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President: Mr. Zniber(Morocco)

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The meeting was called to order at 10.10 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/57/L.26, A/HRC/57/L.28 as orally revised, A/HRC/57/L.30, A/HRC/57/L.31/Rev.1 as orally revised and A/HRC/57/L.39)

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.

Draft resolution A/HRC/57/L.26: Biodiversity and human rights

2. **Mr. Gallón** (Observer for Colombia), introducing the draft resolution, said that the triple planetary crisis of climate change, pollution and biodiversity loss was the main challenge that humanity currently faced. Those three phenomena were not only increasingly pressing issues at the local and national levels; they were a global threat to human rights that could even raise questions about the viability of human survival. In recognition of the increasing threat, the Human Rights Council had already established mechanisms to address pollution and climate change. However, it had yet to adequately address the adverse impact of biodiversity loss on the enjoyment of human rights, and particularly the rights of Indigenous Peoples, people of African descent and other persons in vulnerable situations. Since the adverse effects of the planetary crisis would have a direct bearing on the future enjoyment of human rights, it was vitally important for the Council to include on its agenda the relationship between human rights and the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising from the utilization of genetic resources. Thus, 10 days before the start of the sixteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, to be held in Cali, Colombia, the main sponsors, namely Costa Rica and his own delegation, were presenting the draft resolution in order to meet that need.

3. The aim of the draft resolution, which was the fruit of broad consultations, was to establish a mechanism to enable the Office of the United Nations High Commissioner for Human Rights (OHCHR) to assist with capacity-building and assess the impact of biodiversity loss on human rights. The main sponsors wished to thank the numerous delegations whose constructive contributions to the discussions had helped them to refine the text, and hoped that it would be adopted by consensus. Around a million species were at risk of extinction; biodiversity loss was a threat to crucially important human rights such as the right to health and the right to food. States must step up their efforts to save the only planet that humanity had. It was not too late to start building a new utopia where no one was able to dictate how others lived or died, and thus to ensure that, to use the words of Gabriel García Márquez, humanity did have a second opportunity on Earth.

4. **The President** announced that 16 States had joined the sponsors of the draft resolution.

General statements made before the decision

5. **Mr. Céspedes Gómez** (Costa Rica), noting that each element of the triple planetary crisis served as a catalyst for the others, said that, as a nation that was home to 6 per cent of the world's biodiversity, Costa Rica had long been committed to environmental protection and was convinced that all action to protect the environment should be guided by human rights considerations. Costa Rica had led international initiatives such as the High Ambition Coalition for Nature and People, through which it advocated the adoption of a global goal of conserving 30 per cent of the world's land and marine ecosystems. Protecting biodiversity was essential for the full enjoyment of human rights, particularly the right to a clean, healthy and sustainable environment, the right to health and the right to life.

6. The draft resolution emphasized the contributions that Indigenous Peoples made through their traditional knowledge and practices. Those contributions were essential for the protection of biodiversity and sustainable development. The text also highlighted the key role of human rights defenders working on environmental matters, who unfortunately continued

to face violence and discrimination because of their actions. His delegation urged the Council to adopt the draft resolution by consensus.

7. **Mr. Bonnafont** (France), noting that it was the first time that the Council had considered a draft resolution focused specifically on biodiversity, said that the questions raised by the subject matter were urgent and grave. How had human action become a threat for human survival and how could humanity recover? The focus placed in the text on the link between human rights and protecting biodiversity should serve as a necessary wake-up call on behalf of the current victims of the ecological crisis and also on behalf of future generations. The consequences of biodiversity loss for human rights were tangible and should be fully integrated within the work of the Council. Women and girls were among those most affected, but they were also key actors at the grass-roots level; their activism should be encouraged, as should the work of human rights defenders.

8. The draft resolution rightly recalled the role of Indigenous knowledge in the protection of ecosystems and the value of Indigenous cultural expressions. His delegation also welcomed the recognition of the right to a clean, healthy and sustainable environment and the importance of collective efforts to safeguard that right. It was the recognition of the close connection between the different planetary crises that, in 2023, had led France to launch the Paris Pact for People and the Planet, uniting 58 States around the conviction that no country should have to choose between fighting climate change, conserving biodiversity or eradicating poverty. The international community must ensure that the necessary resources were available. Protecting biodiversity was a cause that merited the mobilization of the global community and the United Nations system as a whole. For that reason, his delegation called on members of the Council to adopt the draft resolution by consensus.

Statements made in explanation of position before the decision

9. **Mr. Foradori** (Argentina) said that his delegation joined the consensus on the draft resolution. Argentina was committed to the protection of individual rights for all human beings without distinction, in accordance with the obligations expressly undertaken pursuant to the treaties to which it was a party. He wished to recall that the 2030 Agenda for Sustainable Development, to which his Government had committed in good faith, set out non-legally binding aspirations that States, in exercise of their sovereignty, were free to interpret and implement as they saw fit.

10. All measures related to climate change should be informed by scientific evidence. Argentina had the potential to export critical minerals and energy from renewable sources. Agricultural practices in the country, including the preservation of forest cover, the pasture-raising of livestock and the prevalence of no-till farming, sequestered considerably more carbon than practices in the developed countries that considered themselves sustainability leaders.

11. **Ms. Taylor** (United States of America) said that the United States was committed to halting and reversing global biodiversity loss, which represented an existential threat to livelihoods, food systems and health, and reiterated its support for the implementation of the Kunming-Montreal Global Biodiversity Framework. However, while the devastating effects that biodiversity loss could have on the enjoyment of human rights were recognized, there was not yet a right to a clean, healthy and sustainable environment established in international law. The United States was in favour of the establishment of such a right in a manner consistent with international law. It was engaged globally and at home in supporting efforts to conserve, protect, connect and restore nature, leading to healthy ecosystems, healthy people and healthy economies. She thanked the main sponsors for having introduced a draft resolution on the only triple planetary crisis issue that was not yet the subject of a Council resolution and appreciated all members' efforts to ensure its adoption.

12. **Mr. Oike** (Japan) said that Japan had been assessing the potential impact of biodiversity loss on human rights and recognized that the international community must work together to address the issue. However, biodiversity-related issues were already being addressed in the framework of the Convention on Biological Diversity, which was the proper forum in which to discuss them. Additionally, the draft resolution included a number of references to the right to a clean, healthy and sustainable environment, which was not yet

considered to have been established under international human rights law. Notwithstanding those concerns, and given the need to address biodiversity and human rights, his delegation would join the consensus and would continue to engage actively in the discussions going forward.

13. **Mr. Shen Jian** (China) said that biodiversity ensured the vibrancy of the planet, contributed to its preservation and to the promotion of sustainable development, and gave humanity the means to survive and develop. The global community should therefore foster biodiversity conservation, turn ambition into action, support developing countries in capacity-building efforts and cooperate in tackling climate change, biodiversity loss and other global challenges. At the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, held under its presidency, China had urged other parties to adopt the Kunming-Montreal Global Biodiversity Framework, thereby opening up a new chapter in global biodiversity governance.

14. Although the main sponsors of the draft resolution had organized several rounds of informal consultations, which his delegation had appreciated, the text remained unbalanced. Important elements of the Framework, such as the right to development and the right to equality, had not been duly incorporated, national specificities had not been fully taken into account and there was an overemphasis on the role of environmental human rights defenders, a term on which there was no consensus. For those reasons, his delegation had decided not to join the consensus on the draft resolution. It hoped that the main sponsors would engage broadly and transparently with all delegations on the issue in order to forge consensus to the greatest possible extent.

15. *Draft resolution A/HRC/57/L.26 was adopted.*

Draft resolution A/HRC/57/L.28, as orally revised: Promotion, protection and enjoyment of human rights on the Internet

16. **Mr. Helligren** (Observer for Sweden), introducing the draft resolution on behalf of the main sponsors, namely Brazil, Tunisia, the United States of America and his own delegation, said that the draft resolution built on five previous Council resolutions that had been central to normative debate in many forums and reaffirmed that the same human rights applied online as offline. By adopting the current text, the Council would recognize that meaningful and universal connectivity was essential for the enjoyment of human rights and would highlight the need for sustained investment in digital infrastructure and capacity-building to bridge digital divides, particularly where based on age, disability or gender and in developing countries. It would emphasize the importance of ensuring affordable, safe and meaningful connectivity for women and girls, condemning online gender-based violence and discrimination. It would also condemn Internet shutdowns and other measures that prevented or disrupted access to or the dissemination of information online, while calling on States to refrain from all practices that undermined meaningful connectivity.

17. The main sponsors had adopted a balanced approach, recognizing both the risks and the opportunities associated with Internet connectivity and bridging digital divides. Technological tools could play a crucial role in addressing inequalities within and between countries and in achieving the Sustainable Development Goals. The draft resolution reflected a proactive approach, highlighting the importance of strengthening international cooperation, with particular attention paid to the specific needs and challenges faced by developing countries. It contained a request to OHCHR to prepare a report on a human rights approach to meaningful connectivity and overcoming digital divides, including by addressing threats to individuals' access to the Internet.

18. The main sponsors had held three rounds of informal consultations and had been open to bilateral dialogue with all delegations. They trusted that the constructive, balanced and transparent approach they had taken would allow the Council to adopt the draft resolution, as orally revised, by consensus.

19. **The President** announced that 17 States had joined the sponsors of the draft resolution.

General statements made before the decision

20. **Ms. Fuentes Julio** (Chile) said that, as the world became increasingly digitalized, it was essential to underscore the importance of free access to the Internet as a key means of promoting and protecting human rights. As digital divides could exacerbate existing inequalities, it was likewise essential to address such disparities. Since States had a central role to play in reducing the divides, her delegation wished to thank the main sponsors for having updated the text in order to recognize the additional barriers to the equitable exercise of online rights faced by women and girls. In line with her Government's commitment to human rights, its particular interest in the challenges that technology posed for the promotion and protection of those rights and its traditional position on similar resolutions brought before the Council, her delegation had joined the sponsors of the draft resolution. Since international cooperation was key to addressing the challenges posed by the digital environment, her delegation urged the members to support the draft resolution and adopt it by consensus.

21. **Mr. Payot** (Belgium), speaking on behalf of the States members of the European Union that were members of the Council, said that the draft resolution was anchored in the core affirmation that the same rights that people had offline must also be protected online. It elaborated on the topics of connectivity and bridging digital divides that had been the main focus of Council resolution 47/16. It framed connectivity as an enabler of human rights, including the right to freedom of opinion and expression. It promoted open, free, neutral, global, interoperable, reliable and secure access to the Internet, the online protection of human rights defenders and the safety of journalists, which remained a priority for the European Union, along with the fight against Internet shutdowns, online censorship and unlawful online surveillance. Applying a human rights-based approach to Internet access and connectivity, including through multi-stakeholder engagement, remained of paramount importance. For all those reasons, the European Union member States supported the draft resolution, as orally revised, and invited all members of the Council to join the consensus.

22. **Ms. Taylor** (United States of America) said that her delegation was grateful to the many delegations that had worked with the main sponsors on the draft resolution. It was proud of the text presented for adoption and urged all members to join the consensus. Advancing human rights in the development and use of digital technologies was a key priority for the United States and many other members of the Council. As Internet freedom continued to decline around the world, all States should agree on the importance of access to information and communication technologies for the full enjoyment of human rights. At the same time, they must also address violations and abuses committed against individuals exercising their human rights and fundamental freedoms online. The draft resolution offered the Council a unique opportunity to expand on its work to address the misuse of surveillance technologies by recognizing that the misuse of commercial spyware posed a particular threat to the enjoyment of all human rights online and offline. There was a growing commercial marketplace for that technology, which was increasingly being misused to target, silence and intimidate human rights defenders, journalists and perceived critics.

23. **Mr. Staniulis** (Lithuania), thanking the main sponsors for the constructive and transparent negotiations, said that a universal, open and accessible Internet enabled the exercise and enjoyment of fundamental freedoms, especially freedom of expression. It was crucial to ensure equal access to information but at the same time to secure the right to privacy and to protect individuals, in particular women, children and members of marginalized communities, from online violence, harassment and discrimination. To achieve those goals, collaboration between Governments, the private sector, civil society and international organizations remained of the utmost importance. His delegation therefore welcomed the draft resolution and encouraged all members of the Council to join the consensus.

24. **Ms. Schroderus-Fox** (Finland) said that, in the modern world, Internet access was essential for the full enjoyment of human rights, for strengthening democracy and empowering civic engagement, for attaining the Sustainable Development Goals and for bridging all digital divides. Therefore, the rights that people had offline must also be protected online. The draft resolution was anchored in the idea of connectivity as an enabler. It elaborated on the topic comprehensively, underscoring that the Internet had the potential to promote educational and awareness-raising tools for combating racism and disinformation. It stressed the importance of free, open, interoperable, reliable and secure access to the

Internet that supported meaningful multi-stakeholder engagement in Internet governance and digital policy processes.

25. By adopting the draft resolution, the Council would also address the barriers that women and girls using the Internet faced, including as a result of multiple and intersecting forms of discrimination. It would strongly condemn Internet shutdowns, including when aimed at silencing, unlawfully surveilling or harassing human rights defenders, and would emphasize the importance of a human rights-based approach when providing and expanding access to the Internet. When such an approach was adopted, plans, policies and processes were underpinned by a system of rights and corresponding obligations established by international law. Her delegation was proud to be a sponsor of the draft resolution and called for its adoption by consensus.

Statements made in explanation of position before the decision

26. **Ms. Li Xiaomei** (China) said that the development of the Internet helped to drive socioeconomic growth, raise living standards and promote and protect human rights. However, Internet development was currently very uneven and the vast majority of developing countries faced an enormous digital divide that made it difficult for them to access those benefits. The international community needed to step up its efforts to address that issue. At the same time, unlawful activities on the Internet posed new challenges for human rights protection. While exercising their rights and freedoms on the Internet, citizens must abide by the law and must not jeopardize national security, public order or the legitimate rights of others. To ensure that the Internet benefited all, States had a responsibility to combat all forms of cybercrime, to guarantee the safety of online space and to monitor online activity to ensure its lawfulness.

27. Her delegation welcomed the recognition in the text of the role of strengthening infrastructure development and international cooperation in bridging the digital divide between and within countries and ensuring meaningful Internet connectivity for all. However, as currently formulated, the draft resolution still had major shortcomings. Firstly, it failed to strike a balance between rights and obligations; there was no mention of citizens' duty to respect the law while using the Internet or of the sovereign right of States to conduct cyberspace governance in accordance with the law. Secondly, it employed the term "human rights-based", which lacked a legal definition clear enough for its application to the complex issue of Internet access. Use of that term was inconsistent with the realities of Internet governance and would have implications for the United Nations and other relevant organizations. Her delegation had actively participated in the consultations on the draft resolution and had maintained constructive communication with the main sponsors. It had made reasonable suggestions for revisions, which, regrettably, had not been taken on board. It therefore wished to dissociate itself from the consensus on the draft resolution.

28. **Mr. Foradori** (Argentina) said that his delegation would join the consensus on the draft resolution. However, it did not agree with the use of the term "intolerance", which was very imprecise, and would have liked to see it replaced with the term "discrimination", which had a clear and precise meaning under international human rights law and would have reminded States of their duty to protect the fundamental right to freedom of expression. In addition, although his country had a long-standing commitment to upholding the rights of women, underpinned by laws and practices that extended far beyond international standards, there was a risk that applying a sector-specific perspective such as a "gender-responsive approach" to understanding human rights might generate inequalities contrary to the intended goal of non-discrimination. When rights were interpreted solely through the lens of gender, other important perspectives, such as age, disability and mental health, could be ignored. Thus, rather than referring to a gender perspective, the Council should advocate a more inclusive perspective that embraced all those who were particularly vulnerable. Additionally, the term "gender" should be understood within the meaning of article 7 (3) of the Rome Statute of the International Criminal Court.

29. *Draft resolution A/HRC/57/L.28, as orally revised, was adopted.*

Draft resolution A/HRC/57/L.30: Youth and human rights

30. **Ms. Losano Gallegos** (Observer for El Salvador), introducing the draft resolution on behalf of the main sponsors, namely Côte d'Ivoire, Egypt, France, Greece, Italy, Morocco, the Philippines, Portugal, the Republic of Moldova, Romania, Tunisia, Uzbekistan and her own delegation, said that young people throughout the world faced ever-increasing barriers to their full development. Those barriers included challenges of an educational, economic, social, digital, cultural and environmental nature that prevented them from seizing opportunities and fully participating in society. It was thus essential to ensure, as emphasized in the draft resolution, that young people were not only listened to but were also fully, effectively, safely and meaningfully engaged in all decision-making processes. By adopting the draft resolution, the Council would recognize the potential of new technologies, including artificial intelligence, to empower young people and help them to develop their full potential, as well as the barriers faced by young persons with disabilities and the urgent need to ensure access to decent work, education and services on an equal basis.

31. Her delegation had worked closely with the other main sponsors, which formed a cross-regional group representing a broad range of perspectives and realities; that diversity had been key to ensuring a balanced text. The text presented for adoption reflected their readiness to find a middle ground between differing positions and work together for the common good of young people. The draft resolution was not just a document; it was a call for action in the form of specific measures, in line with each State's capacities and national priorities, to benefit young people. Her delegation wished to thank those States that had taken part in the three rounds of informal consultations and the more than 50 States that had joined the sponsors. El Salvador reiterated its commitment to continue working to protect young people and to build consensus between nations in tackling the challenges that young people faced.

32. **Mr. Yáñez Deleuze** (Observer for the Bolivarian Republic of Venezuela), introducing the proposed amendment contained in document [A/HRC/57/L.39](#) on behalf of its main sponsors, said it was regrettable that the proposal had not been taken on board by the main sponsors of the draft resolution. It was likewise regrettable that the main sponsors had declined to consider an alternative proposal based on language from past resolutions that they had sponsored and that the Council had adopted by consensus.

33. For countries such as his own that were negatively affected by the imposition of unilateral coercive measures, it was essential to incorporate language on that issue into resolutions for which they had measurable implications. Young people subjected to unilateral coercive measures faced discriminatory barriers that prevented them from participating in the production and dissemination of knowledge on an equal and equitable basis with other young persons, a situation that impeded their progress and development. The sponsors of the proposed amendment had made constructive suggestions for the inclusion of that critical issue on a number of occasions, but had continually encountered a rigidity on the part of certain members that was rooted in their politicized approach to human rights. The claim that there was no consensus on the inclusion of a reference to unilateral coercive measures was insufficient reason to exclude such a reference from relevant resolutions. The fact that those States that were opposed to their mention were often the very same States that imposed unlawful measures of that kind was of particular concern and was further proof that promoting and protecting the human rights of all persons was a matter of little genuine importance to them.

34. Resolutions adopted by the Council should reliably reflect realities on the ground. Unilateral coercive measures had a severe impact on the well-being of the affected populations; that was why the amendment was being proposed. The amendment's sponsors urged the Council to address the issue from a human rights-based rather than a political perspective and called on members to be consistent in their commitment to human rights. They would continue to push for resolutions that upheld the dignity and rights of all persons, particularly the young people who were profoundly affected by unlawful and criminal unilateral coercive measures. His delegation urged the members of the Council to support the proposed amendment to ensure that no young persons were deprived of their human rights and opportunities in life.

35. **Ms. Mihailescu** (Romania), speaking on behalf of the main sponsors of the draft resolution, said that every effort had been made to accommodate diverse views during the negotiations on the text. The principle underlying the work on the draft resolution had been to avoid breaking the consensus that had been reached. Divisive topics had been avoided. As a result, the draft resolution had attracted considerable support. The proposed amendment, on the other hand, was divisive and unjustifiably broadened the scope of the draft resolution. In general, challenging draft resolutions on which there was consensus did not serve the cause of promoting human rights and should be discouraged. She thus requested a vote on the proposed amendment. The main sponsors of the draft resolution would vote against the proposed amendment, and other delegations were urged to do likewise.

36. **The President** said that 21 States had joined the sponsors of the draft resolution. He invited members of the Council to make general statements on the draft resolution and the proposed amendment.

37. **Mr. Sultanov** (Kyrgyzstan) said that, although there were some issues in connection with the access that young scientists in some countries had to their counterparts in the West and to databases, the draft resolution was a thematic resolution that was traditionally adopted by consensus. In addition, the main sponsors' approach during the informal consultations had been open and constructive. His delegation could not support the proposed amendment.

38. **Ms. Coen Moraga** (Costa Rica) said that her delegation supported the draft resolution, in which the fundamental importance of equal opportunities was stressed, because it focused not only on adolescents but also on young people over 18 years of age, who were still at a vulnerable time in their lives and should be empowered to play an active role in society. Young human rights defenders in particular deserved special protection. Despite the constructive approach taken by the main sponsors, an amendment inimical to the text had been proposed. She encouraged the Council to vote against the proposed amendment and adopt the draft resolution as submitted by the main sponsors.

39. **Mr. Staniulis** (Lithuania) said that his delegation, which supported the draft resolution, especially welcomed the references to the role that youth could play in the implementation of the youth, peace and security agenda and to the importance of the participation of youth in decision-making processes. Involving youth in such processes fostered a sense of responsibility and ownership. However, factors such as poverty, the digital divide, educational and social inequalities and discrimination against persons with disabilities were obstacles to be overcome in that regard.

40. The proposed amendment, which would add a paragraph referring to unilateral coercive measures and so-called scientific and technological barriers faced by young people in certain countries, was wholly misleading. The draft resolution should be adopted by consensus, without the proposed amendment.

41. **Mr. Martínez** (Paraguay) said that the draft resolution, which contained a number of noteworthy new additions, including in relation to the high rate of youth unemployment and the digital divide affecting youth, especially in rural areas, was of considerable significance to his country, the majority of whose population was under the age of 30. A fifth of the young people who lived in rural Paraguay lived in poverty, and as a result his Government was of the view that priority should be given to the specific needs of young people in rural areas.

42. The theme of the next biennial panel discussion on youth and human rights – the role of youth in fostering peaceful societies and creating an enabling environment for the enjoyment of human rights – was a welcome one. Digital technologies could empower young people to play that role. The proposed amendment to the draft resolution was not relevant to the subject matter of the text; his delegation would support the adoption of the draft resolution as originally submitted.

43. **Ms. González Nicasio** (Dominican Republic) said that young people represented a transformative force in society and that the promotion of their human rights was essential for creating a more just, inclusive and peaceful world. The issues on which the draft resolution touched, including digital literacy, gender equality and the protection of young people from online threats, were of great significance. In an increasingly digital world, young people needed safe and equitable access to digital technologies. Her delegation supported the call

for States to combat all forms of violence and discrimination against young people. An environment that would enable young people to prosper must be created. She encouraged the States members of the Council to adopt the draft resolution by consensus and to reject the proposed amendment.

44. **Ms. Arias Moncada** (Honduras) said that the draft resolution, in which a comprehensive approach to the challenges facing young people was taken, highlighted issues such as digital education, protection from online threats and unequal access to digital technologies, in particular for young people in rural areas or with disabilities. The draft resolution reflected the need to adapt solutions to the specific needs of different States. Additional challenges in that regard included those related to the unilateral coercive measures to which some States were subjected, whose impact on the enjoyment of human rights it would be reasonable to consider. The approaches that informed the draft resolution were aligned with her country's efforts to combat youth poverty and unemployment and increase access to technology. Her delegation, which supported the call for States to promote the participation of young people in implementing the 2030 Agenda for Sustainable Development, would therefore join the consensus on the draft resolution.

45. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/57/L.39](#).

Statements made in explanation of vote before the voting

46. **Mr. Tummers** (Kingdom of the Netherlands) said that his delegation, which was a traditional sponsor of the Council's resolutions on youth and human rights, had noted with astonishment the proposed amendment introduced by the delegation of Venezuela. Since 2016, when the issue of youth and human rights had first been brought before the Council, the relevant resolution, sponsored by States representing the world's five major regions, had always been adopted by consensus. What was more, the sponsors of the current draft resolution had held no fewer than three rounds of informal consultations to ensure that agreement was reached. The attempt by a group of States to force the Council to accept language on which there was no consensus was deeply regrettable. His delegation would vote against the proposed amendment, not least because hostile behaviour of the sort exhibited by the States that supported the proposed amendment should not be rewarded.

47. **Mr. Staniulis** (Lithuania) said that his delegation, too, found the proposed amendment deeply regrettable. The proposal was aimed at diverting attention away from the main focus of the text, and the language it contained was completely misleading. Restrictive measures adopted by the European Union, for example, were carefully calibrated. They targeted those responsible for serious human rights violations globally and did not target the public at large. They were a tool for ensuring adherence to the principles of international law and strengthening international peace and security. He encouraged the Council to continue showing cross-regional support for the draft resolution by adopting it as submitted by the main sponsors.

48. *At the request of the representative of Romania, a recorded vote was taken.*

In favour:

Algeria, Bangladesh, China, Cuba, Eritrea, Honduras, Indonesia, Malaysia, Somalia, South Africa, Sudan.

Against:

Albania, Argentina, Belgium, Bulgaria, Chile, Costa Rica, Côte d'Ivoire, Dominican Republic, Finland, France, Georgia, Germany, Ghana, Japan, Kyrgyzstan, Lithuania, Luxembourg, Malawi, Montenegro, Morocco, Netherlands (Kingdom of the), Paraguay, Romania, United States of America.

Abstaining:

Benin, Brazil, Burundi, Cameroon, Gambia, India, Kazakhstan, Kuwait, Maldives, Qatar, United Arab Emirates.

49. *The proposed amendment contained in document [A/HRC/57/L.39](#) was rejected by 24 votes to 11, with 11 abstentions.*

50. **The President** invited the Council to take action on draft resolution [A/HRC/57/L.30](#).

51. *Draft resolution [A/HRC/57/L.30](#) was adopted.*

Draft resolution [A/HRC/57/L.31/Rev.1](#), as orally revised: Mandate of Special Rapporteur on the promotion and protection of human rights in the context of climate change

52. **Ms. Debrum** (Observer for the Marshall Islands), introducing the draft resolution, as orally revised, on behalf of the main sponsors, namely the Bahamas, the European Union, Fiji, Panama, Paraguay, the Sudan and her own delegation, said that the purpose of the draft resolution, which was a streamlined technical text, was to renew the mandate of Special Rapporteur for another three years. Developments since the creation of the mandate, such as the establishment of a fund to help developing countries respond to the loss and damage associated with the adverse effects of climate change, had been taken into account. Since the creation of the mandate three years earlier, carbon emissions had continued to increase, and emissions of methane, a potent greenhouse gas, had skyrocketed. Adaptation efforts and climate finance, on the other hand, were falling short, and extreme weather events were growing in frequency and intensity. Such was the backdrop against which human rights were being eroded.

53. The draft resolution reflected the results of the consultations and bilateral discussions that had been held in an attempt to find common ground. Her delegation was grateful to all delegations for their engagement during the negotiation process and called on the Council to adopt the draft resolution by consensus.

54. **The President** said that two proposed amendments to the draft resolution, which were contained in documents [A/HRC/57/L.44](#) and [A/HRC/57/L.45](#), had been submitted but subsequently withdrawn. Fourteen States had joined the sponsors of the draft resolution.

General statements made before the decision

55. **Mr. Payot** (Belgium), speaking on behalf of the States members of the European Union that were members of the Council, said that the Special Rapporteur had played a vital role in raising awareness and promoting understanding of the human rights dimension both of climate change impacts and of mitigation and adaptation policies. The mandate holders had facilitated the development of policies informed by human rights principles while amplifying the voices of the people who were on the front lines of the struggle against climate change.

56. All States should reaffirm their commitments under the Paris Agreement; for the moment, however, the world was not reaching its climate targets. A dedicated mechanism to strengthen awareness of the human rights implications of climate change was necessary and should guide global efforts to find human rights-based, just and inclusive solutions. The Council should renew the mandate of Special Rapporteur, whose role did not prejudice or duplicate the discussions taking place in other international forums. In so doing, it would send a strong message that its members were united in the fight against climate change. He hoped that the draft resolution would be adopted by consensus.

57. **Mr. Islam** (Bangladesh) said that his delegation welcomed the inclusion in the draft resolution, as orally revised, of references to the principles of equity and common but differentiated responsibilities and respective capabilities, in the light of different national circumstances, as those principles were set out in the Paris Agreement and the United Nations Framework Convention on Climate Change. His country, one of the world's most vulnerable to climate change, had organized the first country visit of the Special Rapporteur, who played a critical role in advancing the human rights agenda in the context of climate change.

58. The failure of the draft resolution to specify the terms and scope of the work of the Special Rapporteur was slightly disappointing. More disappointing still was the failure to heed his delegation's requests to expand the mandate to include the adoption of measures to mobilize financial resources for climate-vulnerable countries and to ensure climate justice. As Bangladesh strongly supported global climate action, however, it would join the consensus on the renewal of the mandate for a further three years.

59. **Mr. Omarov** (Kazakhstan), noting that taking action to protect human rights in the context of climate change was of paramount importance, said that his delegation welcomed the renewal of the mandate of Special Rapporteur. It welcomed in particular the additions made to the text in the oral revision, including a request to the Special Rapporteur to give due consideration to the need to scale up global action and support in addressing loss and damage associated with the adverse effects of climate change, as well as a reference to the principles set out in the Paris Agreement and the Framework Convention. His delegation called on the Council to adopt the draft resolution by consensus.

60. **Mr. Eisa** (Sudan) said that the importance of regional and international cooperation in addressing climate change, a planetary crisis that was a challenge for all countries, regardless of their level of development, was underscored in the draft resolution. The text also referred to the principle of common but differentiated responsibilities and the right of climate-vulnerable countries to receive support in addressing the crisis, particularly in terms of its impact on human rights. His delegation called on the Council to adopt the draft resolution by consensus.

61. **Ms. Osman** (Malaysia), noting that her country remained committed to addressing climate change, said that in 2021 her delegation had supported Council resolution 48/14, in which the mandate of Special Rapporteur had been established, and that the Special Rapporteur played a crucial role in furthering international cooperation within the established principle of common but differentiated responsibilities and respective capabilities. Thus, the intentional omission of a description of the Special Rapporteur's mandate from the draft resolution would undermine the independence, competence and integrity of the Special Rapporteur. Nevertheless, the oral revision adding a reference to that principle in paragraph 6 (b) was welcome. Her delegation encouraged the main sponsors to continue engaging constructively with all States and with the main sponsors of the Council's resolutions on human rights and climate change, on which consensus had consistently been achieved. Her delegation would join the consensus on the renewal of the mandate of Special Rapporteur.

62. **Ms. González Nicasio** (Dominican Republic) said that her delegation was proud to support the renewal of a mandate that would contribute to intensified efforts to protect fundamental rights in the context of climate change. Climate action was more urgent than ever. The number of climate-related disasters had doubled over the past twenty years, and small island developing States such as her country, despite being the least responsible for climate change, were the most vulnerable to it.

63. Her delegation was in favour of coordinated international action involving not only measures to mitigate climate change but also adaptation strategies. That action must be informed by a human rights perspective and the recognition that vulnerable groups were disproportionately affected by climate change and its effects. International cooperation and technical assistance would enable developing countries to honour their climate commitments without failing to uphold their people's rights. States members of the Council were invited to support the renewal of the mandate of Special Rapporteur and adopt the draft resolution by consensus.

64. **Mr. Bonnafont** (France) said that, by adopting the draft resolution on the renewal of the mandate of Special Rapporteur, the Council would be doing what it was obliged to do, as climate change was a threat to the enjoyment of human rights. Climate change was deadly and destructive. It made people poor. The consideration of human rights in the context of climate change was thus well within the Council's purview. The principle of common but differentiated responsibilities, which was an integral part of the Paris Agreement, should be limited to the issue of measures to combat climate change. It concerned the sharing of responsibilities and could not be invoked to justify any reduction of States' human rights obligations.

65. The decarbonization policy put in place by his country, together with its European partners, had already borne fruit. French carbon emissions had fallen by 5 per cent a year in recent years and would continue to do so. France had pledged to phase out its use of coal by 2030. Other fossil fuels would be phased out not long thereafter. The twenty-ninth session of the Conference of the Parties to the United Nations Framework Convention on Climate

Change, which was expected to culminate in the adoption of an ambitious new climate finance goal to support developing countries, would be held in the coming weeks. All possible sources of funding should be drawn on to ensure the implementation of the Paris Pact for People and the Planet. For those reasons, his delegation called for the adoption of the draft resolution by consensus.

66. **Ms. Li Xiaomei** (China), noting that the principles of equity and common but differentiated responsibilities and respective capabilities were the cornerstones of global climate governance, said that her Government attached great importance to addressing climate change and had fulfilled its obligations under the United Nations Framework Convention on Climate Change. It was making efforts to achieve carbon neutrality and had provided relevant assistance to other developing countries.

67. Her delegation had taken part in the consultations on the draft resolution and appreciated the main sponsors' determination to draw the attention of the Council to issues related to climate change. The work of the Special Rapporteur might, however, affect the standing of the Convention and the Paris Agreement as the main channels for climate action. The references to environmental human rights defenders, a term on which there was no consensus, were also of concern. Her delegation would therefore dissociate itself from the consensus on the draft resolution, although it would continue helping other developing countries address climate change and contributing to global environmental governance.

68. **Mr. Kunnumpurath Sulaiman** (India) said that three years earlier his delegation had been unable to support Council resolution 48/14 establishing the mandate of Special Rapporteur. Its position remained unchanged. Adequate mechanisms were already in place to review climate actions internationally and there was thus no need for a parallel mechanism that brought climate change within the purview of human rights.

69. Climate change was a great challenge, and his country had been at the forefront of international mitigation efforts. More such efforts were clearly necessary, but any duplication or dilution of the efforts led by previously established specialized mechanisms would undermine the collective endeavour to overcome the challenge. Under the principles established in the Framework Convention and the Paris Agreement, the developed countries were required to take the lead in climate action in areas such as mitigation, adaptation, finance, technology transfer and capacity-building and were encouraged to take stock of their historical responsibility. The mandate of Special Rapporteur did not contribute towards achieving those objectives. His delegation would therefore dissociate itself from the consensus on the draft resolution.

Statements made in explanation of position before the decision

70. **Mr. Foradori** (Argentina) said that his delegation wished to join the consensus in support of the draft resolution. Argentina was committed to the protection of individual rights for all human beings without distinction, in accordance with the obligations expressly undertaken pursuant to the treaties to which it was a party. He wished to recall that the 2030 Agenda for Sustainable Development, to which his Government had committed in good faith, set out non-legally binding aspirations that States, in exercise of their sovereignty, were free to interpret and implement as they saw fit.

71. All measures related to climate change should be informed by scientific evidence. Argentina had the potential to export critical minerals and energy from renewable sources. Agricultural practices in the country, including the preservation of forest cover, the pasture-raising of livestock and the prevalence of no-till farming, sequestered considerably more carbon than practices in the developed countries that considered themselves sustainability leaders.

72. **Mr. Céspedes Gómez** (Costa Rica) said that his Government had consistently worked to achieve the recognition of the right to a clean, healthy and sustainable environment as the basis for the full enjoyment of all human rights. Only environmental policies with a human rights-based approach could successfully combat climate change, biodiversity loss and pollution.

73. The work of the Special Rapporteur had been extremely useful in providing technical knowledge on climate change and its impact on human rights. His delegation supported the renewal of the mandate, but regretted that the draft resolution contained references to the principle of “common but differentiated responsibilities”, which was not germane to human rights and risked undermining the universality and interdependence of human rights. His delegation supported that principle only in the environmental context and rejected any attempt to apply it to States’ human rights obligations. The principle was incompatible with international human rights law, and its inclusion in the draft resolution must not create a precedent within the Council or in any other forums in which human rights were discussed; moreover, it should not be part of the Special Rapporteur’s mandate. His delegation also regretted that the draft resolution failed to recognize the full legal autonomy of the Paris Agreement. For those reasons, it wished to dissociate itself from the consensus on the fifth preambular paragraph and on paragraph 6 (b).

74. **Mr. Oike** (Japan) said that, as Japan was a disaster-prone country, his Government acknowledged the potential impacts of climate change on human rights and had been proactively addressing climate change among other pressing global environmental challenges. However, delegations continued to hold widely divergent views on the content of the draft resolution and the renewal of the mandate of Special Rapporteur. Moreover, climate change issues were already being addressed under the United Nations Framework Convention on Climate Change and the Paris Agreement, creating the potential for overlap. In that connection, his delegation understood that the purpose of paragraph 6, as orally revised, was merely to acknowledge the principles set out in those instruments.

75. Given the programme budget implications of the adoption of the draft resolution, it was essential for the Special Rapporteur to continue to maintain transparency in her work. He emphasized that the draft resolution, if adopted, would not alter existing international law in any way.

76. **Ms. Benda** (United States of America) said that her delegation appreciated the main sponsors’ efforts to accommodate a broad range of views; nevertheless, it wished to dissociate itself from paragraph 6 (b) of the draft resolution. The United States did not agree that the Special Rapporteur had or should be given a mandate to give due consideration to the principles of the United Nations Framework Convention on Climate Change, including the principle of “equity and common but differentiated responsibilities and respective capabilities, in the light of different national circumstances”, as referred to in the Paris Agreement. The concepts of equity and common but differentiated responsibilities and respective capabilities in the light of different national circumstances were not applicable in all climate action; the other principles of the Framework Convention were even less so. Such concepts must be understood in the context of the specific international legal instruments in which they were referenced and, even then, only to the extent and pursuant to the manner in which they were formulated and used in the specific agreement. Moreover, such concepts did not apply to international human rights obligations, which did not vary based on national circumstances. The United States would not treat the language of paragraph 6 (b) of the draft resolution as a precedent in the Council or any other forum. It was not appropriate for the Special Rapporteur’s work to encompass the interpretation or application of legal instruments or concepts from the United Nations climate change regime.

77. *Draft resolution A/HRC/57/L.31/Rev.1, as orally revised, was adopted.*

78. **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.

79. **Ms. Al-Muftah** (Qatar), speaking on behalf of the States members of the Cooperation Council for the Arab States of the Gulf, said that the resolutions adopted under item 3 should not create new obligations that went beyond international standards or instruments that had already been adopted by States. The numerous attempts to redefine such obligations by introducing new and non-consensual concepts, including those relating to gender identity or sexual and reproductive health, were a cause for concern. Standards and terms that did not enjoy consensus and regarding which the members of the Cooperation Council had expressed reservations would not be taken into consideration in the domestic implementation of the resolutions. The family played a critical role in the defence of human rights and should be

taken into account in all areas. The members of the Cooperation Council reaffirmed their commitment to cooperating with the Human Rights Council, while stressing the importance of national legislation.

80. **Mr. Foradori** (Argentina) said that Argentina upheld freedom of expression in accordance with its international treaty obligations and accordingly condemned hate speech. Nevertheless, his delegation was concerned that the imprecise use of the term “hate speech” in draft resolution [A/HRC/57/L.9](#) on the promotion of a democratic and equitable international order might lead to the abuse of the concept, which in turn might be detrimental to pluralist debate. The word “intolerance” was also used imprecisely in that draft resolution and should have been replaced with the word “discrimination”, which had a precise meaning under international human rights law.

81. 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/57/L.10](#) had to 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.

82. Regarding draft resolution [A/HRC/57/L.30](#) on youth and human rights, Argentina was committed to the protection of individual rights for all human beings without distinction, in accordance with the obligations expressly undertaken pursuant to the treaties to which it was a party. He wished to recall that the 2030 Agenda for Sustainable Development, to which his Government had committed in good faith, set out non-legally binding aspirations that States, in exercise of their sovereignty, were free to interpret and implement as they saw fit.

83. **Mr. Wibowo** (Indonesia) said that his delegation wished to express its particular support for draft resolution [A/HRC/57/L.19](#) on the right to development, by which the Council reaffirmed its collective commitment to the operationalization and mainstreaming of the right to development at the international level.

84. As the world’s third-largest democracy, Indonesia was committed to ensuring genuine periodic elections with equal participation and legal opportunities for all. His delegation regretted that, in the negotiation of several draft resolutions, including [A/HRC/57/L.34](#) on equal participation in political and public affairs, the main sponsors had failed to adopt a balanced approach that fully reflected the positions of all States, instead choosing to mainstream highly controversial concepts that undermined genuine support for texts that should have focused exclusively on addressing real and pressing challenges. A number of draft resolutions considered under agenda item 3, as well as other items, included references that were not aligned with agreed language. Efforts to advance human rights domestically and internationally must be grounded in international human rights treaties and global standards, while respecting the diverse religious, ethical and cultural values and legislative frameworks across countries and regions. His delegation therefore wished to dissociate itself from any references concerning sexual rights, multiple and intersecting forms of discrimination, intersectional discrimination or intersectionality and any references to sexual or gender-based violence that did not specifically mention women or girls. It also wished to reiterate that gender in the Indonesian context referred to male and female attributes.

85. His delegation deeply regretted the failure to include, in draft resolution [A/HRC/57/L.29/Rev.1](#) on human rights and Indigenous Peoples, a reference to local communities, particularly in relation to vulnerable groups. The recognition of local communities in the Council’s discussions would enhance inclusiveness in the Council, especially in respect of States that did not use the term “Indigenous Peoples”.

86. Notwithstanding his Government’s commitment to implementing the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, his delegation regretted the inclusion of references to the outcome documents of the review conferences in respect of those instruments in some resolutions, as the content of several such outcome documents went

beyond the promotion of women's rights. For that reason, Indonesia would apply the relevant outcome documents of the review conferences and the provisions on Indigenous Peoples strictly in accordance with its national laws and context.

87. **Ms. Li Xiaomei** (China) said that the adoption by consensus of draft resolutions [A/HRC/57/L.2](#), on marking the thirtieth anniversary of the Beijing Declaration and Platform for Action, and [A/HRC/57/L.33](#), on promoting accessibility for the full enjoyment of all human rights by all, demonstrated the common vision of Council members in striving to uphold the rights of specific groups, particularly women, older persons and persons with disabilities. Against the backdrop of increased polarization and politicization in the Council, the constructive dialogue and cooperation on those issues had been invaluable. Human rights were universal and non-discriminatory; their promotion and protection should be based on those same principles.

88. Draft resolution [A/HRC/57/L.33](#) extended the accessibility standards set out in the Convention on the Rights of Persons with Disabilities to other eligible groups, including older persons, thereby complementing other current initiatives by the Council on the protection of the rights of persons with disabilities. That was of particular importance in a world with an ageing population. China called on States to abandon geopolitical narrow-mindedness and demonstrate constructiveness in protecting human rights and to contribute meaningfully to solidarity, dialogue and cooperation within the Council. It looked forward to working with all parties to continue to strengthen cooperation on the protection of women's rights and accessibility and to promote the healthy development of the international human rights agenda.

89. **Mr. Kill** (United States of America) said that his delegation was proud to engage robustly within the Human Rights Council and had supported the majority of the draft resolutions presented during the session, including most of those considered under agenda item 3. It would, however, like to make some important clarifications on the resolutions adopted. Those points would be explained in more detail in the global statement to be posted on the website of the Permanent Mission of the United States and included in the *Digest of United States Practice in International Law*. His delegation first wished to clarify that resolutions adopted by the Human Rights Council did not change the current state of conventional or customary international law and did not create rights or obligations under international law and that reaffirmation of prior instruments and resolutions applied only to those States that had affirmed them initially.

90. The 2030 Agenda, which the United States Government fully supported, was likewise a non-binding document that carried no international rights or obligations. The term "right to development" had no agreed-upon international meaning, and for that reason, his delegation would continue to oppose references to the concept as a right. Lastly, while the United States supported policies advancing 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.

91. **Ms. Arias Moncada** (Honduras) said that draft resolution [A/HRC/57/L.21](#) on the World Programme for Human Rights Education, in particular the fourth preambular paragraph and paragraph 3, underlined the importance of national contexts and a diversity of approaches in carrying out human rights education in line with national needs and priorities. Such flexibility was essential to ensuring effective and respectful human rights education initiatives within each country's legislative framework and previously established educational policies.

Agenda item 10: Technical assistance and capacity-building (*continued*)
([A/HRC/57/L.18](#), [A/HRC/57/L.20](#), [A/HRC/57/L.37](#) and [A/HRC/57/L.38/Rev.1](#))

Draft resolution [A/HRC/57/L.18](#): Enhancement of technical cooperation and capacity-building in the field of human rights

92. **Ms. Berananda** (Observer for Thailand), introducing the draft resolution on behalf of the main sponsors, namely Brazil, Honduras, Indonesia, Morocco, Norway, Qatar, Singapore, Türkiye and her own delegation, said that the text focused on the role of technical

cooperation and capacity-building in strengthening national structures which played a role in promoting and safeguarding human rights, and provided for a panel discussion on that theme to be held during the Council's fifty-ninth session, on the basis of a report to be prepared by OHCHR. The panel discussion would be aimed at enhancing technical assistance and capacity-building, particularly through the exchange of ideas and the sharing of best practices. Under the draft resolution, the Council would also reiterate its request to OHCHR to establish an online repository of technical cooperation and capacity-building activities in the implementation of universal periodic review recommendations, which had been postponed until 2025.

93. Although they were distinct entities, national human rights institutions and national mechanisms for implementation, reporting and follow-up both formed integral parts of a system for promoting and safeguarding human rights at the national level. Their effective functioning was crucial for fostering national ownership of human rights issues, which in turn could lead to the long-term and sustainable improvement of the human rights situation on the ground.

94. In order to garner the broadest support possible, the sponsors had based the text of the draft resolution largely on agreed language from previous Council resolutions on the same subject. Her delegation hoped that the Council would adopt the draft resolution by consensus, as in previous years, which would reaffirm the Council's long-standing determination to strengthen technical cooperation and capacity-building in the field of human rights.

95. **The President** announced that 20 States had joined the sponsors of the draft resolution.

General statements made before the decision

96. **Mr. Da Silva Nunes** (Brazil) said that his delegation was particularly pleased with the theme chosen for the annual panel discussion. National human rights institutions and national mechanisms for implementation, reporting and follow-up bridged the gap between international norms and domestic realities and were therefore indispensable for promoting human rights at the national level. As a main sponsor of Council resolution 51/33 on promoting international cooperation to support national mechanisms for implementation, reporting and follow-up, Brazil, together with Paraguay, had engaged closely with the processes that guided the Council's work on technical cooperation. Capacity-building efforts were essential to enable States to meet their human rights obligations.

97. While progress had been made overall, his delegation was concerned that Council resolution 54/28 had not been fully implemented: the creation of the online repository referred to in its paragraph 14 had been postponed owing to the current liquidity crisis affecting the United Nations Secretariat. His delegation urged the international community to resolve the issue, as such a repository could play a critical role in enhancing transparency, promoting the sharing of best practices and improving the coordination of technical cooperation worldwide. He called on all members to adopt the draft resolution by consensus.

98. **Ms. Arias Moncada** (Honduras) said that the sharing of good practices among States and technical assistance were fundamental for advancing the protection and promotion of human rights globally. Capacity-building, especially in developing countries, was key to ensuring that human rights policies were translated into practical measures that benefited everyone. Such a collaborative approach would foster long-term sustainable progress that was adapted to national contexts. Her delegation wished to highlight the reiterated request, in the text of the draft resolution, for the establishment of an online repository of technical cooperation and capacity-building activities in the implementation of universal periodic review recommendations. She called on all members to adopt the draft resolution by consensus.

99. **Mr. Martínez** (Paraguay) said that technical cooperation and capacity-building in the field of human rights were key to strengthening international cooperation and thereby promoting and protecting the effective exercise of human rights. His delegation was particularly interested in the complementary role played by national human rights institutions and national mechanisms for implementation, reporting and follow-up, as referred to in Council resolutions 51/31 and 51/33, and those entities' contribution to the promotion and

protection of human rights at the national level. His delegation welcomed the theme proposed for the panel discussion to be held at the Council's fifty-ninth session. He urged the Council members to adopt the draft resolution by consensus.

100. **Mr. Gaal** (Somalia) said that his delegation supported the draft resolution. Building strong institutions and enhancing human rights capacities were essential for promoting justice, accountability and the rule of law. Technical cooperation provided countries with the tools and experts necessary for developing and implementing effective human rights policies; for example, it could enable them to establish mechanisms for monitoring and reporting human rights violations, thereby ensuring greater accountability in enforcing human rights standards. International cooperation facilitated the sharing of best practices and experiences among nations, which in turn made it easier to adopt successful strategies in local contexts.

101. *Draft resolution A/HRC/57/L.18 was adopted.*

Draft resolution A/HRC/57/L.20: Cooperation with Georgia

102. **Mr. Lominadze** (Georgia), introducing the draft resolution, said that the text, as in previous iterations, focused on the deteriorating human rights situation in the regions of Georgia that were illegally occupied by Russia: Abkhazia and the Tskhinvali region/South Ossetia. Russia had intensified its efforts to further incorporate those regions into its social, economic, political, military and judicial spheres. Recalling that decisions of the European Court of Human Rights and the International Criminal Court had attested to the occupation and effective control on the ground by Russia, he said that, under the draft resolution, the Council would demand that OHCHR and other international and regional human rights mechanisms should be given immediate and unimpeded access to Abkhazia and Tskhinvali/South Ossetia, Georgia.

103. The occupying Power also denied access to the European Union Monitoring Mission in Georgia, thereby preventing its staff from carrying out the monitoring activities mandated under the ceasefire agreement of 12 August 2008, which had been mediated by the Presidency of the Council of the European Union; moreover, it had recently detained Mission monitors who had been performing their duties.

104. The High Commissioner's reports reflected the grave security and humanitarian situation on the ground: the population continued to suffer from human rights violations including kidnapping, arbitrary detention, torture and ill-treatment, deprivation of life, infringements of the right to property and the right to health, restrictions on freedom of movement and on education in one's native language, and ethnic discrimination. Even the most vulnerable groups, including women, older persons and children, had been the targets of such violations. Furthermore, Georgian citizens remained in lengthy illegal detention in both occupied regions. The lack of accountability for the death of David Basharuli was alarming, especially given the continued ethnically driven violence. Hundreds of thousands of internally displaced persons and refugees, the victims of ethnic cleansing, remained deprived of their fundamental right to return to their homes. He hoped that the draft resolution would be adopted by consensus.

105. **The President** announced that nine States had joined the sponsors of the draft resolution.

General statements made before the voting

106. **Mr. Payot** (Belgium), speaking on behalf of the States members of the European Union that were members of the Council, said that the European Union welcomed the continuing cooperation of Georgia with OHCHR in fulfilling its obligations under international human rights law. The European Union urged Georgia to continue that dialogue and to uphold its commitment to the promotion of democracy, the rule of law and human rights. Its request for technical assistance in those areas deserved the Council's full support.

107. Under the draft resolution, the Council would demand that OHCHR and other international and regional human rights mechanisms should be given immediate and unimpeded access to the Georgian regions of Abkhazia and Tskhinvali, South Ossetia, for the purpose of conducting an objective and impartial assessment of the situation of human

rights in both regions. It was deeply regrettable that, despite the repeated calls made by the Council since 2017, such access had not yet been granted. The European Union reiterated its firm support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders. It hoped that the draft resolution would be adopted by consensus.

108. **Mr. Oike** (Japan) said that the delegation of Georgia was to be commended for its transparency during the informal consultations. The Government had demonstrated its commitment to addressing the human rights challenges in the regions of Abkhazia and Tskhinvali, South Ossetia, and to cooperating with international human rights mechanisms, including the Organisation for Economic Co-operation and Development. His delegation believed that the sovereignty, independence and territorial integrity of Georgia must be ensured. To that end, it was pleased to sponsor the current draft resolution, as it had sponsored similar resolutions in the past. It hoped that the draft resolution would be adopted by consensus.

109. **Mr. Sterk** (Bulgaria) said that his Government welcomed the continuing cooperation of Georgia with OHCHR and its office in Tbilisi. It encouraged Georgia to uphold its commitment to promote democracy, the rule of law and human rights throughout the country and to ensure the meaningful participation of Georgian civil society in that endeavour.

110. His delegation shared the serious concern expressed in the draft resolution regarding the continuing negative impact of measures and practices imposed by the de facto authorities in the occupied regions of Abkhazia and Tskhinvali, South Ossetia, and the ongoing human rights violations resulting from discrimination on ethnic grounds, particularly against ethnic Georgians. Instances of arbitrary detention and kidnappings, including of women, children and older persons, were a source of particular concern. His delegation was outraged that internally displaced persons and refugees continued to be deprived of their right to return to their homes in a safe and dignified manner in the regions under occupation. Importantly, the draft resolution included a call for OHCHR and other international and regional human rights mechanisms to be given immediate and unimpeded access to the Georgian regions of Abkhazia and Tskhinvali, South Ossetia. Bulgaria reiterated its firm support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders. His delegation hoped that the draft resolution would be adopted by consensus.

111. **Ms. Schroderus-Fox** (Finland) said that her Government strongly supported cooperation with Georgia for the promotion, protection and fulfilment of human rights. Its request for technical assistance to improve the human rights situation in its territory deserved the Council's full support, especially in the light of the worrying developments that were being reported from the country. Engaging with and supporting Georgian civil society likewise remained a necessity. It was crucial to continue to demand that OHCHR and other international and regional human rights mechanisms should be given immediate and unimpeded access to the entire territory of Georgia, including Abkhazia and Tskhinvali, South Ossetia. Regrettably, in previous years, resolutions on cooperation with Georgia had been among the few resolutions under agenda item 10 on which a vote had been requested. Finland reiterated its firm support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders. It hoped that the draft resolution would be adopted by consensus.

Statements made in explanation of vote before the voting

112. **Ms. Micael** (Eritrea), underscoring the importance of technical cooperation and capacity-building and their role in helping countries to address human rights challenges, said that Eritrea encouraged the Council to continue to fulfil its technical assistance mandate and enhance its advisory role in order to reduce inequalities among States in the promotion of human rights.

113. Her Government supported in principle the request of Georgia for technical assistance. However, it strongly opposed any attempt to link technical assistance to geostrategic or other matters that were unrelated to human rights. Such unwarranted linkages would not only distract the Council from its primary focus but might also motivate it to address matters that were far removed from its mandate. As the draft resolution was highly politicized and raised controversial issues that fell outside the scope of the Council's work,

her delegation requested a vote, would vote against it and encouraged other Council members to do likewise.

114. **The President** said that Luxembourg had withdrawn its sponsorship of the draft resolution.

115. **Mr. Bichler** (Luxembourg) said that Luxembourg reiterated its strong support for the sovereignty and territorial integrity of Georgia. His delegation fully supported the aim of the draft resolution, by which the Council would call for OHCHR and other international and regional human rights mechanisms to be given immediate and unimpeded access to the regions of Abkhazia and Tskhinvali, South Ossetia. An objective and impartial assessment of the situation of human rights in those regions was necessary. Regrettably, the Russian Federation, which was the State exercising effective territorial control over the regions concerned, continued to deny such access, despite the repeated calls made by the Council since 2017.

116. His delegation welcomed the continuing cooperation of Georgia with OHCHR in fulfilling its obligations under international human rights law and strongly encouraged the Government to continue that cooperation and to uphold its commitment to the promotion of democracy, the rule of law and human rights throughout its territory. The tireless commitment of Georgian civil society to those principles was also appreciated.

117. The delegation of Luxembourg had consistently supported the draft resolutions submitted under item 10 by the countries concerned by those texts. Seeking technical assistance to strengthen respect for and protection of human rights, democracy and the rule of law was fully in line with one of the central objectives of General Assembly resolution 60/251 establishing the Council and deserved the support of the Council as a whole. His delegation therefore hoped that the draft resolution would be adopted by consensus. It would vote in favour of the text and urged all other Council members to do the same.

118. **Mr. Da Silva Nunes** (Brazil) said that his Government acknowledged the commitment of Georgia to promoting and protecting human rights, as demonstrated by its ongoing cooperation with OHCHR. Also commendable was the country's openness to receiving visits from special procedure mandate holders, as attested by its having welcomed the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the rights of persons with disabilities in 2023.

119. While his delegation recognized the challenges faced by the Government of Georgia in protecting human rights and acknowledged the merits of the draft resolution under consideration, it would nonetheless abstain from voting on the text, which addressed issues that far exceeded the Council's mandate. Furthermore, the draft resolution went beyond the scope of agenda item 10. Notwithstanding the legitimate concerns of Georgia regarding its sovereignty and territorial integrity, the investigations conducted by the International Criminal Court and the judgments of the European Court of Human Rights mentioned in the text would be better addressed in other forums such as the General Assembly or the Council of Europe. His delegation hoped that future resolutions on cooperation with Georgia would be more closely aligned with the core objectives of agenda item 10.

120. **Ms. Arias Moncada** (Honduras) said that her Government had repeatedly expressed its commitment to and support for international technical cooperation as an essential tool for institution-building and the promotion of human rights. It recognized that agenda item 10 was key to progressing in that area and believed that technical cooperation should serve not only to overcome immediate challenges but also to build sustainable institutional capacity to address future challenges effectively, based on the priorities set by States and their respective Governments.

121. However, her delegation took the view that the draft resolution under discussion, which referred to situations that should not be taken up in connection with the Council's mandate on technical assistance and capacity-building, went beyond the framework established by agenda item 10. Her delegation would thus abstain from voting on the text.

122. *At the request of the representative of Eritrea, a recorded vote was taken.*

In favour:

Albania, Argentina, Belgium, Bulgaria, Chile, Costa Rica, Côte d'Ivoire, Dominican Republic, Finland, France, Gambia, Georgia, Germany, Ghana, Japan, Lithuania, Luxembourg, Malawi, Maldives, Montenegro, Netherlands (Kingdom of the), Paraguay, Romania, United States of America.

Against:

China, Cuba, Eritrea.

Abstaining:

Algeria, Bangladesh, Benin, Brazil, Burundi, Cameroon, Honduras, India, Indonesia, Kazakhstan, Kuwait, Kyrgyzstan, Malaysia, Morocco, Qatar, Somalia, South Africa, Sudan, United Arab Emirates, Viet Nam.

123. *Draft resolution A/HRC/57/L.20 was adopted by 24 votes to 3, with 20 abstentions.*

Draft resolution A/HRC/57/L.37: Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

124. **Mr. Kah** (Gambia), introducing the draft resolution on behalf of the Group of African States, said that the text took into account the progress made by the Democratic Republic of the Congo in the promotion and protection of human rights since the adoption of Council resolution 54/34 in October 2023. The Group commended the work of the team of international experts on the Democratic Republic of the Congo and the technical assistance team deployed by OHCHR to support the Government in the field of transitional justice.

125. By adopting the draft resolution, the Council would renew the mandate of the team of international experts for another year, provide the Government with technical support to help it to establish mechanisms to protect human rights in the extractive industries, in particular children's rights, and support the efforts of the Democratic Republic of the Congo in the fulfilment of the right to development as a means of promoting sustainable and participatory development and conflict prevention at various levels of society. His delegation hoped that Council members would continue to show solidarity towards the country by adopting the draft resolution by consensus.

126. **The President** announced that four States had joined the sponsors of the draft resolution.

127. **Mr. Bonnafont** (France), making a general statement before the decision, said that the Council must respond to the request of the Democratic Republic of the Congo, which was facing a humanitarian crisis, for support from OHCHR in combating the human rights violations being perpetrated in its territory against that difficult backdrop. The Council must not allow the conflict in the eastern part of the Democratic Republic of the Congo to become a forgotten crisis. Every effort must be made to put an end to the current humanitarian disaster. To that end, France called on the international community to continue to mobilize funding to respond to that need. It also called for an end to the well-documented violations of human rights and international humanitarian law committed by armed groups in the country and the cessation of all support for the activities of such groups. The fight against impunity and the prevention of serious crimes were essential for preserving stability in the Democratic Republic of the Congo. Lastly, France called on the national authorities to continue their efforts to promote and protect human rights and to build peace, and to reverse their decision to lift the moratorium on the execution of the death penalty. His delegation called on Council members to adopt the draft resolution by consensus.

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

129. **Mr. Empole Losoko Efambe** (Observer for the Democratic Republic of the Congo) said that the draft resolution, like previous similar resolutions, included language commending the work of the team of international experts on the Democratic Republic of the Congo and the technical assistance team deployed by OHCHR to support the Government in the fields of transitional justice and forensic medicine. The text also reflected the country's willingness to renew the mandate of the team of international experts for another year and

highlighted its efforts to promote and protect human rights, including its cooperation with OHCHR, the United Nations Joint Human Rights Office in the Democratic Republic of the Congo and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. The draft resolution likewise expressed condemnation of any support given to terrorists and armed groups, which were the source of numerous human rights violations and the ongoing humanitarian crisis, especially in the east of the country. The Democratic Republic of the Congo called for an immediate end to such support.

130. His delegation had proposed that OHCHR should provide technical assistance for an assessment of the feasibility of setting up an international tribunal or special criminal court for the Democratic Republic of the Congo to combat impunity for serious crimes. Regrettably, that proposal had not been taken up. In any event, his delegation wished to thank the Group of African States for its solidarity and constant support. It also appreciated the spirit of cooperation shown by other partners and friendly countries during the negotiation of the compromise text. The Democratic Republic of the Congo remained committed to promoting and protecting human rights and encouraged Council members to adopt the draft resolution by consensus.

131. **Mr. Kill** (United States of America), speaking in explanation of position before the decision, said that his delegation remained deeply concerned about the human rights situation in the Democratic Republic of the Congo, while recognizing that its Government was taking important steps to address certain issues, including by promoting accountability for security forces' violations and abuses. While his delegation would join the consensus on the draft resolution, it wished to specify that it interpreted the language characterizing the obligations of States with respect to human rights and fundamental freedoms, including in the first preambular paragraph, in accordance with its understanding of international human rights law. It applauded the condemnation of armed groups that committed human rights abuses against civilians. However, describing any support given to armed groups as necessarily violating State obligations under international human rights law was not accurate, particularly where the support was not connected to human rights abuses.

132. While his delegation shared the sponsors' concern about the increase in hate speech, it did not agree with the way in which article 20 of the International Covenant on Civil and Political Rights was invoked in the draft resolution and stressed that all efforts to combat hate speech must be carried out in a manner consistent with respect for human rights, particularly freedom of expression. The terms used in paragraph 2 did not constitute legal determinations under international law and its references to "attacks", "occupation" and "serious violations of international humanitarian law" did not mean that such terms were legally applicable to any specific acts or situations. In general, only States had obligations under international human rights law; therefore, only States had the capacity to commit human rights violations.

133. Moreover, while accountability was critical, the references in the draft resolution to ensuring justice, prosecutions and convictions should not be misunderstood as ignoring the presumption of innocence and other fair trial guarantees owed to accused persons. Lastly, his delegation interpreted the mention in paragraph 18 of "grave violations of children's rights" to refer to the six grave violations identified by the Special Representative of the Secretary-General for Children and Armed Conflict.

134. *Draft resolution A/HRC/57/L.37 was adopted.*

Draft resolution A/HRC/57/L.38/Rev.1: Technical assistance and capacity-building in the field of human rights in the Central African Republic

135. **Mr. Kah** (Gambia), introducing the draft resolution on behalf of the Group of African States, said that the text, which took into account the strides made by the Central African Republic in the areas of transitional justice and the development of national policies aligned with human rights principles since the adoption of Council resolution 54/31 in October 2023, was intended to strengthen the fulfilment of the country's national human rights objectives. The draft resolution highlighted the progress made in areas such as child protection, the realization of the right to development and the steps taken to address past human rights violations and to work towards national reconciliation while also addressing current challenges. The text also reflected the commitment of the Group of African States to

upholding the sovereignty and integrity of the Central African Republic. The Group commended the efforts of the team of international experts and the technical assistance team, acting under the guidance of OHCHR, which had significantly bolstered the work of the Government in the area of transitional justice. He called on Council members to adopt the draft resolution by consensus, as doing so would reaffirm the Council's shared commitment to human rights, sustainable development and the rule of law in the Central African Republic.

136. **The President** announced that five States had joined the sponsors of the draft resolution.

137. **Mr. Ntamack Epoh** (Cameroon), making a general statement before the decision, said that his delegation fully endorsed the draft resolution, which was an essential means of supporting the Government of the Central African Republic in its efforts to stabilize the country, strengthen its institutions and promote human rights throughout its territory. As a neighbouring country, Cameroon was aware of the security, political and humanitarian challenges that the Central African Republic continued to face and could only admire the country's people for the resilience that they had shown despite the impact of persistent armed conflict, human rights violations and the ongoing humanitarian crisis. His delegation commended the Government of the Central African Republic for its efforts to respond to those challenges, including the reforms that it had undertaken in the areas of governance, security and justice, and encouraged it to continue to implement its disarmament, demobilization and reintegration programme.

138. International and regional cooperation were necessary to ensure that the Central African Republic remained on the path to lasting peace and stability. His delegation called on Council members to adopt the draft resolution by consensus so that the country could receive the technical assistance and capacity-building services that it needed to protect human rights, rebuild the country and promote national reconciliation.

139. **Mr. Bonnafont** (France), making a general statement before the decision, said that, bearing in mind the particularly difficult regional and national contexts involved, it was imperative that the Council should provide the Central African Republic with the support it required. By supporting respect for human rights, the Council would be contributing to the essential efforts being made to support victims of conflict in the region, protect vulnerable populations and help restore the rule of law in the country.

140. While his delegation welcomed the close cooperation between the national authorities and United Nations teams in addressing violations of international humanitarian law and human rights, the human rights situation in the Central African Republic continued to be a cause for concern. Non-governmental armed groups such as the Wagner Group were responsible for many of the rights violations committed in the country, which included conflict-related sexual violence, as well as serious violations of children's rights. Those crimes must not go unpunished.

141. His delegation encouraged the Government of the Central African Republic to ensure the exercise of civil and political rights by all citizens in order to create favourable conditions for the holding of free, transparent and inclusive elections in the near future in which all sectors of society could participate. The renewal of the mandate to provide technical assistance and capacity-building was crucial to that end; his delegation therefore called on all Council members to adopt the draft resolution by consensus.

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

143. **Mr. N'Gbeng Mokoue** (Observer for the Central African Republic) said that his Government fully supported the renewal of the mandate of the Independent Expert on the situation of human rights in the Central African Republic. It was worth recalling, however, that General Assembly resolution 60/251 establishing the Council stipulated that its purpose was to, inter alia, promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of the States concerned.

144. The draft resolution referred to the recommendations made by the Independent Expert and other partners and the progress made by the country in the area of human rights. For instance, in May 2024, the President of the Republic had set up a steering committee headed by the Ministry of Justice to oversee the implementation of the national human rights policy

adopted in 2023. Moreover, thanks to the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, the parliament was now involved in the national human rights programme and a network of parliamentarians of the Central African Republic for human rights had been established. As noted in the draft resolution, new commissioners had been selected for the Truth, Justice, Reparation and Reconciliation Commission.

145. The Government of the Central African Republic, with the support of its international partners, had also undertaken to ensure that the elections scheduled to take place in April 2025 would be free, transparent and democratic and that men, women and young people would be able to take part in those elections on an equal footing. The Government had likewise undertaken to improve detention conditions and to strengthen the procedures regulating deprivation of liberty in the light of the recommendations made by international bodies. Lastly, the inclusive action plan to give effect to the recommendations accepted by the Central African Republic during the fourth cycle of the universal periodic review was currently being finalized. More technical assistance and capacity-building services were needed to ensure their implementation.

146. **Mr. Kill** (United States of America), speaking in explanation of position before the decision, said that his delegation remained deeply concerned about the human rights situation in the Central African Republic and was pleased to join the consensus on the draft resolution. However, the text did not reflect any legal determinations under international humanitarian law or international human rights law, including in its references to actions as violations of international humanitarian law or as human rights violations and abuses. In particular, not all the acts identified in paragraph 1 constituted violations of international humanitarian law or international human rights law as such.

147. His delegation interpreted paragraph 6 to mean that those engaged in the activities described therein risked the imposition of sanctions by the Security Council only when they met the designation criteria under the Central African Republic sanctions regime. In addition, while his delegation condemned hate speech, it stressed that all efforts to combat hate speech must be carried out in a manner consistent with respect for human rights, particularly freedom of expression. His delegation interpreted the mention in paragraph 40 of the “six most serious violations suffered by children in armed conflict” to refer to the six grave violations identified by the Special Representative of the Secretary-General for Children and Armed Conflict.

148. Lastly, while his delegation strongly supported measures to protect individuals from abuses committed by non-State actors and urged all actors to respect human rights and the principle of non-refoulement, it noted that non-State actors generally did not bear obligations under international human rights law or international refugee law.

149. *Draft resolution A/HRC/57/L.38/Rev.1 was adopted.*

The meeting rose at 12.50 p.m.