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## Third Committee

### Summary record of the 46th meeting

Held at Headquarters, New York, on Tuesday, 16 November 2010, at 10 a.m.

*Chair:* Mr. Tommo Monthe . . . . . (Cameroon)

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*The meeting was called to order at 10.15 a.m.*

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

**(d) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action** *(continued)*

*Draft resolution A/C.3/65/L.60: Global efforts for the total 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. **Mr. Al-Shami** (Yemen), introducing the draft resolution on behalf of the Group of 77 and China, said that the text focused on the activities surrounding the upcoming tenth anniversary of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was expected to culminate in an outcome document affirming the global resolve to end racism. The sponsors had chosen not to submit a separate draft resolution on the organization of related activities on the understanding that the President of the General Assembly would be appointing a facilitator to complete that task. The draft resolution also included the issue of racism in sport, and encouraged the Fédération internationale de football association (FIFA) to continue its anti-racism initiatives in the 2014 World Cup tournament. In the draft resolution, the Group of 77 and China recognized the important work accomplished through the follow-up mechanisms to the Durban Declaration and, in fulfilment of paragraph 101 of the Declaration, called for financial support for the project to build a permanent memorial at the United Nations to the victims of slavery.

2. **Mr. Gustafik** (Secretary of the Committee) said that Kazakhstan and the Russian Federation had joined the sponsors.

**Agenda item 61: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions** *(continued)*

*Draft resolution A/C.3/65/L.24/Rev.1: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees*

3. **The Chair** said that the draft resolution contained no programme budget implications.

4. **Mr. Gustafik** (Secretary of the Committee) said that Afghanistan, Benin, Bosnia and Herzegovina and Egypt had joined the sponsors.

5. *Draft resolution A/C.3/65/L.24/Rev.1 was adopted.*

**Agenda item 65: Indigenous issues** *(continued)*

*Draft resolution A/C.3/65/L.22/Rev.1: Indigenous issues*

6. **The Chair** said that the draft resolution contained no programme budget implications.

7. **Mr. Solón** (Bolivia) said that the draft resolution proposed a high-level plenary meeting of the General Assembly on the rights of indigenous peoples, to be held in 2014, and called for an expansion of the mandate of the United Nations Voluntary Fund for Indigenous Populations in order to increase the participation of indigenous peoples in the sessions of treaty bodies. He noted the following revision to paragraph 7 of the English version of the draft resolution: the word “people” should be replaced with the word “peoples”. He announced that Brazil, Canada, New Zealand and the United States of America had joined the sponsors.

8. **Mr. Gustafik** (Secretary of the Committee) said that Albania, Armenia, Chile, Congo, Croatia, Cyprus, Estonia, Greece, Italy, Luxembourg, Paraguay and Spain had also joined the sponsors.

9. *Draft resolution A/C.3/65/L.22/Rev.1 was adopted as orally revised.*

10. **Mr. Soares** (United Kingdom), speaking in explanation of position, said that his delegation supported the draft resolution on the understanding that the rights of indigenous peoples referred to in the text were those set out in the Declaration on the Rights of Indigenous Peoples. In that regard, his delegation strongly endorsed the reference to the Declaration in the third preambular paragraph. With the exception of the right to self-determination, the United Kingdom did not recognize the concept of collective human rights in international law. Individuals within groups must not be left unprotected by allowing the rights of the group to supersede individual human rights. The United Kingdom had made that long-standing position explicit at the time the Declaration had been adopted, both within the General Assembly and the Human Rights Council.

11. References to the rights of indigenous peoples in the draft resolution should be interpreted as the individual human rights bestowed on all people under international law. That position was without prejudice to the fact that the Government of the United Kingdom recognized that many States with indigenous populations had granted them collective rights in their constitutions and national laws. Accordingly, his delegation was concerned with the proposal in paragraph 10 for an agenda item in the sixty-sixth session of the General Assembly to be entitled “Rights of indigenous peoples”, which was a departure from the established title, “Indigenous issues”. Furthermore, his delegation believed that the high-level plenary meeting proposed in paragraph 8 should focus on reviewing implementation of the Declaration, which was the most effective tool to enhance the protection and promotion of the rights of indigenous peoples.

**Agenda item 66: Elimination of racism, racial discrimination, xenophobia and related intolerance**  
(continued)

**(a) Elimination of racism, racial discrimination, xenophobia and related intolerance** (continued)

*Draft resolution A/C.3/65/L.50: Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance*

12. **Mr. Lukiyantsev** (Russian Federation) said that Cape Verde, Central African Republic, Côte d’Ivoire, Ethiopia, Gabon, India, Namibia, Nigeria, Seychelles and Viet Nam had joined the sponsors of the draft resolution. Noting that in 2010 the international community had celebrated the sixty-fifth anniversary of the end of the Second World War, a war whose victims included millions whose lives had been cut short by the application of theories of racial supremacy, he regretted the insistence by certain States to put the draft to the vote, which was tantamount to distorting the facts of history. The resolution was, among other things, a tribute to those whose sacrifice had brought about the creation of the United Nations. In that context, he deplored the increasing glorification of Nazism and its proponents and the rise of skinhead and neo-Nazi groups, which drew their inspiration from ideologies that the United Nations had been set up to counter and perpetrated acts deemed offences punishable by law under article 4 of the International Convention on the Elimination of All Forms of Racial

Discrimination. Tolerating such phenomena could not be dismissed as a matter of political correctness but was rather a manifestation of deep cynicism, defamatory to the memory of all those who had fought against fascism.

13. In drafting the resolution, the sponsors had endeavoured to make it as balanced as possible and ensure that it was acceptable to all delegations. He noted several revisions to the text: in paragraph 24, the words “and non-governmental organizations” had been deleted; and a new paragraph 24 bis had been added, reading: “Expresses also its appreciation to representatives of civil society for their contribution to the fight against racism, racial discrimination, xenophobia and related intolerance”.

14. Drawing attention to statements by certain delegations which his delegation found fundamentally objectionable, such as the argument that the victory over fascism in the Second World War had nothing to do with universal human rights standards and that the glorification of Nazism and propagation of racist views were no more or less than realization of the right to free expression, he pointed out that such views could never have been uttered in the halls of the United Nations some 20 or 30 years earlier and deeply regretted the need to utter them today, on the sixty-fifth anniversary of that victory, of the founding of the United Nations and of the establishment of the Nuremberg Tribunal. He expressed the hope that the draft resolution would receive the widest possible support from States Members, thereby ensuring that it made a genuine contribution to the cause of eliminating racism, racial discrimination, xenophobia and related intolerance.

15. **Mr. Gustafik** (Secretary of the Committee) said that the Democratic People’s Republic of Korea and Iraq had joined as sponsors of the draft resolution as orally revised.

16. **Ms. Kolontai** (Belarus) said that, as one of the principal sponsors of the draft resolution, her delegation fully supported its underlying ideas and concerns and considered its adoption particularly apposite in 2010, which had been proclaimed the International Year of Youth, as a strong message to young people. Recalling the events held in May 2010 by the General Assembly to mark the sixty-fifth anniversary of the end of the Second World War and commemorate its victims, she said that Belarus, which

had lost nearly one third of its population during those terrible years, knew only too well the consequences to which the ideology of racial supremacy could lead and therefore called upon all States Members of the Organization to join it in supporting the draft resolution.

17. **Mr. Burniat** (Belgium), speaking in explanation of vote before the voting on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, and Montenegro; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that neo-Nazism was an abhorrent manifestation of racism that existed in many societies of the European Union, as well as in those of the main sponsors of the draft resolution. Neo-Nazism was a threat that should be tackled through comprehensive national, regional and international measures to combat racism, including activities to implement the International Convention on the Elimination of All Forms of Racial Discrimination. The fight against racism, including neo-Nazism, was a common priority of all Member States and should not be used for extraneous purposes. The European Union had expressed readiness to contribute to the draft resolution and had proposed several amendments. Although paragraph 21 had been improved by referencing the entire Convention instead of a single article, the rest of its suggestions had not been taken into consideration. The Union remained concerned about the approach taken to the draft resolution, including with regard to the issue of freedom of expression.

18. Specifically, in its selective approach, the draft resolution deflected attention from human rights concerns related to racism, in particular racist and xenophobic violence, despite the Union's requests for a more comprehensive, objective and legally appropriate approach. In addition, the draft resolution should have better reflected the principle that any efforts to combat racism and intolerance must not undermine human rights as defined by international law. The sponsors' reluctance to address the inaccurate citations of the Judgement of the Nuremberg Tribunal was also questionable, as the European Union had repeatedly proposed a precise quotation. Finally, the request for a report on the implementation of the draft resolution from the Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related

intolerance undermined the comprehensive mandate and adequate reporting system that had already been established, which required the Special Rapporteur to report regularly to the Human Rights Council and the General Assembly. For those reasons, the European Union would abstain from voting on the draft resolution, but remained willing to work on a resolution that would make a strong contribution to combating racism and xenophobia.

19. **Ms. Phipps** (United States), speaking in explanation of vote before the voting, said that her delegation shared the revulsion expressed by fellow Committee members at the promotion of Nazi ideology. The United States Government had been a strong supporter of United Nations efforts to remember the Holocaust and condemned all forms of religious intolerance. However, her delegation remained concerned that the draft resolution, as in past years, failed to distinguish between actions and statements. While the increase in racist incidents, including on the Internet, was a matter of concern, curtailing expression was not an appropriate or effective means of combating racism. Freedom of speech and freedom of expression should be protected, even when they were used to express hate. The United States Government had affirmed that conviction by making a reservation to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. Robust legal protections against discrimination and hate crimes, Government outreach to minority religious groups and the defence of both freedom of religion and freedom of expression were the best antidote to intolerance, not the criminalization of offensive speech. Her delegation would therefore vote against the draft resolution.

20. *At the request of the delegation of the United States of America, a recorded vote was taken on draft resolution A/C.3/65/L.50.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, 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, Eritrea, Ethiopia, Ghana, Grenada, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

United States of America.

*Abstaining:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Comoros, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

21. *Draft resolution A/C.3/65/L.50 was adopted by 118 votes to 1, with 55 abstentions.*

22. **Mr. Vigny** (Switzerland) said that his delegation regretted that consultations on the text had been limited and that the sponsors had not taken into account the concerns of many delegations, including his own. His delegation had abstained from voting as it found that

the draft resolution was selective in its references to types of contemporary racism and geographic regions. The practices that fuelled racism were not limited to a single historical context; they had existed at all times. In addition, the concerns raised in the draft resolution would have been more appropriately addressed in document A/C.3/65/L.60, which was the comprehensive draft resolution on the elimination of all forms of racism.

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

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

*Draft resolution A/C.3/65/L.29/Rev.1: Extrajudicial, summary or arbitrary executions*

23. **Ms. Fröberg** (Finland), speaking on behalf of the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) and the other sponsors, introduced the draft resolution. New Zealand, San Marino and the Bolivarian Republic of Venezuela had joined the sponsors. Although consensus had been reached on certain provisions of the draft resolution, it had not been possible to reach consensus on the inclusion of a reference to sexual orientation.

24. **Mr. Gustafik** (Secretary of the Committee) said that Colombia, Dominican Republic, Republic of Korea, Timor-Leste and Ukraine had also joined the sponsors.

*Proposed amendment to draft resolution A/C.3/L.29/Rev.1, contained in document A/C.3/65/L.65*

25. **The Chair** said that the proposed amendment contained no programme budget implications.

26. **Mr. Babadoudou** (Benin), speaking on behalf of the Group of African States, introduced the proposed amendment, which was also sponsored by the Organization of the Islamic Conference and the Group of Arab States. The amendment would ensure that the draft resolution addressed all forms of discrimination. Certain forms of discrimination, including on the basis of the undefined and controversial notion of sexual orientation, should not be highlighted at the expense of others. That notion had no legal basis in international human rights instruments. Moreover, many more

people were victims of discrimination on the basis of, inter alia, colour, race and gender. Comprehensiveness rather than selectivity was the key to ensuring the commitment of the international community to combating extrajudicial, summary or arbitrary executions on any basis.

27. The sponsors had, however, rejected language that would have allowed many more Member States to support or even sponsor the draft resolution. Member States were therefore urged to approve the proposed amendment with a view to ensuring that the draft resolution was supported by as many delegations as possible. Moreover, if the international community wished to discuss sexual orientation, it must address that issue directly, in an agreed format and on another occasion.

28. **Ms. Fröberg** (Finland) said that the proposed amendment was unacceptable and requested that a recorded vote should be taken.

29. **Ms. Bouhamidi** (Morocco), speaking on behalf of the Organization of the Islamic Conference, said that it was alarming that certain States, while ignoring intolerance and discrimination on the basis of, inter alia, race, gender, colour and religion, were attempting to highlight controversial and undefined notions and draw attention to certain persons on the grounds of their sexual interests and behaviour. The concept of sexual orientation had no basis in, and should not be linked to, existing international human rights instruments. The international community must avoid selectivity in the field of human rights, which would set a dangerous precedent and promote the interests of particular groups over others. Efforts must be made to combat attempts to create new rights or standards by misinterpreting the Universal Declaration of Human Rights and international treaties, claiming that they addressed notions that had neither been articulated nor agreed on by the signatories to those instruments. All Member States were urged to continue to devote special attention and resources to the protection of the family, which was the natural and fundamental group unit of society, as affirmed by the Universal Declaration of Human Rights.

30. **Ms. Burgstaller** (Sweden) said that her country strongly objected to the proposal to amend the draft resolution by deleting the term “sexual orientation”. Sexual orientation was frequently the motive for extrajudicial, summary or arbitrary executions and the

deletion of that term would be tantamount to the Committee ignoring or condoning the execution of persons on that basis. Adoption of the proposed amendment would discourage some States from investigating certain executions or prosecuting the perpetrators of those crimes. The Committee had not voiced concerns about other undefined notions contained in paragraph 6 of the draft resolution, which, inter alia, listed other groups and persons who were particularly at risk. It was unacceptable that the international community should deny certain individuals their right to life and disregard the plight of the vulnerable. Sweden would therefore vote against the proposed amendment.

31. **Ms. Chuard** (Switzerland) said that safeguarding the rights of lesbians, gays, bisexuals and transsexuals was a priority for her country. Attention should be drawn to all those who were particularly at risk of extrajudicial, summary or arbitrary execution and, in that connection, the draft resolution’s reference to sexual orientation was of particular importance. Discrimination against lesbians, gays, bisexuals and transsexuals must not be ignored. The world was witnessing an increase in the frequency of homophobic violence and the number of people killed on the basis of their sexual orientation had reached new levels. As a traditional sponsor of the resolution, the Swiss delegation would vote against the proposed amendment and urged other Member States to do so.

32. **Ms. Fröberg** (Finland) said that the draft resolution had contained a reference to sexual orientation for over a decade with a view to raising awareness among States of the need to protect persons from extrajudicial, summary or arbitrary executions on that basis. Certain individuals were still at risk of execution because of their sexual orientation, as highlighted by the Special Rapporteur on extrajudicial, summary or arbitrary executions in his reports, statements and appeals to Member States. Although the expression “discriminatory reasons on any basis” in the proposed amendment would automatically include sexual orientation, that fact needed to be explicitly mentioned, just as the Committee specifically mentioned racially motivated killings or killings of persons belonging to ethnic, national, religious or linguistic minorities. Member States were therefore urged to vote against the proposed amendment.

33. **Ms. Barbaglia** (United Kingdom) said that the draft resolution referred to the need for prompt and

thorough investigation of all killings, including on the basis of sexual orientation, because those killings continued to be a cause for concern. The draft resolution listed particular categories of abhorrent killings that had been identified by the Special Rapporteur in his reports. Although that list was not meant to be exhaustive, the draft resolution should aim to identify all those who were particularly at risk and should call for appropriate action to be taken. To accept the amendment would constitute an affront to equality and respect for human dignity and would mean accepting that certain individuals did not deserve the same protection as others. That was unacceptable and the United Kingdom would therefore vote against the amendment.

34. **Ms. Flood-Beaubrun** (Saint Lucia) said that her country was committed to carrying out prompt and impartial investigations of killings and was striving to ensure that all persons enjoyed equal rights and protection under the law. Specific groups should not be listed: lists were not exhaustive, risked being misinterpreted and could be manipulated to undermine justice. It was, moreover, imperative that the terms used in the draft resolution were clear and unequivocal so as to ensure that it guaranteed equality before the law and could not be manipulated to provide justification for discrimination or violence. Saint Lucia would vote in favour of the proposed amendment because it would make the draft resolution more comprehensive and ensure that it offered protection to all groups and individuals.

35. **Mr. Baños** (United States of America) said that his country strongly opposed the amendment. It was utterly spurious to claim that condemnation of the killing of persons because of their sexual orientation would create new rights or reinterpret the right to life. The draft resolution referred to 17 groups; highlighting certain abhorrent practices would not make it less inclusive. The United States urged all States to vote against the proposed amendment.

36. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/65/L.29/Rev.1, contained in document A/C.3/65/L.65.*

*In favour:*

Afghanistan, Algeria, Angola, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belize, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Comoros, Congo,

Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Ghana, Grenada, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Morocco, Mozambique, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

*Abstaining:*

Antigua and Barbuda, Barbados, Belarus, Cambodia, Cape Verde, Colombia, Fiji, Mauritius, Mongolia, Papua New Guinea, Philippines, Singapore, Sri Lanka, Thailand, Trinidad and Tobago, Tuvalu, Vanuatu.

37. *The proposed amendment to draft resolution A/C.3/65/L.29/Rev.1 contained in document A/C.3/65/L.65 was adopted by 79 votes to 70, with 17 abstentions.*

38. **Mr. de Séllos** (Brazil) in explanation of vote after the voting, said that, by adopting the amendment, the United Nations had failed to send a positive message to those striving to combat discrimination and violence.

39. **Mr. Govender** (South Africa) said that his country had voted in favour of the amendment because of its belief in the principle of non-discrimination on any grounds, including on the basis of sexual orientation. South Africa believed that the international human rights system should define sexual orientation and gender identity and establish their parameters under international human rights law. Until formal open-ended intergovernmental dialogue on that issue took place at the United Nations level, disputes between Member States were likely to continue.

40. **Ms. Astiasarán Arias** (Cuba), in explanation of vote after the voting, said that the amendment was sufficiently comprehensive and underlined the fact that the draft resolution would continue to address all extrajudicial, summary or arbitrary executions, including on the basis of sexual orientation.

41. **Ms. Bouhamdi** (Morocco) said that the Organization of the Islamic Conference and the Group of Arab States would join the consensus on the draft resolution as amended.

42. **The Chair** said that, in accordance with rule 130 of the rules of procedure, a recorded vote would be taken on draft resolution A/C.3/65/L.29/Rev.1, as amended.

43. **Ms. Fröberg** (Finland) drew attention to the broad consensus that existed on the importance of the issue of extrajudicial, summary or arbitrary executions. Her delegation urged all Member States to vote in favour of the draft resolution.

44. **Mr. Babadoudou** (Benin), speaking on behalf of the Group of African States, said that the Group would support the draft resolution.

45. **Mr. Gustafik** (Secretary of the Committee) said that India, Namibia and Senegal had joined the sponsors of the draft resolution.

46. **Mr. Ali** (Sudan), speaking in explanation of vote before the voting, reiterated his delegation's refusal to accept the imposition by certain delegations of so-called humanitarian concepts not agreed upon internationally within the context of resolutions on crucial matters. Sudan's abstention from the vote did

not negate its conviction on the importance of the issues addressed in the draft resolution, such as protection of human rights, the right to life and protection of the individual, all of which were enshrined in its Constitution and laws. His country also firmly believed that impunity must be combated and human rights violators prosecuted, obligations that fell to States in accordance with their domestic and international commitments. Nevertheless, the reference in paragraph 10 to the International Criminal Court was not justified. That institution was not universally accepted and therefore States not parties to the Rome Statute were under no obligation to recognize it or abide by its rulings. Moreover, the role and activities of the Court, which had been established only a decade earlier, had been greatly exaggerated.

47. The fears of many States since the adoption of the Rome Statute regarding the role of the Security Council and its relationship to the Court had been confirmed, given the Court's conduct in recent years, which proved that it was moving in the direction of politicizing justice. His delegation therefore rejected paragraph 10 and endorsed the positions of States and regional organizations that refused the Court's selectivity and politicization of justice.

48. *A recorded vote was taken on draft resolution A/C.3/65/L.29/Rev.1 as amended.*

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon,



Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia.

*Against:*

None.

*Abstaining:*

Burkina Faso, Israel, Libyan Arab Jamahiriya, Marshall Islands, Sri Lanka, Sudan, Turkey, Tuvalu, United States of America, Zimbabwe.

49. *Draft resolution A/C.3/65/L.29/Rev.1, as amended, was adopted by 165 votes to none, with 10 abstentions.*

50. **Mr. Sambou** (France), speaking in explanation of vote after the voting, expressed regret that the General Assembly had, contrary to past practice, foregone mention of sexual orientation as a basis for targeting in the commission of extrajudicial, arbitrary and summary executions. Since 1999, the Special Rapporteurs had consistently and explicitly made reference to that category of persons as being particularly vulnerable to such crimes.

51. **Mr. Ghanei** (Islamic Republic of Iran), speaking in explanation of vote after the voting, said that while his country condemned extrajudicial, summary and arbitrary executions and had supported the draft resolution as amended, it had reservations with regard

to paragraph 5, which did not reflect the universal responsibility of States to prevent such executions. His delegation had expected the text to remind all States of their obligations in that regard by complying with their obligations under relevant human rights instruments, but any particular reference in the draft resolution to States that had retained the death penalty would undermine that universal responsibility.

52. **Mr. Baños** (United States of America), speaking in explanation of vote after the voting, said that his delegation had been unable to vote for the draft resolution as a whole due to concerns with the language used, although it agreed with much of what the resolution contained. It was regrettable that the reference in the draft resolution to extrajudicial executions targeting the lesbian, gay, bisexual and transgender community in particular had not survived an unfriendly amendment, and that the Committee had been unable to bring itself to condemn killings targeting individuals because of their sexual orientation. Moreover, the text obscured the fundamental point that the unlawful killings of individuals by Governments were regulated by two distinct bodies of law, namely, international human rights law and international humanitarian law. As worded, the resolution contributed to legal uncertainty about how those important bodies of law applied to an array of factual circumstances.

53. **Ms. Wilson** (Jamaica), speaking in explanation of vote after the voting, expressed disappointment that paragraph 5 had not been further amended, as the manner in which that paragraph had been drafted implied that the use of the death penalty automatically amounted to extrajudicial, summary or arbitrary execution, an interpretation that Jamaica did not share. Moreover, her delegation did not support the singling out of States that retained the penalty, which failed to reflect the obligations of all States.

54. With regard to paragraph 6 (b), its focus should have been the prevention of extrajudicial, summary and arbitrary killings and other discrimination against all persons, rather than including what amounted to a non-exhaustive “shopping list” of categories; indeed, several categories of vulnerable persons had not been included. Her country hoped that those concerns would be taken into account in future negotiations.

55. **Mr. Michelsen** (Norway), speaking in explanation of vote after the voting, said that his

delegation deeply regretted the adoption of the amendment to paragraph 6 (b), which deleted the reference to sexual orientation — a basis for particular vulnerability to extrajudicial, summary and arbitrary executions identified by the Special Rapporteurs since 1999 — but supported the resolution as a whole.

56. **Ms. Barbaglia** (United Kingdom of Great Britain and Northern Ireland), delivering a general statement after voting, reiterated her Government's support for the work of the Special Rapporteur with a view to eliminating the abhorrent practice of extrajudicial, summary and arbitrary executions and combating impunity. Where the resolution referred to State obligations, her Government understood them to be subject to jurisdictional limitations on States' obligations in international human rights law.

*Draft resolution A/C.3/65/L.37: Elimination of discrimination against persons affected by leprosy and their family members*

57. **The Chair** said that the draft resolution contained no programme budget implications.

58. **Mr. Kimura** (Japan) said that since the initial introduction of draft resolution A/C.3/65/L.37, Afghanistan, Austria, Azerbaijan, Cuba, Czech Republic, Denmark, Germany, Guatemala, Ireland, Kazakhstan, Madagascar, Philippines, Mauritius, Thailand, Republic of Korea and the Bolivarian Republic of Venezuela had joined the list of sponsors. Before taking action on the draft resolution, he said that a technical correction should be made to preambular paragraph 3: the word "basic" before "human rights" should be deleted.

59. **Mr. Gustafik** (Secretary of the Committee) announced that Angola, Bangladesh, Bosnia and Herzegovina, Bulgaria, Burundi, Comoros, Congo, Côte d'Ivoire, Croatia, Cyprus, France, Georgia, Guyana, Haiti, Kenya, Latvia, Lesotho, Lithuania, Luxembourg, Malawi, Malta, Mexico, Mongolia, Montenegro, Netherlands, Nigeria, Paraguay, Serbia, Singapore, Slovakia, Slovenia, Spain, Saint Lucia, the former Yugoslav Republic of Macedonia, Ukraine and Yemen had joined the list of sponsors.

60. *Draft resolution A/C.3/65/L.37 was adopted.*

*Draft resolution A/C.3/65/L.38: Globalization and its impact on the full enjoyment of all human rights*

61. **The Chair** said that the draft resolution contained no programme budget implications.

62. **Mr. Selim** (Egypt) said that Burkina Faso, Ghana, India, Nigeria and Togo had joined the sponsors of the draft resolution. The fact that the draft resolution had 86 sponsors proved that the international community acknowledged the challenges and opportunities globalization presented. Neither the unequal distribution of its benefits nor the impact of its challenges favoured developing countries, which in turn affected their ability to promote and protect human rights and fundamental freedoms.

63. The draft resolution emphasized the need to address some of the crucial challenges posed by globalization to developing countries in order to minimize their impact on national capacities to promote and protect all human rights. It also highlighted the importance of ensuring even and fair distribution of the benefits of globalization. Unfortunately, certain delegations had categorically refused to engage in a constructive dialogue with the sponsors, but the sponsors looked forward to greater engagement in future consultations.

64. **Mr. Gustafik** (Secretary of the Committee) announced that Liberia had joined the sponsors.

65. **Mr. Burniat** (Belgium), speaking in explanation of vote before voting on behalf of the European Union, the candidate countries Turkey, Croatia, the former Yugoslav Republic of Macedonia and Iceland, the Countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, and the EFTA country Norway, member of the European Economic Area, as well as Ukraine, the Republic of Moldova, and Georgia, said that the European Union could not support the draft resolution, which, regrettably, remained the same as the previous year's draft. Dealing with the effects of globalization — a multidimensional phenomenon — was high on the agenda of the European Union. While the challenges faced in the world were increasingly of a global nature, globalization could also offer means to tackle some of the most acute problems as well as great opportunities for stimulating growth and prosperity worldwide, thus contributing to the promotion and protection of human rights.

66. The European Union acknowledged that globalization could have an impact on the full

enjoyment of human rights; however, the draft resolution inaccurately stated that globalization adversely affected the enjoyment of all rights, a generalization the European Union could not subscribe to. The relationship between human rights and globalization — which in certain instances could be a positive one — must be assessed on a case-by-case basis.

67. **Mr. Sellos** (Brazil), speaking in explanation of vote before the voting, said that his delegation would support the draft resolution. Brazil welcomed the focus in that year's resolution on the negative impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights, as well as the call for States and the international community to alleviate that impact. Stressing that efforts to realize the full enjoyment of human rights in the context of globalization must be in line with international human rights law, he reiterated that it was the duty of all States to promote and protect all human rights and fundamental freedoms regardless of their political, economic and cultural systems.

68. *At the request of the delegation of the United States of America, a recorded vote was taken on draft resolution A/C.3/65/L.38.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Grenada, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation,

Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

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

*Abstaining:*

None.

69. *Draft resolution A/C.3/65/L.38 was adopted by 122 votes to 53, with no abstentions.*

70. **Mr. Tagle** (Chile), speaking in explanation of vote after the voting, said that his delegation had supported the draft resolution because it had included elements that were important to Chile, among them the recognition that globalization, while it also provided opportunities, presented challenges to the exercise of economic and social rights, a reality that must be addressed.

*The meeting rose at 12.45 p.m.*