Human Rights Council adopts 16 texts on Sri Lanka, Syria, unilateral coercive measures and the death penalty

AFTERNOON

1 October 2015

The Human Rights Council today adopted 16 texts on promoting reconciliation, accountability and human rights in Sri Lanka, the grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic, the death penalty, and on human rights and unilateral coercive measures, among others.

Other texts extended the term of all Working Group mandate holders for two regular sessions of the Human Rights Council; approved two annual sessions for the Working Group with the mandate to negotiate, finalize and submit to the Human Rights Council a draft United Nations declaration on the rights of peasants and other people working in rural areas; and pertained to the contribution of parliaments to the work of the Council and its Universal Periodic Review, the review of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples, regional arrangements for the promotion and protection of human rights, the progress and challenges in addressing human rights issues in the context of efforts to end the HIV/AIDS epidemic by 2030, human rights and the administration of justice, the right to peace, the use of mercenaries, human rights and indigenous peoples, equal participation in public affairs, and reports of the Advisory Committee.

In a resolution on the grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic, adopted by a vote of 29 in favour, six against and 12 abstentions, the Council demanded that the Syrian authorities grant immediate, full and unfettered access throughout the Syrian Arab Republic to the Commission of Inquiry, and demanded that all parties work urgently towards the comprehensive implementation of the Geneva communiqué.

The Council encouraged Sri Lanka to investigate all alleged attacks on journalists, human rights defenders, members of religious minority groups and other members of civil society, and requested the Office of the High Commissioner for Human Rights to present an oral update to the Human Rights Council at its thirty-second session on the implementation of its recommendations and other relevant processes related to reconciliation, accountability and human rights in Sri Lanka.

By a vote of 33 in favour, 14 against and no abstentions, the Council requested the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights to focus in his next reports to the Human Rights Council and the General Assembly, on the human rights of victims and to address the issues of remedies and redress with a view to promoting accountability and reparations.

The Council decided, by a vote of 26 in favour, 13 against and eight abstentions, that the biennial high-level panel to be held at the thirty-fourth session of the Human Rights Council, would address the human rights violations related to the use of the death penalty, in particular with respect to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

By a vote of 32 in favour, 14 against and one abstention, the Council requested the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its seventy-first session and to the Human Rights Council at its thirty-third session.

The Council decided, on a one-time and exceptional basis, to extend the term of all Working Group mandate holders for two regular sessions of the Human Rights Council, and to adjust
the working cycle of the Consultative Group so that it commenced in April and ended in March of the following year.

Further, the Council decided to convene a panel discussion at its thirty-first session on the progress and challenges in addressing human rights issues in the context of efforts to end the HIV/AIDS epidemic by 2030, and to bring its summary to the attention of the United Nations General Assembly ahead of the High Level Meeting on HIV/AIDS in 2016.

The Council decided to convene, at its thirty-second session, on the occasion of the tenth anniversary of the Human Rights Council, a panel discussion to take stock of the contribution of parliaments to the work of the Council and its universal periodic review and to identify ways to enhance further that contribution.

The Council adopted resolutions requesting the High Commissioner for Human Rights to hold a workshop on regional arrangements for the promotion and protection of human rights, and a thematic discussion on interactions with civil society and human rights defenders; and to submit a report on non-discrimination and the protection of persons with increased vulnerability in the administration of justice to the Human Rights Council at its thirty-sixth session.

In a resolution on equal participation in public affairs, the Council requested the Office of the High Commissioner to organize, prior to the thirty-second session of the Human Rights Council, an expert workshop to discuss the existing guidance on the implementation of the right to participate in public affairs with the aim of identifying possible gaps and making recommendations in this regard. In a separate text, the Council requested the Office to convene a two-day expert workshop, no later than the first quarter of 2016, to review the mandate of the Expert Mechanism on the Rights of Indigenous Peoples and to propose recommendations on how it can more effectively promote respect for the Declaration.

In another resolution, the Council requested the Expert Mechanism on the Rights of Indigenous Peoples to prepare a study on the right to health and indigenous peoples with a focus on children and youth, and decided to hold, at its thirty-third session, a half-day panel discussion on the causes and consequences of violence against indigenous women and girls, including those with disabilities.

By a vote of 33 in favour, 12 against and two abstentions, the Council decided that the open-ended intergovernmental working group on a draft United Nations declaration on the right to peace would hold its fourth session for five working days with the objective of finalizing the declaration, and would submit the report to the Human Rights Council for consideration at its thirty-third session.

By a vote of 31 in favour, one against and 15 abstentions, the Council decided that the working group with the mandate to negotiate, finalize and submit to the Human Rights Council a draft United Nations declaration on the rights of peasants and other people working in rural areas shall hold its next two annual sessions for five working days each before the thirty-sixth session of the Council.

The Council took note of the reports of the Advisory Committee and its research proposals.

Introducing texts were the United States, Iran on behalf of the Non Aligned Movement, Belgium, Guatemala, Moldova, Saudi Arabia, Egypt, China, Cuba, Austria, Brazil, Czech Republic, United Kingdom, Lebanon, Bolivia, and Ecuador.

Sri Lanka and Syria spoke as concerned countries.

Speaking in a general comments were Montenegro, the former Yugoslav Republic of Macedonia, United Kingdom, China, Venezuela, Cuba, France, Mexico, Namibia, Argentina, the Netherlands on behalf of the European Union, Botswana, United States, Saudi Arabia, and Russia.

The following delegations spoke in explanations of vote before the vote: South Africa, Ghana, the Netherlands on behalf of the European Union, United States, France, Ireland, Sierra Leone, Algeria, Mexico, Montenegro, Germany, Paraguay, Botswana, Japan, Pakistan, Indonesia, Nigeria, Saudi Arabia, Pakistan on behalf of the countries of the Organization of Islamic Cooperation except Albania, Albania, Pakistan on behalf of a group of countries, Russia, Venezuela, Brazil, Cuba, and Pakistan.

India, Argentina, Republic of Korea and Japan spoke in explanations of vote after the vote.
The Human Rights Council will meet at 9 a.m. on Friday, 2 October, to continue taking action on draft resolutions before it concludes its thirtieth session.

**Action on Texts under the Agenda Item on Organizational and Procedural Matters**

**Action on Decision on Enhancing the Efficiency of the Human Rights Council**

In a decision (A_HRC_30_L.28) on the follow-up to the Presidential Statement PRST/29/1, adopted without a vote, the Council decides, on a one-time and exceptional basis, and not to be considered a precedent or a departure from relevant provisions of Human Rights Council resolutions 5/1 and 16/21, to extend the term of all Working Group mandate holders for two regular sessions of the Human Rights Council, and to adjust the working cycle of the Consultative Group so that it commences in April and ends in March of the following year, without prejudice to paragraph 49 of the annex to Human Rights Council resolution 5/1.

**Action on Presidential Statement on Reports of the Advisory Committee**

In a presidential statement (A_HRC_30_L.32) on reports of the Advisory Committee, adopted without a vote, the Council takes note of the reports of the Advisory Committee on its fourteenth and fifteenth sessions (A/HRC/AC/14/2 and A/HRC/AC/15/2) and also notes that the Advisory Committee has made certain research proposals.

**Action on Text under the Agenda Item on the Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General**

**Action on Resolution on Promoting Reconciliation, Accountability and Human Rights in Sri Lanka**

In a resolution (A_HRC_30_L.29) on promoting reconciliation, accountability and human rights in Sri Lanka, adopted without a vote, the Council encourages the Government of Sri Lanka to investigate all alleged attacks by individuals and groups on journalists, human rights defenders, members of religious minority groups and other members of civil society; further encourages the Government of Sri Lanka to develop a comprehensive plan and mechanism for preserving all existing records and documentation relating to human rights violations and abuses and violations of international humanitarian law; requests the Office of the High Commissioner to continue to assess progress on the implementation of its recommendations and other relevant processes related to reconciliation, accountability and human rights, and to present an oral update to the Human Rights Council at its thirty-second session, and a comprehensive report followed by discussion on the implementation of the present resolution at its thirty-fourth session. It also encourages the Government of Sri Lanka to continue to cooperate with special procedure mandate holders, including by responding formally to outstanding requests.

**United States**, introducing the resolution L.29, explained that the draft resolution aimed to support Sri Lanka’s path to peace with a view to build national reconciliation and prosperity for all Sri Lankans. The goal of the resolution was to help the country undertake a difficult but necessary journey, during which the Human Rights Council would play a vital role in order to build a country that realized the full potential of all its citizens.

**Montenegro**, in a general comment, voiced its full support for the advancement of peace and national reconciliation in Sri Lanka. It was imperative for the international community to support that process as post-conflict countries were fragile. Montenegro encouraged the Government of Sri Lanka to work with all parties concerned to implement measures to democratize institutions and society. It commended the Government’s will to cooperate with the international community to address the committed crimes and to ensure an effective legislative system.

**The former Yugoslav Republic of Macedonia**, in a general comment, expressed satisfaction that the core group’s deliberations resulted in a draft resolution, which addressed the will of the new Government of Sri Lanka to address the crimes committed in the past and to accelerate credible investigation of human rights violations. The resolution aimed to create a new society based on democratic values and reconciliation. The constructive approach of the Government in the process was most welcome.

**United Kingdom**, in a general comment, said this was the first time Sri Lanka was co-sponsoring a resolution on its human rights situation, which was a historic development. The United Kingdom paid tribute to those in civil society who had worked tirelessly over many years to keep the international community engaged on promoting reconciliation, accountability and human rights in Sri Lanka. This draft was a testament to the determination of courageous
human rights defenders who had worked often at great personal risk to ensure the voices of victims were heard.

China, in a general comment, stressed the importance of the principle of sovereignty of States, and commended Sri Lanka for its commitment to the promotion and protection of human rights.

Sri Lanka, speaking as the concerned country, thanked all members and observers of the Council for the support they had extended towards the adoption of the draft resolution. The Government saw the resolution as a measure of encouraging and inspiring the Government and the people of Sri Lanka to uphold human rights, establish the rule of law, end impunity, and strengthen democracy and good governance. In a clear departure from the past when the Council had witnessed the situation in Sri Lanka as divisive, the new Government of Sri Lanka was committed to the promotion of civil and political rights, as well as economic, social and cultural rights, in a manner that benefited all individuals and communities living in Sri Lanka.

South Africa, in an explanation of the vote before the vote, welcomed Sri Lanka’s cooperation with the Council, which was a turning point for the victims. South Africa was ready to support Sri Lanka’s efforts for reconciliation, and appreciated that the draft resolution recognized progress achieved by Sri Lanka on this matter. The report by the High Commissioner highlighted remaining human rights challenges, and South Africa encouraged Sri Lanka to strengthen its judicial system to ensure accountability, ensure that lands were returned to the displaced, and protect minorities. Sri Lanka needed support from the international community.

Ghana, in an explanation of the vote before the vote, welcomed the draft’s balanced approach between sovereignty and the principle of non-indifference, and encouraged all Member States to join the consensus on this text.

India, in an explanation of the vote after vote, noted that the consensus resolution underscored the collective desire of Sri Lankans for change and unity, and rejection of extremism. India had always supported the efforts to preserve Sri Lanka as a multi-ethnic society, where all minorities, including the Tamils, had their place. To that end, it reiterated its view that the devolution of authority would greatly help the process of national reconciliation.

**Action on Texts under the Agenda Item on the Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development**

**Action on Resolution on Human Rights and Unilateral Coercive Measures**

In a resolution (A_HRC_30_L.2) on human rights and unilateral coercive measures, adopted by a vote of 33 in favour, 14 against and no abstentions, the Council calls upon all States to stop adopting, maintaining or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States; strongly objects to the extraterritorial nature of those measures; decides to give due consideration to the negative impact of unilateral coercive measures on the human rights issues in its task concerning the implementation of the right to development; requests the High Commissioner, in discharging his functions in relation to the promotion and protection of human rights, to pay due attention and to give urgent consideration to the present resolution; and requests the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights to focus on the negative impact of unilateral coercive measures on the enjoyment of human rights of victims and to address the issues of remedies and redress with a view to promoting accountability and reparations in his next reports to the Human Rights Council and the General Assembly.

The result of the vote was as follows:

**In favour** (33): Algeria, Argentina, Bangladesh, Bolivia, Botswana, Brazil, China, Congo, Côte d’Ivoire, Cuba, El Salvador, Ethiopia, Gabon, Ghana, India, Indonesia, Kazakhstan, Kenya, Maldives, Mexico, Morocco, Namibia, Nigeria, Pakistan, Paraguay, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela, and Viet Nam.

**Against** (14): Albania, Estonia, France, Germany, Ireland, Japan, Latvia, Montenegro, Netherlands, Portugal, Republic of Korea, The former Yugoslav Republic of Macedonia, United Kingdom, and United States of America.

**Abstentions** (0):
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**Iran**, introducing the resolution on behalf of the Non-Aligned Movement, explained that the draft resolution highlighted that the laws and regulations imposing unilateral coercive measures had an extraterritorial effect not only on targeted countries but also on third countries, in contravention of the basic principles of international law. The adoption of coercive measures against developing countries was contrary to the basic rights of populations, such as the right to life, health and medical care, the right to freedom from hunger and the right to an adequate standard of living, food, education, work and housing.

**Venezuela**, in a general comment, said unilateral coercive measures undermined the enjoyment of human rights and jeopardized international peace and stability, and were in contradiction with the principle of sovereignty of States.

**Cuba**, in a general comment, underlined the clear impact of unilateral coercive measures on human rights, and in particular the right to development. These measures were imposed on developing States that refused to abide to the will of powerful nations for political reasons.

**Netherlands**, in an explanation of the vote before the vote on behalf of the European Union, regretted that none of the European Union’s concerns presented during informal negotiations were taken on board. Operational Paragraph 14 was of particular concern as it called for the establishment of a monitoring mechanism. Restrictive measures taken by the European Union were not punitive, they minimized the impact on those not responsible for their government’s abuses and were in compliance with international law, including international human rights law. The Human Rights Council was not the appropriate forum to discuss this issue. The European Union would therefore call for a vote, and vote against this draft resolution.

**Action on Resolution on Regional Arrangements for the Promotion and Protection of Human Rights**

In a resolution (A_HRC_30_L.3) on regional arrangements for the promotion and protection of human rights, adopted without a vote, the Council welcomes the progress made by Governments in the establishment of regional and sub-regional arrangements for the promotion and protection of human rights, and their achievements in all regions of the world; and requests the Secretary-General and the High Commissioner to provide the necessary resources to enable the Office of the High Commissioner to support the continuous functioning of the Office's focal point for cooperation with regional mechanisms. It also requests the High Commissioner to hold, in 2016, a workshop on regional arrangements for the promotion and protection of human rights to take stock of developments since the workshop held in 2014, including a thematic discussion on interactions with civil society and human rights defenders, and to present to the Human Rights Council, at its thirty-fourth session, a report containing a summary of the discussions held at the above-mentioned workshop and on the progress towards the implementation of the present resolution.

**Belgium**, introducing the resolution, stated that the spirit of the draft resolution was based on good cooperation between the United Nations and regional organizations competent in the field of human rights. International and regional mechanisms for the protection of human rights should engage in dialogue and exchange good practices in order to find new methods of work which would allow for improvement of their efficiency and better protection of human rights on the ground. The draft resolution also proposed to the Office of the High Commissioner for Human Rights to organize in 2016 a new seminar during which all regional human rights mechanisms would participate and discuss the interaction with civil society and human rights defenders.

**Action on Resolution on Human Rights and Indigenous Peoples**

In a resolution (A_HRC_30_L.8) on human rights and indigenous peoples, adopted without a vote, the Council requests the Special Rapporteur to report on the implementation of her mandate to the General Assembly at its seventieth session; requests the Expert Mechanism to prepare a study, to be finalized by its ninth session, on the right to health and indigenous peoples with a focus on children and youth, and to present it to the Human Rights Council at its thirty-third session; decides to hold, at its thirty-third session, a half-day panel discussion on the causes and consequences of violence against indigenous women and girls, including those with disabilities; and urges States and invites other public or private actors or institutions, to contribute to the United Nations Voluntary Fund for Indigenous Peoples as an important means of promoting the rights of indigenous peoples worldwide and within the United Nations system.

**Guatemala**, introducing draft resolution L.8, said the draft text urged the Expert Mechanism on the Rights of Indigenous Peoples to conduct a study on the right to health of indigenous
peoples, including children. The text called also for the organization of a panel discussion on violence against indigenous women and girls during the thirty-third session of the Council.

United States, in an explanation of the vote before the vote, said it strongly supported United Nations efforts to promote and protect the rights of indigenous peoples. The United States would join the consensus with the understanding that the sentence "right to health of indigenous peoples" referred to indigenous peoples’ enjoyment of the same right to health as anyone else.

France, in an explanation of the vote before the vote, said it was committed to the protection of human rights of all peoples, including indigenous peoples. Human rights should apply to all persons without discrimination. However, France noted that it did not recognize collective rights for any group. Those principles did not hinder any measures that would benefit indigenous peoples on territorial basis.

**Action on Resolution on the Question of the Death Penalty**

In a resolution (A_HRC_30_L.11_Rev.1) on the question of the death penalty adopted by a vote of 26 in favour, 13 against and eight abstentions, the Council calls upon States that have not yet acceded to or ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights to consider doing so; calls upon States that have not yet abolished the death penalty to make available relevant information, disaggregated by sex, age and other applicable criteria, with regard to their use of the death penalty; requests the Secretary-General to dedicate the 2017 supplement to his quinquennial report on capital punishment to the consequences arising at various stages of the imposition and application of the death penalty on the enjoyment of the human rights of the persons facing the death penalty and other affected persons; and decides that the upcoming biennial high-level panel to be held at the thirty-fourth session of the Human Rights Council will address the human rights violations related to the use of the death penalty, in particular with respect to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. It also requests the Office of the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its thirty-sixth session.

The result of the vote was as follows:

**In favour** (26): Albania, Algeria, Argentina, Bolivia, Brazil, Congo, Côte d'Ivoire, El Salvador, Estonia, France, Gabon, Germany, Ireland, Kazakhstan, Latvia, Mexico, Montenegro, Namibia, Netherlands, Paraguay, Portugal, Sierra Leone, South Africa, The former Yugoslav Republic of Macedonia, United Kingdom, and Venezuela.

**Against** (13): Bangladesh, Botswana, China, Ethiopia, India, Indonesia, Japan, Nigeria, Pakistan, Qatar, Saudi Arabia, United Arab Emirates, and United States of America.

**Abstentions** (8): Cuba, Ghana, Kenya, Maldives, Morocco, Republic of Korea, Russian Federation, and Viet Nam.

**Action on Amendment L.34 to the Resolution L.11/Rev.1 on the Question of the Death Penalty**

The Council rejected draft amendment L.34 by a vote of 17 in favour, 20 against and eight abstentions.

**Action on Amendment L.35 to the Resolution L.11/Rev.1 on the Question of the Death Penalty**

The Council rejected draft amendment L.35 by a vote of 16 in favour, 22 against and seven abstentions.

**Action on Amendment L.36 to the Resolution L.11/Rev.1 on the Question of the Death Penalty**

The Council rejected draft amendment L.36 by a vote of 14 in favour, 22 against and nine abstentions.

Belgium, introducing draft resolution L.11/Rev. 1 on the death penalty, said that this text followed up on Resolution 26/2 adopted in 2014. The spirit behind this resolution was to open a space for dialogue on the issue of the death penalty and avoid polarization around this issue in order to see the link between the use of the death penalty and human rights. The text
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In order to see the link between the use of the death penalty and torture, Belgium called on the Council’s members to refrain from introducing amendments that had nothing to do with the issue of the death penalty.

Republic of Moldova, also introducing the draft resolution, said the text addressed the specific human rights implications of the use of the death penalty, as emerged in last year’s panel discussion on this issue. The text set the basis for considering the links of the use of the death penalty with the prohibition of torture, as well as the consequences of the lack of transparency on the human rights of persons sentenced to death. It was crucial to maintain the human rights-centred approach to this issue. The amendments to be submitted on this resolution would unfortunately, if adopted, jeopardize such an intention.

Saudi Arabia, introducing amendment L.34, stated it could not support a resolution on the death penalty without taking into consideration all of its aspects. The draft resolution did not take into account the rights of victims. The sovereign rights of all States to take decisions on penalties did not counter international human rights standards and obligations. Countries had the death penalty in their legislation in line with international obligations. Saudi Arabia expressed hope that a consensus for a balanced text would be reached.

France said on behalf of the sponsors in a general comment that the amendment countered the aims of the draft resolution and called for a vote and urged all to vote against it.

Egypt, introducing amendment L.35, stated that the level of divisiveness on the issue of the death penalty was based on the lack of any basis in international law to oblige States to abolish the death penalty. International law was clear that penalties were to be determined by States, noting that renouncing the death penalty was a matter of national prerogative. Those debates should always be well informed and transparent. The rights of victims should be given attention, too. Many external actors exerted pressure and intervened in the internal affairs of countries that retained the death penalty as a form of sanction. That needed to stop because it was abusive, unethical and politically incorrect.

France stated on behalf of the sponsors in a general comment that the amendment ran counter to the aims of the draft resolution and called for a vote and said France would vote against it.

China, introducing draft amendment L.36 on behalf of a group of countries, said international law did not prohibit the application of the death penalty, and recalled that the international community always faced divergence regarding this issue. The death penalty should not be viewed as a human rights issue, but rather as a criminal justice choice. The draft text contained one-sided and arbitrary language, including on methods of executions, which ought to be amended.

France, in a general comment, said this proposed amendment ran counter to the spirit of the draft resolution, and that therefore the co-sponsors did not support it.

Mexico, in a general comment, said the right to life was the most basic and fundamental right. The death penalty was inhumane and irreversible. It was vital that this issue was addressed from a human rights perspective. The draft resolution was not one-sided, and on the contrary proposed an open debate on this issue, and on the incompatibility of the death penalty with the absolute prohibition of torture and other ill-treatment. Dialogue was the way to make progress in protecting human rights, including the right to life. Mexico called for the rejection of all proposed amendments.

Namibia, in a general comment, said that its laws did not allow for any executions. It recalled that the General Assembly had called for a moratorium on the death penalty. Namibia thus strongly supported the integrity of the draft resolution.

France, in a general comment, called on all States to support the draft resolution as it stood. It found that the Council was the right forum to discuss the death penalty and that the text was in line with international standards. By adopting the text, the legitimacy and credibility of the Council would be strengthened. It regretted that the three amendments went against the aim of the draft resolution and called on Member States to reject all amendments.

Argentina, in a general comment, reaffirmed its firm opposition to the death penalty, which was a violation of the fundamental right to life. The death penalty was a very harsh punishment and it was not effective as a deterrent against serious crimes. The draft resolution called for a debate on the human rights approach to the death penalty. Conditions on death row had to be discussed, as well as the issue of isolation and lack of human contact of the sentenced persons.
Netherlands, in a general comment on behalf of the European Union, said it had a strong position against the death penalty, which constituted a cruel and inhumane treatment. It stressed the importance of addressing this issue from a human rights perspective, and underlined the importance of organizing discussions on this.

Botswana, in a general comment, said every country had the sovereign right to decide on its justice system, including whether or not to use the death penalty. Amendments proposed sought to bring balance to the text and properly guide the discussions on the death penalty. Botswana therefore fully supported the proposed amendments.

**Action on Amendment L.34**

Ireland, in an explanation of the vote before the vote, said this proposed amendment did not fit with the content or context of the resolution, which focused on human rights. The proposed amendment would dilute this focus. Ireland would therefore vote against it.

Sierra Leone, in an explanation of the vote before the vote, rejected the amendment as it introduced a false dilemma in assuring that the text went contrary to the right of States to elaborate their own justice system. Sierra Leone rejected this amendment and would vote against it.

Algeria, in an explanation of the vote before the vote, stated that it had taken the decision to introduce a moratorium on the death penalty in 1993. It supported the main thrust of the support group and the text of the draft resolution as it stood. It fully understood the motivation that had led some States to preserve their sovereignty. There should be a differentiation between those countries that used a moratorium and those that implemented the death sentences. It reiterated its support for the draft resolution.

**Action on Amendment L.35**

Mexico, in an explanation of the vote before the vote, noted that the draft resolution had never questioned the States’ right to design their own justice systems. It was erroneous to use the issue of economic sanctions to influence States on how to establish their own justice system. State sovereignty and the legitimacy of the use of economic sanctions were not up for debate. As one of the sponsors of the draft resolution, Mexico noted that the only aim was to discuss human rights. If approved, the amendment would only contribute to the introduction of the issue of economic sanctions as a way to influence States’ internal affairs.

Montenegro, in an explanation of the vote before the vote, noted that it supported the draft resolution as it stood. The adoption of the proposed amendment would change the entire approach. The resolution did not question the right of States to introduce a moratorium on the death penalty, nor did it explicitly call on States to abolish the death penalty. Rather, it called on them to examine the human rights implications of the death penalty. The amendment opened up the issue of interference in internal affairs of countries, which was the subject of other resolutions.

**Action on Amendment L.36 to the Resolution L.11/Rev.1 on the Question of the Death Penalty**

Germany, in an explanation of the vote before the vote, said that the preambular paragraph 14 of the draft resolution was essential because it comprised a human rights perspective on the death penalty. Germany did not support deletion of this and preambular paragraph 17 and called for a vote.

Paraguay, in an explanation of the vote before the vote, said that preambular paragraphs 14 and 17 were the main paragraphs which linked the death penalty to human rights and human dignity. They aimed to take into account the dignity of the condemned persons and their families, and to ensure that human rights standards were taken into account in the carrying out of the death penalty.

**Action on Draft Resolution L.11 Rev.1 as a Whole**

Botswana, in an explanation of the vote before the vote, regretted that amendments to improve the text had been rejected. It was worrying that the draft text attempted to link the death penalty to jus cogens norms of international law, such as the prohibition of torture. The death penalty, when applied with the guarantees of due process, could not be considered as torture.
In an explanation of the vote before the vote, the United States was disappointed that it could not abstain on this resolution. It was concerned at the language of the calls for a moratorium, and could not accept that all manners of executions amounted to torture or inhumane treatment. The United States would have preferred a more balanced approach.

Japan, in an explanation of the vote before the vote, said international law did not prohibit the death penalty as long as States exercised it in compliance with international standards of due process and only for the most serious crimes. The justice system and the death penalty in Japan was in this view in full compliance with international standards. Japan would have preferred a more balanced approach, and could therefore not support the text. It was concerned by the assumption in the text that the use of the death penalty led to a violation of human rights.

South Africa, in an explanation of the vote before the vote, said the death penalty went against the most basic human rights. South Africa supported the principle of sovereignty and moratorium on the death penalty. Accordingly, South Africa voted in favour of the resolution.

Pakistan, in an explanation of the vote before the vote, appreciated the Council’s work on the draft, however, the final product was not in line with the country’s policies. Accordingly, Pakistan voted against the resolution.

Indonesia, in an explanation of the vote before the vote, said the issue of the death penalty should not be discussed under the domination of one perspective. The delegation underlined that justice should be delivered by looking at the gravity of crimes.

Nigeria, in an explanation of the vote before the vote, said the draft resolution failed to address all the ramifications of the issue. Nigeria was ready to continue dialogue on the death penalty, and on the right of countries to choose their justice systems. Nigeria would vote against this text.

Saudi Arabia, in an explanation of the vote before the vote, said in Saudi Arabia, the death penalty was implemented for the most serious crimes and with due process, as a mean to ensure security of the society. It was applied in full compliance with international law, including article 6 of the International Covenant on Civil and Political Rights. It was regrettable that amendments presented earlier were not taken on board. Despite all efforts to balance this text, Saudi Arabia would have to vote no.

**Action on Resolution on the Use of Mercenaries**

In a resolution (A_HRC_30_L.15) on **the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**, adopted by a vote of 32 in favour, 14 against and one abstention, the Council calls upon States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition; requests the Working Group on the use of mercenaries to continue the work already done by previous mandate holders on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries; also requests the Working Group to continue to study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination, and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its seventy-first session and to the Human Rights Council at its thirty-third session.

The result of the vote was as follows:

**In favour (32):** Algeria, Argentina, Bangladesh, Bolivia, Botswana, Brazil, China, Congo, Côte d’Ivoire, Cuba, El Salvador, Ethiopia, Gabon, Ghana, India, Indonesia, Kazakhstan, Kenya, Maldives, Morocco, Namibia, Nigeria, Pakistan, Paraguay, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela and Viet Nam.

**Against (14):** Albania, Estonia, France, Germany, Ireland, Japan, Latvia, Montenegro, Netherlands, Portugal, Republic of Korea, The former Yugoslav Republic of Macedonia, United Kingdom, and United States of America.

**Abstentions (1):** Mexico.
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_2015/10/2_

**Human Rights Council adopts 16 texts on Sri Lanka, Syria, unilateral coercive measures and the death penalty**

The Human Rights Council adopts 16 texts on Sri Lanka, Syria, unilateral coercive measures and the death penalty on 10/16.

**Action on Resolution on Equal Participation in Political and Public Affairs**

**Draft** and disassociated itself from the latter version of the document.

**Albania** done by taking into account the domestic laws of Member States. Not paying attention to Islamic Cooperation, except Albania

**Pakistan** for all to prevent HIV/AIDS-related discrimination and stigma.

** Health.** There was a clear need to intensify efforts to ensure universal respect of human rights and the protection of persons with increased vulnerability in the administration of justice. Austria, introducing draft resolution L.16, said the cosponsors wanted to shed light on the situation of all persons deprived of their liberty as they were among those most vulnerable to human rights violations. Behind bars, shunned by society, they were often exposed to dismal detention conditions, ill treatment or torture. According to recent statistics, more than 10.2 million people around the world were deprived of their liberty, about 3 million of whom were awaiting trial. The levels of overcrowding in places of deprivation of liberty around the world had been described as endemic, alarming, extreme, chronic and outrageous. With this year’s text, the sponsors had taken a specific focus on the issue of over-incarceration and overcrowding, in particular regarding so called “zero-tolerance policies”; and requests the United Nations High Commissioner for Human Rights to submit to the Human Rights Council at its thirty-sixth session a report on non-discrimination and the protection of persons with increased vulnerability in the administration of justice.

**Austria**, introducing draft resolution L.15, said this draft condemned impunity afforded to those involved in mercenary activities, and would recall the obligation of all countries to prevent and combat such practices. The preparation of an international legal framework for monitoring the activities of private security and military companies was an urgent necessity.

**Netherlands**, in an explanation of the vote before the vote on behalf of the European Union, continued to regret the lack of conceptual clarity in this resolution. The activities of mercenaries could not be addressed the same way as those of private security and military companies. The European Union could not support this resolution, and would call for a vote and vote against it.

**Action on Resolution on Human Rights in the Administration of Justice, including Juvenile Justice**

In a resolution (A_HRC_30_L.16) on human rights in the administration of justice, including juvenile justice, adopted without a vote, the Council calls upon States to spare no effort in providing for effective legislative, judicial, social, educative and other relevant mechanisms and procedures, as well as adequate resources, to ensure the full implementation of standards on human rights in the administration of justice; calls upon States to apply individual criminal responsibility and to refrain from detaining persons based solely on their family ties with an alleged offender; also calls upon States to review penal policies that can contribute to over-incarceration and overcrowding, in particular regarding so called “zero-tolerance policies”; and requests the United Nations High Commissioner for Human Rights to submit to the Human Rights Council at its thirty-sixth session a report on non-discrimination and the protection of persons with increased vulnerability in the administration of justice.

**Austria**, introducing draft resolution L.16, said the cosponsors wanted to shed light on the situation of all persons deprived of their liberty as they were among those most vulnerable to human rights violations. Behind bars, shunned by society, they were often exposed to dismal detention conditions, ill treatment or torture. According to recent statistics, more than 10.2 million people around the world were deprived of their liberty, about 3 million of whom were awaiting trial. The levels of overcrowding in places of deprivation of liberty around the world had been described as endemic, alarming, extreme, chronic and outrageous. With this year’s text, the sponsors had taken a specific focus on the issue of over-incarceration and overcrowding. The text paid attention to the rights of children in conflict with the law.

Concluding, he thanked all delegations for their constructive engagement throughout the consultations.

**Action on Resolution on the Contribution of the Human Rights Council to the High Level Meeting on HIV/AIDS in 2016**

In a resolution (A_HRC_30_L.17) on the contribution of the Human Right Council to the High Level Meeting on HIV/AIDS in 2016, adopted without a vote, the Council decides to convene a panel discussion at its thirty-first session on the progress and challenges in addressing human rights issues in the context of HIV/AIDS by 2030, on the occasion of the twentieth anniversary of the International Guidelines on HIV and Human Rights; and requests the United Nations High Commissioner for Human Rights to prepare a report on the panel, in the form of a summary, and to submit it to the Human Rights Council at its thirty-second session, and decides to bring this report to the attention of the United Nations General Assembly ahead of the High Level Meeting on HIV/AIDS in 2016.

**Brazil**, introducing draft resolution L.17 on the contribution of the Human Rights Council to the High Level Meeting on HIV/AIDS in 2016, said the draft proposed to convene a panel on addressing human rights issues in the context of HIV/AIDS at the thirty-first session of the Council. The Council could provide an important contribution to the High Level Meeting in New York in 2016. The promotion of human rights reinforced and complemented the fight against HIV/AIDS, and universal access to prevention, treatment and care were essential elements to achieve progressively the full realization of the right of the highest attainable standard of health. There was a clear need to intensify efforts to ensure universal respect of human rights for all to prevent HIV/AIDS-related discrimination and stigma.

**Pakistan**, in an explanation of the vote before the vote on behalf of the Organization of Islamic Cooperation, except Albania, said putting an end to the HIV/AIDS epidemic should be done by taking into account the domestic laws of Member States. Not paying attention to cultural sensitivities was disappointing.

**Albania**, in an explanation of the vote before the vote, said the delegation cosponsored the draft and disassociated itself from the latter version of the document.
In a resolution (A_HRC_30_L.27_Rev.1) on equal participation in public affairs, adopted without a vote, the Council invites States to consider best practices and experiences with respect to the implementation of the right to participate in public affairs when fulfilling their human rights obligations and to share their best practices and experiences in this regard at the regional and international levels; urges all States to ensure the full, effective and equal participation of all citizens in political and public affairs; and requests the Office of the High Commissioner to organize, prior to the thirty-second session of the Human Rights Council, an expert workshop to discuss the existing guidance on the implementation of the right to participate in public affairs with the aim of identifying possible gaps and making recommendations in this regard.

Czech Republic, introducing draft resolution 27/Rev.1, said equal participation in political and public affairs was a cornerstone of democracies and functioning societies. The draft resolution built on two thematic resolutions previously adopted by the Council by consensus. The draft recognized new trends promising to reinvigorate civil society participation, including new communication technologies. The draft requested the High Commissioner to convene a workshop on the right to participate in public affairs, which would seek to identify potential gaps in domestic legislation. The core group had held extensive and open consultations. This text deserved the Council’s unanimous support.

United States, in a general comment, said this important resolution reminded States to repeal barriers to public participation, and it was welcome that the resolution contained reference to new media, and to human rights online and offline.

Namibia, in a general comment, said freedoms of association and peaceful assembly were protected in Namibia, and that all citizens had the right to participate in public affairs. Furthermore, citizens had the right to seek redress for violations of their rights. Unfortunately, the draft text went beyond the scope of the participation in public affairs and created special rights for some people. Namibia would therefore, and despite the importance it attached to the right to equal participation in political and public affairs, disassociate itself from some paragraphs of this text.

Pakistan, in an explanation of the vote before the vote on behalf of Bangladesh, Saudi Arabia, Qatar and the United Arab Emirates, thanked the sponsors for their transparent consultations. Equal participation in political and public affairs was a human right. However, the countries were concerned about the language of the draft. The countries requested that this statement be reflected in the records.

Russian Federation, in an explanation of the vote before the vote, welcomed the openness of the sponsor for the constructive dialogue. Equal participation in political and public affairs at the local and national levels should not be an obstacle for those without citizenship.

South Africa, in an explanation of the vote before the vote, was concerned by the approach taken by the draft resolution. The text was not clear about addressing equal participation in political and public affairs within or among States. Unfortunately, the delegation could not fully associate itself with the text.

Action on Text under the Agenda Item on Human Rights Situations that Require the Attention of the Council

Action on Resolution on the Grave and Deteriorating Human Rights and Humanitarian Situation in the Syrian Arab Republic

In a resolution (A_HRC_30_L.5_Rev.1) on the grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic, adopted by a vote of 29 in favour, six against and 12 abstentions, the Council demands that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic; strongly condemns the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias; also strongly condemns the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), al-Nusrah Front and other extremist groups; demands that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities; demands that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, including to besieged areas and demands that all parties work urgently towards the
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including to besieged areas, and demands that all parties work urgently towards the comprehensive implementation of the Geneva communiqué.

The result of the vote was as follows:

In favour (29): Albania, Argentina, Botswana, Brazil, Côte d’Ivoire, El Salvador, Estonia, France, Gabon, Germany, Ghana, Ireland, Japan, Latvia, Maldives, Mexico, Montenegro, Morocco, Netherlands, Paraguay, Portugal, Qatar, Republic of Korea, Saudi Arabia, Sierra Leone, The former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom, and United States of America,

Against (6): Algeria, Bolivia, China, Cuba, Russian Federation, and Venezuela.

Abstentions (12): Bangladesh, Congo, Ethiopia, India, Indonesia, Kazakhstan, Kenya, Namibia, Nigeria, Pakistan, South Africa, and Viet Nam.

The Council rejected draft amendment L.33 by a vote of 10 in favour, 21 against and 16 abstentions.

United Kingdom, introducing draft resolution L.5/Rev.1, said the crisis in Syria continued to have a devastating impact on civilians. Men, women, and children were denied their human rights every day. The Council could not remain silent. The Assad Government, ISIS and foreign fighters had to stop the bloodshed. The text called on the Syrian authorities to allow access to the Commission of Inquiry in order for it to fulfil its mandate. The co-sponsors had engaged in extensive consultations, and the present text was balanced in calling on all parties to end violence, respect human rights, and comply with international law. The United Kingdom recognized the tremendous efforts made by neighbouring countries, including Lebanon, to host millions of refugees. Humanitarian challenges remained enormous, and the draft called for unhindered humanitarian access to all those in need. It was important not to forget the root causes of the conflict, i.e. the fundamental lack of respect for human rights by the Assad regime since 2011, a regime which continued to receive direct military support from well-armed militias. For this reason, the United Kingdom could not support the amendment as tabled by Lebanon and called for a vote on it.

Lebanon, introducing the amendment L.33, reminded that the aim of the Council was to address human rights situations applying the principles of impartiality, objectivity and non-selectivity. The OP3 in L.5 did not seem to be in conformity with those principles, especially because it singled out just one organization without any legal basis or accusation of human rights violations by other intergovernmental bodies, even by the Commission of Inquiry on Syria. The selective naming and biased condemnation in OP3 L.5 gave a negative message instead of delivering a positive one, and it did not come in the vein of support towards Lebanon.

United States, in a general comment, welcomed the draft resolution and urged all members to vote for it. The passing of the draft resolution would keep the attention of the international community on the crimes committed in Syria, and the United States welcomed the continued attention of the Council to the issue. Abuses committed by Hezbollah were addressed in various United Nations resolutions. The Commission of Inquiry on Syria continued to provide critical reporting on the crisis in Syria and the regime’s relentless bombing and targeting of the civilian population. It condemned the regime’s extrajudicial killings, gender-based violence and all other human rights abuses.

Saudi Arabia, in a general comment, said it supported this draft resolution, and rejected the amendment L.33. Saudi Arabia had deployed serious efforts in an attempt to put an end to atrocities by the Syrian regime. The well-known role of Hezbollah in the conflict made it appropriate to keep the text as it was, without amendment. It was important indeed to point at those groups that supported the Syrian regime in perpetrating human rights violations. Saudi Arabia called upon all the Council’s members to support this draft resolution.

Russian Federation, in a general comment, said the draft resolution lacked objectivity and was counter-productive. The reference to Hezbollah as a terrorist group had no legal basis, as Hezbollah was not considered as such by the Security Council. The Russian Federation would therefore vote in favour of the draft amendment presented by Lebanon.

Netherlands, in a general comment on behalf of the European Union, stated that the situation in Syria remained dire, with systematic and widespread human rights violations. It called on all parties to stop all forms of indiscriminate shelling and bombardment of the civilian population. The Syrian Government bore responsibility for the protection of civilians, which it
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had failed to do. There could be no impunity for human rights abuses and the Netherlands called for the referral of the situation to the International Criminal Court. The Syrian authorities should cooperate with the Commission of Inquiry and should allow it full and unfettered access to the country. The Netherlands called on Member States to vote against the amendment.

China, in a general comment, favoured constructive dialogue for the settlement of differences. In the discussion on the human rights situation in Syria, the Council should adopt a constructive approach and enhance international cooperation to fight terrorism, in order to reach a political solution. The draft resolution was not balanced and could in fact further complicate the situation in Syria, if adopted. China would vote against the draft resolution and support the proposed amendment.

Syria, speaking as the concerned country, said that it was not a coincidence that the main co-sponsors of the resolution who said they were trying to protect the sovereignty of Syria, were the ones who waged war against Syria, supplied arms and completely ignored the humanitarian consequences of the conflict. It was unacceptable to limit the right of Syria to protect its citizens from terrorist attacks. Sponsors were violating a number of Security Council resolutions. It was terrorist groups which were blindly bombing civilian areas using arms supplied by the sponsors of this resolution. The Syrian army was deliberately avoiding bombing the areas where civilians could be used as shields. The resolution also ignored the humanitarian consequences of unilateral coercive measures and that was why Syria did not support the resolution.

Venezuela, in an explanation of the vote before the vote on the amendment L.32, said the draft resolution was against Venezuela’s principles. There was no room for ‘political balance’ as the draft did not in any way support human rights. Venezuela reiterated its support for any solution as long as it respected Syria’s sovereignty. Accordingly, Venezuela would vote against the draft.

Russian Federation, in an explanation of the vote before the vote on draft resolution L.5 Rev.1, said the current situation in the Middle East was very complex, and unfortunately the draft did not reflect today’s political reality. If all concerned States had wanted to resolve the conflict and improve the current situation in Syria, they should have reflected the existence of terrorist threats in the Middle East. Also, they should have called upon all States to join efforts in combating jihadists. However, the draft was extremely biased, including accusations against Syria without official data. Russia would vote against it.

Brazil, in an explanation of the vote before the vote, said it would vote for the draft resolution in order to find a more effective way to deal with the crisis. It was clear that a military victory was unattainable and that this situation would only aggravate the stability of the region. Brazil urged all parties to enhance efforts to reach a political solution to the conflict, and to discourage maximalist demands of any party. Brazil called upon all States to facilitate the arrival of Syrian refugees and to provide them with the protection they deserved. Brazil was still worried about the unbalanced text of the draft resolution because it would send a wrong message that some atrocities were worse than others.

Cuba, in an explanation of the vote before the vote, reiterated its rejection of the selective accusations that only one party to the conflict in Syria was responsible for the committed crimes. The genuine interests of the Syrian people should be prioritized, and national sovereignty and territorial integrity should be defended at all costs. Cuba would therefore vote against the draft resolution.

Pakistan, in an explanation of the vote before the vote, stated that the most important issue was to put an end to violence in Syria. To that end the Council should adopt balanced resolutions that protected the rights of all, rather than be driven by political considerations. By adopting resolutions the Council was not able to end the suffering of the Syrian people. On the contrary, their suffering had worsened. The draft resolution lacked balance and did not address the abuses perpetrated by all sides. Pakistan would thus abstain.

Algeria, in an explanation of the vote before the vote, remained concerned about the worsening of the situation in Syria and condemned all forms of violence and called on all parties to find a political resolution to the conflict. The international community should pay particular attention to the displaced persons. The involvement of the United Nations was thus necessary. The draft lacked objectivity and balance, especially with respect to human rights violations. It sought to attribute responsibility to only one party to the conflict. Algeria would thus vote against it.

Argentina, in an explanation of the vote after the vote on agenda item 4, expressed its concern about the ongoing violence against civilians populations in Syria. It was a tragedy that the situation in the Middle East was so complex and that the situation in Syria was worsening. Argentina called on the international community to adopt a balanced resolution that protected the rights of all, rather than being driven by political considerations. By adopting resolutions the Council was not able to end the suffering of the Syrian people. Argentina would support the resolution.

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Concern about the growing violence against civilian populations in Syria. It was a state’s primary responsibility to protect its citizens. Accordingly, Argentina condemned terrorism in all its forms.

**Action on Resolutions under the Agenda Item on Human Rights Bodies and Mechanisms**

**Action on Resolution on the Review of the Mandate of the Expert Mechanism on the Rights of Indigenous Peoples**

In a resolution (A_HRC_30_L.9) on the review of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples, adopted without a vote, the Council requests the Office of the United Nations High Commissioner for Human Rights to convene a two-day expert workshop open to the participation of States, indigenous peoples and other stakeholders, including by inviting the submission of written contributions, no later than the first quarter of 2016, to review the mandate of the Expert Mechanism on the Rights of Indigenous Peoples and to propose recommendations on how it can more effectively promote respect for the Declaration; and also requests the Office of the High Commissioner to prepare a report on the workshop, including the recommendations made, to be submitted to the Human Rights Council prior to its thirty-second session.

Mexico, introducing resolution L.9, explained that the draft resolution aimed to implement paragraph 28 of the Declaration of the World Conference on Indigenous Peoples where the General Assembly invited the Council to revise its mechanisms on the issue of indigenous peoples, in particular the Expert Mechanism on the Rights of Indigenous Peoples, taking into account their opinion. That would allow for exchange and compilation of the proposals of different actors in the first trimester of 2016. It invited the Council to prepare a document with recommendations and present it at the thirty-second session of the Human Rights Council.

United States, in a general comment, welcomed the draft resolution, which defined the critical first steps for discussion and actions on ideas for the reform. The United States believed that the full participation of indigenous peoples was critical for the success of the initiative. It was pleased that the draft resolution included the language on indigenous peoples’ full participation in the process. It would hold additional consultations with its indigenous communities prior to the holding of the expert workshop.

**Action on Resolution on the Promotion of the Right to Peace**

In a resolution (A_HRC_30_L.13) on the promotion of the right to peace, adopted by a vote of 33 in favour, 12 against and two abstentions, the Council decides that the open-ended intergovernmental working group shall hold its fourth session for five working days with the objective of finalizing the declaration; invites States, civil society and all relevant stakeholders to contribute actively and constructively to the work of the working group; and requests the working group to prepare a report and to submit it to the Human Rights Council, to be made available in all official languages of the United Nations, for consideration at its thirty-third session.

The result of the vote was as follows:

**In favour** (33): Algeria, Argentina, Bangladesh, Bolivia, Botswana, Brazil, China, Congo, Côte d’Ivoire, Cuba, El Salvador, Ethiopia, Gabon, Ghana, India, Indonesia, Kazakhstan, Kenya, Maldives, Mexico, Morocco, Namibia, Nigeria, Pakistan, Paraguay, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela, and Viet Nam.

**Against** (12): Estonia, France, Germany, Ireland, Japan, Latvia, Montenegro, Netherlands, Republic of Korea, The former Yugoslav Republic of Macedonia, United Kingdom, and United States of America.

**Abstentions** (2): Albania, and Portugal.

Cuba, introducing draft resolution L13, said the purpose of the text was establishing the right to peace. Cuba acknowledged the participation of several delegations in the consultations. Cuba hoped that the draft would be adopted with a wide range of support. In case of the adoption of the draft, the Council would promise to work for the promotion and protection of the right to peace.

Venezuela, in an explanation of the vote before the vote, expressed its support to the
delegation of Cuba for the draft resolution on the right to peace. Venezuela would continue to support similar approaches for resolving disputes.

United Kingdom, in an explanation of the vote before the vote, said the delegation had been more than happy to engage in the discussions about peace. Despite the flexibility of several countries along with the United Kingdom, a consensus could not be achieved. The United Kingdom asked for a vote, adding that it would vote against the draft resolution.

United States, in an explanation of the vote before the vote, stated that it had participated actively in the negotiations on the relationship between human rights and peace. However, as a consensus had not been reached, the United States would therefore vote against the draft resolution.

Netherlands, in an explanation of the vote before the vote on behalf of the European Union, said that despite its long-standing position, it had agreed to discuss the linkages between peace and human rights. A consensus had seemed within reach during the negotiations. However, at the end, a consensus was not possible. The European Union regretted the extension of the mandate of the Intergovernmental Working Group, noting that it was not appropriate. The Netherlands would thus vote against the draft resolution.

**Action on Resolution on the Promotion and Protection of the Human Rights of Peasants and Other People Working in Rural Areas**

In a resolution (A_HRC_30_L.19) on the promotion and protection of the human rights of peasants and other people working in rural areas, adopted by a vote of 31 in favour, one against and 15 abstentions, the Council decides that the working group with the mandate to negotiate, finalize and submit to the Human Rights Council a draft United Nations declaration on the rights of peasants and other people working in rural areas shall hold its next two annual sessions for five working days each before the thirty-sixth session of the Council; and invites States, civil society and all relevant stakeholders, in particular representatives of peasants and other people working in rural areas, to contribute actively and constructively to the work of the working group.

The result of the vote was as follows:

**In favour** (31): Algeria, Argentina, Bangladesh, Bolivia, Botswana, Brazil, China, Congo, Côte d’Ivoire, Cuba, El Salvador, Ethiopia, Gabon, Ghana, India, Indonesia, Kazakhstan, Kenya, Maldives, Morocco, Namibia, Nigeria, Pakistan, Paraguay, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela, and Viet Nam.

**Against** (1): United States of America.

**Abstentions** (15): Albania, Estonia, France, Germany, Ireland, Japan, Latvia, Mexico, Montenegro, Netherlands, Portugal, Qatar, Republic of Korea, The former Yugoslav Republic of Macedonia, and United Kingdom.

Bolivia, introducing draft resolution L.19, said that it followed from previous resolutions which had set up the Working Group mandated with submitting to the Human Rights Council a draft Declaration on the Right of Peasants and Other Persons Working in Rural Areas. The Working Group had stressed the key role of peasants, particularly in ensuring food security and food sovereignty; paradoxically, they suffered disproportionately from hunger, poverty and adverse impacts of climate change. Women were particularly affected. This situation was aggravated with difficulty in accessing justice, discrimination and absence of legal protection of peasants, including the denial of recognition of individual and collective rights to land. The draft resolution sought the extension of the mandate of the Working Group for a period of two years.

Cuba, in a general comment, congratulated the delegation of Bolivia for its significant initiative. Cuba reiterated its full support to the draft text, and called upon all States to vote in favour.

Venezuela, in a general comment, expressed its full support to the draft resolution. Venezuela was very much in favour of that initiative.

South Africa, in a general comment, said the draft resolution addressed a very critical issue, which was a priority for South Africa. He hoped that the draft would be supported overwhelmingly.
United States, in an explanation of the vote before the vote, believed that the Human Rights Council was not the appropriate forum to discuss the issues and problems affecting persons living in rural areas and that it would not be appropriate to use the Council’s resources. It would thus vote against the draft resolution.

Netherlands, in an explanation of the vote before the vote on behalf of the European Union, remained deeply concerned that there were still significant inequalities between persons living in rural areas and persons living in urban areas. It was thus important to eliminate the existing inequalities and the European Union was working towards that goal. The draft resolution provided an inadequate basis for that discussion. It did not provide an assessment of the existing framework for the persons living in rural areas or any practical guidelines. The Netherlands was, nevertheless, committed to participate in further discussions of the Working Group.

**Action on Resolution on the Contribution of Parliaments to the Work of the Human Rights Council and its Universal Periodic Review**

In a resolution (A_HRC_30_L.23) on the contribution of parliaments to the work of the Human Rights Council and its universal periodic review, adopted without a vote, the Council decides to convene, at its thirty-second session, on the occasion of the tenth anniversary of the Human Rights Council, a panel discussion to take stock of the contribution of parliaments to the work of the Council and its universal periodic review and to identify ways to enhance further that contribution; and requests the Office of the High Commissioner to prepare a report on the panel discussion in the form of a summary and to submit it to the Human Rights Council at its thirty-fifth session.

Ecuador, presenting the draft resolution, said her delegation along with Spain, Italy, Morocco, the Maldives, and Romania had formed a central interregional group. With their contribution, the draft text on the contribution of parliaments to the work of the Human Rights Council and its universal periodic review reflected the compliance with the international norms. Concluding, the delegation thanked the group for its constructive support.

Republic of Korea, in an explanation of the vote after the vote, remained concerned about the large number of people facing malnutrition and the lack of access to healthcare in rural areas. The Republic of Korea had put great effort in the national rural development plan. As there were still divergent views on resolution L.19, not much progress was made. The second session revealed various challenges. The Republic of Korea thus expressed hope that the Working Group would find common ground in the next session.

Japan, in an explanation of the vote after the vote, noted that, with respect to resolutions L.9 and L.23, the main sponsors needed to reduce costs of work, given the financial constraints by all Member States. They also needed to ensure effective use of resources.

**Statement by the President of the Council**

JOACHIM RÜCKER, President of the Human Rights Council, said that earlier he had asked for a political agreement on the theme for the high level mainstreaming panel to mark the tenth anniversary of the Human Rights Council. Several proposals had been received, upon which the President had held consultations. The proposed theme of the 2016–2030 sustainable agenda: how could Human Rights Council and its mechanisms fully contribute to drive the mainstreaming of human rights across the United Nations system, had not received a consensus.

For use of the information media; not an official record