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Human Rights Council Fifty-fourth session

Summary record (partial)* of the 50th meeting

Held at the Palais des Nations, Geneva, on Friday, 13 October 2023, at 3 p.m.

President: Mr. Bálek (Czechia)

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.05 p.m.

Agenda item 1: Organizational and procedural matters *(continued)*

Statements by observer delegations on the resolutions and decisions considered at the session

1. **Mr. Chen** (Observer for Singapore) said that draft resolution [A/HRC/54/L.34](#), as orally revised, on the question of the death penalty lacked balance. It failed to take account of the diversity of global opinion on that complex issue, which must be considered in the context of differing national circumstances and legal systems. There was no international consensus against the use of the death penalty when it was applied in accordance with States' international obligations. States had the sovereign right to determine penalties and define the most serious crimes under their laws, in accordance with their obligations under international law. The level of support among Council members for the proposed amendment contained in document [A/HRC/54/L.36](#) clearly demonstrated the need for greater recognition of State sovereignty in future resolutions on the issue. He wished to thank delegations that had stood with his own in defending the important principle reflected in the proposed amendment. In addition, there was no international consensus on which offences constituted "the most serious crimes". Any unilateral or plurilateral definition of that phrase went against the spirit of multilateralism and international law.

2. **Mr. Ruddyard** (Observer for Indonesia) said that his delegation looked forward to States' constructive cooperation in implementing draft resolution [A/HRC/54/L.11](#) on the Working Group on the rights of peasants and other people working in rural areas, of which his delegation was a main sponsor. Regarding draft resolution [A/HRC/54/L.19](#) on human rights and Indigenous Peoples, he wished to reiterate that, while the concept of "Indigenous Peoples" was not applicable in the Indonesian context, his Government continued to support the protection and promotion of the rights of local communities. Its support for draft resolution [A/HRC/54/L.4/Rev.1](#) on quality education for peace, which contained a reference to Indigenous Peoples, did not change its long-standing position.

3. No international consensus had been reached on the specific offences that met the "most serious crimes" threshold referred to in draft resolution [A/HRC/54/L.34](#). Under article 6 of the International Covenant on Civil and Political Rights, countries that had not abolished the death penalty could impose that penalty for crimes considered serious under their national law. Under his country's new criminal code, the death penalty was an alternative punishment that could be applied only as a last resort. Commutation, one of the areas of focus of the resolution, was explicitly provided for under the new code.

4. His delegation welcomed the consensual adoption of draft resolution [A/HRC/54/L.17/Rev.1](#) on maternal mortality and morbidity, but regretted that some States' concerns had not been accommodated. Indonesia therefore dissociated itself from the paragraphs referring to "sexual and reproductive health and reproductive rights", including "universal access to sexual and reproductive health services", "bodily autonomy rights", the "right to decide autonomously" in matters regarding sexuality, the "right to have control over and to decide freely and responsibly on matters relating to sexuality" and "comprehensive sexuality education".

5. **Ms. Oduwaiye** (Observer for Nigeria) said that her delegation wished to express its deep reservations and profound dismay at the use, in draft resolution [A/HRC/54/L.17/Rev.1](#), of the controversial terms "comprehensive sexuality education", "bodily autonomy rights" and "sexual and reproductive health and reproductive rights", which were unacceptable to her Government. There was no international consensus on the use of those terms, which had consistently been rejected by several States Members of the United Nations, including Nigeria. Her delegation therefore dissociated itself from the use of those terms in the eighth, ninth, eighteenth to twenty-third and twenty-fifth preambular paragraphs and paragraphs 1, 12, 20, 21 and 22 of the resolution.

6. In addition, her delegation wished to reiterate that the term "gender" and all related terminology, including "gender-based violence" and "gender-based discrimination", used in resolutions should be construed to refer strictly to the two categories of gender acceptable in

Nigeria, as reflected in its Constitution, namely male and female, the sexes into which humankind was divided according to individuals' reproductive capacities. Any departure from that interpretation would misrepresent and be contrary to the relevant paragraphs of international human rights conventions. All resolutions adopted during the session would be construed in accordance with the national laws and international human rights obligations of Nigeria.

7. **Mr. Ahmadi** (Observer for the Islamic Republic of Iran) said that, taking into account the potential negative impacts of blindly promoting girls' access to sexual and reproductive health services, his delegation dissociated itself from the twelfth preambular paragraph of draft resolution [A/HRC/54/L.6/Rev.1](#) on the centrality of care and support from a human rights perspective. His Government would interpret and implement the concepts, terminology and potential commitments referred to in that resolution and in draft resolution [A/HRC/54/L.17/Rev.1](#) in accordance with its national laws and regulations. His delegation regretted that all the amendments proposed in relation to the latter resolution had been rejected. Those amendments, some of which had been sponsored by his delegation, had represented the perspective of States in different regions and with different legal systems and cultural contexts. The effectiveness of such important resolutions could only be guaranteed if they closely reflected the realities on the ground. His delegation dissociated itself from all paragraphs containing references to concepts not recognized under international human rights law or to contentious issues such as comprehensive sexuality education and bodily autonomy.

8. His delegation regretted that the concerns of a significant group of countries had not been reflected in draft resolution [A/HRC/54/L.34](#) on the question of the death penalty and that all the proposed amendments had been rejected. The text as adopted was unbalanced and, relying on non-negotiated and non-binding sources, presented a one-sided and inaccurate interpretation of certain international law terms. Therefore, while his Government reaffirmed its commitment to its obligations under international law, it also firmly believed that different national contexts and the sovereign right of States to develop their own legal systems should be fully considered and respected.

9. **Mr. Barmin** (Observer for the Russian Federation) said that his delegation had consistently opposed the politicization of the promotion and protection of human rights to serve geopolitical goals, including in the resolutions adopted on the situation of human rights in Burundi, Afghanistan and the Sudan. It did not recognize draft resolution [A/HRC/54/L.21](#) on the situation of human rights in the Russian Federation or the mandate of Special Rapporteur on the situation of human rights in the Russian Federation. His Government would interpret references to human rights defenders in the adopted resolutions in accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which had been adopted by the General Assembly. It did not agree with the wording "institutions duly established by themselves" in draft resolution [A/HRC/54/L.19](#) on human rights and Indigenous Peoples. The inclusion in that resolution of references to general comments of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child did not imply that the Russian Federation necessarily agreed with their content.

10. His delegation opposed references, in the resolutions adopted, to a "human rights-based approach", "human rights-based care", a "human rights-based perspective" and the "human rights-based ... coordination of policies, programmes, budgets and services". It understood the term "gender" to mean biological sex and references to "gender-based violence" and "gender-based discrimination" to relate to acts committed on the basis of sex. It did not support the use of ambiguous terms such as "gender-responsive", "gender dimension" and "gendered distribution of unpaid care work". His delegation regretted that its proposed amendments addressing visa restrictions by countries hosting United Nations headquarters or offices had not been considered. Those restrictions had affected representatives of States, civil society and Indigenous Peoples who had registered to participate in United Nations events.

11. **Ms. Fontana** (Observer for Switzerland) said that her delegation welcomed the adoption, after intense negotiations, of draft resolution [A/HRC/54/L.34](#) on the question of

the death penalty. At the same time, it regretted that, despite the discussions it had held with various delegations, no solutions had been found and a number of amendments had been proposed. Draft resolution [A/HRC/54/L.10](#), however, had been adopted by consensus and with broad cross-regional support; that demonstrated the importance of the mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

12. While her delegation recognized that the intention of the main sponsors of draft resolution [A/HRC/54/L.23](#), as orally revised, had been to address the imbalance in the protection and promotion of rights under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights by the Office of the United Nations High Commissioner for Human Rights, it regretted that the scope of the resolution was not limited to the insufficient implementation of economic, social and cultural rights, but extended to factual inequalities between States, which did not fall within the Office's mandate. Her delegation also regretted that draft resolution [A/HRC/54/L.24/Rev.1](#) did not refer to the diverse forms that families assumed, a diversity at the heart of the International Year of the Family, whose commemoration was the subject of the resolution. Lastly, it was unfortunate that draft resolution [A/HRC/54/L.28](#) did not reflect the gravity of the human rights situation in Yemen. Her Government wished to reiterate its position that an international fact-finding mission should be re-established to investigate alleged human rights violations and abuses in Yemen.

The discussion covered in the summary record was suspended at 3.15 p.m. and resumed at 4.15 p.m.

Closure of the session

13. After the customary exchange of courtesies, **the President** declared the fifty-fourth session of the Human Rights Council closed.

The meeting rose at 4.20 p.m.