the United Nations and included since 1946 in its list of Non-Self-Governing Territories, Gibraltar enjoyed the rights accorded to it by the Charter of the United Nations. His delegation also recalled that the people of Gibraltar enjoyed the right to self-determination. The 2006 Gibraltar Constitution, which had been endorsed in a referendum by the people of Gibraltar, provided for a modern and mature relationship between Gibraltar and the United Kingdom. His Government would not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their wishes, and his Government would not enter into sovereignty negotiations that they opposed.

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

42. The United Nations clearly considered Gibraltar to be a colony, and it was on the list of Non-Self-Governing Territories. Only the United Nations could decide whether the process of decolonization of Gibraltar had been completed.

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

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

Agenda item 72: 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.3/75/L.36 and A/C.3/75/L.37)

Draft resolution A/C.3/75/L.36: Freedom of religion or belief

45. **Mr. Heusgen** (Germany), introducing the draft resolution on behalf of the European Union and its member States, the candidate countries Albania, Montenegro, North Macedonia, Serbia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that promoting and protecting freedom of religion or belief as a universal human right and eliminating discrimination on the basis of religion or belief were key priorities of the human rights policy of the European Union. Freedom of religion or belief safeguarded respect for diversity, and its free exercise directly contributed to democracy, development, the rule of law, peace and stability.

46. In view of the pandemic, the European Union had continued to send a strong message in multilateral

forums that the right to life and health of members of religious minorities and non-believers must be respected and they should not be scapegoated, persecuted or discriminated against when seeking access to public services.

47. With a view to encouraging a focus on implementation, only technical updates had been made to the text. The European Union had taken steps to advance implementation of the resolution at the regional level and to promote its implementation elsewhere. The creation of an exchange platform on religion and social inclusion aimed to promote an ability to build inclusive societies. The European Union remained actively engaged in the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief and had jointly hosted the stocktaking exercise on the Process, carried out in April 2019 at a meeting in Geneva, and the 7th meeting of the Process in November 2019. Those were concrete demonstrations of the commitment of the European Union member States to making progress on all fronts. The adoption of the draft resolution by consensus would continue to send a strong message to the world on the importance of protecting those rights.

48. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Andorra, Argentina, Armenia, Australia, Brazil, Cabo Verde, Canada, Colombia, Costa Rica, Côte d'Ivoire, El Salvador, Guatemala, Haiti, Iceland, Israel, Japan, Lebanon, New Zealand, Nigeria, North Macedonia, Norway, Palau, Papua New Guinea, Peru, Philippines, Republic of Korea, Republic of Moldova, San Marino, Serbia, Switzerland, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.

49. He then noted that the following delegations also wished to become sponsors: Equatorial Guinea, Guinea, Paraguay, Sao Tome and Principe, Sierra Leone, Uganda and Uruguay.

50. *Draft resolution A/C.3/75/L.36 was adopted.*

Draft resolution A/C.3/75/L.37: Extrajudicial, summary or arbitrary executions

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

52. **Mr. Chu** (Sweden), introducing the draft resolution on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that, at its core, the draft resolution concerned the right to life and the fight against impunity. The text of the biennial

resolution had been strengthened, with a focus on prevention and accountability through new references to democracy, human rights defenders and the use of less lethal weapons. It also emphasized the principles of legality, precaution, necessity, proportionality and accountability in relation to the use of force, as well as the importance of strengthening training on the role of journalists and media workers. There was no doubt that all delegations shared the concern expressed in the draft resolution regarding the need to combat extrajudicial, summary or arbitrary executions in all their forms and manifestations. The main sponsors believed that the text represented the best possible compromise, especially given the challenges posed by the pandemic. His delegation regretted that an oral amendment to paragraph 7 (b) of the draft resolution had been proposed. It was not acceptable to the main sponsors and he asked the sponsors of that amendment to reconsider.

53. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Andorra, Bolivia (Plurinational State of), Chile, Côte d'Ivoire, Guatemala, Marshall Islands, Mexico, New Zealand, Panama, Poland, San Marino, Serbia, Switzerland and Venezuela (Bolivarian Republic of). He then noted that Burkina Faso and the Dominican Republic also wished to become sponsors.

54. **Mr. Shahin** (Egypt), speaking on behalf of a group of States, introduced an oral amendment to the draft resolution. Paragraph 7 (b) should be deleted and replaced with the following:

“To ensure the effective protection of the right to life of all persons, to conduct, when required by obligations under national and international law, prompt, exhaustive and impartial investigations into all killings, including those targeted at specific groups of persons and killings committed for discriminatory reasons on any basis, to bring those responsible to justice before a competent, independent and impartial judiciary at the national or, where appropriate, international level and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;”.

55. The group of States strongly condemned all extrajudicial, summary or arbitrary executions and deplored all forms of stereotyping, exclusion, intolerance, discrimination and violence directed against all peoples, communities and individuals. Human rights were universal, indivisible, interdependent and mutually reinforcing.

56. Nevertheless, the General Assembly must adopt a principled, unified and objective position that was free from political motivations, cultural sensitivities and language that did not enjoy consensus. The right to life should be protected for all persons, with no discrimination whatsoever. The inclusion of a list of specific groups in paragraph 7 (b) implied that any groups not listed were not worthy of protection. It was morally indefensible to attempt to explain that the international community considered extrajudicial executions against those groups to be particularly heinous.

57. Regrettably, the main sponsors had insisted on undermining the draft resolution by employing, in an irrelevant context, many terms that had not been agreed upon and had no basis in international human rights law. In past and present negotiations, many Member States had requested that the language used in the draft resolution, especially in paragraph 7 (b), continue to be consensus-based and that no lists be included. As that call had once again been ignored, the only alternative had been to propose an amendment, in a genuine attempt to reach a consensus. The political use of a noble cause to pass contentious concepts was unacceptable. The amendment aimed to make the draft resolution more balanced, consensus-based and representative of the wider membership.

58. In the amended paragraph 7 (b), Member States would still be urged to ensure the effective protection of the right to life of all persons and to conduct prompt, exhaustive and impartial investigations into all killings. He wondered why some delegations were insisting on breaking the consensus, if the list added no value to the essence of the text and would only exclude other groups. He urged all States to vote in favour of the amendment in order to restore balance.

Statements made in explanation of vote before the voting

59. **Mr. Heusgen** (Germany), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro, North Macedonia, Serbia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia and the Republic of Moldova, said that the European Union strongly supported the draft resolution and deeply regretted the decision of certain Member States to present an amendment to long-standing language at the last moment. Last-minute oral amendments ran counter to multilateralism and to the purpose and core values of the United Nations.

60. The paragraph that was under attack focused on the obligations of States to conduct prompt, exhaustive

and impartial investigations into the killings of individuals belonging to vulnerable groups that were more likely to be victims of extrajudicial, summary and arbitrary executions. In other words, investigations that aimed to ensure effective protection for all without discrimination.

61. The draft resolution placed no obligations on States to change their domestic laws relating to those groups, but rather to investigate all killings in a prompt, exhaustive and impartial manner. It was of the utmost importance that the paragraph and the list of vulnerable groups be retained, as in previous years. The European Union would therefore vote against the oral amendment and called on all Member States to do likewise.

62. **Mr. Chu** (Sweden), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that those delegations objected to the oral amendment, which would result in the deletion of the entire list of vulnerable groups from paragraph 7 (b). Members of those groups were more likely to suffer deadly violence and be victims of impunity, and it was therefore of the utmost importance that the list be retained. The aim of the list was to signal to States that certain groups were at greater risk of being killed or suffering impunity. The groups had been explicitly mentioned in the draft resolution for over a decade; it would send a wrong and dangerous message to the individuals in those groups if the General Assembly were to decide that they no longer deserved special protection. He urged all delegations to support the text as drafted. His delegation would vote against the proposed amendment and asked other delegations to do likewise.

63. **Mr. Sylvester** (United Kingdom) said that States had an obligation to fully investigate any allegations and prosecute those responsible, regardless of who the victim might be. The draft resolution was an inclusive text and contained references to a wide range of people who were at particular risk. The United Kingdom was seriously concerned at the increasing attempts to deny the human rights of individuals based on their sexual orientation or gender identity. The draft resolution rightly reflected that concern, identified individuals who might be at greater risk and urged States to promptly, thoroughly and fairly investigate all killings and bring perpetrators to justice. His delegation therefore strongly supported the resolution as drafted and encouraged Member States to vote against the hostile amendment, which sought to deny that the specific groups listed in paragraph 7 (b) were most at risk. The list was not controversial; it was simply a matter of upholding the principle that human rights should be enjoyed on an equal basis by all, which was everyone's responsibility.

64. **Ms. Al-Katta** (Canada), speaking also on behalf of Australia, Iceland, Liechtenstein, New Zealand, Norway and Switzerland, said that it was of the utmost importance that the list of vulnerable persons be retained. The delegations disagreed that listing specific groups implied that they were somehow more entitled to protection. Rather, their inclusion in the list highlighted that they were in a particularly vulnerable position, were more likely to suffer deadly violence and were more often victims of impunity. The attempt to remove that particular list was in fact an attempt to remove references to language on sexual orientation and gender identity. That was the true target of the oral amendment.

65. Paragraph 7 (b) focused on the obligation of States to conduct prompt, exhaustive and impartial investigations into the killings of members of the vulnerable groups listed. It did not oblige States to change their domestic laws, nor did it require that homosexuality be decriminalized. Killings based on sexual orientation or gender identity were well documented in the reports of human rights treaty bodies and special procedure mandate holders. By recognizing the particular vulnerability of certain groups to extrajudicial execution, States were giving them greater protection. It would send the wrong message to individuals belonging to the groups mentioned in the text if the General Assembly decided that their situation no longer warranted special attention. The delegations would therefore vote against the amendment and asked other Member States to do likewise.

66. **Mr. Lamce** (Albania) said that his delegation fully supported the text of the draft resolution as introduced by the delegation of Sweden, based on a conviction that no vulnerable groups at risk of being killed should be omitted. Albania would therefore vote against the oral amendment.

67. **Mr. Duffy** (Indonesia) said that the proposed amendment was an important addition to the draft resolution and might help achieve a consensus. It affirmed that the right to life applied to all persons without discrimination. By referring only to specific groups, the list in paragraph 7 (b) might exclude or disregard other groups. The list also ran counter to the principles of objectivity, impartiality, non-politicization and non-selectivity. The proposed amendment would address that imbalance and eliminate any possible discrimination. His delegation would therefore support it and urged all Member States to do likewise.

68. **Mr. Al Khalil** (Syrian Arab Republic) said that his delegation supported the oral amendment. The Syrian Arab Republic believed in strengthening respect for human rights for all persons, including the right to life,

and was opposed to all killings, as indicated by its national laws. The amendment was needed because the right to life must be guaranteed for all without discrimination and without reference to special cases, as in paragraph 7 (b), since that would mean that groups excluded from the list did not have a right to life. The amendment aimed to restore balance by eliminating that discrimination, and he asked all Member States to support it.

69. **Mr. Oddone** (Argentina), speaking also on behalf of Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, Ecuador, El Salvador, Mexico and Uruguay, said that there could be no exceptions to the principle of universality, especially where the right to life was concerned. Member States must provide effective guarantees against all forms of violence, including violence directed against individuals because of their sexual orientation or gender identity. It was absolutely vital to include the list of vulnerable groups in paragraph 7 (b) of the draft resolution in order to urge States to give greater protection to the right to life of individuals who were more at risk. Not including those groups would weaken the draft resolution and represented a step backwards. It would also convey the message to those groups that they were not valued by the United Nations and were not even entitled to protection from execution. It was illogical to argue that the inclusion of a list constituted a form of positive discrimination and suggested that other groups were of lesser importance. The principle of universality could not be used to deny rights to certain individuals. For those reasons, the delegations named above would vote against the proposed amendment to paragraph 7 (b) and urged other delegations to do likewise.

70. **Ms. Nemroff** (United States of America) said that no one should be subjected to extrajudicial, summary or arbitrary executions. Individuals belonging to marginalized populations, including lesbian, gay, bisexual, transgender or intersex individuals, faced widespread intimidation, harassment and violence, including killings. Deleting references to persons belonging to marginalized groups failed to recognize their human dignity and their human rights. For a body charged with protecting and promoting human rights, that action would be deeply troubling, and her delegation would therefore vote against the draft amendment.

71. **Mr. Biryukov** (Russian Federation), making a general statement before the voting, said that, as a sponsor of the amendment, his delegation agreed that the goal of the draft resolution was to protect all persons, not only some, from extrajudicial executions. Drawing up lists of specific groups of persons, which could never

be exhaustive, would lead to positive discrimination and segmentation. By addressing the issue of extrajudicial executions in a holistic manner, the amendment would enable genuine consensus to be reached on the draft resolution.

72. *A recorded vote was taken on an oral amendment to paragraph 7 (b) of draft resolution A/C.3/75/L.37.*

In favour:

Bahrain, Bangladesh, Belarus, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Libya, Mali, Mauritania, Morocco, Myanmar, Nicaragua, Nigeria, Oman, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sudan, Suriname, Syrian Arab Republic, Trinidad and Tobago, United Arab Emirates, Uzbekistan, Yemen, Zimbabwe.

Against:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Namibia, Nepal, Netherlands, New Zealand, North Macedonia, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Tunisia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Angola, Congo, Ethiopia, Guinea, Guyana, Haiti, Kenya, Lao People's Democratic Republic, Madagascar, Malaysia, Maldives, Mozambique, Pakistan, Philippines, Rwanda, Sao Tome and Principe, South Africa, Sri Lanka, Timor-Leste, Tonga.

73. *The oral amendment was rejected by 94 votes to 40, with 21 abstentions.*

74. **Ms. Charikhi** (Algeria) said that her Government was committed to supporting the efforts of the international community to combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions. Her delegation had been compelled to abstain from voting on the proposed amendment because it sought to delete, among other elements, the reference to persons living under foreign occupation. While Algeria shared the concerns of the sponsors of the oral amendment regarding the inclusion in paragraph 7 (b) of concepts that did not enjoy consensus at the United Nations, and the sponsors' call to remain general when referring to any listing, it believed that the reference to persons living under foreign occupation should be retained, since it was a well-defined term that was recognized by the entire United Nations membership.

75. **Mr. Mamadou Mounsir Ndiaye** (Senegal) said that the list in paragraph 7 (b) was not appropriate and made it more difficult for his delegation to support the draft resolution. The list was not useful and could exclude other groups. His delegation had therefore voted in favour of the oral amendment and wished to disassociate itself from that part of the draft resolution.

76. **The Chair** invited the Committee to take action on draft resolution [A/C.3/75/L.37](#) as a whole and said that a recorded vote had been requested by the delegations of Bangladesh, Brunei Darussalam, Burkina Faso, China, Egypt, Indonesia, Iran (Islamic Republic of), Libya, Mali, Qatar, Saudi Arabia, the Syrian Arab Republic and Yemen.

77. **Mr. Chu** (Sweden), making a general statement before the voting, said that it was highly regrettable that a recorded vote had been requested. At the heart of the draft resolution stood the right to life, which was a prerequisite for the enjoyment of all other rights. In such a context, the most fundamental responsibility was to bring those responsible for extrajudicial, summary or arbitrary killings to justice. Sweden would vote in favour of the draft resolution and he called on all delegations to support it.

Statements made in explanation of vote before the voting

78. **Mr. Butt** (Pakistan) said that all Member States must take effective measures to combat extrajudicial killings, investigate suspected cases and punish the perpetrators. Extrajudicial killings and arbitrary executions continued to occur with impunity, especially in situations of armed conflict and foreign occupation. The use of less-than-lethal weapons could pose a risk of

death or serious injury in some circumstances; many peaceful protesters had died or suffered injury in recent years. The draft resolution rightly underscored the need to regulate the use of "less lethal" weapons.

79. Nevertheless, the reference to the concept of sexual orientation and gender identity in paragraph 7 (b) continued to be problematic for many delegations, which had raised their concerns during the informal consultations. While the right to life should be protected for all, his delegation could not allow the text to be used by some countries to impose their value systems on others. Artificial categories or groups that were not universally recognized should not be included.

80. Regarding capital punishment, under article 6 of the International Covenant on Civil and Political Rights, all States had a sovereign right to use the death penalty when applied in a manner consistent with its international obligations and domestic law. The legitimate use of the death penalty could not be equated to an extrajudicial killing. He asked the main sponsors to address those long-standing concerns in future so that a consensus could be reached on such an important resolution. Since the text continued to contain elements that were unacceptable to his delegation, it would abstain from the vote.

81. **Mr. Biryukov** (Russian Federation) said that the delegation of Sweden had conducted the consultations in a constructive manner, and some improvement had been made to the draft resolution during the negotiations. However, many of the comments made by his and other delegations had unfortunately been ignored. His delegation therefore had reasonable concerns about a number of provisions of the draft resolution that were not based on true consensus, namely, the reference in paragraph 7 (b) to the concept of "gender identity", which was a confrontational term that was not recognized by many States; the creation in the thirteenth preambular paragraph and paragraph 7 (b) of an artificial hierarchy within civil society by granting special status and special rights to a certain category of persons on the basis of their activities; the attempts to loosely interpret the mandate of the Special Rapporteur in paragraph 18, especially when the work of the current Special Rapporteur was not deserving of praise; and the lack of any distinction in paragraph 10 between international obligations and certain principles that were not obligations. His delegation remained particularly concerned about the fifteenth preambular paragraph and paragraph 14, which contained an unduly positive assessment of the work of the so-called International Criminal Court, and about the reference to the "responsibility to protect", a concept that was not recognized by his and many other delegations. His

delegation would abstain from voting on the draft resolution.

82. **Mr. Shahin** (Egypt) said that extrajudicial, summary, and arbitrary executions must never take place on discriminatory grounds. His Government was committed to combating all forms of discrimination, stereotyping, intolerance and violence directed against all peoples, communities and individuals. Nonetheless, it rejected any attempt to undermine the international human rights system by imposing undefined concepts pertaining to social matters, including private individual conduct that fell outside the internationally agreed human rights framework. Such attempts showed a lack of regard for the universality of human rights and respect for cultural and social norms and diversity. While recognizing that the rights enshrined in the Universal Declaration of Human Rights had been codified in subsequent international legal instruments, his delegation was alarmed at the systematic attempts made to misinterpret the Declaration and international treaties and claim that they included such notions, which had never been articulated or agreed to by the United Nations membership, and to impose them in United Nations resolutions. Egypt urged all countries with similar views to abstain from voting on the draft resolution.

83. *A recorded vote was taken on draft resolution A/C.3/75/L.37 as a whole.*

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Cambodia, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, North Macedonia, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Saint Vincent and

the Grenadines, Samoa, San Marino, Sao Tome and Principe, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Against:

None.

Abstaining:

Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Belarus, Botswana, Brunei Darussalam, Burundi, Cameroon, China, Democratic People's Republic of Korea, Djibouti, Egypt, Ethiopia, Ghana, Guinea, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Niger, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saudi Arabia, Senegal, Solomon Islands, Sudan, Syrian Arab Republic, Tajikistan, Togo, Tonga, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

84. *Draft resolution A/C.3/75/L.37 was adopted by 122 votes to none, with 56 abstentions.*

85. **Mr. González Behmaras** (Cuba) said that, while his delegation had voted in favour of the draft resolution, it wished to disassociate itself from the fifteenth preambular paragraph and paragraphs 14 and 18. While sharing the draft resolution's noble aim of eliminating extrajudicial, summary or arbitrary executions, his delegation could not support the references to the Rome Statute, to which Cuba was not a party, or to the International Criminal Court, whose jurisdiction it did not recognize. His delegation also had serious concerns regarding the concept of the so-called "responsibility to protect" and was therefore unable to support it. It was a concept that could be easily exploited for political ends to justify violating the sovereignty and territorial integrity of States, in particular in the South. He recalled that his delegation had expressed its reservations regarding paragraph 139 of General Assembly resolution 60/1 at the time of its adoption. Paragraph 18 of the draft resolution recognized a role in preventing extrajudicial, summary and arbitrary executions that was not mentioned in the resolution creating the mandate of the Special Rapporteur or in Human Rights Council resolution 44/5, by which the

Council had extended the mandate for a further three years. The responsibility to prevent extrajudicial, summary and arbitrary executions and protect individuals from those acts or other human rights violations lay solely with each State, on the basis of its national laws and the obligations arising from international instruments to which it was a party.

86. His delegation had expressed those concerns during the negotiations, but they had unfortunately not been taken into account. Cuba therefore did not consider those references to be agreed language and did not consider itself bound by their possible scope.

87. **Ms. Wagner** (Switzerland) said that a State's laws and policies must be fully aligned with its international commitments and obligations. In order to increase respect for human rights among law enforcement officers, a number of sets of guidelines and important principles had been adopted by the relevant United Nations bodies. Her delegation interpreted paragraph 10 as covering States' commitments and obligations in the matter.

88. **Ms. Fangco** (Philippines) said that her delegation had supported the draft resolution. Nevertheless, while the international obligations contained in human rights treaties were important, national laws took precedence. Her delegation wished to dissociate itself from the fifteenth preambular paragraph, paragraph 14 and all other paragraphs that referred to the International Criminal Court. The Philippines had withdrawn from the Rome Statute with effect from 17 March 2019 and did not recognize the Court's jurisdiction. It nevertheless reaffirmed its duty to protect its population from atrocities and war crimes. States had the primary responsibility and right to prosecute international crimes and the International Criminal Court could only exercise jurisdiction if national legal systems had failed to prosecute or were unable to do so. It could not take the place of fully functioning national courts.

89. **Ms. Nemroff** (United States of America) said that her country condemned extrajudicial, summary, or arbitrary executions of any individuals, regardless of their status. All States had an obligation to protect human rights and fundamental freedoms and must take effective action to combat all extrajudicial, summary, or arbitrary executions, including by fully and transparently investigating suspected cases and prosecuting and punishing the perpetrators.

90. The United States strongly supported the existing language on civil society and human rights defenders and welcomed the new wording on democracy, civil society and the protection of journalists and media workers. It also strongly supported language

condemning extrajudicial, summary or arbitrary executions that targeted members of marginalized or vulnerable groups, including members of the lesbian, gay, bisexual, transgender and intersex community, women and girls. Countries that had capital punishment must abide by their international obligations, including those relating to fair trial guarantees and the use of such punishment for the most serious crimes only. The United States did not interpret the draft resolution as changing the current state of conventional or customary international law, particularly with respect to articles 2 and 6 of the International Covenant on Civil and Political Rights.

91. Her delegation had already addressed its concerns regarding the draft resolution's references to the International Criminal Court, including in a statement delivered at the Committee's 7th meeting on 13 November 2020. The United States had also consistently voted against the draft resolution on the moratorium on the use of the death penalty.

92. The United States fully supported the use of less-than-lethal devices when appropriate. However, it disagreed that the use of less-than-lethal devices decreased the need to use any kind of weapon in all circumstances. In some situations, the use of less-than-lethal devices could increase the risk of injury or death to the law enforcement officer. Her Government supported a balanced approach that recognized that situations were fact-specific. The use of force by law enforcement officers in peacetime was governed by the "objective reasonableness" standard set forth by the United States Supreme Court.

93. The terms "conform" and "to ensure" incorrectly suggested that Member States had undertaken obligations to apply the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, all of which were non-binding instruments.

94. While country visits were an important human rights tool, United States prison officials were unable to grant the Special Rapporteur the kind of access that she sought in all circumstances.

95. The unlawful killing of individuals by Governments was regulated by international human rights law and international humanitarian law, which were complementary and mutually reinforcing bodies of law and set forth two legal frameworks. Determining which rules applied to any particular government action during an armed conflict was highly fact-specific, but international humanitarian law was the *lex specialis*

regarding situations of armed conflict, and the United States interpreted the text on that basis.

96. **Mr. Zhang Zhe** (China) said that his delegation had been compelled to abstain from the vote, since the amendments that it had proposed during the negotiations had not been taken on board. China opposed the term “human rights defenders”, found in the thirteenth preambular paragraph and paragraph 7 (b), because it lacked a clear, unified international definition arrived at through intergovernmental negotiations. In view of its position on the International Criminal Court, his delegation did not support the references to the Court in the fifteenth preambular paragraph and paragraph 14. Paragraph 16 referred to “media workers”, which was a concept that did not have a clear, unified definition, and China therefore did not support that reference. Lastly, China wished to register its reservations concerning paragraph 18, which represented an arbitrary interpretation and expansion of the mandate of the Special Rapporteur.

97. **Ms. Abraham** (Trinidad and Tobago) said that her Government opposed all extrajudicial, summary or arbitrary violations of the right to life. While capital punishment formed part of the domestic legal framework, its implementation was consistent with due process, the rule of law and the country’s international obligations. Safeguards were in place to ensure that human rights, due process and the rule of law were rigorously upheld. However, her delegation wished to disassociate itself from the listing in paragraph 7 (b) of the draft resolution. The country’s domestic framework aimed to protect all citizens from extrajudicial, summary or arbitrary killings carried out on any basis and did not permit any violation of the right to life for any discriminatory reason, since all citizens were afforded equal protection under the law.

98. **Mr. Zareian** (Islamic Republic of Iran) said that his Government attached great importance to formulating policies and implementing measures to prevent and combat extrajudicial, summary or arbitrary executions. However, a number of references in the draft resolution did not enjoy international consensus and were unacceptable to Iran. His delegation had therefore abstained from the vote.

99. **Ms. Nassrullah** (Iraq) said that her delegation wished to disassociate itself from the references to the International Criminal Court in the fifteenth preambular paragraph and paragraph 14.

100. **Mr. Shahin** (Egypt) said that his delegation had abstained from voting on the draft resolution. Although the draft resolution addressed a critical issue, the main sponsors had chosen to incorporate language that was

not clearly defined and did not enjoy consensus. That regrettable political manipulation had only served to undermine the draft resolution and the possibility of achieving a consensus. They should have refrained from attempting to give priority to specific individuals, which could lead to positive discrimination and was contrary to the principles of non-discrimination and equality, and from using language that was not consensus-based. His delegation wished to disassociate itself from paragraph 7 (b).

101. **Mr. Kamal** (France) said that, regrettably, his delegation was obliged to return to the interpretation problem that had arisen during the 7th meeting of the Committee. Interpretation into all the official languages must be provided at all times during the Committee’s meetings. Multilingualism was not a luxury; it was essential to the smooth functioning of the Committee. His delegation asked the Chair and the secretariat to ensure that that requirement was met. In addition, in the event of a problem, all points of order must be addressed immediately, rather than at a later stage.

102. **Mr. Youssouf Aden Moussa** (Djibouti) said that his delegation shared the concerns raised by the representative of France. The Chair, the Bureau and the Committee secretariat must pay close attention to ensure that the six official languages of the United Nations received equal treatment during the Committee’s meetings, in line with the Organization’s rules of procedure. Djibouti was deeply committed to multilingualism.

103. **Mr. Bellmont Roldan** (Spain) said that his delegation supported the statements made by the delegations of France and Djibouti.

104. **The Chair** urged delegations to follow up with the secretariat on that important matter.

Agenda item 112: Countering the use of information and communications technologies for criminal purposes

105. **The Chair** said that no action was expected under the agenda item. The report on the outline and modalities for the open-ended ad hoc intergovernmental committee of experts to elaborate a comprehensive international convention on countering the use of information and communications technologies for criminal purposes would be submitted following the organizational session of the ad hoc committee taking place during the resumed session pursuant to General Assembly decision 74/567, for consideration by the General Assembly later in the session.

Agenda item 126: Revitalization of the work of the General Assembly (A/C.3/75/L.87)

Draft decision A/C.3/75/L.87: Draft programme of work of the Third Committee for the seventy-sixth session of the General Assembly

106. **The Chair** drew attention to the draft programme of work of the Third Committee for the seventy-sixth session of the General Assembly, submitted by the Chair of the Committee, as contained in document [A/C.3/75/L.87](#).

107. **Mr. González Behmaras** (Cuba) said that the secretariat and the incoming Bureau should consider the need to prepare the list of special procedure mandate holders ahead of time and to hold more consultations to ensure that all States could interact with the mandate holders on an equal footing.

108. **The Chair** took it that the Committee wished to adopt the draft programme of work of the Committee for the seventy-sixth session and transmit it to the General Assembly for approval.

109. *It was so decided.*

Agenda item 142: Programme planning

110. **The Chair** said that no action was expected under the agenda item.

Conclusion of the work of the Committee

111. **The Chair** declared that the Third Committee had completed its work for the main part of the seventy-fifth session of the General Assembly.

The meeting rose at 5.30 p.m.