



General Assembly

Sixty-ninth session

Official Records

Distr.: General
20 January 2015

Original: English

Third Committee

Summary record of the 48th meeting

Held at Headquarters, New York, on Wednesday, 19 November 2014, at 3 p.m.

Chair: Mr. Davis (Jamaica)
later: Ms. Mesquita Borges (Timor-Leste)

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In the absence of Ms. Mesquita Borges (Timor-Leste), Mr. Davis (Jamaica), Vice-Chair, took the Chair.

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

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

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)*
(A/C.3/69/L.33)

Draft resolution A/C.3/69/L.33: Situation of human rights in the Islamic Republic of Iran

1. **The Chair** invited the Committee to resume explanations of vote and general statements on draft resolution [A/C.3/69/L.33](#) adopted at its 47th meeting.

2. **Ms. Yassine** (Brazil) said that her delegation had abstained from voting on the draft resolution. The efforts on human-rights issues made by the new Government of the Islamic Republic of Iran had given rise to hope for change in the country's humanitarian and human rights situation. Nevertheless, Brazil remained concerned about the protection of the rights of women, human rights defenders, the safety of journalists and the discrimination against religious minorities, particularly adherents to the Baha'i faith. Welcoming the recent participation of the Islamic Republic of Iran in the universal periodic review of the Human Rights Council, she called on it to enhance its cooperation on human rights by resuming the standing invitation it had issued in 2002 and to accept visits by special procedures mandate holders.

2. **Ms. Morgan** (Mexico) said that open cooperation with intergovernmental human rights mechanisms was the most effective way to strengthen national capacities and address institutional weaknesses and normative deficiencies. Protecting human rights was primarily the responsibility of the State, but it was also a responsibility shared with the international community, whose duty it was to foster the universal values to which Member States had made a commitment in international instruments and forums. Mexico's cooperation with human-rights mechanisms was exemplified by the fact that virtually all United Nations and Organization of American States special procedures and mechanisms had visited Mexico since 2001.

3. The result of the vote on the draft resolution showed that a growing number of countries found that

country-specific resolutions were not the most appropriate way of addressing human rights challenges. Her delegation therefore called on the sponsors to reflect on better ways of making a genuine contribution to improving the human rights situation in particular countries. Welcoming the steps taken recently by the Islamic Republic of Iran in fulfilment of its international human rights obligations, she noted that that Government had yet to confront some major issues, including the application of the death penalty, freedom of expression and gender equality. Her delegation had therefore voted in favour of the draft resolution. Mexico respectfully called on the Islamic Republic of Iran to strengthen its cooperation with human rights mechanisms, including special procedures mandate holders. The Human Rights Council was, as a matter of principle, the relevant United Nations organ responsible for promoting cooperation with countries facing human rights challenges; in that connection, the Islamic Republic of Iran had the right to benefit from cooperation with the Office of the High Commissioner for Human Rights.

4. **Ms. Sabja** (Plurinational State of Bolivia) said that human rights could only be promoted and protected through cooperation and constructive dialogue and with the participation of the country concerned. Country-specific resolutions undermined the sovereignty of States, hindered cooperation and weakened the universal periodic review mechanism, which incorporated the principles of non-selectivity, universality, impartiality, objectivity and respect for national sovereignty. Her Government remained steadfast in its opposition to politicized country-specific resolutions that selectively targeted countries of the South.

5. **Ms. Murillo** (Costa Rica) said that her country had voted in favour of country-specific resolutions out of concern for the human rights situations in those countries. In that regard, Costa Rica believed that all issues to be considered by States should be assessed on their substantive merits, including steps taken by countries to improve their human rights situations. Nevertheless, the Human Rights Council was the competent authority in that area and a more appropriate forum than the Committee for addressing serious cases that required country-specific consideration. Strengthening the Council's universal periodic review mechanism was the only way to foster the entity's role in promoting and protecting human rights around the

world. That must not divert the Committee's attention from addressing particularly critical situations in a country-specific manner when necessary. Constructive dialogue and cooperation must continue to guide the road to effective promotion and protection of human rights. She called upon all States to cooperate with human rights mechanisms and promote human rights at the domestic level.

6. **Ms. Sandoval** (Nicaragua) said that her delegation would have preferred to take the floor prior to the consideration of country-specific resolutions, as in previous years, but as the Committee's working methods had changed without prior notice, it would make its remarks after adoption. Protecting, defending and promoting human rights were among the fundamental pillars of the policy of the Nicaraguan national reconciliation Government. Efforts were being made to ensure the full enjoyment of human rights by all Nicaraguans and to support international efforts to promote and protect human rights. Her delegation therefore regretted that the Committee was once again being used for the introduction of politically motivated country-specific resolutions, a flawed practice that lent itself to the politicization of human rights. All countries were fighting for their peoples, and no one country could proclaim itself the only defender of human rights. Dialogue and cooperation between parties provided the best solution to any situation, obviating the need to resort to foreign intervention, pressure or conditions. The Human Rights Council and, in particular, its universal periodic review mechanism, made it possible to consider human rights situations in every country impartially, objectively and non-selectively, thereby promoting human rights more consistently through constructive dialogue.

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

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)
(A/C.3/69/L.57)

Draft resolution A/C.3/69/L.57: International Convention on the Elimination of All Forms of Racial Discrimination

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

8. **Mr. Logar** (Slovenia) said that since the introduction of the draft resolution, Azerbaijan, Brazil, Cambodia, Canada, Chile, China, Equatorial Guinea, Georgia, Guatemala, Guinea, Haiti, Honduras, Japan, Jordan, Kazakhstan, Kyrgyzstan, Lebanon, Liberia, Madagascar, Mali, Montenegro, New Zealand, Palau, Republic of Korea, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine and United States of America had joined the sponsors. He made oral revisions to the text. In paragraph 1, the phrase "Welcomes the report of the Secretary-General" should be changed to "Takes note of the report of the Secretary-General". In paragraph 2, the phrase "welcomes the report of the Secretary-General" should be changed to "takes note of the report of the Secretary-General". In paragraph 3, the phrase "welcomes the report of the Committee on the Elimination of Racial Discrimination" should be changed to "takes note of the report of the Committee on the Elimination of Racial Discrimination". An agreement on the resolution, as orally revised, had been reached to allow adoption by consensus.

9. **Mr. Khane** (Secretary of the Committee) said that Belarus, Burkina Faso, Burundi, Dominican Republic, Ghana, Nigeria, Republic of Moldova and Timor-Leste had joined the sponsors. He recalled the oral revisions and noted that, in paragraph 2, the word "Also" should be retained for editorial reasons, and that in operative paragraph 3, the word "Further" should be retained for editorial reasons.

10. *Draft resolution A/C.3/69/L.57, as orally revised, was adopted.*

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

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/69/L.37/Rev.1, A/C.3/69/L.47/Rev.1 and A/C.3/69/L.64)

Draft resolution A/C.3/69/L.37/Rev.1: Human rights in the administration of justice

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

12. **Ms. Kalb** (Austria) said that since the introduction of the draft resolution, El Salvador, Guatemala, India and Philippines had joined the

sponsors. Austria was convinced that the promotion and protection of the human rights of persons deprived of liberty were essential prerequisites for the rule of law and good governance, and had a long tradition of presenting relevant resolutions before the Committee. Individuals were often most vulnerable when facing criminal justice; the new text focused on persons deprived of their liberty and children and youth in contact with the law.

13. **Mr. Khane** (Secretary of the Committee) said that Israel, Morocco, New Zealand and Senegal had joined the sponsors.

14. *Draft resolution A/C.3/69/L.37/Rev.1 was adopted.*

15. **Ms. Razzouk** (United States of America) said that the United States had joined the consensus on the draft resolution and welcomed the continued focus on issues relating to women and children in the justice system. While her delegation was grateful that the sponsors had incorporated several of its suggestions into the draft, it had been unable to join the sponsors owing to concerns that the resolution called upon States to comply with various principles that were not obligations undertaken by her Government. The provision urging States to ensure that life imprisonment without the possibility of release was not imposed on individuals under the age of 18 was not based on any obligation under customary international law, reflecting instead treaty obligations not undertaken by the United States. Her delegation therefore interpreted the provisions as urging the implementation of such treaty-based obligations to the extent that States had accepted them. Similarly, in reaffirming the international obligations of States not to deprive any person of his or her liberty unlawfully or arbitrarily, the resolution further noted principles of necessity and proportionality that certain regional jurisprudence considered relevant in that regard. Those principles did not reflect international law, nor would they be relevant to a determination of lawfulness or arbitrariness within the domestic legal framework of every State.

Draft resolution A/C.3/69/L.47/Rev.1: Extrajudicial, summary or arbitrary executions

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

17. **Mr. Pöysäri** (Finland) said that, since the introduction of the draft resolution, Burkina Faso and

Guatemala had joined the sponsors and Benin had withdrawn its sponsorship. The revisions made to text addressed, inter alia, the fact that arbitrary deprivation of life could be the result of many causes; the deep concern of Member States about killings committed by non-State actors; and the obligations of all States under international law to investigate all killings and suspected cases of extrajudicial, summary or arbitrary executions.

18. The sponsors had tried to accommodate the concerns and suggestions of delegations and genuinely believed that the revised draft resolution was the best available compromise. Against that backdrop, his delegation noted with regret the proposed amendment contained in document [A/C.3/69/L.64](#) and appealed to the main sponsors of the amendment to reconsider whether it was necessary.

19. **Mr. Khane** (Secretary of the Committee) said that Palau and Timor-Leste had joined the sponsors of the draft resolution.

20. **Ms. Abdulbaqi** (Saudi Arabia), introducing the draft amendment contained in document [A/C.3/69/L.64](#) on behalf of the member States of the Organization for Islamic Cooperation (OIC), said that OIC reaffirmed that all human rights were universal, indivisible, interrelated, interdependent and mutually reinforcing and that it was universally acknowledged that in no country or territory could it be claimed that all human rights had been fully realized at all times for all. OIC member States would not shrink from that formidable task. The principles of non-discrimination and equality cut across the many areas related to the realization of human rights and fundamental freedoms and were well entrenched in the Charter of the United Nations and internationally agreed human rights instruments, as they affirmed faith in the dignity and worth of the human person and in the equal rights of men and women.

21. OIC believed that people were not inherently vulnerable but some individuals were made vulnerable by their socioeconomic setting. Given the wide range of vulnerable groups, an exhaustive listing of which would be impossible, it would be more prudent to alter the language in operative paragraph 6 (b) to ensure that no one could suffer discrimination. OIC member States deplored all forms of stereotyping, exclusion, stigmatization, prejudice, intolerance, discrimination and violence directed against peoples, communities

and individuals, on any grounds, wherever they occurred, and called upon all Member States to step up their efforts toward the total elimination of all forms of racism, racial discrimination, xenophobia and related intolerance. Member States should refrain from attempting to give priority to the rights of certain individuals, as doing so could result in positive discrimination at the expense of the rights of others, in contravention of the principles of non-discrimination and equality. For those reasons, OIC member countries proposed the amendment and called upon Member States to support it.

22. **The Chair** said that a recorded vote had been requested on the proposed amendment contained in document [A/C.3/69/L.64](#). The draft amendment had no programme budget implications.

Statements made in explanation of vote before the voting

23. **Mr. Taalas** (Finland), speaking on behalf of the Nordic countries, rejected the proposed amendment to operative paragraph 6 (b) of the draft resolution. The sponsors of the amendment were proposing the deletion of the entire list of vulnerable groups contained in that paragraph. The sponsors of the draft resolution could not accept the deletion of that list, which had been included in the resolution for over a decade, given that its purpose was to indicate to States that certain categories of people were at particular risk of being killed and their deaths not being investigated. That fact had been brought to the Committee's attention repeatedly by the Special Rapporteur on extrajudicial killings. Deleting operative paragraph 6 (b) would send an erroneous and dangerous message to all the vulnerable groups listed therein, namely, that the General Assembly no longer deemed them deserving of special protection. The purpose of the resolution could not be served without the listing.

24. The alternative wording proposed by the sponsors of the proposed amendment would not necessarily be understood to include all the vulnerable groups mentioned in the current text and was a much less powerful statement than the list of groups. For those reasons, his delegation would vote against the amendment and asked other delegations to do the same.

25. **Mr. Pasquier** (Switzerland) said that his Government was opposed to the amendment submitted

by Egypt on behalf of OIC. Experience had shown a global failure to consistently investigate all cases of extrajudicial, summary or arbitrary executions. Express reference to the vulnerable groups in operative paragraph 6 (b), a list that could be lengthened in the future, underscored the need to investigate any killings concerning them.

26. **Mr. Fernández Valoni** (Argentina) said that his delegation would vote against the proposed amendment to the draft resolution, as the serious subject matter required express mention of the vulnerable groups in as exhaustive a manner as possible. No State should accept any form of discrimination-based execution, and all were urged to vote against the amendment.

27. **Ms. Razzouk** (United States of America) said that her delegation strongly opposed the proposed amendment. It was surprising that the amendment should attempt to strip out agreed language even as the international community continued to witness killings based, inter alia, on an individual's activities or affiliation with certain groups. The amendment was yet another attempt to delete language referring to the extrajudicial, summary or arbitrary killings of persons because of sexual orientation or gender identity. Deletion of that language would suggest that people targeted for extrajudicial summary or arbitrary violence on account of their affiliation or identity did not enjoy the same right to life as others. The international community should vote against the proposal, thereby affirming that all human rights applied to everyone. The listing of vulnerable groups contained in the resolution was crucial, comprehensive, substantiated and well-documented. Its removal would be a travesty.

28. **Ms. Klemetsdal** (Norway), speaking on behalf of Denmark, Iceland, Norway and Sweden, said that their delegations deeply regretted the proposal of the amendment and would vote against it. They supported the clear and precise language proposed by the main sponsors, and believed that its deletion would weaken the text. All States were urged to vote against the amendment.

29. **Mr. Mashabane** (South Africa) said that his delegation would vote against the proposal and urged other delegations not to support it. Although it was understood that the list of groups vulnerable to extrajudicial killings could not be exhaustive, its crucial importance meant it should remain intact.

30. *A recorded vote was taken on the amendment proposed by Egypt.*

In favour:

Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Cameroon, China, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Guinea, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kiribati, Kuwait, Lebanon, Libya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Namibia, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Solomon Islands, Sudan, Tunisia, Uganda, United Arab Emirates, Uzbekistan, Yemen, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Timor-Leste, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Antigua and Barbuda, Belize, Bhutan, Botswana, Democratic Republic of the Congo, Fiji, Ghana, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Liberia, Myanmar, Nepal, Philippines, Rwanda, Saint Lucia, South Sudan, Sri Lanka, Syrian Arab Republic, Trinidad and

Tobago, United Republic of Tanzania, Viet Nam, Zambia.

31. *The proposed amendment contained in document A/C.3/69/L.64 was rejected by 82 votes to 53, with 24 abstentions.*

32. **Mr. Otto** (Palau) said that, in addition to the reasons cited by other delegations, Palau had voted against the proposed amendment because it was necessary to bring attention to the specific vulnerabilities of the groups listed with a view to ensuring their protection.

33. **Mr. Nina** (Albania) said that his Government had traditionally supported and sponsored the resolution. The amendment tabled by Egypt on behalf of OIC sought to delete a crucial part of operative paragraph 6 (b). The situations faced by the vulnerable groups listed there were well-documented, including in the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions. Instead of improving the text, the amendment narrowed it considerably. Consequently, his Government was unable to support the amendment. However, due to the concerns expressed by members of OIC, his delegation had decided not to obstruct the introduction of the amendment.

34. **The Chair** said that, at the request of the delegation of Egypt, a recorded vote had been requested on the draft resolution.

35. **Mr. Pöysäri** (Finland) said that extensive negotiations on the draft resolution had taken place with a view to restoring consensus on the text, and the best possible compromise had been reached.

36. **Ms. Murillo** (Costa Rica), making a general statement before the voting, said that the central message of the draft resolution was that all people had a right to life. It emphasized the importance of protecting people from extrajudicial, summary or arbitrary killings and the further importance of such actions not being marked by impunity. The sponsors of the draft resolution had worked to achieve the greatest possible consensus. It was important to expressly call attention to vulnerable groups in order to create awareness and guide the action of States and other actors in that connection. Although opinion might vary on what constituted vulnerability, it could not be denied that no one should be subject to extrajudicial, summary or arbitrary executions. Her delegation would

vote in favour of the draft resolution and called on others to follow suit.

37. **Mr. Mattar** (Egypt) said that extrajudicial, summary or arbitrary executions for discriminatory reasons should not take place. Egypt was alarmed by systematic attempts to include in the resolution notions that had not been agreed upon by the general membership of the United Nations. His delegation had been compelled to call for a recorded vote as it was impossible for Egypt to support the draft resolution.

38. **Ms. Klemetsdal** (Norway), making a general statement before the voting, said that her delegation deeply regretted that a recorded vote had been requested on the draft resolution, which, at its core, was about the right to life.

Statements made in explanation of vote before the voting

39. **Ms. Boissiere** (Trinidad and Tobago) said that her delegation was a firm supporter of the rule of law and strongly condemned the extrajudicial, summary or arbitrary killing of any person. Her delegation would therefore vote in favour of the draft resolution, even though it was unable to support certain provisions contained in paragraph 6 (b). A more general wording of paragraph 6 (b) would have been adequate to cover all persons executed for any and all discriminatory reasons. Moreover, the specific reference to gender identity presented challenges for Trinidad and Tobago, since its national gender policy was still under consideration, and accepting the inclusion of that language in the draft resolution could have public policy implications. All citizens of Trinidad and Tobago were afforded full, unconditional protection against extrajudicial, summary or arbitrary execution, even without the explicit mention of sexual orientation and gender identity. The inclusion of those words in the draft resolution could also present practical problems at the international level, given that a universally agreed definition of the concept of gender identity remained elusive. Consequently, while Trinidad and Tobago recognized that the draft resolution as a whole addressed a critical issue, it had reservations concerning paragraph 6 (b).

40. **Mr. Elbahi** (Sudan) expressed disappointment that the proposed amendment had not been adopted, resulting in the failure to accommodate the views of a number of delegations or to achieve a more balanced

text. Human rights were well protected by the Universal Declaration of Human Rights and the national legislation of individual countries, including the Sudan. The extrajudicial killing or violation of the rights of any individual were not and should not be allowed or justified.

41. His delegation disassociated itself from any references in the resolution, either implicit or explicit, to the International Criminal Court. The International Criminal Court, which had proven to be biased and highly politicized, was not a part of the United Nations system. Furthermore, not all Member States were a party to the Rome Statute of that Court. His delegation would therefore abstain from voting on the draft resolution.

42. **Ms. Vadiati** (Islamic Republic of Iran) said that her delegation disassociated itself from operative paragraph 6 (b), which included notions that did not have internationally agreed definitions, including “sexual orientation” and “gender identity”. Her Government’s understanding of the draft resolution and its implementation was based on its national legislation and legal system. Consequently, her delegation would abstain from voting on the draft resolution.

43. *A recorded vote was taken on draft resolution A/C.3/69/L.47/Rev.1.*

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Cambodia, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of

Moldova, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, South Sudan, Spain, Sweden, Switzerland, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Against:

Kiribati.

Abstaining:

Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Belarus, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, China, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Gambia, Guinea, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kazakhstan, Kyrgyzstan, Kuwait, Lao People's Democratic Republic, Lesotho, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Mozambique, Namibia, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

44. *Draft resolution A/C.3/69/L.47/Rev.1 was adopted by 111 votes to 1, with 64 abstentions.**

45. **Ms. Li** (Singapore) said that her delegation had abstained from voting on the previous draft resolution on that subject two years previously on account of the content of the eighth preambular paragraph of that text. In the present case, the willingness of the sponsors to address her delegation's concerns had resulted in a clearer expression of concern about the arbitrary deprivation of life in the tenth preambular paragraph, enabling her delegation to vote in favour of the resolution. It should be noted that capital punishment, when carried out in accordance with due process, was not prohibited by international law and could not be categorized alongside extrajudicial, summary or

arbitrary executions, which violated human rights. Singapore was concerned that such dubious links had been made in the reports of the Special Rapporteur and her delegation did not endorse them.

46. **Ms. Razzouk** (United States of America) said that her delegation was pleased to join the sponsors of the resolution in condemning extrajudicial, summary and arbitrary executions of all persons, irrespective of their status. The sponsors had shown flexibility in accommodating some of the concerns expressed with regard to distinctions between international human rights law and international humanitarian law, which had previously caused the United States to abstain from the vote.

47. It was important to recognize that the complementary and mutually reinforcing bodies of international human rights law and international humanitarian law regulated the unlawful killing of individuals by Governments. Although the determination of which to apply to any particular Government action was fact-specific, international humanitarian law was the *lex specialis* in situations of armed conflict.

48. All States were obligated to protect human rights and fundamental freedoms and should take action to combat all extrajudicial killings, punish the perpetrators and investigate suspected cases in accordance with international obligations. Countries that resorted to capital punishment, such as the United States, should abide by their international obligations, including those related to due process. Her delegation also strongly condemned extrajudicial, summary and arbitrary executions targeting members of vulnerable groups, in particular, those targeted because of sexual orientation and gender identity.

49. **Ms. Reid** (Jamaica) said that Jamaica had condemned all forms of extrajudicial, summary or arbitrary execution and had supported efforts to combat such acts at the national, regional and international levels. Her delegation's reservations on operative paragraph 6 (b) went beyond the issue of sexual orientation and gender identity. A more holistic approach was required in the context of that paragraph, which was cumbersome and lengthy, but not exhaustive. Focus would have been better placed on the prevention of discrimination against all vulnerable persons, a general principle that all could have supported. Her delegation anticipated that in future the

* The delegations of Kenya and Kiribati subsequently informed the Committee that they had intended to abstain from voting on the draft resolution.

sponsors would consider a more general reference to all vulnerable groups without distinction. Given the importance of the resolution, it should not include politically divisive issues and or seek to impose any one value system over another.

Agenda item 64: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/69/L.24/Rev.1)

Draft resolution A/C.3/69/L.24/Rev.1: Rights of the child

50. **Mr. Dotta** (Uruguay) requested the suspension of the meeting with a view to allowing the main sponsors to conduct informal consultations on the draft resolution.

The meeting was suspended at 4.40 p.m. and resumed at 5.15 p.m.

Ms. Mesquita Borges (Timor-Leste) took the Chair.

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

52. **Mr. Dotta** (Uruguay), introducing the draft resolution, said that Australia, Cambodia, Canada, Liechtenstein, Madagascar, Maldives, Philippines and Togo had joined the sponsors. Drawing attention to the wide range of issues covered by the draft resolution, which was the product of extensive negotiations guided by the common aim of strengthening the protection of children's rights, he hoped that it would encourage Member States to adopt comprehensive policies aimed at bringing about effective change. Member States must use the twenty-fifth anniversary of the Convention on the Rights of the Child as an opportunity to renew their commitment to protecting the rights of children. In that context, he hoped that the draft resolution would provide a basis for the Committee's consideration of the relevant agenda item in years to come and for its assessment in 2015 of progress made toward the realization of the right to education.

53. Reading out oral revisions to the draft resolution, he said that the text of paragraph 12 of General Assembly resolution 68/147 should be inserted after paragraph 8 of the draft resolution and that the paragraphs should be renumbered accordingly. He also indicated a number of minor revisions to subsequent paragraphs of the draft resolution.

54. **Mr. Khane** (Secretary of the Committee) announced that Israel, Japan, Monaco and Palau had joined the list of sponsors.

55. **Ms. Kadra Ahmed Hassan** (Djibouti), speaking on behalf of the African Group, said that African States had adopted several instruments and programmes aimed at safeguarding the well-being of children, including the African Charter on the Rights and Welfare of the Child, and that they were continuing to strengthen national capacity to ensure children's equal access to education and to the highest attainable standard of physical and mental health. Those States had also made relevant progress in the context of implementing programmes aimed at addressing poverty and promoting social development. Families had primary responsibility for nurturing and protecting children in an environment of happiness, love and understanding; any initiatives aimed at protecting children must therefore take a family-centric approach. In that regard, the role of parents and legal guardians in providing appropriate guidance that contributed meaningfully to children's personal development and that of their societies could not be over-emphasized. Such guidance should furthermore be based on African social and cultural values and take into account the variety of experiences that children encountered.

56. While the African Group had shown great flexibility in accepting the language proposed by other Member States and several of its proposed amendments had, in turn, been incorporated in the draft resolution, members of the African Group and other States had repeatedly expressed their reservations to paragraph 47 (l) (new paragraph 48 (l)) of the draft resolution. The language contained in that paragraph was dangerous and, by seeking to intervene in matters that fell within the domestic jurisdiction of States, contradicted the principles of the Charter of the United Nations. Moreover, the inclusion of that paragraph in the draft resolution would set a bad precedent by allowing the United Nations to impose certain social values without regard for existing social and cultural differences among Member States. It was particularly regrettable that such misjudgments had been made at the expense of innocent children.

57. In view of the sponsors' lack of flexibility, the African Group felt compelled to propose two amendments to the relevant paragraph: the reference to "comprehensive evidence-based education for human sexuality" should be replaced with "age-appropriate

sex education as a way forward”, language that had been adopted by consensus in previous General Assembly resolutions, and the phrase “in order to modify the social and cultural patterns of conduct of men and women of all ages, to eliminate prejudices and” should be removed. Those changes, far from representing an ideal solution, constituted an attempt at compromise on the part of the African Group.

58. **The Chair** said that a recorded vote had been requested on the proposed amendment to draft resolution [A/C.3/69/L.24/Rev.1](#), as orally revised.

59. **Ms. Riley** (Barbados) said that, as a main sponsor of the draft resolution, Barbados was intimately familiar with the sensitivity of certain issues contained therein and had therefore proposed borrowing language relating to comprehensive sexuality education from the Agreed Conclusions adopted at the fifty-seventh and fifty-eighth sessions of the Commission on the Status of Women, language that had also been included in the International Conference on Population and Development Programme of Action. The main sponsors had incorporated many proposed amendments and had accommodated concerns expressed on the floor and in bilateral discussions to the extent possible. It was regrettable that some delegations had not taken advantage of the three readings of the draft resolution to engage substantively on issues of concern and that there had been no attempts to negotiate by other means. Barbados would vote against the proposed amendment and encouraged other delegations to do the same.

60. **Ms. Murillo** (Costa Rica), speaking also on behalf of the delegation of Colombia, said that the language contained in the draft resolution was the product of balanced negotiations and took into account evolving development capacities and the role of parents and legal guardians. Moreover, the phrase “comprehensive evidence-based education for human sexuality” had been revised from “comprehensive evidence-based human sexuality education” during negotiations on an earlier version of the resolution and therefore already represented a compromise. The language contained in the proposed amendment, while perhaps appropriate in the context of other resolutions, did not adequately cover all dimensions of sexual education, which included not only the medical aspects of sexuality but also the development of mutually respectful human relationships. While the sponsors had shown great flexibility throughout the negotiations,

they maintained the need for a forceful and unequivocal paragraph regarding comprehensive sexuality education. Her delegation would therefore vote against the proposed amendment.

61. **Mr. Dotta** (Uruguay) said that few, if any, objections to the relevant paragraph had been raised by the delegations concerned throughout the course of more than one month of informal negotiations, during which the main sponsors had worked tirelessly to address the concerns of all delegations. It was unacceptable that an amendment concerning the rights of the child, an issue that should be at the core of the work of the United Nations, had been circulated on such short notice.

62. The proposed amendment cast doubt upon a reference that had contributed to broadly acknowledged progress and that must therefore be prioritized in the context of assessing progress made and challenges remaining since the adoption of the Convention on the Rights of the Child. Comprehensive evidence-based education for human sexuality allowed youth and adolescents to take advantage of educational and other opportunities that had lasting consequences for their well-being. Such education helped prevent unwanted pregnancies and unsafe abortions, improved youth sexual and reproductive health, notably by protecting them against sexually-transmitted infections, including HIV, and encouraged them to contribute to society by promoting understanding and questioning of social norms and practices. The main sponsors would therefore vote against the amendment and encouraged other delegations to do the same.

63. **Ms. Kalb** (Austria) said that her delegation had participated actively in all informal consultations in the spirit of reaching a consensus on the draft resolution. It was regrettable, particularly in light of the twenty-fifth anniversary of the Convention on the Rights of the Child and the value placed by the international community on the rights of children, that the amendment had been circulated at such short notice, leaving no time for discussion of the proposed changes. She urged all delegations to vote against the amendment.

64. **Mr. Otto** (Palau) said that, in view of the importance of comprehensive evidence-based strategies in addressing any issue, and particularly in tackling the harmful social and cultural behaviour patterns that were

often at the root of violations of children's rights, his delegation would vote against the proposed amendment.

65. **Mr. Ó Conaill** (Ireland) said that it was particularly regrettable that no consensus had been reached on the draft resolution on the eve of the twenty-fifth anniversary of the Convention on the Rights of the Child. His delegation would emphatically vote against the proposed amendment.

67. **Ms. Larsen** (Norway), speaking in explanation of vote before the voting on behalf of her own delegation and those of Australia, Iceland, Liechtenstein, New Zealand and Switzerland, said that the late circulation of the amendment had put Member States in the unfortunate position of needing to vote on an issue as fundamental as the right of children to education. All children were entitled to comprehensive education about issues related to their well-being that would enable them to make decisions affecting their lives and futures. Comprehensive evidence-based education for human sexuality focused on providing a holistic approach to human sexuality, including age-appropriate and medically accurate information about reproductive health, and was not an issue of sovereignty. Without it, children and youth were vulnerable to coercion, abuse, exploitation, unintended pregnancy and sexually transmitted infections, including HIV. She failed to understand why such language was controversial, particularly as it had already been adopted in other contexts, and urged all countries to modify harmful social and cultural practices and work to eliminate prejudices that hindered the realization of comprehensive education for all children. Norway and the aforementioned sponsors would vote against the proposed amendment.

67. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/69/L.24/Rev.1, as orally revised.*

In favour:

Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Belarus, Bhutan, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, China, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Malaysia, Mali,

Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saudi Arabia, Senegal, Sierra Leone, South Africa, South Sudan, Sudan, Syrian Arab Republic, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, 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, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Belize, Benin, Brunei Darussalam, Fiji, Guyana, Jordan, Kyrgyzstan, Lebanon, Liberia, Montenegro, Myanmar, Nepal, Singapore, Sri Lanka, Suriname, Thailand, Viet Nam.

68. *The proposed amendment to draft resolution A/C.3/69/L.24/Rev.1, as orally revised, was rejected by 81 votes to 66, with 17 abstentions.*

The meeting rose at 6.15 p.m.