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Held at the Palais des Nations, Geneva, on Friday, 13 October 2023, at 10 a.m.

President: Mr. Bálek (Czechia)

Contents

Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development (*continued*)

Agenda item 10: Technical assistance and capacity-building (*continued*)

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

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The meeting was called to order at 10.05 a.m.

Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development (*continued*)
([A/HRC/54/L.34](#) as orally revised, [A/HRC/54/L.36](#), [A/HRC/54/L.39](#), [A/HRC/54/L.48](#), [A/HRC/54/L.49](#), [A/HRC/54/L.50](#), [A/HRC/54/L.51](#) and [A/HRC/54/L.52](#))

1. **The President** said that statements of the programme budget implications of the draft resolutions under consideration at the current meeting had been published on the Council's extranet. Additional sponsors of draft resolutions were listed on the e-deleGATE portal.

Draft resolution [A/HRC/54/L.34](#), as orally revised: Question of the death penalty

2. **Mr. Dan** (Benin), introducing the draft resolution, as orally revised, on behalf of the main sponsors, namely Belgium, Costa Rica, France, Mexico, Mongolia, the Republic of Moldova, Switzerland and his own delegation, said that the aim of the text, a version of which was introduced every two years, was to promote substantive debate on the death penalty. It offered an opportunity to move beyond positions of principle and to open a dialogue on the protection of the human rights of persons facing the death penalty.

3. The draft resolution before the Council focused on the right of everyone convicted of a crime to seek pardon or commutation of the sentence and to have his or her conviction and sentence reviewed by a higher tribunal according to law. It reflected the main conclusions of the most recent report of the Secretary-General on the question of the death penalty ([A/HRC/54/33](#)), which examined challenges and practices at the national level in relation to the right to seek pardon or commutation and the right of appeal, both of which were closely linked to the right to a fair trial and the principle of equality and non-discrimination. The draft resolution underscored the importance of respect for due process and called upon States to put an end to the imposition of mandatory death sentences, which allowed no right of appeal and denied the sentencing court discretion.

4. **Ms. Fontana** (Observer for Switzerland), continuing the introduction of the draft resolution, as orally revised, said that, every two years, the Council discussed a draft resolution that addressed the question of the death penalty from a human rights perspective. The draft resolution before the Council focused on the protection of human rights in the imposition and application of the death penalty. It did not concern the abolition of the death penalty or the establishment of a moratorium on its use. While some States considered that the draft resolution did not go far enough, as it failed to condemn the death penalty, others, especially those States that still applied the death penalty, held that it was biased against them. Nevertheless, meaningful exchanges had been held, and the text set the stage for future discussions within the Council. In that regard, the next biennial high-level panel discussion, to be held during the Council's fifty-eighth session, would address the contribution of the judiciary to the advancement of human rights and the question of the death penalty. Moreover, the draft included a request to the Secretary-General to focus, in the 2025 supplement to his quinquennial report on capital punishment, on the need to prevent miscarriage or failure of justice and the irreversibility of the death penalty.

5. The main sponsors regretted that the draft resolution was being challenged through the submission of seven proposed amendments. Although revisions had been made in an attempt to overcome the differences, the divide had been insurmountable. The main sponsors hoped that the Council would adopt the draft resolution without amendment.

6. **Mr. Al Khanjari** (Observer for Oman), introducing the proposed amendment contained in document [A/HRC/54/L.36](#) on behalf of the States members of the Cooperation Council for the Arab States of the Gulf, said that the application of the death penalty was a controversial matter. International law did not prohibit the death penalty when it was implemented in accordance with due process of law. The sponsors of the proposed amendment reiterated their firm position that States had the sovereign right to select the laws that were most appropriate to their national circumstances and urged respect for different criminal justice approaches for dealing with the most serious crimes. Unfortunately, the draft resolution did not reflect the opinions of all States and did not refer to the sovereign right of all States to develop their own legal systems. It should be recalled that amendments to insert

a reference to that sovereign right had been introduced in successive General Assembly resolutions on the moratorium on the use of the death penalty and that those amendments had enjoyed broad support. The sponsors of the proposed amendment therefore called upon the Council to vote in favour of it.

7. **Mr. Gamaleldin** (Observer for Egypt), introducing the proposed amendment contained in document [A/HRC/54/L.39](#) on behalf of 35 States, including 11 members of the Council, said that the death penalty was the subject of significant debate at the international, regional and national levels. His Government reiterated its respect both for the decisions of those States that had abolished the death penalty or introduced a moratorium on its use and for the sovereign right of States to develop their own legal systems and to determine legal penalties appropriate to their specific domestic cultural contexts. The same respect should be accorded to those countries that had decided to retain the death penalty, applied in accordance with due process and for the most serious crimes, as stipulated in the International Covenant on Civil and Political Rights. Decisions pertaining to the retention or abolition of the death penalty or the introduction of a moratorium on its use should be made within the context of a national dialogue. Domestic debate on the question of the death penalty should be transparent, democratic and well informed, and the national choice that emerged should reflect the public will and be shaped by the country's legal, political, social, economic and cultural context.

8. Unfortunately, the draft resolution reflected only one side of the ongoing debate by making the case for the abolition of the death penalty. It did not highlight the importance of national dialogue or of the domestic cultural and societal context. It took a restrictive view of the ongoing debate by focusing on the need to provide the public with adequate information on ways to combat criminality without resorting to capital punishment, and failed to take into account counter-arguments concerning the impact of capital punishment on crime rates and on the right of victims to effective redress. The proposed amendment would bring more balance to the draft resolution by adding language recognizing that the application of a moratorium on the death penalty, abolishing the death penalty or retaining it should be a decision based on domestic debates at the national level. His delegation called on the Council members to vote in favour of the proposed amendment.

9. **Mr. Bhatia** (Observer for Singapore), introducing the proposed amendments contained in documents [A/HRC/54/L.48](#), [A/HRC/54/L.49](#), [A/HRC/54/L.50](#), [A/HRC/54/L.51](#) and [A/HRC/54/L.52](#), said his Government agreed that appropriate legal safeguards were necessary to protect the rights of persons facing the death penalty. However, the draft resolution represented a missed opportunity to build bridges between the two sides of the debate, as the main sponsors had continued to pursue an abolitionist agenda, including by mischaracterizing and overstating States' international law obligations. They had also included language from non-intergovernmental sources such as the general comments of treaty bodies and the report of the Secretary-General in an attempt to portray it as having the status of customary international law. His delegation rejected attempts to pass off the opinions of a closed group of individuals as internationally agreed-upon definitions or standards. The general comments of treaty bodies served as guidance to States parties and should not be used to inaccurately represent States' international law obligations. Consequently, the proposed amendment contained in document [A/HRC/54/L.48](#) introduced a preambular paragraph affirming that general comments did not constitute binding interpretations of treaties.

10. The proposed amendments contained in documents [A/HRC/54/L.50](#) and [A/HRC/54/L.51](#) made clear that the views expressed in the tenth preambular paragraph, on "the most serious crimes", and in the twenty-eighth preambular paragraph, on the use of mandatory death sentences, were opinions expressed by the Human Rights Committee and the Secretary-General of the United Nations. The latter proposal would also delete the second part of the twenty-eighth preambular paragraph, which contained a bare assertion with no clear source or legal basis. The proposed amendment contained in document [A/HRC/54/L.49](#) was intended to correct a misrepresentation of the high-level panel discussion on the question of the death penalty and to accurately reflect the absence of consensus on what constituted "the most serious crimes".

11. International law did not prohibit the mandatory application of the death penalty, nor was there any international consensus against its use when it was imposed in accordance with due process of law. The proposed amendment contained in document [A/HRC/54/L.52](#) acknowledged the sovereign right of States to consider ending that practice. The five proposed amendments were intended to bring much-needed balance to the draft resolution and to ensure that States' obligations under international law were accurately reflected. His delegation urged all Council members that valued the principle of sovereignty and the upholding of international law to vote in favour of the five proposed amendments.

12. **Ms. Méndez Escobar** (Mexico), speaking on behalf of the sponsors of the draft resolution, said that none of the proposed amendments were acceptable because they went against the spirit and purpose of the draft resolution. Her delegation requested a vote on each of the proposed amendments, would vote against them, and urged all Council members to do likewise.

13. **The President** invited members of the Council to make general statements on the draft resolution, as orally revised, and the proposed amendments.

14. **Mr. Guillermet Fernández** (Costa Rica) said that his country had ceased to apply the death penalty as early as 1882 and was usually an advocate of abolition, although it acknowledged different points of view. The draft resolution did not concern the abolition of the death penalty or the establishment of a moratorium on its use; rather, it focused on human rights and the rule of law, in particular procedural safeguards related to due process and fair trial guarantees. It included language on the adequate assistance of legal counsel from the earliest stages of detention and at every stage of the proceedings, and a reaffirmation that States were required to allow individuals sentenced to death to seek pardon or commutation and that such requests must be thoroughly examined. During the informal consultations, the main sponsors had listened to all opinions and had incorporated changes resulting in a balanced text. His delegation encouraged all members of the Council to vote in support of the draft resolution without amendment.

15. **Mr. Pecsteen de Buytswerve** (Belgium), speaking on behalf of the States members of the European Union that were members of the Council, said that the fight for the universal abolition of the death penalty was an integral part of the human rights policy of the European Union, which firmly opposed the death penalty at all times and under all circumstances. Capital punishment violated the inalienable right to life of every person and made any miscarriage of justice irreversible. The abolition of the death penalty was essential for the protection of human dignity.

16. The focus of the draft resolution before the Council – namely, the right of persons condemned to death to seek pardon or commutation of their sentence, and the right to have their conviction and sentence reviewed by a higher tribunal – was both fundamental and crucial. While the European Union would have welcomed a stronger text in keeping with its principled position, it nonetheless recognized the importance of the main sponsors' efforts to advance human rights on the question of the death penalty through a step-by-step and thematic approach. In that context, it deeply regretted the hostile amendments that had been proposed, with some States yet again seeking to foreground their "sovereign right" and questioning the limitation of the scope of "the most serious crimes", a well-established concept under international law that covered only crimes of extreme gravity that involved intentional killing. Inspired by the worldwide trend towards the abolition of the death penalty, the States members of the European Union that were members of the Council would vote in favour of the draft resolution and against all the proposed amendments, and called on others to do the same.

17. **Ms. Gillhoff** (Germany) said that the worldwide abolition of capital punishment was a long-standing foreign policy goal of her Government. Major arguments against capital punishment included its inhumaneness and irreversibility, the lack of a deterrent effect and continuing racial and economic biases in its application. Capital punishment thus had no place in the twenty-first century, and the Government of Germany was pleased to note that the number of abolitionist States grew every year. The draft resolution before the Council, however, did not address the abolition of the death penalty, but the protection of human rights in the context of its application. It did not undermine the sovereignty of States, but addressed

the obligation of States to guarantee due process, without discrimination of any kind, and to give effect to the right of appeal and the right to seek pardon and commutation of sentences. Considering that the initiative would remain of the utmost importance for as long as the death penalty existed, her delegation urged all Council members to support the draft resolution and to oppose all the proposed amendments.

18. **Mr. Staniulis** (Lithuania) said his Government took the view that the use of the death penalty was not consistent with the right to life and welcomed the growing global movement towards its universal abolition. Approximately 170 States had either abolished the death penalty or introduced a moratorium on its use; Lithuania itself had abolished the death penalty almost 25 years previously. The draft resolution was a key initiative for the protection of human rights, focusing on basic procedural rights, such as the guarantee of a fair trial for individuals facing the death penalty, the right of appeal and the right to seek pardon or commutation of sentences. As the draft resolution reiterated key elements outlined in international human rights treaties and did not undermine the sovereignty of States, his delegation strongly supported it and would vote against all the proposed amendments.

19. **Mr. Alimbayev** (Kazakhstan) said that the draft resolution addressed the question of the death penalty through a human rights lens with a view to promoting substantive discussions. Its aim was to strengthen procedural safeguards for prisoners facing capital punishment, including the right to seek pardon, commutation or review of their sentence, in accordance with the International Covenant on Civil and Political Rights. It did not attempt to establish limitations on the use of the death penalty, although such limitations existed in international law, nor did it prescribe any steps, other than respect for international obligations, that should be taken by States that retained the death penalty.

20. The right to life, as a peremptory norm of international law, encompassed guarantees of due process. Likewise, the standards set forth under article 14 of the Covenant had acquired the character of customary international law and therefore were binding on all States, regardless of whether they were parties to the Covenant. On the other hand, resolutions of the Human Rights Council were not legally binding, but provided a compass to guide all States in the journey to uphold their human rights obligations. The draft resolution in no way imposed obligations on States that were incompatible with the sovereign equality of States as enshrined in the Charter of the United Nations.

21. Kazakhstan was among the many States that had chosen to abolish the death penalty and, consequently, had ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. However, his Government respected the sovereign decisions of other States that had not abolished the death penalty. On that understanding, his delegation supported the draft resolution and encouraged the members of the Council to adopt it by consensus.

22. **Mr. Villegas** (Argentina) said that Argentina had an unswerving commitment to the abolition of the death penalty, which had not been applied in the country since 1921. In 1984, with the return to democracy after a bloody dictatorship, the National Congress had adopted the Defence of Democracy Act, which abolished the death penalty for ordinary crimes. In 2008, with the ratification of the Protocol to the American Convention on Human Rights to Abolish the Death Penalty and the repeal of the Code of Military Justice, the death penalty had been permanently abolished for all crimes. Argentina was firmly convinced that the abolition of the death penalty was essential for the protection of human dignity and the progressive realization of human rights. The words of the author Albert Camus, who had eloquently argued that the law was intended not to imitate nature but to correct it, were worth recalling in that regard. His delegation supported the draft resolution and would vote in favour of it and against the proposed amendments.

23. **Mr. Pandey** (India) said that his delegation appreciated the draft resolution's thematic focus on articles 6 and 14 of the International Covenant on Civil and Political Rights, in particular the right to seek pardon or commutation of sentences and the right to have one's conviction and sentence reviewed by a higher tribunal. In India, the death penalty was reserved for what the country's Supreme Court had termed the "rarest of rare cases" in which the crime committed was so heinous that it shocked the conscience of society. Procedural safeguards under Indian law included the right to a fair hearing by an independent court, the

presumption of innocence and the right to review by a higher court. There was no mandatory death penalty for any offence, as such a penalty would be contrary to statutory safeguards under which the judiciary had discretion over sentencing. Indian law specifically provided for the commutation of the death penalty for pregnant women, while the courts had issued rulings prohibiting the execution of persons with mental disabilities. Juvenile offenders could not be sentenced to death under any circumstances. Death sentences, regardless of whether they were challenged by the accused, must be confirmed by a higher court. The Supreme Court had adopted guidelines on clemency and the treatment of death row prisoners, and mitigating circumstances had been introduced for courts to consider when deciding whether to commute a death sentence to life imprisonment. The President of India, in all cases, and the governors of States, within their respective jurisdictions, had the power to grant pardons and to suspend, remit or commute a death sentence.

24. The draft resolution failed to reflect the basic principle that each State had the sovereign right to determine its legal system and to punish criminals in accordance with its laws. No account was taken of different perspectives on the issue or the fact that article 6 of the International Covenant on Civil and Political Rights permitted the use of the death penalty in certain cases. His Government did not agree with the assertion that the use of the death penalty led to violations of the human rights of persons facing the death penalty and of other affected persons. The draft resolution also failed to acknowledge that there was no international consensus against the death penalty, no international law prohibiting its use and no agreed definition of “the most serious crimes”. For those reasons, his delegation opposed the draft resolution and supported the proposed amendments.

25. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/54/L.36](#).

Statements made in explanation of vote before the voting

26. **Ms. Tsheole** (South Africa) said that her country’s history under colonialism and apartheid contained painful examples of the fallible and irreversible nature of capital punishment in the context of criminal justice. Wrongful convictions did happen, and the possibility of a miscarriage of justice made permanent by the imposition of the death penalty could never be ignored. South Africa had suspended the use of the death penalty in 1990 and had abolished it in June 1995. Democratic South Africa had moreover taken steps to highlight the death penalty’s racist and politically motivated application in the past and to recognize and support the families of political prisoners who had been hanged under the apartheid regime. South Africa commended those States and civil society organizations that had relentlessly advocated the universal abolition of capital punishment.

27. While recognizing the importance of allowing States policy space to make their domestic laws, her delegation did not consider that the draft resolution was intended to shrink that space. Rather, it focused on due process; international standards, safeguards and protections; and the human rights that must be scrupulously observed in relation to the death penalty. Under international law, State sovereignty consisted broadly of the sovereign rights and duties of the State. However, the proposed amendment would advance the concept of State sovereignty in the context of the human rights implications of the death penalty. Her delegation therefore could not support it and would abstain from voting on it.

28. **Mr. Manley** (United Kingdom) said that the United Kingdom opposed the use of the death penalty in all circumstances. The death penalty undermined human dignity and there was no conclusive evidence of its deterrent value. The United Kingdom had learned from its own tragic experience that miscarriages of justice could result in the execution of innocent people. That was one of the reasons why the Government had abolished the death penalty as early as 1965.

29. In the draft resolution under consideration, States that had not abolished the death penalty were urged to respect and protect the human rights of all those on death row. International law on the death penalty required States to ensure that persons facing the death penalty had access to the full suite of procedural guarantees, including the right to adequate legal assistance, the right to review by a higher court and the right to seek pardon or commutation of a sentence. His delegation strongly opposed the introduction of the proposed

amendment, as it would undermine the very intent of the draft resolution, which did not compel States to change their criminal laws or impede their ability to develop their own legal systems. The text as it stood was fully in line with the principle of the sovereignty of States. For those reasons, his delegation would vote against the proposed amendment and urged other members of the Council to do the same.

30. **Mr. Guillermet Fernández** (Costa Rica) said that no State could validly argue that its national circumstances entitled it to violate the human rights of its people. On that basis, his delegation rejected the proposed amendment, which it considered redundant. First, nothing in the draft resolution prevented States from “determining appropriate legal penalties”. Second, the draft resolution addressed the impact of the use of the death penalty on human rights. His delegation rejected the view expressed in the proposed amendment that the development of national legal systems took precedence over States’ obligations under international human rights law. Third, the draft resolution referred to article 6 (6) of the International Covenant on Civil and Political Rights, which stated that nothing in that article could be invoked to delay or prevent the abolition of capital punishment by any State party to the Covenant. The proposed amendment thus ran counter to the responsibilities of States parties thereto. Lastly, the language used in the proposed amendment was at variance with the Vienna Convention on the Law of Treaties, which provided that a party could not invoke the provisions of its internal law as justification for its failure to perform a treaty. His delegation would therefore vote against the proposed amendment and urged all members of the Council to do likewise.

31. *At the request of the representative of Mexico, a recorded vote was taken.*

In favour:

Algeria, Bangladesh, Cameroon, China, Cuba, Eritrea, Gambia, India, Malawi, Malaysia, Maldives, Morocco, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Viet Nam.

Against:

Argentina, Belgium, Benin, Chile, Costa Rica, Czechia, Finland, France, Georgia, Germany, Honduras, Lithuania, Luxembourg, Mexico, Montenegro, Paraguay, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining:

Bolivia (Plurinational State of), Côte d’Ivoire, Gabon, Kazakhstan, Kyrgyzstan, Nepal, South Africa, United States of America, Uzbekistan.

32. *The proposed amendment contained in document [A/HRC/54/L.36](#) was rejected by 19 votes to 19, with 9 abstentions.*

33. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/54/L.39](#).

Statements made in explanation of vote before the voting

34. **Mr. Valdés** (Chile) said that his delegation rejected the proposed amendment, which would considerably weaken the text of the draft resolution. The text already contained adequate references to national debates on the death penalty. The proposed amendment did not reflect the range of factors that States should consider when deciding whether to abolish or retain the death penalty or to place a moratorium on its use. Moreover, it appeared to give greater weight to views in favour of retaining the death penalty, even though there was credible evidence that public opinion was less resistant to the idea of abolishing capital punishment than those who advocated its application often argued. His delegation would therefore vote against the proposed amendment and urged all members of the Council to do the same.

35. **Mr. Bonnafont** (France) said that he wished to thank the delegation of Argentina for quoting Albert Camus, who had been among the key figures to have raised awareness about the serious issue under discussion. France had abolished the death penalty in 1981 as a result of a powerful abolitionist movement that had had to overcome inertia and passionate

opposition in order to prevail. In modern-day France, the decision to abolish the death penalty was widely supported, and France advocated its universal abolition.

36. His delegation recognized the need for public debate on the death penalty and the right of each State to legislate on matters of concern to it. However, public opinion alone was not a sufficient basis for deciding on such an important issue. The debate must be informed by experience of the actual impact of the death penalty, national and international jurisprudence and international human rights obligations, including those under the International Covenant on Civil and Political Rights. The need for domestic debates was already adequately addressed in a nuanced manner in the draft resolution, which highlighted the need for objective, comprehensive and transparent information. For those reasons, his delegation would vote against the proposed amendment and called on other members of the Council to do likewise.

37. *At the request of the representative of Mexico, a recorded vote was taken.*

In favour:

Algeria, Bangladesh, Cameroon, China, Cuba, Eritrea, Gambia, India, Malawi, Malaysia, Maldives, Morocco, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Viet Nam.

Against:

Argentina, Belgium, Benin, Chile, Costa Rica, Czechia, Finland, France, Georgia, Germany, Honduras, Lithuania, Luxembourg, Mexico, Montenegro, Paraguay, Romania, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Bolivia (Plurinational State of), Côte d'Ivoire, Gabon, Kazakhstan, Kyrgyzstan, Nepal, Uzbekistan.

38. *The proposed amendment contained in document [A/HRC/54/L.39](#) was rejected by 21 votes to 19, with 7 abstentions.*

39. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/54/L.48](#).

Statements made in explanation of vote before the voting

40. **Mr. Pecsteen de Buytswerve** (Belgium), speaking on behalf of the States members of the European Union that were members of the Council, said it was regrettable that the proposed amendment had been brought before the Council. The draft resolution reflected not only the views of the Human Rights Committee but also those of the Secretary-General, the Special Rapporteurs on extrajudicial, summary or arbitrary executions and the Economic and Social Council. While general comments of treaty bodies were not legally binding instruments, they provided valuable, authoritative guidance to States on their obligations under the relevant treaties. Moreover, the treaty body system had been created by States and was based on the consent of the States that had decided to become parties to those treaties. The value of such general comments must be recognized and the objective of the draft resolution under consideration, which the proposed amendment sought to weaken, must be preserved. His delegation would therefore vote against the proposed amendment.

41. **Ms. Gillhoff** (Germany) said that the aim of the proposed amendment was to define the legal status of general comments in a draft resolution that did not even mention general comments or touch upon the mandate of treaty bodies. Her delegation was concerned that the proposed amendment was intended to weaken human rights treaty bodies while emptying the draft resolution of some of its important substance. The adoption of such an amendment would set a bad precedent, both substantively and institutionally, and could be extended to other thematic resolutions whenever certain States did not agree with a substantive issue that was reflected in a general comment. Her delegation would therefore vote against the proposed amendment and asked all members of the Council to do the same.

42. *At the request of the representative of Mexico, a recorded vote was taken.*

In favour:

Algeria, Bangladesh, Cameroon, China, Cuba, Eritrea, Gambia, India, Malawi, Maldives, Morocco, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Viet Nam.

Against:

Argentina, Belgium, Benin, Bolivia (Plurinational State of), Chile, Costa Rica, Czechia, Finland, France, Georgia, Germany, Honduras, Lithuania, Luxembourg, Mexico, Montenegro, Paraguay, Romania, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining:

Côte d'Ivoire, Gabon, Kazakhstan, Kyrgyzstan, Malaysia, Nepal, United States of America, Uzbekistan.

43. *The proposed amendment contained in document [A/HRC/54/L.48](#) was rejected by 21 votes to 18, with 8 abstentions.*

44. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/54/L.49](#).

Statements made in explanation of vote before the voting

45. **Ms. Méndez Escobar** (Mexico), speaking on behalf of the main sponsors of the draft resolution, said that they rejected the proposed amendment, which was intended to weaken the preambular paragraph concerning the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the high-level panel discussion on the question of the death penalty ([A/HRC/54/46](#)). In particular, the panel had stated that the death penalty continued to be applied for offences that did not meet the threshold of “the most serious crimes”, including drug-related offences. Among other things, the proposed amendment would remove the reference to drug-related offences, yet such offences accounted for a significant number of executions. Furthermore, the Secretary-General had recommended, in his most recent report on the question of the death penalty ([A/HRC/54/33](#)), that retentionist States should refrain from using the death penalty for crimes not involving intentional killing, such as drug-related offences. For the reasons she had outlined, her delegation would vote against the proposed amendment and urged all members of the Council to do likewise.

46. **Mr. Scappini Ricciardi** (Paraguay) said that, as was clear from the OHCHR report on the high-level panel discussion on the question of the death penalty, the term “the most serious crimes” should be read restrictively and interpreted as pertaining only to crimes of extreme gravity involving intentional killing, which was how the Human Rights Committee understood the term. The OHCHR report on human rights challenges in addressing and countering all aspects of the world drug problem ([A/HRC/54/53](#)) stated that crimes that did not result directly and intentionally in death, such as drug-related offences, should never be sanctioned by the death penalty. It was thus important to retain the reference to drug-related offences, and accordingly his delegation would vote against the proposed amendment and encouraged other members of the Council to do the same.

47. *At the request of the representative of Mexico, a recorded vote was taken.*

In favour:

Bangladesh, Cameroon, China, Cuba, Eritrea, Gambia, India, Morocco, Pakistan, Qatar, Somalia, Sudan, United Arab Emirates, Viet Nam.

Against:

Argentina, Belgium, Benin, Bolivia (Plurinational State of), Chile, Costa Rica, Czechia, Finland, France, Georgia, Germany, Honduras, Lithuania, Luxembourg, Mexico, Montenegro, Nepal, Paraguay, Romania, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining:

Algeria, Côte d'Ivoire, Gabon, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Senegal, United States of America, Uzbekistan.

48. *The proposed amendment contained in document [A/HRC/54/L.49](#) was rejected by 22 votes to 14, with 10 abstentions.*

49. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/54/L.50](#).

Statements made in explanation of vote before the voting

50. **Mr. Dan** (Benin) said that the proposed amendment, which would weaken the impact of the tenth preambular paragraph, was aimed at disregarding international standards that provided safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984. Under that resolution, in countries that had not abolished the death penalty, capital punishment could be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences. That understanding had since been widely supported in several resolutions of the Human Rights Council, including Council resolutions 36/17 and 42/24. Furthermore, the wording of the tenth preambular paragraph could also be found in Council resolution 48/9. The question of "the most serious crimes" was a key aspect of the object of the draft resolution. His delegation would therefore vote against the proposed amendment and urged other members of the Council to do likewise.

51. **Mr. Staniulis** (Lithuania) said that the proposed amendment would alter the interpretation of the term "the most serious crimes". However, the understanding of that term in the draft resolution was firmly established, widely accepted by the international community and reflected in international human rights treaties and resolutions adopted by the Council itself. The proposed amendment undermined the established notion that, if the death penalty was to be applied at all, it should be applied only to the most serious crimes. The adoption of such an amendment could potentially lower the threshold for the imposition of the death penalty, resulting in its wider application, which would be contrary to the aim of the draft resolution. For those reasons, his delegation would vote against the proposed amendment and called on all members of the Council to do the same.

52. *At the request of the representative of Mexico, a recorded vote was taken.*

In favour:

Bangladesh, China, Cuba, Eritrea, Gambia, India, Morocco, Pakistan, Qatar, Somalia, Sudan, United Arab Emirates, Viet Nam.

Against:

Argentina, Belgium, Benin, Bolivia (Plurinational State of), Chile, Costa Rica, Czechia, Finland, France, Georgia, Germany, Honduras, Lithuania, Luxembourg, Mexico, Montenegro, Nepal, Paraguay, Romania, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining:

Algeria, Cameroon, Côte d'Ivoire, Gabon, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Senegal, United States of America, Uzbekistan.

53. *The proposed amendment contained in document [A/HRC/54/L.50](#) was rejected by 22 votes to 13, with 11 abstentions.*

54. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/54/L.51](#).

Statements made in explanation of vote before the voting

55. **Mr. Guillermet Fernández** (Costa Rica) said that the focus of the draft resolution was on procedural human rights, namely due process of law and the right to a fair trial. In some parts of the world, automatic and mandatory sentences still existed, including the death penalty. The imposition of such sentences curtailed the human right to a fair trial, as judges

were prevented from exercising their discretion and considering possible mitigating circumstances when handing down sentences. The mandatory imposition of any punishment, in particular the death penalty, was an objectively arbitrary act that violated human rights. His delegation would therefore vote against the proposed amendment and called on all members of the Council to do the same.

56. **Mr. Bichler** (Luxembourg) said that his delegation was resolutely opposed to the proposed amendment. No decision was more serious than putting a human being to death. The proposed amendment would limit the consideration of mitigating circumstances in decisions potentially involving the death penalty. The Secretary-General, the special procedure mandate holders and regional and national courts had declared that mitigating circumstances must be taken into account in decisions on sentencing. The proposed amendment would also delete from the draft resolution the incontestable assertion that the use of mandatory death sentences was arbitrary in nature and irreconcilable with the right to life and the right to a fair trial. Yet it was clear that when mitigating circumstances could not be taken into account and specific offences automatically triggered a death sentence, such sentences were arbitrary and in violation of articles 6 and 14 of the International Covenant on Civil and Political Rights. For those reasons, his delegation would vote against the proposed amendment and urged all delegations to do the same.

57. *At the request of the representative of Mexico, a recorded vote was taken.*

In favour:

Bangladesh, China, Cuba, Gambia, India, Morocco, Pakistan, Qatar, Somalia, Sudan, United Arab Emirates, Viet Nam.

Against:

Argentina, Belgium, Benin, Bolivia (Plurinational State of), Chile, Costa Rica, Czechia, Finland, France, Georgia, Germany, Honduras, Lithuania, Luxembourg, Mexico, Montenegro, Nepal, Paraguay, Romania, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Algeria, Cameroon, Côte d'Ivoire, Eritrea, Gabon, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Senegal, Uzbekistan.

58. *The proposed amendment contained in document [A/HRC/54/L.51](#) was rejected by 23 votes to 12, with 11 abstentions.*

59. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/54/L.52](#).

Statements made in explanation of vote before the voting

60. **Mr. Bonnafont** (France) said that the main sponsors of the draft resolution had suggested adjustments to the text aimed at addressing the concerns of the delegations that had put forward the proposed amendment, but regrettably none of those proposals had been accepted. Under paragraph 4 of the draft resolution as currently drafted, the Council would call upon States that provided for or applied the mandatory death penalty to end that practice. Under the proposed amendment, the Council would merely call upon those States to “consider ending” the practice. For the sponsors of the draft resolution, the call to end any practice involving the mandatory death penalty should be strong and unequivocal. In their view, the mandatory death penalty for certain offences was contrary to the very spirit of justice. It was tantamount to applying the death penalty automatically, with no opportunity for the judge to examine the particular circumstances of each case.

61. Some States argued that certain crimes such as terrorism, violence against women and children, drug trafficking or human trafficking – in short, the crimes that societies found most intolerable – should necessarily result in capital punishment. However, not only were judges thereby deprived of the ability to exercise their sovereign judgment; in general, they were also driven by societal pressure to make decisions in haste. The sponsors therefore called on the members of the Council to support a clear statement on the need to end the practice of

imposing a mandatory death sentence for certain offences. His delegation would vote against the proposed amendment and urged all members of the Council to do likewise.

62. **Ms. Schroderus-Fox** (Finland) said that the death penalty was an inhuman and degrading punishment representing the ultimate denial of human dignity. It failed to deter crime and its finality made miscarriages of justice irreversible. Article 6 (4) of the International Covenant on Civil and Political Rights provided that anyone sentenced to death had the right to seek pardon or, crucially, commutation of the sentence and that amnesty, pardon or commutation of the sentence of death could be granted in all cases. Clearly, that right could not be fulfilled in cases where the death penalty was mandatory.

63. The use of mandatory capital punishment denied the sentencing court the possibility of exercising discretion and considering relevant evidence and potential mitigating circumstances. A mandatory death penalty was thus arbitrary and inconsistent with international human rights law. While there appeared to be a marked trend towards the abolition of mandatory capital punishment among States that still imposed the death penalty, her delegation still could not countenance any softening of the language of the draft resolution. Ending the use of a mandatory death penalty would contribute to the fairer administration of justice and could be a first step towards the establishment of a moratorium on capital punishment or its complete abolition. For those reasons, her delegation rejected the proposed amendment and called on all members of the Council to do the same.

64. *At the request of the representative of Mexico, a recorded vote was taken.*

In favour:

Bangladesh, China, Cuba, Gambia, India, Morocco, Pakistan, Qatar, Somalia, Sudan, United Arab Emirates, Viet Nam.

Against:

Argentina, Belgium, Benin, Bolivia (Plurinational State of), Chile, Costa Rica, Czechia, Finland, France, Georgia, Germany, Honduras, Lithuania, Luxembourg, Mexico, Montenegro, Nepal, Paraguay, Romania, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Algeria, Cameroon, Côte d'Ivoire, Eritrea, Gabon, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Senegal, Uzbekistan.

65. *The proposed amendment contained in document [A/HRC/54/L.52](#) was rejected by 23 votes to 12, with 11 abstentions.*

66. **The President** invited the Council to take action on draft resolution [A/HRC/54/L.34](#), as orally revised.

Statements made in explanation of vote before the voting

67. **Ms. Al-Muftah** (Qatar), speaking on behalf of a cross-regional group of 34 States, including 11 members of the Council, said that, firstly, international law did not prohibit the use of the death penalty and that there was no international consensus either in favour of or against capital punishment when it was imposed in accordance with due process and accompanied by the appropriate judicial safeguards. Secondly, the International Covenant on Civil and Political Rights did not define “the most serious crimes”, nor had any such definition been agreed at the international level. The definition set out in general comment No. 36 (2018) of the Human Rights Committee was not legally binding or intergovernmentally agreed. Thirdly, States had the sovereign right to legislate in keeping with their national circumstances and their international obligations. For many States, the death penalty remained a critical component of the criminal justice system and served as an effective deterrent against what their respective societies considered to be the most serious crimes.

68. As it stood, the draft resolution detracted from those principles of international law and wrongly characterized States’ international obligations, including by drawing definitions and assertions from non-legally binding sources that did not reflect intergovernmental

agreement. While the main sponsors were to be commended for their efforts to accommodate the different views on the topic, the text still did not reflect the diversity of opinions on the use of the death penalty and therefore remained unbalanced. As the concerns expressed by some States in that connection had not been taken on board, she wished to request a vote on the draft resolution.

69. **Ms. Li Xiaomei** (China) said that the death penalty was a legislative and judicial matter that fell within the sovereignty of each State and that no international consensus existed on its retention or abolition. Moreover, its imposition was not prohibited under international human rights law. Initiatives concerning the retention or abolition of capital punishment must take due account of the legal systems, socioeconomic development levels and historical and cultural backgrounds of the States concerned. Under Chinese criminal law, the death penalty could be imposed only for the most heinous crimes and was subject to stringent rules and controls. The Council should approach draft resolutions on the question of the death penalty in an objective, fair and balanced manner that respected the sovereignty of States. It was regrettable that the numerous constructive proposals put forward and the concerns raised by developing countries had not been taken up or addressed. For the reasons she had outlined, her delegation would vote against the draft resolution.

70. **Mr. Mehdi** (Pakistan) said that the policy of Pakistan on the death penalty was fully consistent with its international human rights obligations. The Constitution, national law and relevant policies ensured that due process was followed in cases potentially resulting in a death sentence. The death penalty could only be imposed pursuant to a final judgment rendered by a competent court, and persons sentenced to death had the right to appeal or to seek a presidential pardon in order to have their sentence commuted. The necessary safeguards were in place to avoid any negligence or miscarriage of justice. No executions had taken place in Pakistan since December 2019 and, between 2010 and 2018, the Supreme Court had overturned death sentences in 78 per cent of cases. The range of crimes carrying the death penalty was periodically reviewed; persons under 18 years of age and persons with mental health conditions were exempt from capital punishment. In August 2023, the parliament of Pakistan had passed a legislative amendment reducing the maximum punishment for drug-related crimes to life imprisonment.

71. While some of the suggestions made by his delegation during the informal consultations on the draft resolution had been accommodated, certain crucial elements remained unaddressed. The text still lacked balance and presented a lopsided view of the issue. As had been reflected in both Council and General Assembly resolutions, there was no international consensus either in favour of or against the application of the death penalty when it was imposed in accordance with due process and pursuant to article 6 of the International Covenant on Civil and Political Rights, which stipulated that it could be imposed for the most serious crimes. States, however, had the sovereign right to determine what acts constituted serious crimes, taking into account their national context and circumstances, and to choose criminal justice responses that promoted their people's welfare, peace and security. His delegation therefore opposed any attempt to unilaterally define the most serious crimes or to use treaty bodies' general comments to promote biased narratives on the subject.

72. **Ms. Peters** (United States of America) said that the negotiations on the text of the draft resolution had once again made plain the wide divergence of views on the use of the death penalty. While her delegation understood that the draft resolution focused on the procedural safeguards to be afforded, under the International Covenant on Civil and Political Rights, to persons facing the death penalty and that it did not directly call on States to abolish that form of punishment, it disagreed with the text's underlying premise that the death penalty often or always resulted in human rights violations. International human rights law clearly provided that States could use capital punishment within certain established parameters, as confirmed by article 6 of the Covenant. States parties to the Covenant must abide by the exacting procedural safeguards set out in articles 14 and 15 when imposing capital punishment.

73. Judicial enforcement of the Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States ensured the application of due process at both the federal and state levels and prohibited methods of execution that would constitute cruel and unusual

punishment. The United States was firmly committed to complying with its obligations under articles 6, 14 and 15 of the Covenant and strongly urged all other States that employed the death penalty to do the same. Like the States that supported the draft resolution, her Government was deeply troubled by cases in which individuals facing the death penalty were denied statutory procedural and substantive protections. While it condemned all methods of execution or treatment of prisoners that amounted to torture or cruel, inhuman or degrading treatment, in violation of States' international obligations, it did not accept the implication that all death penalty cases led to such results. It further disagreed with the draft resolution's assertion that failure to provide consular notification would likely violate the right to life. In view of those concerns, her delegation would vote against the draft resolution.

74. *At the request of the representative of Qatar, a recorded vote was taken.*

In favour:

Argentina, Belgium, Benin, Bolivia (Plurinational State of), Chile, Costa Rica, Côte d'Ivoire, Czechia, Finland, France, Gabon, Georgia, Germany, Honduras, Kazakhstan, Kyrgyzstan, Lithuania, Luxembourg, Malaysia, Mexico, Montenegro, Nepal, Paraguay, Romania, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uzbekistan.

Against:

Bangladesh, Cameroon, China, India, Maldives, Pakistan, Qatar, Somalia, Sudan, United Arab Emirates, United States of America.

Abstaining:

Algeria, Eritrea, Gambia, Malawi, Morocco, Senegal, Viet Nam.

75. *Draft resolution [A/HRC/54/L.34](#), as orally revised, was adopted by 28 votes to 11, with 7 abstentions.*

76. **The President** invited delegations to make statements in explanation of vote or position or general statements on any of the draft resolutions considered under agenda item 3.

77. **Mr. Villegas** (Argentina) said that his delegation had voted in favour of draft resolution [A/HRC/54/L.2](#) on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. Argentina fully supported the right to self-determination of peoples who remained under colonial domination and foreign occupation within the meaning of General Assembly resolutions 1514 (XV) and 2625 (XXV). Pursuant to paragraph 1 of General Assembly resolution 1514 (XV), the right to self-determination was applicable only to peoples subjected to alien subjugation, domination and exploitation. In that connection, draft resolution [A/HRC/54/L.2](#) must be interpreted and applied in accordance with the relevant resolutions of the General Assembly and of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

78. **Mr. Scappini Ricciardi** (Paraguay) said that his delegation appreciated the flexibility shown by the main sponsors of draft resolution [A/HRC/54/L.17/Rev.1](#) on preventable maternal mortality and morbidity and human rights. Paraguay recognized the right to sexual and reproductive health as a fundamental and inalienable human right. Its fulfilment must include promotion and prevention activities and the active involvement of families and communities and must be enshrined in policies and plans designed to achieve the highest attainable quality of life for all persons. His delegation welcomed the draft resolution's emphasis on issues such as the prevention and control of sexually transmitted infections, the timely diagnosis and treatment of diseases and the need to address domestic, sexual and gender-based violence. States had a duty to ensure universal and equal access to sexual and reproductive health in accordance with their national laws. The draft resolution also touched upon issues that were highly sensitive for many delegations. Paraguayan law protected the right to life from the moment of conception; his delegation therefore could not support abortion as a method of family planning.

79. **Ms. Peters** (United States of America), noting that her delegation had supported most of the draft resolutions submitted under agenda item 3, said that Council resolutions did not change the current state of conventional or customary international law and did not create

rights or obligations under international law. Any reaffirmation of prior instruments and resolutions applied only to those States that had affirmed them initially. While the United States supported the full implementation of the 2030 Agenda for Sustainable Development, the Agenda was not binding and did not create rights or obligations under international law. Moreover, in the absence of an agreed international definition, the United States would continue to oppose references to the so-called right to development. Lastly, while the United States supported policies to advance respect for the rights set out in the International Covenant on Economic, Social and Cultural Rights, those rights were not justiciable in United States courts, as the United States was not a party to that instrument.

80. The full version of her delegation's statement would be available on the website of the Permanent Mission of the United States after the session and would be included in the *Digest of United States Practice in International Law*.

81. **Ms. Rodzli** (Malaysia) said, with regard to draft resolution [A/HRC/54/L.34](#), as orally revised, on the question of the death penalty, that Malaysia had abolished the mandatory death penalty in July 2023, a decision that underscored its commitment to reforming its criminal justice system and upholding human rights. The country's journey towards revising its position on the death penalty had been marked by extensive dialogue and engagement with various stakeholders, including victims, families, death row convicts, religious groups, civil society, human rights activists and the public at large. The policy decisions taken had been guided by the principle of proportionality to ensure that the alternative penalties to be handed down would still fit the crimes perpetrated.

82. The experience of Malaysia showed that the views of all parties were important in making such a major decision. It would continue to approach the imposition of capital punishment in accordance with its national laws. Her delegation believed that further consultation on some of the points covered in the draft resolution would have made for a more balanced text. The importance of constructive dialogue on such complex issues could not be overstated. For those reasons, her delegation had voted in favour of the proposed amendments contained in documents [A/HRC/54/L.36](#) and [A/HRC/54/L.39](#).

83. **Mr. Elguafri** (Sudan) said that some of the draft resolutions submitted under agenda item 3 contained language that was not in line with Sudanese law. For example, in draft resolution [A/HRC/54/L.17/Rev.1](#) on preventable maternal mortality and morbidity and human rights, the references to abortion and the concepts of "comprehensive sexuality education" and "bodily autonomy" were problematic. Moreover, his delegation understood gender to refer only to men and women. As for draft resolution [A/HRC/54/L.34](#), as orally revised, on the question of the death penalty, he wished to recall that international human rights law did not prohibit the application of the death penalty for the most serious crimes and that discussions on the subject should take due account of States' national laws.

84. **Mr. Subedi** (Nepal) said that his delegation appreciated the fact that most of the draft resolutions submitted under agenda item 3, including draft resolution [A/HRC/54/L.17/Rev.1](#) on preventable maternal mortality and morbidity and human rights, had been adopted without a vote. The Constitution of Nepal enshrined the right to safe motherhood and reproductive health services as fundamental rights. Reproductive rights and maternal and newborn health services, including safe abortion services, were guaranteed by law.

85. The adoption without a vote of draft resolution [A/HRC/54/L.23](#), as orally revised, on promoting and protecting economic, social and cultural rights within the context of addressing inequalities was a demonstration of the Council's commitment in that regard. His delegation likewise welcomed the adoption, by an overwhelming majority of members, of draft resolution [A/HRC/54/L.27](#) on the right to development. That right should be mainstreamed at all levels and should be treated on an equal footing with civil, political, economic, social and cultural rights. The early adoption of the draft legally binding instrument on the right to development would help to translate that right into a reality for all.

86. The main sponsors of draft resolution [A/HRC/54/L.37/Rev.1](#) on the realization of the equal enjoyment of the right to education by every girl were to be commended for their efforts to accommodate States' concerns about climate change while calling for adherence to the principle of common but differentiated responsibilities and respective capabilities vis-à-vis action to tackle that phenomenon. His delegation welcomed the adoption of draft resolution

[A/HRC/54/L.34](#), as orally revised, on the question of the death penalty, as Nepal considered the right to life to be sacred and inviolable. The Constitution of Nepal explicitly prohibited the imposition of capital punishment in any form. The members of the Council should strive to reach consensus on the text of draft resolutions concerning human rights issues to ensure that all human rights were respected, promoted and protected on an equal basis. To that end, States should engage in genuine dialogue and cooperation during negotiations and avoid politicizing human rights issues.

87. **Mr. Sebefelo** (South Africa) said that his delegation was grateful to the members of the Council for having adopted by consensus draft resolution [A/HRC/54/L.15](#), on the mandate of the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, and for having resisted the temptation to propose an amendment to the decision it contained. Such trust-building gestures were what was needed in the face of a widening geopolitical and North-South divide. His delegation also wished to pay tribute to regional and civil society groups for their active engagement and the proposals that they had put forward, which had enriched the work of the intergovernmental working group. It was to be hoped that, going forward, the gap between those who preferred a legally binding instrument and those who preferred a non-legally binding instrument could be considerably reduced.

88. **Ms. Arias Moncada** (Honduras) said that, against a backdrop of multiple crises marked by armed conflict, extreme poverty, economic inequality and gender-based violence, it was essential to reinforce the universality, indivisibility and interdependence of all human rights. Her delegation recognized the contribution of peasants and other people working in rural areas to protecting biodiversity and ensuring the rights to food, food security and a clean, healthy and sustainable environment, and wished to reiterate its support for draft resolution [A/HRC/54/L.11](#).

89. As for draft resolution [A/HRC/54/L.17/Rev.1](#), her Government viewed the issue of maternal mortality and morbidity as a human rights situation that warranted the adoption of laws and health practices that respected the human rights of women and pregnant persons, including their right to sexual and reproductive health, in keeping with national laws. Honduras had become a sponsor of draft resolution [A/HRC/54/L.6/Rev.1](#) on the centrality of care and support from a human rights perspective. It fully supported the resolution's aim of ensuring that the value of care work was recognized, care responsibilities were distributed more fairly and health support services were strengthened.

90. Her delegation also attached great importance to the right to development and supported initiatives that contributed to its legal definition, such as draft resolution [A/HRC/54/L.27](#). Although the draft covenant annexed thereto contained some inconsistencies, its consideration, negotiation and eventual adoption were highly significant and she trusted that the different views on the subject would be reflected in the text at a later stage. As highlighted in draft resolution [A/HRC/54/L.23](#), enhancing the capacity of OHCHR in the field of economic, social and cultural rights was essential, particularly in connection with the need for international financial institutions to take into consideration the prioritization of social spending and the enhancement of States' fiscal space to help achieve the realization of economic, social and cultural rights.

91. Regarding draft resolution [A/HRC/54/L.26](#) on human rights and unilateral coercive measures, her delegation supported the renewal of the mandate of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights and wished to reiterate the call for States to refrain from taking measures that undermined sovereignty and had an adverse impact on populations' human rights. It likewise welcomed the extension of the mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and that of the Working Group on Enforced or Involuntary Disappearances, as decided in draft resolutions [A/HRC/54/L.10](#) and [A/HRC/54/L.25](#), respectively, and wished to underscore its support for their work. Honduras remained committed to contributing to the progressive development of human rights and to working closely with all relevant actors to strengthen the international response to the structural problems that societies were facing.

Agenda item 10: Technical assistance and capacity-building (*continued*)
(A/HRC/54/L.22 as orally revised)

Draft resolution A/HRC/54/L.22, as orally revised: Advisory services and technical assistance for Cambodia

92. **Mr. Honsei** (Observer for Japan), introducing the draft resolution, as orally revised, said that the chief purpose of the text was to ensure that the international community continued to monitor the situation in Cambodia, including by extending for two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia. Although, as the Special Rapporteur had acknowledged, there had been some improvement in the human rights situation since the adoption of Council resolution 48/23 in 2021, certain problems persisted. To address them, it was vital to encourage efforts on the part of Cambodia itself, and Japan hoped that the Special Rapporteur would nurture and support such efforts, in cooperation with the OHCHR country office. For its part, Japan was monitoring the situation in Cambodia very closely, including the country's recent general elections, and would continue to engage constructively through bilateral human rights dialogues and other opportunities. His delegation hoped that Cambodia would continue to listen to various voices from within and outside the country and take positive steps in cooperation with the international community. He hoped that the draft resolution would be adopted by consensus.

93. **Mr. Pecsteen de Buytswerve** (Belgium), making a general statement before the decision on behalf of the States members of the European Union that were members of the Council, said that, although the draft resolution referred to a number of concerns identified by the Special Rapporteur, the European Union would have preferred to see a more accurate reflection of the deterioration of the human rights situation on the ground, notably with regard to the 2023 general elections. Of particular concern were the violations of freedom of expression, association and peaceful assembly and the continuing intimidation, arbitrary detention and judicial harassment of human rights defenders and members of the political opposition. The European Union nonetheless commended Cambodia for its cooperation with human rights mechanisms and was pleased that the Government had expressed support for the renewal of the Special Rapporteur's mandate. It was important for the Council to keep the human rights situation in Cambodia under review by renewing the mandate of the Special Rapporteur. The States members of the European Union that were members of the Council were therefore pleased to join the consensus on the draft resolution.

94. **Mr. Chen Xu** (China), making a general statement before the decision, said that in recent years Cambodia had made steady progress in reducing poverty and strengthening social security, education, medical care and environmental protection. Living standards in the country were improving and the Government had made welcome efforts to promote and protect human rights. It was important that the international community should fully understand the challenges confronting Cambodia. Consent was the basis on which technical assistance was provided, and China, which consistently advocated constructive dialogue and cooperation among all parties in the field of human rights, sincerely hoped that OHCHR would obtain the consent of the country concerned. Any actions taken must reflect the needs of the Government and the people, and throughout the process the sovereignty, independence and territorial integrity of Cambodia must be respected, with due regard to the development path chosen by the Cambodian people.

95. **The President** invited the State concerned by the draft resolution to make a statement.

96. **Mr. In** (Observer for Cambodia) said that he wished to thank the main sponsors for their tireless efforts and constructive engagement in formulating a text that could be adopted by consensus. His country's resolute commitment to human rights was evident from the fact that it had hosted the OHCHR country office for more than 30 years and had accepted seven special rapporteurs. Like other States, Cambodia took the view that the work of special rapporteurs should be objective, balanced, non-politicized and non-selective and should take into account the Government's perspective, national consensus and the importance of reliance on verifiable sources.

97. The main objective of the draft resolution was to renew the mandate of the Special Rapporteur on the situation of human rights in Cambodia for a further two years. While his

Government had agreed to that extension from the outset of the negotiations, several paragraphs of the text were excessively politicized. The irrefutable fact was that the space for civil and political activity in Cambodia had been broadened, within the framework of the law. The Government continued to ensure the exercise of rights and fundamental freedoms guaranteed by the Constitution. However, it also had a duty to enforce the acknowledged limits on rights and to shield law-abiding citizens. To attack law enforcement as a crackdown on freedoms was to denigrate the rule of law and equal application of the law to all citizens, as established by the country's Constitution.

98. It was imperative that the Council should maintain an even-handed approach and that all cooperation and training initiatives should adhere fully to the principles set forth in the Charter of the United Nations. Cambodia remained steadfast in its determination to promote and protect human rights under the Constitution and to pursue its irreversible democratic journey in accordance with the principle of pluralism and freedom of choice. He looked forward to the Council's adoption of the draft resolution.

99. **Ms. Taylor** (United States of America), speaking in explanation of position before the decision, said that the United States stood with the people of Cambodia, who for decades had been denied their right to choose their political representatives freely. The recent elections had been neither free nor fair, as the authorities had harassed civil society activists and the media and disqualified the main opposition party ahead of the vote. Even citizens' ability to boycott the vote had been outlawed and opposition figures had been unjustly jailed or lived in exile. For those reasons, she would have preferred to see a text that expressed a more resolute condemnation of the Cambodian Government's actions to undermine genuine multiparty democracy. Nonetheless, she remained grateful to Japan for its efforts and persistence in the face of difficult negotiations. The United States strongly supported the renewal of the Special Rapporteur's mandate and encouraged Cambodia to take full advantage of all the resources OHCHR could offer. Her delegation would join the consensus on the draft resolution.

100. **Mr. Manley** (United Kingdom), speaking in explanation of position before the decision, said that he wished to thank Japan for its leadership on a draft resolution that extended the mandate of the Special Rapporteur, who played a vital role in supporting human rights in Cambodia. He also wished to commend Cambodia for supporting the draft resolution and for continuing to engage constructively with the Special Rapporteur. By adopting the text, the Council would rightly recognize the progress Cambodia was making in the promotion of economic, social and cultural rights. However, his delegation had hoped to see stronger language on the need for the Government to open up civic and political space. In particular, the recent national elections had represented a missed opportunity to strengthen democracy, as the exclusion of the main opposition party and the arrest of political opponents had sent a worrying signal about the country's commitment to political pluralism. He was also disappointed that the draft made no reference to the 20 benchmarks set out in the Special Rapporteur's most recent report (A/HRC/54/75), which consisted of practical steps and recommendations to help advance human rights in Cambodia. Nevertheless, his delegation supported the draft resolution and was pleased to join the consensus.

101. *Draft resolution A/HRC/54/L.22, as orally revised, was adopted.*

Agenda item 1: Organizational and procedural matters (continued) (A/HRC/54/2 and A/HRC/54/86)

Election of members of the Human Rights Council Advisory Committee

102. **The President** drew attention to a note by the Secretary-General on the election of members of the Human Rights Council Advisory Committee (A/HRC/54/86). Since the number of candidates from Asia-Pacific States, Eastern European States, Latin American and Caribbean States and Western European and other States was equal to the number of vacancies to be filled from each of those groups, he took it that the Council wished to elect the candidates by acclamation.

103. *It was so decided.*

104. *Ms. Major (Bahamas), Ms. Van de Heyning (Belgium), Ms. Das (India), Ms. Sasnal (Poland) and Mr. Baek (Republic of Korea) were elected members of the Human Rights Council Advisory Committee.*

105. **The President** drew attention to rule 94 of the rules of procedure of the General Assembly, which applied pursuant to paragraph 11 of General Assembly resolution 60/251, and invited the Council to elect by secret ballot two members from African States.

106. *At the invitation of the President, Mr. Bichler (Luxembourg) and Mr. Ahmed (Maldives), Vice-Presidents, acted as tellers.*

107. *A vote was taken by secret ballot.*

Number of ballot papers: 47

Number of valid ballots: 47

Number of votes obtained:

Mr. Angoh (Mauritius) 34

Ms. Bernoussi (Morocco) 30

Mr. Asante (Ghana) 28

108. *Having obtained the largest number of votes, Mr. Angoh (Mauritius) and Ms. Bernoussi (Morocco) were elected members of the Human Rights Council Advisory Committee.*

Appointment of special procedure mandate holders

109. **The President** said that, on the basis of the recommendations of the Consultative Group and following broad consultations, he wished to propose the appointment of the candidates whose names were indicated in the letter circulated to delegations on 28 August 2023. He took it that the Council wished to endorse those candidates and appoint them as special procedure mandate holders.

110. *It was so decided.*

Report on the fifty-fourth session

111. **Ms. Macdonal Alvarez** (Plurinational State of Bolivia), Vice-President and Rapporteur, said that an advance unedited version of the draft report of the Human Rights Council on its fifty-fourth session (A/HRC/54/2) had been circulated. The structure of the report reflected the 10 items on the Council's agenda. The secretariat would finalize the report after the session and circulate it for comments. During the session, the Council had completed its extensive programme of work, holding no fewer than 9 general debates, 13 interactive dialogues with the High Commissioner, 22 interactive dialogues with special procedure mandate holders and expert mechanisms and 5 interactive dialogues with other investigative mechanisms. The Council had also discussed a wide range of topics during 5 panel discussions and had held an interactive dialogue with the Advisory Committee. In addition, the Council had adopted 14 outcome documents under the universal periodic review process and resolutions and decisions covering a wide range of issues.

112. **The President** said he took it that the Council wished to adopt the report ad referendum, on the understanding that it would be finalized with the assistance of the secretariat.

113. *It was so decided.*

The meeting rose at 12.55 p.m.