



# General Assembly

Sixty-third session

**70**<sup>th</sup> plenary meeting

Thursday, 18 December 2008, 10 a.m.  
New York

Official Records

*President:* Mr. D'Escoto Brockmann . . . . . (Nicaragua)

*In the absence of the President, Mr. Tanin (Afghanistan), Vice-President, took the Chair.*

*The meeting was called to order at 10.30 a.m.*

## Agenda item 104

### Elections to fill vacancies in subsidiary organs and other elections

#### (b) Election of seven members of the Organizational Committee of the Peacebuilding Commission

##### Draft resolution A/63/L.58

**The Acting President:** The Assembly will now take a decision on draft resolution A/63/L.58, entitled "Election by the General Assembly of seven members of the Organizational Committee of the Peacebuilding Commission: term of office". May I take it that the Assembly wishes to adopt draft resolution A/63/L.58?

*The draft resolution was adopted (resolution 63/145).*

**The Acting President:** I now give the floor to the representative of Japan to make a statement on the resolution just adopted.

**Mr. Takasu (Japan):** First of all, I should like to welcome the adoption of resolution 63/145. I should like to express my sincere appreciation to all those delegations that participated in the consultations on the resolution for their support and understanding. I thank in particular those delegations which expressed and

demonstrated maximum flexibility to reach an agreement on the allocation of a seat for members of the Peacebuilding Commission. This arrangement will enable the Peacebuilding Commission to continue its effective work.

I would like to take this opportunity to record the two understandings. The first understanding is that this arrangement is of a provisional nature, applicable for the next two years, 2009 and 2010. Any arrangement beyond 2011 will be reviewed in conjunction with the general review of the Peacebuilding Commission to take place in 2010. The other understanding is that the chairmanship of the country-specific configuration of the Peacebuilding Commission will be determined by the first meeting of the Organizational Committee of the Peacebuilding Commission next year. The provisional rules of procedure of the Peacebuilding Commission state that the Organizational Committee decides on the presiding officer of country-specific meetings. Therefore, the Organizational Committee is in a position to decide continuity of chairmanship. If it so decides, Belgium will continue to chair the Central African Republic configuration and Brazil that of Guinea-Bissau.

**The Acting President:** The Assembly has thus concluded this stage of its consideration of sub-item (b) of agenda item 104.

### Reports of the Third Committee

**The Acting President:** The General Assembly will consider the reports of the Third Committee on

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agenda items 39, 55, 56, 58, 60 to 64, 97, 98, 110 and 119. I request the Rapporteur of the Third Committee, Mr. Khalid Alwafi of Saudi Arabia, to introduce the reports of the Third Committee in one intervention.

**Mr. Alwafi** (Saudi Arabia), Rapporteur of the Third Committee (*spoke in Arabic*): I have the honour to present for the consideration of the General Assembly the following reports of the Third Committee on the agenda items allocated to them by this Assembly.

Under agenda item 39, entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions", the Third Committee recommends, in paragraph 22 of document A/63/423, the adoption of four draft resolutions.

Under agenda item 55, entitled "Social development", the Third Committee recommends, in paragraph 39 of document A/63/424, the adoption of five draft resolutions.

Under agenda item 56, entitled "Advancement of women", the Third Committee recommends, in paragraph 27 of document A/63/425, the adoption of five draft resolutions.

Under agenda item 58, entitled "Report of the Human Rights Council", the Third Committee recommends, in paragraph 13 of document A/63/435/Add.1, the adoption of one draft resolution. It may be recalled that, at its sixty-sixth plenary meeting on 10 December, the General Assembly adopted the draft resolution which was recommended by the Third Committee in document A/63/435, entitled "Optional Protocol to the International Covenant on Economic, Social and Cultural Rights".

Under agenda item 60, entitled "Promotion and protection of the rights of children", the Third Committee recommends, in paragraph 18 of document A/63/426, the adoption of one draft resolution and, in paragraph 19, the adoption of one draft decision. I understand, however, that the Assembly will defer its consideration of the draft resolution, entitled "Rights of the child", to such a time when it has before it the pertinent Fifth Committee report.

Under agenda item 61, entitled "Indigenous issues", the Third Committee recommends, in paragraph 10 of document A/63/427, the adoption of

one draft resolution and, in paragraph 11, the adoption of one draft decision.

Under agenda item 62, entitled "Elimination of racism and racial discrimination", the Third Committee recommends, in paragraph 31 of document A/63/428, the adoption of three draft resolutions.

I understand that the Assembly will defer its consideration of draft resolution II, "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", and draft resolution III, "International Convention on the Elimination of All Forms of Racial Discrimination", to such a time when it has before it the pertinent Fifth Committee report.

Under agenda item 63, entitled "Right of peoples to self-determination", the Third Committee recommends, in paragraph 19 of document A/63/429, the adoption of three draft resolutions.

Under agenda item 64, entitled "Promotion and protection of human rights", the Third Committee recommends, in paragraph 5 of document A/63/430, the adoption of one draft decision.

Under agenda item 64 (a), entitled "Promotion and protection of human rights: implementation of human rights instruments", the Third Committee recommends, in paragraph 17 of document A/63/430/Add.1, the adoption of two draft resolutions.

Under agenda item 64 (b), entitled "Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", the Third Committee recommends, in paragraph 182 of document A/63/430/Add.2, the adoption of 23 draft resolutions. I understand, however, that the Assembly will postpone its consideration of draft resolution XXIII, entitled "Committee on the Rights of the Child", until such time as it has before it the relevant report of the Fifth Committee. In addition, I wish to correct the following error in the English version of document A/63/430/Add.2. In paragraph 91 of the report, on page 27, "43rd meeting" should read "38th meeting".

Under agenda item 64 (c), entitled "Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives",

the Third Committee recommends, in paragraph 29 of document A/63/430/Add.3, the adoption of three draft resolutions. I understand, however, that the Assembly will postpone its consideration of draft resolution II, "Situation of human rights in Myanmar", until such time as it has before it the relevant report of the Fifth Committee.

Under agenda item 64 (d), entitled "Promotion and protection of human rights: comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action", the Third Committee advises, in document A/63/430/Add.4, that no action was taken under that sub-item.

Under agenda item 64 (e), entitled "Promotion and protection of human rights: Convention on the Rights of Persons with Disabilities", the Third Committee recommends, in paragraph 8 of document A/63/430/Add.5, the adoption of one draft resolution. Through you, Mr. President, I wish to recommend to the Assembly that paragraph 2 of the draft resolution, which provides the status of signatures and ratifications of the Convention and of the Optional Protocol thereto, be updated, as a number of States have signed or ratified those instruments since the Third Committee adopted the draft resolution on 11 November. I am advised by the Secretariat that, as of yesterday, there are 137 States signatories and 45 States parties to the Convention and 80 States signatories and 27 States parties to the Optional Protocol. The number of regional integration organizations that have signed the Convention remains unchanged.

Under agenda item 97, entitled "Crime prevention and criminal justice", the Third Committee recommends, in paragraph 26 of document A/63/431, the adoption of four draft resolutions and, in paragraph 27, the adoption of one draft decision.

Under agenda item 98, entitled "International drug control", the Third Committee recommends, in paragraph 13 of document A/63/432, the adoption of one draft resolution.

Under agenda item 110, entitled "Revitalization of the work of the General Assembly", the Third Committee recommends, in paragraph 7 of document A/63/433, the adoption of one draft decision.

Finally, under agenda item 119, entitled "Programme planning", the Third Committee

recommends, in paragraph 23 of document A/63/434, the adoption of one draft decision.

*(spoke in English)*

Before concluding, I should like to thank the Chairman and the other members of the Bureau of the Third Committee for their support and help in ensuring the successful completion of the work of the Committee. I also take this opportunity to thank the secretariat of the Committee for its support. I respectfully commend the reports of the Third Committee to the plenary of the General Assembly for its consideration.

**The Acting President:** If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Third Committee that are before the Assembly today.

*It was so decided.*

**The Acting President:** Statements will therefore be limited to explanations of vote.

Members will also recall that, at its sixty-sixth plenary meeting on 10 December 2008, the General Assembly considered the report of the Third Committee on agenda item 58, "Report of the Human Rights Council", contained in document A/63/435. At that meeting, it was decided that explanations of vote on the resolution contained in that report would be made during the consideration of the other reports of the Third Committee. Members are therefore invited to immediately indicate to the Secretariat their intention to speak in explanation of vote on the recommendation contained in document A/63/435 when the Assembly resumes its consideration of agenda item 58 to consider document A/63/435/Add.1.

The positions of delegations regarding the recommendations of the Third Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that, under paragraph 7 of decision 34/401, the General Assembly agreed that

"When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that

delegation's vote in plenary meeting is different from its vote in the Committee."

May I also remind delegations that, in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Third Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Third Committee, unless the Secretariat is notified otherwise in advance. That means that, where separate votes or recorded votes were taken, we will do the same. I should also hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the Third Committee.

Before proceeding further, I would like to draw the attention of members to a note by the Secretariat, entitled "List of draft proposals contained in the reports of the Third Committee", which has been circulated as document A/C.3/63/INF/1. This note has been distributed desk to desk in the General Assembly Hall as a reference guide for action on draft resolutions and decisions recommended by the Third Committee in its reports.

In this connection, members will find in column three of the note the numbers of the draft resolutions or decisions for action in the plenary, with the corresponding numbers of draft resolutions or decisions in the Third Committee in column four of the same note.

#### **Agenda item 39**

#### **Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions**

##### **Report of the Third Committee (A/63/423)**

**The Acting President:** The Assembly has before it four draft resolutions recommended by the Third Committee in paragraph 22 of its report. We will now take a decision on draft resolutions I to IV.

Draft resolution I is entitled "Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees". The Third Committee adopted draft resolution I without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution I was adopted (resolution 63/146).*

**The Acting President:** Draft resolution II is entitled "New international humanitarian order". The Third Committee adopted draft resolution II without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution II was adopted (resolution 63/147).*

**The Acting President:** Draft resolution III is entitled "Office of the United Nations High Commissioner for Refugees". The Third Committee adopted draft resolution III without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution III was adopted (resolution 63/148).*

**The Acting President:** Draft resolution IV is entitled "Assistance to refugees, returnees and displaced persons in Africa". The Third Committee adopted draft resolution IV without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution IV was adopted (resolution 63/149).*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 39?

*It was so decided.*

#### **Agenda item 55**

##### **Social development**

##### **Report of the Third Committee (A/63/424)**

**The Acting President:** The Assembly has before it five draft resolutions recommended by the Third Committee in paragraph 39 of its report (A/63/424). We will now take a decision on draft resolutions I to V, one by one.

Draft resolution I is entitled "Realizing the Millennium Development Goals for persons with disabilities through the implementation of the World Programme of Action concerning Disabled Persons and the Convention on the Rights of Persons with Disabilities".

Before taking action on draft resolution I, I wish to inform members that I have received a

communication from the Secretariat that, despite the recorded vote in the Third Committee, there is no need to proceed with a vote in the General Assembly on draft resolution I. May I therefore take it that the Assembly wishes to adopt draft resolution I without a vote?

*Draft resolution I was adopted* (resolution 63/150).

**The Acting President:** Draft resolution II is entitled "Follow-up to the Second World Assembly on Ageing". The Third Committee adopted draft resolution II without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution II was adopted* (resolution 63/151).

**The Acting President:** Draft resolution III is entitled "Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly". The Third Committee adopted draft resolution III without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution III was adopted* (resolution 63/152).

**The Acting President:** Draft resolution IV is entitled "Follow-up to the implementation of the International Year of Volunteers". The Third Committee adopted draft resolution IV without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution IV was adopted* (resolution 63/153).

**The Acting President:** Draft resolution V is entitled "United Nations Literacy Decade: education for all". The Third Committee adopted draft resolution V without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution V was adopted* (resolution 63/154).

**The Acting President:** I call on those delegations wishing to speak in explanation of position on the resolutions just adopted.

**Mr. McMahan** (United States of America): With respect to resolution 63/150, I would like to draw attention to the explanation made by the United States on 25 November regarding what is now the fifth

preambular paragraph. I would also like to note that 93 members of the Third Committee either voted against or abstained on a proposed amendment to include that paragraph in this resolution.

**Mrs. Eilon Shahar** (Israel): I would like to refer to resolution 63/150, just adopted by consensus, and give a brief explanation of position. Israel is committed to the advancement of the rights of persons with disabilities and several steps have already been initiated in Israel with a view to promoting the implementation of the Convention.

With regard to the resolution, we would like to thank the delegation of the Philippines for the constructive way it led the negotiations and express our regret that certain elements of politicization were included in the text, in particular the fifth preambular paragraph. The attempt to draw artificial parallels between two different legal regimes under international law — those of human rights law and the law of armed conflict — only undermines the effectiveness of each regime. Israel would therefore like to place on record our concern regarding the reference in this resolution to elements taken from the law of armed conflict.

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 55?

*It was so decided.*

## **Agenda item 56**

### **Advancement of women**

#### **Report of the Third Committee (A/63/425)**

**The Acting President:** The Assembly has before it five draft resolutions recommended by the Third Committee in paragraph 27 of its report (A/63/425).

I now give the floor to the representative of Senegal.

**Mr. Badji** (Senegal) (*spoke in French*): The delegation of Senegal is pleased to take the floor to address the issue of the important draft resolution IV, entitled "Supporting efforts to end obstetric fistula". The draft resolution seeks to find solutions to one of the most devastating maternal injuries and thus to save the lives of thousands of women throughout the world. This explains, of course, the strong support expressed by delegations for the draft resolution.

Unfortunately, when this draft resolution was adopted in the Third Committee on 30 October 2008, the fifth and twelfth preambular paragraphs were inadvertently omitted from the text. It was only after the draft resolution was adopted that it was brought to our attention that the text did not contain the two aforementioned paragraphs. Unfortunately, once again, it was not possible to reinsert them in the text before the Third Committee. Therefore, allow me to read out, in English, the two paragraphs that should be inserted into the text before it is adopted in plenary.

The fifth preambular paragraph reads as follows:

*(spoke in English)*

“Taking note with appreciation of the report of the Secretary-General on supporting efforts to end obstetric fistula, and welcoming the conclusions of recommendations therein.”

*(spoke in French)*

The twelfth preambular paragraph reads as follows:

*(spoke in English)*

“Welcoming ongoing partnerships between stakeholders at all levels to address the multifaceted determinants of maternal mortality and the commitments announced at the 2008 high-level event on the Millennium Development Goals to accelerate progress on Millennium Development Goal 5.”

*(spoke in French)*

Bearing in mind that those two paragraphs enjoyed the full support of Member States during the negotiations in the Third Committee, as I mentioned, my delegation would like to propose that they be reinserted in the text of the draft resolution prior to its adoption, in accordance with the consensus it enjoyed within the Third Committee.

**The Acting President:** We will now take a decision on draft resolutions I to V, one by one.

We turn first to draft resolution I, entitled “Intensification of efforts to eliminate all forms of violence against women”. The Third Committee adopted draft resolution I without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution I was adopted (resolution 63/155).*

**The Acting President:** Draft resolution II is entitled “Trafficking in women and girls”. The Third Committee adopted draft resolution II without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution II was adopted (resolution 63/156).*

**The Acting President:** Draft resolution III is entitled “Future operation of the International Research and Training Institute for the Advancement of Women”. The Third Committee adopted draft resolution III without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution III was adopted (resolution 63/157).*

**The Acting President:** Draft resolution IV is entitled “Supporting efforts to end obstetric fistula”. This resolution was orally corrected by Senegal. The Third Committee adopted draft resolution IV without a vote. May I take it that the Assembly wishes to adopt draft resolution IV, as orally corrected?

*Draft resolution IV, as orally corrected, was adopted (resolution 63/158).*

**The Acting President:** Draft resolution V is entitled “Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly”. The Third Committee adopted draft resolution V without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution V was adopted (resolution 63/159).*

**The Acting President:** I give the floor to the representative of the United States of America in explanation of position on the resolutions just adopted.

**Mr. McMahan** (United States of America): The United States disassociates itself from the consensus on resolution 63/159 just adopted on the follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly. At this time I would like to draw members’ attention to the

explanation of position made by the United States on 24 November 2008 upon the adoption, in the Third Committee, of draft resolution A/C.3/63/L.73.

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 56?

*It was so decided.*

## **Agenda item 58 (continued)**

### **Report of the Human Rights Council**

#### **Reports of the Third Committee (A/63/435 and Add.1)**

**The Acting President:** We first turn to document A/63/435. As announced earlier, the General Assembly considered this document at its 66th plenary meeting, on 10 December 2008, and adopted the recommendation contained therein as General Assembly resolution 63/117. At that meeting, it was agreed that explanations of vote on the recommendation contained in that report would be made at this meeting.

I now call on those representatives who wish to speak in explanation of vote.

**Ms. Janson** (Canada): As a State party since 1976 to the two International Covenants on Human Rights, Canada is fully committed to the progressive realization of economic, social and cultural rights and the protection of civil and political rights. Canada recognizes that all human rights are universal, indivisible, interdependent and interrelated.

Canada has consistently raised concerns with respect to the communications procedure for economic, social and cultural rights. One of our main concerns is that the Optional Protocol does not sufficiently take into account the deference that must be accorded to States when assessing their policy choices and resource allocations. We also believe that some of the rights in the Covenant are set out in such broad terms that they cannot easily be subjected to quasi-judicial assessment.

We would like to reiterate our understanding that Part I of the International Covenant on Economic, Social and Cultural Rights is not included within the scope of the Optional Protocol, including the individual communications and inquiry procedures established by it. The Committee on Economic, Social and Cultural Rights should follow the views of the

Human Rights Committee in declining to consider communications relating to common article 1 of the two Covenants.

The right of peoples to self-determination set out in Part I of the International Covenant on Economic, Social and Cultural Rights remains subject to the State reporting process set out by the Covenant. Canada continues to strongly support this reporting process.

Canada recognizes the importance of the Optional Protocol to many States. Canada has therefore joined the consensus in adopting this instrument in order to permit those States that wish to submit themselves to its provisions to do so.

**Mr. Lundberg** (Finland): Finland attaches great importance to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The Optional Protocol constitutes a significant step towards the full realization of all human rights and enjoys the full support of the Government of Finland. We regard this carefully drafted text to be well balanced and to successfully reflect the compromises achieved during the hard negotiations conducted over several years.

Finland considers all human rights as universal and indivisible. We believe that civil and political rights, on the one hand, and economic, social and cultural rights, on the other, cannot be separated from each other, as they are interconnected and mutually reinforcing in many ways. This Optional Protocol represents an important contribution to the human rights of individuals, as it takes into account the indivisible and interrelated nature of the aforementioned rights.

We thank all Member States for their constructive approach towards adopting the Protocol by consensus, and we hope that signatures and ratifications of this instrument will soon follow. Finland intends to sign the Optional Protocol at the earliest possible occasion.

**Ms. Jeurlink** (United Kingdom): The United Kingdom would like to take this opportunity to summarize its concerns with the Optional Protocol that was adopted by the General Assembly on 10 December. The United Kingdom has already put on record its position on certain aspects of the Optional Protocol in a number of forums, most recently during the adoption of the report in the Third Committee of

the General Assembly. That continues to be the position of the United Kingdom.

The United Kingdom is of the firm belief that all human rights are universal, indivisible and mutually reinforcing, be they economic, social, cultural, civil or political. However, the United Kingdom does not consider that economic, social and cultural rights, particularly because of their progressively realizable nature, lend themselves to third-party adjudication in the same way as civil and political rights. The United Kingdom is therefore sceptical of the practical benefits of an individual complaints mechanism in respect of economic, social and cultural rights. In view of the varying degrees of specificity with which the rights in the Covenant are drawn, we have favoured an à la carte approach to allow States parties to the Protocol to declare the rights in the Covenant to which individual complaints could apply. The adoption of the comprehensive approach in the Protocol will make it even more difficult for the United Kingdom to become a State party in the future.

The United Kingdom has previously stated on record its understanding of certain aspects of the text, including views on article 8, article 4 and amendments to articles 2 and 11. The United Kingdom continues to hold this understanding and refers Member States to its previous statements in relation to these portions of the text.

**Ms. Klopčič** (Slovenia): Slovenia welcomes the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the General Assembly last week. That adoption, in the year when we are celebrating the sixtieth anniversary of the Universal Declaration of Human Rights, is an important step forward. The Universal Declaration of Human Rights itself is an impressive and far-sighted vision of the whole spectrum of human rights, encompassing basic civil and political rights, as well as social, economic and cultural rights. However, it has taken history 60 years to catch up fully with this vision.

While two optional human rights protocols were adopted in 1966, a complaints procedure for violations of economic, social and cultural rights was left out. We commend the comprehensive scope of the Optional Protocol, thus guaranteeing the universality of all human rights. The Optional Protocol will build upon the progressive realization of economic, social and

cultural rights for its States parties, and we hope that it will be widely and effectively implemented.

Before concluding, we again commend all those who worked very hard to make this necessary new instrument a reality.

**Mr. Heissel** (Austria): Austria welcomes the creation of an individual complaints mechanism related to the International Covenant on Economic, Social and Cultural Rights as an important step to further enhance and strengthen the international human rights protection system. Given the importance it attaches to the issue, Austria has been engaging constructively in the drafting process with a view to arriving at a result that enjoys the largest possible support.

The new mechanism can be viable only with broad membership and effective implementation by all States parties. Therefore, the text of the Optional Protocol needs to ensure that national specificities in the implementation of human rights obligations under the Covenant are taken into account. Recognizing the efforts made by the Working Group — and thanking its Chair in particular — to accommodate the concerns of all States in the proposed text, Austria understands that the Optional Protocol, in its version before us, recognizes the variety of means and choices available to States when implementing their obligations under the Covenant.

**Ms. Ernst** (Australia): We wish to take this opportunity to highlight the way in which Australia interprets a number of key issues in the Optional Protocol.

The purpose of the Optional Protocol is to establish an avenue for redress for individuals whose rights under the Covenant have been violated. We recall that the Human Rights Committee has determined, with reference to the Optional Protocol to the International Covenant on Civil and Political Rights, that its jurisdiction cannot be invoked by an individual when the alleged violation concerns a collective right. Some of the rights recognized and protected by the Covenant, including the right to self-determination, are not individual human rights, but collective rights of all peoples. Consistent with the Human Rights Committee's previous determinations, Australia believes that these rights should not be justiciable by the Committee on Economic, Social and Cultural Rights under this Optional Protocol.

Secondly, we note that article 4 gives the Committee the discretion to decline jurisdiction if the complainant has not suffered any clear disadvantage. Australia understands that this discretion is designed to ensure that the Committee's time is not devoted to spurious complaints but only to those cases where the complainant establishes a clear personal disadvantage.

We also understand that the Optional Protocol establishes a complaints mechanism for aggrieved individuals, although article 4 acknowledges that an individual complaint may reveal a serious issue of general importance. Serious issues of general importance can be better addressed through the regular monitoring and reporting obligations in articles 16 and 17 of the Covenant itself and the inquiry procedure under articles 11 and 12 of the Protocol, which are specifically designed to implement strategies to resolve those serious issues.

Finally, Australia wishes to highlight the reasonableness test in article 8, paragraph 4, of the Optional Protocol. This article recognizes that States parties may choose from a range of possible policy measures to implement Covenant rights in accordance with the progressive realization requirement in article 2 of the Covenant.

The implementation of economic, social and cultural rights, by their nature, involves balancing competing resource priorities, and the Covenant requires a State party to take steps towards the realization of Covenant rights to the maximum of its available resources. Article 8, paragraph 4, directs the Committee to bear in mind that a State party may adopt a range of possible policy measures for the implementation of Covenant rights. In other words, the Committee, in carrying out its responsibilities under the Optional Protocol, acknowledges the discretion of the State party to make legitimate decisions about resource allocation when pursuing Covenant rights.

**Mr. McMahan** (United States of America): My Government extends its congratulations to the Chair of the Working Group on the Optional Protocol. The United States appreciated the opportunity to participate in the Working Group. While we were sceptical of the need for a protocol, we sought to engage constructively with the hope of helping to produce an outcome coherent with the Covenant on Economic, Social and Cultural Rights and with relevant precedents. We recognize and understand that a majority of countries

support the elaboration of an Optional Protocol to the Covenant, and therefore we did not block consensus on the resolution adopting the Protocol, despite our concerns with the final text.

The proponents of an Optional Protocol have long argued that the absence of a complaints procedure for economic, social and cultural rights relegates those rights to a kind of second-class status. These arguments, however, are premised on the view that economic, social and cultural rights are substantially identical to civil and political rights and therefore must be justiciable in the same manner as those rights. While civil and political rights and economic, social and cultural rights are equally important, the nature of these rights in a legal sense is fundamentally different.

The Covenant on Economic, Social and Cultural Rights states that those rights are to be progressively realized, in accordance with available resources — significant qualifications that are not contained in the International Covenant on Civil and Political Rights. The Covenant on Economic, Social and Cultural Rights also sets forth rights that are, on their face, difficult to adjudicate. It speaks, for instance, of an adequate standard of living and the highest attainable standard of health. It is not apparent at what point these rights have been violated or simply not yet satisfactorily achieved.

This fundamental fact, to clarify again, is not to say that the rights set out in the Covenant on Economic, Social and Cultural Rights are not important; millions or even billions suffer daily from inadequate food, housing, water, sanitation and other basic needs. Rather, in our view, it seems apparent that that Covenant takes a different approach to rights. That approach is confirmed in the text of the respective Covenants. For instance, the International Covenant on Civil and Political Rights contains provisions on remedies and enforcements. The Covenant on Economic, Social and Cultural Rights does not.

With these observations in mind, my delegation would not stand in the way of those States parties to the Covenant on Economic, Social and Cultural Rights who may choose to avail themselves of the non-binding communication procedure set out in the Optional Protocol. That having been said, my delegation continues to believe that an international committee of experts, no matter how qualified, would struggle to adjudicate individual complaints in a manner that is consistent with the provisions of the

Covenant itself and respectful of the sovereign right of Governments to make difficult decisions with respect to the allocation of scarce resources in order to bring basic services to their populations.

**Mr. Bennwik** (Sweden): Sweden joined consensus in the Third Committee regarding this resolution. For the record, I would like to recall our explanation of position given at the time of the adoption in the Third Committee.

**Mr. Şen** (Turkey): Our delegation would like to make a statement on resolution 63/117, entitled "Optional Protocol to the International Covenant on Economic, Social and Cultural Rights". As a party to the Covenant on Economic, Social and Cultural Rights, Turkey is fully committed to the progressive realization of the rights set forth in it. Turkey has been constructively engaged in the negotiations on the draft Optional Protocol.

Like many other delegations, we did not object to the compromise text in Geneva. However, we would like to place on record once again our concern with regard to the amended article 2. We would have preferred that the opt-out approach be retained in article 2. That option would have facilitated the expansion by States of the range of rights covered by the complaints procedure over time as they progressively work with greater clarity in domestic systems. This would render the procedure more manageable and acceptable to a broad range of States.

We would also have preferred to maintain the compromise reached in the Working Group on the limited approach in articles 2 and 11. It is the understanding of Turkey that the right set forth in Part I of the Covenant is conferred upon peoples. In this regard, it cannot be invoked through an individual complaints mechanism.

**Mr. Michelsen** (Norway): Norway would like to take this opportunity to put on record its concerns regarding the Optional Protocol by referring to the statement we made on 18 November when the Third Committee adopted the Protocol.

**Ms. Raabymagle** (Denmark): Denmark is strongly committed to the full realization of economic, social and cultural rights. We firmly adhere to the universality, indivisibility, interdependence and interrelatedness of all human rights. However, as we also expressed throughout the negotiations on the draft

Optional Protocol, Denmark is very sceptical about the creation of an individual complaints mechanism for the International Covenant on Economic, Social and Cultural Rights.

We still find that the majority of the rights in the Covenant do not carry immediate legal effect. Considering the vague nature of the rights and the principle of progressive realization, Denmark firmly believes that the majority of the rights in the Covenant are insufficiently justiciable and therefore less suited to form the basis of an individual complaints mechanism. Moreover, due to the vague and broad nature of the rights in the Covenant, Denmark fears that there is a genuine risk that the Committee will end up both functioning as a legislator in the area of economic, social and cultural rights and determining the allocation of States parties' resources within this sphere. Denmark finds both scenarios unacceptable, as we place great importance on the fact that allocation of resources within the economic, social and cultural sphere is a national matter, which is the responsibility and prerogative for national democratic institutions with direct popular legitimacy.

**Mr. Argüello** (Argentina) (*spoke in Spanish*): Argentina reiterates all the terms of its explanation of position delivered at the time of the adoption of this draft resolution by the Third Committee on 18 November.

**Miss Abdelhak** (Algeria) (*spoke in French*): My delegation welcomes the adoption by the Human Rights Council and the General Assembly of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. On this occasion, Algeria commends Ms. Catarina de Albuquerque for the professionalism and diligence she demonstrated in working to reach the consensus on the text of the Protocol in question.

The adoption of this Protocol by the General Assembly is of such significance that it took place on 10 December 2008, the day of the commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights. This new asset will finally make it possible for economic, social and cultural rights to benefit from the same treatment that is given to civil and political rights, by granting individuals the opportunity to bring before the Committee on Economic, Social and Cultural Rights violations of the economic, social and cultural rights included in the

Covenant in its entirety. This achievement shows the will of the international community to promote and protect all human rights for all.

**The Acting President:** The Assembly will now turn to document A/63/435/Add.1. The Assembly has before it a draft resolution recommended by the Third Committee in paragraph 13 of its report in that document. We will now take a decision on the draft resolution. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, 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, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

*Against:*

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America

*Abstaining:*

Albania, Andorra, Argentina, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu

*The draft resolution was adopted by 121 votes to 7, with 58 abstentions (resolution 63/160).*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 58?

*It was so decided.*

## **Agenda item 60**

### **Promotion and protection of the rights of children**

#### **Report of the Third Committee (A/63/426)**

**The Acting President:** The Assembly has before it a draft resolution recommended by the Third Committee in paragraph 18 of its report and a draft decision recommended by the Committee in paragraph 19 of the same report.

Before proceeding further, I should like to inform members that action on the draft resolution, entitled "Rights of the child" is postponed to a later date to allow time for the review of its programme budget implications by the Fifth Committee. The Assembly will take action on the draft resolution as soon as the report of the Fifth Committee on its programme budget implications is available.

We shall now take action on the draft decision, entitled "Documents considered by the General Assembly in connection with the promotion and protection of the rights of children". May I take it that the General Assembly wishes to adopt the draft decision recommended by the Third Committee?

*The draft decision was adopted.*

**The Acting President:** The Assembly has thus concluded this stage of its consideration of agenda item 60.

## Agenda item 61

### Indigenous issues

#### Report of the Third Committee (A/63/427)

**The Acting President:** The Assembly has before it a draft resolution recommended by the Third Committee in paragraph 10 of its report and a draft decision recommended in paragraph 11 of the same report. We will now take action on the draft resolution and the draft decision.

The draft resolution is entitled “Indigenous issues”. The Third Committee adopted the draft resolution without a vote. May I take it that the General Assembly wishes to do likewise?

*The draft resolution was adopted* (resolution 63/161).

The draft decision is entitled “The status of the United Nations Voluntary Fund for Indigenous Populations”. May I take it that the Assembly wishes to adopt the draft decision recommended by the Third Committee?

*The draft decision was adopted.*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 61?

*It was so decided.*

## Agenda item 62

### Elimination of racism and racial discrimination

#### Report of the Third Committee (A/63/428)

**The Acting President:** The Assembly has before it three draft resolutions recommended by the Third Committee in paragraph 31 of its report.

Before proceeding further, I should like to inform members that action on draft resolution II, entitled “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”, and draft resolution III, entitled “International Convention on the Elimination of All

Forms of Racial Discrimination”, is postponed to a later date to allow time for the review of their programme budget implications by the Fifth Committee. The Assembly will take action on draft resolutions II and III as soon as the reports of the Fifth Committee on their programme budget implications are available.

We will now take a decision on draft resolution I. Draft resolution I is entitled “Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance”. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, 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, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, 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:*

Marshall Islands, United States of America

*Abstaining:*

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

*Draft resolution I was adopted by 129 votes to 2, with 54 abstentions (resolution 63/162).*

**The Acting President:** The General Assembly has thus concluded this stage of its consideration of agenda item 62.

**Agenda item 63**

**Right of peoples to self-determination**

**Report of the Third Committee (A/63/429)**

**The Acting President:** The Assembly has before it three draft resolutions recommended by the Third Committee in paragraph 19 of its report. We will now take a decision on draft resolutions I, II and III.

Draft resolution I is entitled "Universal realization of the right of peoples to self-determination". The Third Committee adopted draft resolution I without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution I was adopted (resolution 63/163).*

**The Acting President:** Draft resolution II is entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination". A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, 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, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former

Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Chile, Fiji, New Zealand, Switzerland, Tonga

*Draft resolution II was adopted by 125 votes to 52, with 5 abstentions (resolution 63/164).*

[Subsequently, the delegation of Peru advised the Secretariat that it had intended to vote in favour.]

**The Acting President:** Draft resolution III is entitled "The right of the Palestinian people to self-determination". A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, 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, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa,

San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

*Against:*

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America

*Abstaining:*

Australia, Cameroon, Canada, Fiji, Nauru, Tonga, Vanuatu

*Draft resolution III was adopted by 173 votes to 5, with 7 abstentions (resolution 63/165).*

[Subsequently, the delegation of Peru advised the Secretariat that it had intended to vote in favour.]

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 63?

*It was so decided.*

**Agenda item 64 (continued)**

**Promotion and protection of human rights**

**Report of the Third Committee (A/63/430)**

**The Acting President:** The Assembly has before it a draft decision recommended by the Third Committee in paragraph 5 of its report. We shall now take action on the draft decision.

The draft decision is entitled "Reports considered by the General Assembly in connection with the promotion and protection of human rights". May I take it that the General Assembly wishes to adopt the draft decision recommended by the Third Committee?

*The draft decision was adopted.*

**The Acting President:** The Assembly has thus concluded this stage of its consideration of agenda item 64.

**(a) Implementation of human rights instruments**

**Report of the Third Committee  
(A/63/430/Add.1)**

**The Acting President:** The Assembly has before it two draft resolutions recommended by the Third Committee in paragraph 17 of its report. We will now take a decision on the two draft resolutions.

We first turn to draft resolution I, entitled “Torture and other cruel, inhuman or degrading treatment or punishment”. The Third Committee adopted the draft resolution without a vote. May I take it that the General Assembly wishes to do likewise?

*Draft resolution I was adopted* (resolution 63/166).

**The Acting President:** Draft resolution II is entitled “Equitable geographical distribution in the membership of the human rights treaty bodies”. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts

and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, 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, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, 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:*

Brazil, Cape Verde

*Draft resolution II was adopted by 128 votes to 55, with 2 abstentions* (resolution 63/167).

**The Acting President:** I call on the representative of the United Kingdom to speak in explanation of position.

**Ms. Jeurlink** (United Kingdom): The United Kingdom would like to draw the General Assembly’s attention to the explanation of position we gave in the Third Committee on draft resolution A/C.3/63/L.18/Rev.1, entitled “Torture and other cruel, inhuman or degrading treatment or punishment”, now resolution 63/166. That explanation outlined our understanding of the legal position on some of the issues raised in the resolution. That remains our position.

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (a) of agenda item 64?

*It was so decided.*

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

**Report of the Third Committee  
(A/63/430/Add.2)**

**The Acting President:** The Assembly has before it 23 draft resolutions recommended by the Third Committee in paragraph 182 of its report.

Before proceeding further, I should like to inform members that action on draft resolution XXIII, entitled “Committee on the Rights of the Child”, is postponed to a later date to allow time for the review of its programme budget implications by the Fifth Committee. The Assembly will take action on draft resolution XXIII as soon as the report of the Fifth Committee on its programme budget implications is available.

I shall first give the floor to the representative of the Syrian Arab Republic who wishes to speak in explanation of their vote.

**Ms. Halabi** (Syrian Arab Republic) (*spoke in Arabic*): My delegation would like to explain its vote on draft resolution I, entitled “Moratorium on the use of the death penalty”.

It is self-evident that Member States of this Organization enjoy the right to equal sovereignty according to the Charter of the United Nations. The exercise of this sovereignty is based on mutual respect and non-interference in the internal affairs of States. My delegation is of the view that the draft resolution on the moratorium on the use of the death penalty is a clear intervention in the internal affairs and the political independence of States, in contravention of the Charter.

The draft resolution has nothing to do with the implementation or non-implementation of the death penalty but relates in the first place to the sovereignty of each State in choosing its political, juridical, social and cultural systems. Asking countries to stop the implementation of this penalty is specifically a request for States to change their juridical systems, which are the end result of the historical, cultural, religious and political peculiarities of each State.

The discussion on the need to implement this penalty affects the human dignity of the defendant and it completely ignores the human dignity of the victim or victims, and this disregards the rights that values and human ideals require be restored to them. In many countries, including mine, the implementation of the death penalty is determined by legislatures. The Government of the Syrian Arab Republic implements that penalty in accordance with legislative decisions, which are primarily based on protecting the rights of victims and on a number of judicial, social, religious and cultural factors.

This penalty is a legal penal action that pertains to criminal justice. It has nothing to do with human rights. Its abolition would sanctify human rights violations and would reward perpetrators of crimes, who may destroy not just one life but many. Safeguarding human rights first and foremost requires thinking of the rights of victims before thinking of the penalty itself.

We would like to remind the Assembly that in joining the Organization, countries are admitted on the basis of the equal sovereignty of all States, as well as the principle of non-interference in their domestic affairs. We hope that those principles will serve as guidelines when some countries impose their own systems on others. Were that not the case, the Charter and the entire world order would be violated.

My country will therefore vote against draft resolution I in document A/63/430/Add.2. We encourage other countries to do likewise out of respect for the Charter.

**The Acting President:** We will now take a decision on draft resolutions I to XXII, one by one. After all the decisions have been taken, representatives will again have the opportunity to explain their votes or positions.

We first turn to draft resolution I, entitled “Moratorium on the use of the death penalty”. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Congo,

Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of)

*Against:*

Afghanistan, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, China, Comoros, Democratic People's Republic of Korea, Dominica, Egypt, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Tonga, Trinidad and Tobago, Uganda, United States of America, Yemen, Zimbabwe

*Abstaining:*

Bahrain, Belarus, Bhutan, Cameroon, Central African Republic, Cuba, Djibouti, Eritrea, Fiji, Gambia, Ghana, Guatemala, Guinea, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Malawi, Mauritania, Morocco, Niger, Oman, Papua New Guinea, Republic of Korea, Senegal, Sierra Leone, Suriname, Togo, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia

*Draft resolution I was adopted by 106 votes to 46, with 34 abstentions (resolution 63/168).*

[Subsequently, the delegation of Guatemala advised the Secretariat that it had intended to vote in favour; the delegation of Ethiopia advised the Secretariat that it had intended to vote against;]

**The Acting President:** Draft resolution II is entitled "The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights". The Third Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution II was adopted (resolution 63/169).*

**The Acting President:** Draft resolution III is entitled "Regional arrangements for the promotion and protection of human rights". The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution III was adopted (resolution 63/170).*

**The Acting President:** Draft resolution IV is entitled "Combating defamation of religions". A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Bolivia, Brunei Darussalam, Cambodia, China, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Guinea, Guinea-Bissau, Guyana, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic,

Tajikistan, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe

*Against:*

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

*Abstaining:*

Argentina, Armenia, Benin, Botswana, Brazil, Burkina Faso, Burundi, Central African Republic, Chile, Colombia, Congo, Costa Rica, Dominican Republic, Ecuador, Ghana, Grenada, Guatemala, Haiti, India, Japan, Kenya, Madagascar, Malawi, Mauritius, Mexico, Mongolia, Nauru, Nepal, Panama, Papua New Guinea, Paraguay, Peru, Rwanda, Saint Lucia, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, United Republic of Tanzania, Uruguay, Vanuatu, Zambia

*Draft resolution IV was adopted by 86 votes to 53, with 42 abstentions (resolution 63/171).*

**The Acting President:** Draft resolution V is entitled “National institutions for the promotion and protection of human rights”. The Third Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution V was adopted (resolution 63/172).*

**The Acting President:** Draft resolution VI is entitled “International Year of Human Rights Learning”. The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution VI was adopted (resolution 63/173).*

**The Acting President:** Draft resolution VII is entitled “Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities”. The Third Committee adopted draft resolution VII without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution VII was adopted (resolution 63/174).*

**The Acting President:** Draft resolution VIII is entitled “Human rights and extreme poverty”. The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution VIII was adopted (resolution 63/175).*

**The Acting President:** Draft resolution IX is entitled “Globalization and its impact on the full enjoyment of all human rights”. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, 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, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Solomon

Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tonga, 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, Palau, 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:*

Brazil, Chile, Singapore, Timor-Leste

*Draft resolution IX was adopted by 129 votes to 54, with 4 abstentions (resolution 63/176).*

**The Acting President:** Draft resolution X is entitled "Subregional Centre for Human Rights and Democracy in Central Africa". The Third Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution X was adopted (resolution 63/177).*

**The Acting President:** Draft resolution XI is entitled "The right to development". A recorded vote has been requested.

*A recorded vote was taken.*

*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, Bosnia and Herzegovina,

Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, 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, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, 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, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, 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, Zimbabwe

*Against:*

Marshall Islands, Palau, Ukraine, United States of America

*Abstaining:*

Canada, Israel

*Draft resolution XI was adopted by 182 votes to 4, with 2 abstentions (resolution 63/178).*

[Subsequently, the delegation of Ukraine advised the Secretariat that it had intended to vote in favour.]

**The Acting President:** Draft resolution XII is entitled “Human rights and unilateral coercive measures”. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, 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 Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, 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, Palau, 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

*Draft resolution XII was adopted by 132 votes to 54 (resolution 63/179).*

**The Acting President:** Draft resolution XIII is entitled “Enhancement of international cooperation in the field of human rights”. The Third Committee adopted draft resolution XIII without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution XIII was adopted (resolution 63/180).*

**The Acting President:** Draft resolution XIV is entitled “Elimination of all forms of intolerance and of discrimination based on religion or belief”. The Third Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution XIV was adopted (resolution 63/181).*

**The Acting President:** Draft resolution XV is entitled “Extrajudicial, summary or arbitrary executions”. I call on the representative of Uganda.

**Ms. Awino Kafeero (Uganda):** Uganda is taking the floor on behalf of the member States of the Organization of the Islamic Conference to introduce oral amendments to operative subparagraph 6 (b) of draft resolution XV. We would like to propose inserting the phrase “peoples under foreign occupation”, before the word “refugees”. We would also like to propose a second amendment to the same subparagraph by deleting the phrase “, including sexual orientation” and replacing it with “whatsoever”. Thus the phrase that

now includes it would read “all killings committed for any discriminatory reason whatsoever”.

I would like to clarify that I did not mean to call for deletions to subparagraph 6 (b). I simply meant inserting the phrase “peoples under foreign occupation,” before the word “refugees” and replacing the phrase “, including sexual orientation” with “whatsoever”.

**Ms. Schlyter** (Sweden): I take the floor with some regret with regard to the fact that amendments have been proposed to the draft resolution. The Third Committee already voted on these amendments, and both were defeated.

Since we voted separately on both these points in the Committee, and in order to make it easier for all delegations present here today to state their positions, I would propose that we also vote on both amendments separately at this time.

I would also like to take this opportunity to say that Sweden, along with all the other sponsors of this resolution, will vote against both of these amendments that have been reintroduced and would strongly appeal to other delegations to do likewise. We will be voting against these amendments.

**Mr. Attiya** (Egypt): My delegation is taking the floor as a member of the Organization of the Islamic Conference (OIC) and to align itself with the statement made by Uganda and the amendments presented by the OIC. My delegation only wishes to draw the attention of members of the General Assembly to the fact that the amendments just read out and presented orally by the representative of Uganda are reflected in document A/63/430/Add.2, in paragraph 131, subparagraphs (b) and (c). These two subparagraphs are the amendments that were just orally presented by Uganda. The representative of Sweden was correct when she mentioned that in the Committee we voted separately on these two amendments.

**The Acting President:** I ask the representative of Uganda to kindly repeat both amendments.

**Ms. Awino Kafeero** (Uganda): The proposed amendments would read as follows. In paragraph 6 (b), before the word “refugees”, we request the insertion of the phrase “peoples under foreign occupation,”. The second amendment we are requesting in the same paragraph would be to replace the phrase “, including

sexual orientation,” with the word “whatsoever”. We have no objection to holding two separate votes.

**Ms. Schlyter** (Sweden): Given the fact that this situation has been brought up rather suddenly, delegations did not expect to have a vote today, so I would also like to explain very briefly the serious concerns that my delegation and all the other sponsors have with these amendments. Of course, this was also explained extensively at the time of the vote in the Committee, where these amendments were defeated.

Briefly, the reasons why we are not in favour of the addition of the words “foreign occupation” is that we already added “foreign occupation” in this very paragraph at the time of the consideration of the matter by the Third Committee. The reference to foreign occupation that is sought is already in the text. If delegations have the draft resolution in front of them, it is in the sixth line of paragraph 6 (b).

Regarding the addition of the word “whatsoever” instead of “sexual orientation”, of course, the same very strong objections apply. It is essential for us that a reference is made to the importance of protecting persons from killings based on their sexual orientation, given that this is still an extensive problem.

We therefore will strongly appeal once again to all delegations to vote against both of these amendments.

**The Acting President:** The representative of Uganda has submitted oral amendments to operative paragraph 6 (b) of draft resolution XV. In accordance with rule 90 of the rules of procedure, the Assembly will first take a decision on the first amendment submitted by the representative of Uganda. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bolivia, Brunei Darussalam, Burkina Faso, China, Comoros, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, Eritrea, Gambia, Guinea, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Namibia, Nicaragua, Niger,

Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

*Against:*

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

*Abstaining:*

Botswana, Burundi, Cambodia, Chad, Congo, Costa Rica, Ethiopia, Grenada, Guinea-Bissau, Haiti, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Liberia, Madagascar, Malawi, Mongolia, Rwanda, Timor-Leste, Tonga, United Republic of Tanzania

*The first oral amendment was rejected by 75 votes to 71, with 22 abstentions.*

**The Acting President:** The Assembly will now take a decision on the second amendment submitted by the representative of Uganda. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Belarus, Belize, Benin,

Brunei Darussalam, Burkina Faso, Cameroon, China, Comoros, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Ethiopia, Gambia, Guinea, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Namibia, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, Timor-Leste, Trinidad and Tobago, Uganda, United Arab Emirates, Viet Nam, Yemen, Zambia, Zimbabwe

*Against:*

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Montenegro, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, 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, Uruguay, Venezuela (Bolivarian Republic of)

*Abstaining:*

Antigua and Barbuda, Bahamas, Barbados, Bolivia, Botswana, Burundi, Cambodia, Chad, Congo, Côte d'Ivoire, Grenada, Guinea-Bissau, Guyana, Haiti, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Liberia, Madagascar, Mongolia, Rwanda, Saint Vincent and the Grenadines, Singapore, Sri Lanka, Togo, Tonga, United Republic of Tanzania

*The second oral amendment was rejected by 78 votes to 60, with 28 abstentions.*

[Subsequently, the delegation of Tunisia advised the Secretariat that it had intended to vote in favour.]

**The Acting President:** The Assembly will now vote on draft resolution XV as a whole. The draft resolution is entitled “Extrajudicial, summary or arbitrary executions”. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Sao Tome and Principe, Serbia, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Suriname, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of)

*Against:*

None

*Abstaining:*

Bahamas, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Central African Republic, China, Côte d’Ivoire, Democratic

People’s Republic of Korea, Djibouti, Egypt, Gambia, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Kenya, Kuwait, Lao People’s Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Marshall Islands, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Palau, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Trinidad and Tobago, Turkey, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Viet Nam, Yemen, Zambia, Zimbabwe

*Draft resolution XV as a whole was adopted by 127 votes to none, with 58 abstentions (resolution 63/182).*

**The Acting President:** Draft resolution XVI is entitled “Missing persons”. The Third Committee adopted it without a vote. May I take it the Assembly wishes to do likewise?

*Draft resolution XVI was adopted (resolution 63/183).*

**The Acting President:** Draft resolution XVII is entitled “Protection of migrants”. The Third Committee adopted the draft resolution without a vote. May I take it the Assembly wishes to do the same?

*Draft resolution XVII was adopted (resolution 63/184).*

**The Acting President:** Draft resolution XVIII is entitled “Protection of human rights and fundamental freedoms while countering terrorism”.

**Mr. de León Huerta** (Mexico) (*spoke in Spanish*): My delegation has detected an error in document A/63/430/Add.2 with regard to the oral revisions in the Third Committee of draft resolution A/C.3/63/L.39/Rev.1, entitled “Protection of human rights and fundamental freedoms while combating terrorism”. In paragraph 150 of the report it should be made clear that the oral revisions to draft resolution L.39/Rev.1 revised its operative paragraph 27 and divided it into two parts, one part becoming new operative paragraph 3 and the second part becoming new operative paragraph 28. Therefore operative paragraph 29 in draft resolution XVIII, which is

paragraph 27 of L.39/Rev.1, should not have been included in resolution XVIII and should be deleted.

**The Acting President:** The Third Committee adopted draft resolution XVIII without a vote. May I take it the Assembly wishes to adopt draft resolution XVIII, as orally revised?

*Draft resolution XVIII, as orally revised, was adopted (resolution 63/185).*

**The Acting President:** Draft resolution XIX is entitled "International Convention for the Protection of All Persons from Enforced Disappearance". The Third Committee adopted the draft resolution without a vote. May I take it the Assembly wishes to do likewise?

*Draft resolution XIX was adopted (resolution 63/186).*

**The Acting President:** Draft resolution XX is entitled "The right to food". A recorded vote has been requested.

*A recorded vote was taken.*

*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, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco,

Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, 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, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, 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, Zimbabwe

*Against:*

United States of America

*Draft resolution XX was adopted by 184 votes to 1 (resolution 63/187).*

[Subsequently, the delegation of Cape Verde advised the Secretariat that it had intended to vote in favour.]

**The Acting President:** Draft resolution XXI is entitled "Respect for the right to universal freedom of travel and the vital importance of family reunification". A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India,

Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Timor-Leste, Togo, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

*Against:*

Israel, Marshall Islands, Palau, United States of America

*Abstaining:*

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Canada, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tonga, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Vanuatu

*Draft resolution XXI was adopted by 121 votes to 4, with 60 abstentions (resolution 63/188).*

**The Acting President:** Draft resolution XXII is entitled "Promotion of a democratic and equitable international order". A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, 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, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, 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:*

Argentina, Armenia, Chile, Mexico, Peru, Timor-Leste, Vanuatu

*Draft resolution XXII was adopted by 124 votes to 55, with 7 abstentions (resolution 63/189).*

**The Acting President:** I shall now call on those delegations who wish to speak in explanation of position or vote on the resolutions just adopted.

**Ms. Halabi** (Syrian Arab Republic) (*spoke in Arabic*): My delegation would like to explain its vote on draft resolution XVIII, on the protection of human rights and fundamental freedoms in the context of counter-terrorism efforts. Because my country is not party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, we would like to state that it will continue its cooperation with the United Nations system in the light of its own national law. Our explanation covers operative paragraphs 19 and 20, concerning the lists of individuals and entities issued by the Security Council.

**Ms. Cross** (United Kingdom): The United Kingdom would like to draw the attention of members to the explanation of position it gave in the Third Committee in relation to draft resolution A/C.3/63/L.30/Rev.1, entitled "Right to development" (resolution 63/178). That outlined our concerns with paragraph 33 of the resolution, in particular the reference to indigenous peoples. It remains our position that we do not accept that paragraph 33 establishes collective rights.

I would also like to draw the attention of members to the explanation of vote that the United Kingdom gave in the Third Committee in relation to draft resolution A/C.3/63/L.42/Rev.1, entitled "Right to food" (resolution 63/187). That outlined our concerns with paragraph 12 of this resolution. It remains our position, and support for this resolution does not change our general position on collective rights, which remains as set out in our interpretive statement on the adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

**Ms. Chan** (Singapore): I have the honour to speak in explanation of vote after the vote on resolution 63/168, entitled "Moratorium on the use of the death penalty".

Singapore and many delegations remain convinced that there is no international consensus on the issue of the death penalty. For many countries, capital punishment is a crucial measure with which to protect the security and safety of our citizens. Even though some claim that this is a human rights issue, it is first and foremost a matter of the criminal justice system. The death penalty, applied with the necessary judicial safeguards and due process of law, is clearly allowed under international law. Article 6 of the International Covenant on Civil and Political Rights states that in countries that have not abolished the death penalty, the sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime.

This is a divisive and controversial issue that should not be taken up by the General Assembly. As with last year's resolution, the votes this year have reaffirmed this fact. More fundamentally, Singapore believes that each country has a sovereign right to decide on this matter for itself. It is enshrined in the United Nations Charter, where Article 2, paragraph 7, states that nothing in the Charter authorizes the United Nations to intervene in matters that are essentially within the domestic jurisdiction of any State.

The corollary to this is that every State has an inalienable right to choose its political, economic, social, cultural and legal justice systems, without interference in any form by another State. Hence, if a country decides to abolish the death penalty, implement a moratorium or to retain it, that is the sovereign choice of that country. In the absence of an international consensus, countries on either side of an argument have no right to impose their opinions on others.

Singapore respects the decisions that other countries have taken on this issue and the choice of some to abolish the death penalty or to impose a moratorium. What we are asking for is the same respect to be accorded to those of us who feel that we still need the death penalty in our legislation.

With that, we would like to put on record our opposition to this resolution and any attempt to impose one side's values and beliefs on all other Member States.

**Mr. Lima** (Cape Verde) (*spoke in French*): I would like to make a statement in explanation of our vote on draft resolution IV, contained in

A/63/430/Add.2 (resolution 63/171). At first glance, we could easily come to an agreement on this resolution, particularly since it calls for everything our individual and collective consciences agree on — the condemnation and rejection of racism, xenophobia, discrimination and intolerance.

The unconscionable witch hunts carried out in various areas due to religious or ethnic motivations, the places of worship that have been destroyed or burned and the calls for racially or religiously motivated murder that we see in the papers are reminders of the hateful pogroms of the past. These incidents give substance to this resolution, and the General Assembly is justified in taking up such issues.

However, while such grave situations do exist and should be considered, and require concerted action by all, we are facing substantive differences and fresh political confrontation. This signals the failure of the very dialogue that is sought and the development of opposing camps when the very goal is to come together and to bring the entire international community to an agreement on this issue. We must all take the same position: everyone against extremism and against religious fanatics, whoever they may be.

We have read and re-read the text we have before us today. We have scrutinized the smallest nuances and researched every underlying issue. We have searched for every glimmer of truth in a confusing and often troubling context, in which doublespeak is rampant and hypocrisy is what we share the most. We continue to be frustrated that such a major drafting effort has led to such meagre results. We grope around blindly trying to discern the line of reasoning, which we cannot follow. The justifications are clunky, and the operative part, in many places, seems to be tacked on or falls short of striking the necessary balance. That leads us to have doubts on certain points that require impartiality in addressing such a delicate and complex issue.

It must be said that clarity is really not the primary attribute of a text whose intentions are difficult to discern and which draws exhaustively from the store of good resolutions of recent years, apparently to use them as so many excuses for a badly constructed line of reasoning.

The important thing here, from our point of view, should be to guarantee full freedom of religion and belief for all, without discrimination. It is important to ensure full freedom of choice and to respect the wishes

of those who would like to change religions, if that is the outcome of their own free choice. What is more, we believe that the eradication of intolerance is possible only where comprehensive efforts are made to adopt measures to prevent the emergence of such intolerance and stop its growth. Other resolutions, such as the resolution on the elimination of all forms of intolerance and of discrimination based on religion or belief, address this issue more appropriately.

For all these reasons, Cape Verde has voted against this text.

**Mr. Attiya** (Egypt): Egypt voted against draft resolution I, on the moratorium on the use of the death penalty, in document A/63/430/Add.2 (resolution 63/168), due to the fact that it contradicts a number of religious as well as legal and practical considerations upon which there is international agreement to respect.

Islam, like all other religions, highly values respect for human dignity and the sanctity of life, as life is a gift from God to all human beings alike. Therefore, in Islamic jurisprudence the death penalty is restricted to the most serious crimes. It may be imposed only within the application of the due process of law in order to ensure that the punishment is compatible with legal and religious regulations and that no one is arbitrarily deprived of the right to life.

That is in keeping with the fact that article 6 of the International Covenant on Civil and Political Rights does not prohibit the imposition of the death penalty; the aim is clearly to make sure that it is imposed only for the most serious crimes, to be defined in accordance with the national law in force at the time of the commission of the crime. At the same time, it contains provisions granting the right to seek pardon or appeal for commutation. Therefore, the focus of the resolution should have been on ensuring due process, rather than on abolition.

The restriction contained in article 6 regarding the imposition of the death penalty for crimes committed by minors reflects international agreement that the death penalty can be applied only to mature adults who are fully aware of the consequences of their serious crime. In addition, the restriction on carrying out the sentence on pregnant women manifests respect for the right to life of the unborn child, who in some cases is arbitrarily deprived of that right without having committed a crime and without a court ruling or the right to appeal, particularly in many conflict areas

under brutal occupation. Moreover, Islamic sharia law prohibits abortion except in very rare and necessary circumstances.

It is our firm belief that the resolution just adopted, like the resolution adopted during the sixty-second session, aims not only to reinterpret the provisions of the International Covenant on Civil and Political Rights in the light of particular developments in the national legislation of certain countries, but also to impose new interpretations and narrow viewpoints on the general membership.

The argument that this year's resolution is of a procedural nature is supported neither by its title nor by its provisions. It deals with the use of the death penalty, not with its application, hence implying that the death penalty is being used by States that retain it to serve certain political interests, not to maintain social order and stability. The text claims that there is a trend towards abolition and substantiates that argument on the basis of the Secretary-General's report, which relies on unauthenticated information and noticeably lacks a clear methodology.

Regrettably, despite our sincere efforts — in keeping with the provisions of the Charter of the United Nations and existing international legal instruments — to overcome the selectivity that characterized the draft resolution before its adoption, our calls were not heeded. The resolution fails to deal with extrajudicial executions. It stresses the special needs of specific social settings, while disregarding the great diversity of legal, social, economic and cultural conditions throughout the world and the fact that rules are not suitable for application at the same level in all societies or at all times.

While some Member States have voluntarily decided to abolish the death penalty and others have chosen to impose a moratorium on executions, many States retain the death penalty in their constitutions and penal codes, in full compliance with their obligations under the International Covenant on Civil and Political Rights. No side is more right than the other; each State has decided freely, according to its own sovereign right, established by the Charter of the United Nations, to choose the path corresponding to its own social, cultural and legal needs in order to maintain security, social order and peace. Hence, no side should give itself the right to impose its viewpoint on the others.

It is our honest belief that the diverging legal and practical arguments and human rights considerations in this regard can be reconciled, in all their related aspects, only by the Human Rights Council through a comprehensive process of debate and negotiations at the multilateral level. If we are sincere about respecting cultural diversity and promoting mutual understanding, we must not allow ourselves to be sidetracked from the path of dialogue.

Although Egypt voted against the resolution for the aforementioned reasons, we strongly believe that it remains the obligation of all States retaining the death penalty to ensure that it can be imposed for the most serious crimes only, pursuant to a final judgement rendered by a competent court of law within the application of due process, in order to ensure that no one is arbitrarily deprived of his or her life. Hence, we remain of the view that the focus of international efforts should be on strengthening the international commitment to ensuring that no one is arbitrarily deprived of his or her life, including by extrajudicial execution.

**Mr. Degia** (Barbados): My delegation wishes to draw attention to its explanation of vote delivered on 20 November in the Third Committee on draft resolution A/C.3/63/L.19/Rev.1, entitled "Moratorium on the use of the death penalty" (resolution 63/168). That explanation also applies to draft resolution I, just adopted, and outlines the position of the Government of Barbados on the death penalty, namely, that capital punishment is lawful under international law and must be seen as an internal matter, fully in keeping with the provisions of the United Nations Charter and all of the human rights treaties to which Barbados is a party.

**Mr. Llanos** (Chile) (*spoke in Spanish*): I am taking the floor on behalf of the 89 sponsors of draft resolution I, entitled "Moratorium on the use of the death penalty".

In the opinion of the sponsors, the adoption of General Assembly resolution 62/149 was a milestone in the improvement and progressive development of human rights. Currently, 137 countries in all regions of the world have abolished the death penalty either *de jure* or *de facto*, compared with 130 countries last year. That confirms the firm world trend towards the abolishment of the death penalty — a trend that is irreversible.

The resolution just adopted by the Assembly is the result of informal consultations held by the delegations of all Member States. This year, the sponsors worked with a new focus regarding this resolution, promoting constructive dialogue in order to minimize confrontation. That focus is reflected in a resolution that is concise and very simple. It is also reflected in the biennialization of the resolution and in the fact that the text takes account of proposals made by other delegations. The resolution's focus continues to be on a moratorium on the use of the death penalty.

Finally, I should like, on behalf of the sponsors, to reaffirm our intention to continue to work constructively and in good faith to implement the present resolution.

**Ms. Zhang Dan** (China) (*spoke in Chinese*): The Chinese delegation regrets the adoption by the General Assembly of the draft resolution on the death penalty. To impose the views of one side on the other by submitting a draft resolution to the Assembly will not help to resolve the differences regarding this issue. On the contrary, it will only further politicize and complicate the issue. In light of the above, the Chinese delegation voted against draft resolution L.19/Rev.1 in the Third Committee and again in the General Assembly.

The Chinese delegation wishes to reiterate its position. First, whether to restrict the application of the death penalty or abolish it is a matter of domestic legislation and justice, not a matter of human rights. Consideration and adoption of a resolution on the death penalty is counter to the principle of non-interference in the domestic affairs of Member States that is enshrined in the Charter of the United Nations, and is bound to result in serious confrontation in the positions of Member States.

Secondly, international law does not ban the death penalty, nor is there international consensus on that issue. Article 6, paragraph 2, of the International Covenant on Civil and Political Rights stipulates that the death penalty may be imposed for the most serious crimes. Countries have the right to decide the appropriateness of a penalty or when to suspend or abolish a specific penalty in the light of their traditional needs, level of economic development and historical and cultural background, and other countries do not have the right to interfere.

Thirdly, the death penalty constitutes a powerful deterrent to the most serious crimes. It enjoys broad public support in China, and society is psychologically prepared to accept it.

The Chinese Government, while retaining the death penalty, pursues a strict policy on its application and exercises stringent control with regard to legislation and justice. First, it restricts the crimes punishable by the death penalty. Under the Penal Code of China, the death penalty can be applied only to a limited number of criminals who have committed the most serious crimes. Secondly, it restricts the type of crimes punishable by the death penalty under Chinese law. Minors below the age of 18 at the time of committing a crime and female criminals who are pregnant at the time of trial cannot be subjected to the death penalty.

Thirdly, the Government restricts the implementation of the death penalty. Under Chinese law, the death penalty is subdivided into a death sentence with immediate execution and a death sentence with a two-year suspension of execution. The punishment of those criminals sentenced to the death penalty with a two-year suspension of execution may be commuted to a life sentence if they do not commit another crime during that period. Thus, only a very limited number of criminals have actually been put to death.

Fourthly, limitations are imposed by way of review and approval. In order to ensure fairness and justice, China's Supreme People's Court has taken back the authority to review and approve the implementation of the death penalty and to carry it out.

**Miss Abdelhak** (Algeria) (*spoke in French*): My delegation would like to explain its vote with regard to draft resolution XV (resolution 63/182).

Algeria voted in favour of draft resolution XV to reiterate its commitment, together with the international community, against the practice of extrajudicial, summary or arbitrary executions, just as it did at the fifty-ninth and sixty-first sessions of the General Assembly in 2004 and 2006, respectively.

Algeria also voted for the amendments presented by Uganda on behalf of the Organization of the Islamic Conference Group in the hope that the sensitive issue of extrajudicial, summary or arbitrary executions would garner the broadest possible support. My

delegation hopes that the draft resolution be adopted by consensus in the future.

**Mr. Argüello** (Argentina) (*spoke in Spanish*): With regard to agenda item 64 (b), I have the honour to make this intervention on human rights, sexual orientation and gender identity in the name of the following Member States: Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, the Central African Republic, Chile, Colombia, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Montenegro, Nepal, the Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Poland, Portugal, Romania, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela.

We reaffirm the principle of the universality of human rights, as established by the Universal Declaration of Human Rights, the sixtieth anniversary of which is being celebrated this year. In its article 1, it establishes that “All human beings are born free and equal in dignity and rights”.

We reaffirm that everyone has the right to enjoy their human rights without any distinction with regard to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, as established by article 2 of the Universal Declaration of Human Rights, articles 2 and 26 of the International Covenant on Civil and Political Rights, and article 2 of the International Covenant on Economic, Social and Cultural Rights.

We reaffirm the principle of non-discrimination, which requires that human rights be equally applied to all human beings regardless of their sexual orientation or gender identity. We are deeply concerned by the violations of human rights and fundamental freedoms based on sexual orientation or gender identity. Similarly, we are alarmed by the violence, harassment, discrimination, exclusion, stigmatization and prejudice against individuals of any country in the world owing to their sexual orientation or gender identity, because

those practices undermine the integrity and dignity of those who are subjected to such abuses.

We condemn human rights violations based on sexual orientation or gender identity wherever they may take place, especially the application of the death penalty on those grounds, extrajudicial, summary or arbitrary executions, the practice of torture and other cruel, inhuman or degrading treatment or punishment, arrest or arbitrary detention and the denial of the economic, social and cultural rights, including the right to health. We recall the statement made on behalf of 54 countries in 2006 before the Human Rights Council, asking its President to provide an opportunity in an appropriate future session of the Council to debate such violations. We welcome the attention given to these questions in special proceedings of the Human Rights Council and treaty bodies, and we encourage them to continue integrating the consideration of human rights violations based on sexual identity or gender identity within their relevant mandates.

We warmly welcome the adoption of AG/RES.2435 (XXXVIII-0/08) on human rights, sexual orientation and gender identity by the General Assembly of the Organization of American States during its thirty-eighth session, on 3 June 2008. We call on all States and relevant international human rights mechanisms to commit themselves to promoting and protecting the human rights of all persons, independent of their sexual orientation and gender identity. We urge States to take all necessary measures, in particular legislative and administrative measures, to ensure that sexual orientation or gender identity cannot, under any circumstances, be reason for criminal punishment, in particular execution, arrest or detention. We urge States to ensure that human rights violations based on sexual orientation or gender identity are investigated and that those responsible be held accountable before justice.

Finally, we urge States to ensure adequate protection for human rights defenders and to eliminate the obstacles that impede the progress of their work on human rights, sexual orientation and gender identity.

**Mr. Hallak** (Syrian Arab Republic): I have the honour to make the following statement on behalf of Afghanistan, Algeria, Bahrain, Bangladesh, Benin, Brunei Darussalam, Cameroon, Chad, Comoros, Côte d’Ivoire, Democratic People’s Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Fiji, Gambia,

Guinea, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Nigeria, Oman, Pakistan, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Saint Lucia, Solomon Islands, Somalia, Sudan, Swaziland, Syria, Tajikistan, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Yemen and Zimbabwe, following the statement just delivered by the representative of Argentina on behalf of a group of Member States, on human rights and the so-called notion of sexual orientation and gender identity.

On 10 December 2008, the human rights family celebrated the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights and once again made an unequivocal commitment to the principles enshrined therein. On that august occasion, we reiterated that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing. There was also a universal acknowledgement that in no country or territory can it be claimed that all human rights have been fully realized at all times for all persons. Member States declared that the full realization of all human rights for all remains a challenge and that they shall not shy away from its magnitude.

The principles of non-discrimination and equality are two faces of the same coin. They are indeed cross-cutting principles in the vast area related to the full realization of all human rights and fundamental freedom for all. Such principles are well-entrenched in the Charter of the United Nations and internationally agreed human rights instruments, as they all reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women without distinction.

In this context, we are seriously concerned by the attempt to introduce into the United Nations some notions that have no legal foundation in any international human rights instrument. We are even more disturbed at the attempt to focus on certain persons on the grounds of their sexual interests and behaviour while ignoring that intolerance and discrimination regrettably exist in various parts of the world, be it on the basis of colour, race, gender or religion, to mention only a few.

Our alarm does not merely stem from concern about the lack of legal grounds or that the statement delves into matters which fall essentially within the domestic jurisdiction of States, counter to the commitment in the Charter of the United Nations to respect the sovereignty of States and the principle of non-intervention. More important, it depends on the ominous usage of two notions. The notion of orientation spans a wide range of personal choices that expand far beyond the individual sexual interest in a copulatory behaviour between normal consenting adult human beings, thereby ushering in the social normalization and possibly the legitimization of many deplorable acts, including paedophilia. The second notion is often suggested to attribute particular sexual interests or behaviours to genetic factors, a matter that has repeatedly been scientifically rebuffed.

We affirm that those two notions are not and should not be linked to existing international human rights instruments. We believe that people are not inherently vulnerable but that some individuals are made vulnerable due to the socio-economic setting in which they live. It follows that vulnerable individuals and groups include women, children, older persons, peoples under foreign occupation, refugees, asylum-seekers and internally displaced persons, migrants, persons deprived of their liberty and persons belonging to national or ethnic, religious and linguistic minorities who become vulnerable as a result, inter alia, of intolerance and discrimination against them.

We strongly deplore all forms of stereotyping, exclusion, stigmatization, prejudice, intolerance, discrimination and violence directed against peoples, communities and individuals on any grounds whatsoever and wherever they occur. We also reaffirm article 29 of the Universal Declaration of Human Rights and the rights of Member States to enact laws that meet just requirements of morality, public order and the general welfare of a domestic society.

We recognize that the rights enumerated in the Universal Declaration of Human Rights were codified in subsequent international legal instruments. We note with concern the attempt to create new rights or new standards by misinterpreting the Universal Declaration and international treaties to include such notions that were never articulated nor agreed by the general membership. Those attempts undermine not only the intent of the drafters of and the signatories to those

human rights instruments, but also seriously jeopardize the entire international human rights framework.

We call upon all Member States to continue and to step up their efforts towards the total elimination of all forms of racism, racial discrimination, xenophobia and related intolerance. We also call upon all Member States to refrain from attempting to give priority to the rights of certain individuals, which could result in positive discrimination at the expense of others' rights and thus contradict the principle of non-discrimination and equality.

We urge all Member States, the United Nations system and non-governmental organizations to continue to devote special attention and resources to

protect the family as the natural and fundamental group unit of society, in accordance with article 16 of the Universal Declaration of Human Rights.

In conclusion, we also urge all States and relevant international human rights mechanisms to intensify their efforts to consolidate the commitment to the promotion and protection of human rights and of everyone on an equal footing without exception.

**The Acting President:** We have heard the last speaker for this meeting. The Assembly will continue its consideration of the reports of the Third Committee this afternoon at 3 p.m.

*The meeting rose at 1.15 p.m.*