



# General Assembly

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## Human Rights Council

### Forty-eighth session

#### Summary record of the 41st meeting\*

Held at the Palais des Nations, Geneva, on Thursday, 7 October 2021, at 3.30 p.m.

*President:* Ms. Khan.....(Fiji)

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\* No summary records were issued for the 1st to 40th meetings.

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*The meeting was called to order at 3.35 p.m.*

**Agenda item 1: Organizational and procedural matters (A/HRC/48/L.28)**

*Draft statement by the President (A/HRC/48/L.28): Reports of the Advisory Committee*

1. **The President** said that the draft statement, which had no programme budget implications, had been prepared in consultation with all the parties concerned. She understood that it enjoyed the support of all States members of the Council.
2. *The draft statement by the President contained in document A/HRC/48/L.28 was adopted.*

**Agenda item 2: Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General (A/HRC/48/L.11, A/HRC/48/L.24/Rev.1, A/HRC/48/L.44, A/HRC/48/L.45, A/HRC/48/L.46, A/HRC/48/L.47 and A/HRC/48/L.48)**

*Draft resolution A/HRC/48/L.11: Situation of human rights in Yemen*

3. **Mr. Bekkers** (Netherlands), introducing the draft resolution on behalf of the main sponsors, namely Belgium, Canada, Ireland, Luxembourg and his own delegation, said that the situation in Yemen and the suffering of the people there was a source of great concern to the entire Council and could only be addressed through a comprehensive and inclusive political solution. Under the draft resolution, the Council would call upon all parties to respect their obligations under international human rights law and international humanitarian law and would renew the mandate of the Group of Eminent International and Regional Experts for a further two years. The Group, which the Council had created in 2017, played a vital role in gathering information, reporting patterns of violations and making recommendations to the Council and to the United Nations system as a whole.
4. The main sponsors had conducted transparent and inclusive negotiations on the draft resolution, and the views of all parties were amply reflected in the text. Moreover, an effort had been made to bridge the gap between draft resolution A/HRC/48/L.11 and the draft resolution on technical assistance and capacity-building for Yemen in the field of human rights (A/HRC/48/L.6), which had been submitted under agenda item 10. The work of the Yemeni National Commission of Inquiry was to be encouraged, in which connection the draft resolution included a request to the Office of the United Nations High Commissioner for Human Rights (OHCHR) to provide the Commission with capacity-building, technical assistance and legal support. However, the Commission's activities needed to be complemented by those of an international, independent and impartial mechanism such as the Group of Eminent Experts, which was the only United Nations body that was monitoring human rights violations perpetrated by all parties to the conflict in Yemen.
5. **The President** said that nine States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$7,981,700.
6. **Ms. Tichy-Fisslberger** (Austria), making a general statement before the voting on behalf of the States members of the European Union that were members of the Council, said that over a period of seven years, the devastating conflict in Yemen had cost a quarter of a million lives and displaced more than 4 million people. Human rights abuses and violations of international humanitarian law, possibly amounting to war crimes, were widespread. Yet the conflict showed no signs of ending. Against that background, the European Union strongly supported the draft resolution, which addressed the responsibilities of all parties to the conflict and emphasized the importance of accountability. A two-year renewal of the mandate of the Group of Eminent Experts would give it some much-needed stability and help ensure that alleged violations in Yemen were properly examined. She also wished to express support for the National Commission of Inquiry and hoped that the two bodies would cooperate fully. The European Union remained committed to working with the Government of Yemen and with international partners in a spirit of positive and constructive engagement.
7. **Ms. Stasch** (Germany), making a general statement before the voting, said that the conflict in Yemen had led to a humanitarian catastrophe for the country's civilian population,

which had been exacerbated by economic decline and the impact of the coronavirus disease (COVID-19) pandemic. It was important that all violations of human rights and international humanitarian law should be impartially investigated. She wished to acknowledge the efforts being made by the Coalition to Support Legitimacy in Yemen to investigate claims concerning civilian casualties. Nonetheless, she remained convinced that an international, independent mechanism with a United Nations mandate was essential for ensuring accountability for the sake of the Yemeni people.

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

9. **Mr. Majawar** (Observer for Yemen) said it was unfortunate that, once again, two separate draft resolutions on Yemen had been submitted under two different agenda items. As the Government of Yemen had stated on previous occasions, it did not oppose investigations into claims of human rights violations in the country, but it could not agree that such a task should be entrusted to a body that had, from the outset, revealed its bias and lack of professionalism. The insistence on proposing a draft resolution under agenda item 2 to renew the mandate of the Group of Eminent Experts simply confirmed that certain parties were seeking to politicize human rights issues and to undermine the effectiveness of the Council.

10. To pursue such a course of action would weaken the unity of the international community's response to the situation in Yemen and would send the wrong message to militias, which would be encouraged to reject peace initiatives on the grounds that they had supporters within the Council. Moreover, the draft resolution under item 2 would complicate the existing situation by imposing a parallel investigating mechanism alongside the National Commission of Inquiry, which had already successfully conducted investigations into human rights abuses and whose mandate had been renewed by presidential decree on 28 September 2021.

11. He wished to thank the representative of Bahrain for requesting a vote on the draft resolution, and called upon the States members of the Council to vote against it. The draft resolution under agenda item 10 was sufficient and was the appropriate way to address the question of human rights in Yemen.

*Statements made in explanation of vote before the voting*

12. **Mr. Bucheeri** (Bahrain) said that Bahrain and the other States in the Coalition to Support Legitimacy in Yemen, and Yemen itself, had been instrumental in setting up the Group of Eminent Experts in 2017, and the Coalition had cooperated fully and transparently with the Group. Unfortunately, however, the Group had abused its mandate and overstepped the terms of Security Council resolution 2216 (2015), notably by describing the head of the Houthi movement as the leader of the revolution and the Houthi militias as the de facto authorities. Reports submitted by the Group of Eminent Experts had legitimized the coup d'état, widened existing rifts in the country and misled international public opinion into believing that the crisis in Yemen had begun with the intervention of the Coalition.

13. The fact that two draft resolutions on Yemen under separate agenda items had been submitted to the Council would lead only to polarization and would not help the country to emerge from the crisis into which it had been plunged when Houthi militias had overthrown the legitimate Government in 2014. The draft resolution under item 10 focused on technical assistance and capacity-building for the National Commission of Inquiry. In fact, the Commission, which worked in cooperation with OHCHR, was the more effective of the two mechanisms, as it was more aware of the complexities of the internal political situation and better placed to monitor violations, gather evidence and pursue justice and accountability. The sponsors of the draft resolution under item 2 were completely ignoring the demands of the legitimate Government of Yemen, which had repeatedly voiced its outright rejection of any renewal of the mandate of the Group of Eminent Experts. Yemen merited better treatment at the hands of the Council. His delegation would vote against the draft resolution and he encouraged other States to do likewise.

14. **Mr. Da Silva Nunes** (Brazil) said that his delegation lamented the grave and persistent violations of human rights and international humanitarian law taking place in Yemen and supported an immediate nationwide ceasefire and a sustainable political solution. He

commended Saudi Arabia for the efforts it had made to uphold the Riyadh Agreement and Security Council resolution 2216 (2015), and he paid tribute to the important work being carried out by the Special Envoy of the Secretary-General for Yemen. The two draft resolutions before the Council should be regarded as complementary and mutually reinforcing; nonetheless, the Council would strengthen its position and send out a stronger message if it recovered its unity on Yemen. Brazil would vote in favour of draft resolution A/HRC/48/L.11.

15. **Mr. Moerzinger Pagani** (Uruguay) said that respect for the norms of international humanitarian law needed to be restored in Yemen, chiefly in order to protect the civilian population against acts of violence committed by any of the parties to the conflict. In that regard, it was vital that the mandate of the Group of Eminent Experts should be renewed so that the international community could rely on impartial information regarding the human rights situation in the country. Uruguay would vote in favour of the draft resolution and encouraged all sides to put an end to hostilities and to pursue a peaceful solution to their differences.

16. **Ms. Martínez Liévano** (Mexico) said that the situation in Yemen was having a serious impact on security in the surrounding region. Nonetheless, neighbouring States had made significant efforts to support the civilian population. The sponsors of the draft resolution should continue dialogue, both with the State concerned and with the main sponsors of the draft resolution submitted under item 10. It was important to take account of the legitimate concerns of all parties in order to find areas where a compromise might be reached, with a view to bringing a single resolution on Yemen before the Council. In such a situation, it would have been desirable to seek a renewal of the mandate of the Group of Eminent Experts for just one year rather than two, in order to allow for an assessment of the situation on the ground. Nonetheless, Mexico intended to vote in favour of the draft resolution and called upon the sponsors to maintain their call to States to refrain from transferring arms to any party to the conflict if they believed there was an overriding risk that those arms could be used to commit or facilitate a serious violation of human rights law or international humanitarian law.

17. **Mr. Manley** (United Kingdom) said that all members of the Council should support the draft resolution so that the important work of the Group of Eminent Experts could continue. He was concerned about reports of serious human rights abuses by all sides, particularly violations against vulnerable groups such as children, and he was appalled by the indiscriminate targeting of cities in Saudi Arabia with drones and missiles. The parties to the conflict in Yemen should investigate all alleged abuses and take action to promote and protect human rights. In that connection, the Group of Eminent Experts had a crucial role to play by reporting to the Council. The key to improving the human rights situation remained the achievement of a political solution, in which connection his delegation stood ready to support the work of the Special Envoy of the Secretary-General for Yemen.

18. **Mr. Jiang Duan** (China) said that he supported the request for a vote on the draft resolution. States with opposing views on human rights issues needed to address their differences through constructive dialogue and cooperation, and should not use human rights as a pretext for exerting pressure and imposing mechanisms against the explicit wishes of the country concerned. The legitimate Government of Yemen was, in fact, opposed to the renewal of the mandate of the Group of Eminent Experts, as such a renewal would lead to confrontation and waste resources while barely contributing to the promotion and protection of human rights. China intended to vote against the draft resolution.

19. **The President** said that Denmark had withdrawn its sponsorship of the draft resolution.

20. **Mr. Jespersen** (Denmark) said that, after seven years of conflict, the situation in Yemen was as dire as it had ever been. The most recent report of the Group of Eminent Experts had highlighted widespread violations of human rights, including torture and the perpetration of sexual and gender-based violence by all of the warring parties. By supporting the Group and renewing its mandate, the Council could help to promote accountability for the crimes that had been committed and ensure that the suffering of the Yemeni people was not forgotten. Denmark intended to vote in favour of the draft resolution.

21. **Mr. Okaniwa** (Japan) said that his delegation was concerned about the deteriorating human rights and humanitarian situation in Yemen. He condemned attacks by the Houthi militias, both inside Yemen and against Saudi Arabia, and encouraged all the parties to the conflict to exercise the utmost restraint. The Group of Eminent Experts should seek to advance the peace process in a constructive manner; however, some of its reports contained misleading expressions that did not help to promote peace. His delegation had consistently requested that the two draft resolutions on Yemen should be integrated into one; regrettably, that had not been accomplished. For that reason, Japan intended to abstain from voting on the draft resolution.

22. *At the request of the representative of Bahrain, a recorded vote was taken.*

*In favour:*

Argentina, Austria, Bahamas, Brazil, Bulgaria, Czechia, Denmark, Fiji, France, Germany, Italy, Marshall Islands, Mexico, Netherlands, Poland, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, Uruguay.

*Against:*

Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, China, Cuba, Eritrea, Gabon, India, Indonesia, Libya, Mauritania, Pakistan, Philippines, Russian Federation, Senegal, Somalia, Sudan, Togo, Uzbekistan, Venezuela (Bolivarian Republic of).

*Abstaining:*

Armenia, Cameroon, Côte d'Ivoire, Japan, Malawi, Namibia, Nepal.

23. *Draft resolution [A/HRC/48/L.11](#) was rejected by 21 votes to 18, with 7 abstentions.*

*Draft resolution [A/HRC/48/L.24/Rev.1](#): Situation of human rights in Afghanistan*

24. **Ms. Pipan** (Observer for Slovenia), introducing the draft resolution on behalf of the European Union, said that the European Union was deeply concerned about recent developments in the human rights situation in Afghanistan, as described by the United Nations High Commissioner for Human Rights in the oral update she had provided at the 1st meeting of the Council's current session. Draft resolution [A/HRC/48/L.24/Rev.1](#) was the result of comprehensive talks and engagement with all States members of the Council and with other delegations, including that of Afghanistan, which was one of the sponsors. The draft addressed their common concerns and answered the High Commissioner's appeal to the Council to establish a dedicated mechanism to monitor the evolving human rights situation. The text reflected an incremental approach and established the mandate of a new special rapporteur to ensure the continued monitoring of the situation by an independent expert beyond March 2022. The European Union urged all relevant parties to cooperate fully with the special rapporteur, once operational, and to grant the mandate holder unhindered access to the necessary information.

25. Although the draft resolution had been significantly revised in order to meet the concerns of all parties, including Afghanistan, an oral revision had also been made to the sixth preambular paragraph. She called on the members of the Council to adopt the draft resolution by consensus and to oppose any amendments.

26. **The President** said that several amendments to the draft resolution had been proposed by the delegation of China. Noting that the proposed amendment contained in document [A/HRC/48/L.43](#) had been withdrawn, she invited the representative of China to introduce the proposed amendments to the draft resolution contained in documents [A/HRC/48/L.44](#), [A/HRC/48/L.45](#), [A/HRC/48/L.46](#), [A/HRC/48/L.47](#) and [A/HRC/48/L.48](#).

27. **Mr. Jiang** Duan (China) said that the international community must respect the sovereignty, independence and territorial integrity of Afghanistan, uphold the "Afghan-led, Afghan-owned" principle, support the development path selected by the Afghan people and provide the necessary assistance to help them overcome their current challenges. The draft resolution proposed by the European Union had serious defects that could undermine efforts to address the situation on the ground and could negatively affect the well-being of the Afghan people. While his delegation thanked the sponsors for engaging with all parties on

the text, it regretted that the reasonable recommendations made by China during the negotiations had not been accepted. For that reason, China was compelled to propose several amendments.

28. Through the proposed amendment contained in document [A/HRC/48/L.44](#), China sought to address the groundless decision to freeze the assets of the Afghanistan Central Bank, which would impede the development of the Afghan economy, undermine efforts to ensure peaceful reconstruction and exacerbate the ongoing humanitarian crisis. The Afghan foreign exchange reserves belonged to the Afghan State and should be reserved for the sole use of the Afghan people; they should not be used by other States as a tool to exert political pressure on Afghanistan. China called on the countries concerned to immediately reverse the decision in question.

29. The proposed amendment contained in document [A/HRC/48/L.45](#) reflected the Chinese Government's view that the international community should support the efforts of Afghanistan to maintain peace and stability and ensure that all persons enjoyed fundamental rights and freedoms, including the right to life, economic, social and cultural rights, the right to development, and civil and political rights.

30. The proposed amendment contained in document [A/HRC/48/L.46](#) rectified the mandate of the proposed new special rapporteur, which was fundamentally limited in its current form, insofar as it deliberately overlooked past human rights violations, in particular those attributable to foreign troops, and focused exclusively on civil and political rights, with no mention of economic, social and cultural rights or the right to development. As it stood, the mandate did not comply with the Council's principles of impartiality, objectivity, non-selectivity and non-politicization.

31. The proposed amendment contained in document [A/HRC/48/L.47](#) reflected the fact that the United States of America and its allies had caused the problems currently faced by Afghanistan. Those countries should take responsibility for the human rights violations that had occurred in Afghanistan over the previous two decades and hold the perpetrators of those violations accountable. They should also take responsibility for the economic and social reconstruction of Afghanistan, rather than transferring responsibility to the international community.

32. In relation to the proposed amendment contained in document [A/HRC/48/L.48](#), in March 2022, the United Nations High Commissioner for Human Rights would submit a written report to the Council on the human rights situation in Afghanistan and convene a dialogue in that regard. There was therefore no need for the High Commissioner to brief the Council "as deemed necessary", as called for in paragraph 16 of the draft resolution.

33. Lastly, he noted that the submission of those amendments by China did not mean that China supported the draft resolution.

34. **Ms. Tichy-Fisslberger** (Austria) said that the main sponsors of the draft resolution did not agree with the proposed amendments and requested the Council to put each amendment to a vote.

35. **The President** announced that four States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$824,200. She invited the State concerned by the draft resolution to make a statement.

36. **Mr. Andisha** (Observer for Afghanistan) said that, following its forcible takeover of the State, the Taliban had vowed to uphold human rights in Afghanistan. However, initial cautious optimism had waned after the announcement of the so-called caretaker cabinet, which included persons on United Nations sanctions lists and excluded women and persons belonging to minority ethnic groups, and after the extended blockade of and subsequent vicious attack against Panjshir province. Since then a litany of human rights abuses had been committed, including targeted killings, restrictions on the freedoms of movement, assembly, expression and the press, attacks on human rights defenders, and violence and discrimination against women and girls. People across the country rightly feared for their lives, and further human rights violations were all but certain to occur.

37. The international community must continue to assist the people of Afghanistan in their efforts to choose their own government. A government chosen by the people had the potential to facilitate the meaningful participation of women and young people in the conduct of public affairs, to bring together the country's religious and ethnic communities, and to uphold human rights for all. In a multi-ethnic and pluralistic society such as Afghanistan, upholding the human rights and fundamental freedoms of every individual and every ethnic group was indispensable to a peaceful and dignified future. His delegation wished to thank the European Union for proposing the establishment of a new country-specific special rapporteur to monitor the human rights situation in Afghanistan. While the situation on the ground demanded a much more robust investigative mechanism, he hoped that the members of the Council would stand with the people of Afghanistan and unanimously adopt draft resolution [A/HRC/48/L.24/Rev.1](#).

38. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/48/L.44](#).

39. **Ms. Tichy-Fisslberger** (Austria), speaking in explanation of vote before the voting on behalf of the States members of the European Union that were members of the Council, said that the proposed amendment contained in document [A/HRC/48/L.44](#) introduced elements that fell within the remit of the International Monetary Fund; they were not relevant to the work of the Human Rights Council, had no direct connection to the context or purpose of the draft resolution and had not been raised by the United Nations High Commissioner for Human Rights in her oral update. For those reasons, the States members of the European Union that were members of the Council would vote against the amendment.

40. *At the request of the representative of Austria, a recorded vote was taken.*

*In favour:*

China, Eritrea, Pakistan, Russian Federation, Uruguay, Venezuela (Bolivarian Republic of).

*Against:*

Argentina, Armenia, Austria, Bulgaria, Czechia, Denmark, Fiji, France, Germany, India, Italy, Japan, Malawi, Marshall Islands, Mexico, Netherlands, Poland, Republic of Korea, Sudan, Ukraine, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:*

Bahamas, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Indonesia, Libya, Mauritania, Namibia, Nepal, Philippines, Senegal, Somalia, Togo, Uzbekistan.

41. *The proposed amendment contained in document [A/HRC/48/L.44](#) was rejected by 21 votes to 6, with 18 abstentions.*

42. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/48/L.45](#).

43. **Ms. Tichy-Fisslberger** (Austria), speaking in explanation of vote before the voting on behalf of the States members of the European Union that were members of the Council, said that the current formulation of paragraph 8 of the draft resolution reflected the appeals made by the United Nations Secretary-General, the High Commissioner for Human Rights, the Afghanistan Independent Human Rights Commission and the United Nations Assistance Mission in Afghanistan (UNAMA) to protect the human rights and fundamental freedoms of all Afghans, including women, girls, children and persons belonging to ethnic and religious minorities. There was solid evidence that the alleged regression in the enjoyment of human rights and fundamental freedoms by Afghans was a reality. The European Union continued to support the Afghan people, democracy, good governance, human rights and social and economic development in the country. During the negotiations on the draft resolution, the content of paragraph 8 bis had been incorporated into the text of the current paragraph 8 in a spirit of constructive engagement and flexibility. Paragraph 8 reflected a careful balance that accommodated the various views expressed. For those reasons, the States members of the European Union that were members of the Council would vote against the amendment.



44. *At the request of the representative of Austria, a recorded vote was taken.*

*In favour:*

China, Eritrea, Indonesia, Pakistan, Russian Federation, Venezuela (Bolivarian Republic of).

*Against:*

Argentina, Armenia, Austria, Bahamas, Bulgaria, Czechia, Denmark, Fiji, France, Germany, India, Italy, Japan, Malawi, Marshall Islands, Mexico, Netherlands, Poland, Republic of Korea, Sudan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

*Abstaining:*

Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Libya, Mauritania, Namibia, Nepal, Philippines, Senegal, Somalia, Togo, Uzbekistan.

45. *The proposed amendment contained in document [A/HRC/48/L.45](#) was rejected by 23 votes to 6, with 16 abstentions.*

46. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/48/L.46](#).

47. **Mr. Chernyakov** (Russian Federation), speaking in explanation of vote before the voting, said that the Russian Federation was in favour of an impartial review of the reasons for the current situation in Afghanistan. It was unacceptable to blame one particular party for the situation, while overlooking the violations of human rights and international humanitarian law that had occurred over the previous two decades, in particular those committed by foreign troops. Such a flawed position was reflected in the mandate of the special rapporteur whose establishment was proposed in draft resolution [A/HRC/48/L.24/Rev.1](#). The Russian Federation therefore supported the proposed amendment contained in document [A/HRC/48/L.46](#). However, that amendment did not obviate the need for a full critical analysis of whether such a special rapporteur was necessary, given that the establishment of such a mandate would do nothing to ameliorate the human rights situation on the ground and would instead merely politicize the already tense discussions in that regard.

48. **Ms. Tichy-Fisslberger** (Austria), speaking in explanation of vote before the voting on behalf of the States members of the European Union that were members of the Council, said that the proposed amendment contained in document [A/HRC/48/L.46](#) sought to weaken the central operative paragraph of the draft resolution, which reflected a clear request by the United Nations High Commissioner for Human Rights for the Council to establish a dedicated mechanism to monitor the evolving human rights situation in Afghanistan in order to ensure continued monitoring beyond March 2022. The current draft had been negotiated as a direct response to that request and was in line with the mandate that the High Commissioner had called on the Council to establish. The proposals to amend paragraph 12 (a) and insert a new paragraph 12 (a) bis were not acceptable, as they would limit the scope and significantly change the nature of the proposed special rapporteur's mandate, drawing attention away from ongoing monitoring efforts. The issues referred to in the proposed amendment were not within the scope of the reporting mandate of the High Commissioner or resolution S-31/1, adopted by the Human Rights Council in August 2021 at its thirty-first special session. Those issues had been raised during the negotiations on the draft resolution but their inclusion had not been supported by many delegations. For those reasons, the States members of the European Union that were members of the Council would vote against the amendment.

49. *At the request of the representative of Austria, a recorded vote was taken.*

*In favour:*

Bolivia (Plurinational State of), China, Eritrea, Pakistan, Russian Federation, Venezuela (Bolivarian Republic of).

*Against:*

Argentina, Armenia, Austria, Bahamas, Bulgaria, Czechia, Denmark, Fiji, France, Germany, India, Italy, Japan, Malawi, Marshall Islands, Mexico,



Netherlands, Poland, Republic of Korea, Sudan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

*Abstaining:*

Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Indonesia, Libya, Mauritania, Namibia, Nepal, Philippines, Senegal, Somalia, Togo, Uzbekistan.

50. *The proposed amendment contained in document [A/HRC/48/L.46](#) was rejected by 23 votes to 6, with 17 abstentions.*

51. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/48/L.47](#).

52. **Ms. Tichy-Fisslberger** (Austria), speaking in explanation of vote before the voting on behalf of the States members of the European Union that were members of the Council, said that Afghanistan undoubtedly required increased support from the international community in view of the dire humanitarian situation in the country, as outlined in Human Rights Council resolution S-31/1, on which paragraph 10 of the draft resolution was based. At the recent high-level ministerial meeting on the situation in Afghanistan, the United Nations Secretary-General and the High Commissioner for Human Rights had reiterated the need for impartial and independent humanitarian assistance to be provided to all affected populations, without discrimination. The addition of language that sought to undermine paragraph 10 was unacceptable. For those reasons, the States members of the European Union that were members of the Council would vote against the amendment.

53. *At the request of the representative of Austria, a recorded vote was taken.*

*In favour:*

Bolivia (Plurinational State of), China, Eritrea, Pakistan, Russian Federation, Venezuela (Bolivarian Republic of).

*Against:*

Argentina, Armenia, Austria, Bahamas, Bulgaria, Czechia, Denmark, Fiji, France, Germany, India, Italy, Japan, Malawi, Marshall Islands, Mexico, Netherlands, Poland, Republic of Korea, Sudan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

*Abstaining:*

Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Indonesia, Libya, Mauritania, Namibia, Nepal, Philippines, Senegal, Somalia, Togo, Uzbekistan.

54. *The proposed amendment contained in document [A/HRC/48/L.47](#) was rejected by 23 votes to 6, with 17 abstentions.*

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

56. **Ms. Tichy-Fisslberger** (Austria), speaking in explanation of vote before the voting on behalf of the States members of the European Union that were members of the Council, said that the European Union strongly supported the work of the High Commissioner and her office in Afghanistan and believed that it was crucial for the High Commissioner to keep the Council updated on the evolving human rights crisis until the proposed special rapporteur had become operational. In proposing the deletion of paragraph 16 of the draft resolution, the sponsor of the proposed amendment sought to prevent debate in the Council on one of the most critical human rights situations at the current time. For those reasons, the States members of the European Union that were members of the Council would vote against the amendment.

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

*In favour:*

China, Eritrea, Pakistan, Russian Federation, Venezuela (Bolivarian Republic of).

*Against:*

Argentina, Armenia, Austria, Bahamas, Bulgaria, Czechia, Denmark, Fiji, France, Germany, India, Italy, Japan, Malawi, Marshall Islands, Mexico, Netherlands, Poland, Republic of Korea, Sudan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

*Abstaining:*

Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Indonesia, Libya, Mauritania, Namibia, Nepal, Philippines, Senegal, Somalia, Togo, Uzbekistan.

58. *The proposed amendment contained in document [A/HRC/48/L.48](#) was rejected by 23 votes to 5, with 17 abstentions.*

59. **The President** invited the Council to take action on draft resolution [A/HRC/48/L.24/Rev.1](#), as orally revised.

*Statements made in explanation of vote before the voting*

60. **Mr. Jiang Duan** (China) said that the war in Afghanistan had ended, but the issues faced by the Afghan people remained unresolved. The current situation was closely tied up with power politics, military interventionism and the push for a so-called democratic transformation. The hasty withdrawal of the military forces of the United States and its allies had brought new problems to the country. The international community must promote the formation of an extensive and inclusive political structure; the pursuit of moderate and prudent domestic and foreign policies and a friendly and neighbourly regional policy; respect for the basic rights of ethnic minorities, women and children; and a clear commitment to combating terrorist forces.

61. Nearly half of the Afghan population lived below the poverty line and millions of persons were in the throes of a food crisis. The international community should provide emergency humanitarian assistance to the Afghan people. However, it could not promote and protect the human rights of the Afghan people if it ignored the specific national circumstances and challenges in the country, selectively targeting one party and discussing only certain categories of human rights. The situation in Afghanistan should not be used to serve the political interests of certain countries; otherwise, the stability and development of the nation would be damaged, the human rights of its people ignored and the credibility of the Council undermined. The military occupation of Afghanistan by the United States and its allies for over two decades had brought disaster to the Afghan people. The human rights violations committed over that time period must be investigated and their perpetrators held accountable. In view of the Council's adoption of resolution S-31/1 in August 2021, China had doubts as to the need for a further resolution, as well as concerns about the motive behind the European Union's push to adopt one. Given the major defects in the proposed text, and the fact that the amendments proposed by China had been rejected, China, the Russian Federation, Pakistan and the Bolivarian Republic of Venezuela could not support the draft resolution and requested that it should be put to a vote.

62. **Ms. Imene-Chanduru** (Namibia) said that, in the past, her delegation had abstained from voting on country-specific draft resolutions. That was no longer the case, owing to a change in policy. Her Government was of the view that country-specific mechanisms should be deployed only when the State concerned was not taking adequate measures to address human rights violations; such mechanisms must be introduced as part of a complementary approach and must seek to genuinely address human rights concerns. In the case of Afghanistan, it was clear from the oral update given by the High Commissioner for Human Rights that the authorities in power had not upheld human rights, notwithstanding the commitments they had undertaken to do so. The draft resolution comprehensively enumerated the human rights concerns in Afghanistan, in particular the many human rights violations committed by the Taliban, such as violence against protesters and restrictions on women's and girls' right to education and freedom of movement. While the type of mechanism proposed in the draft resolution was not her Government's preferred choice, the proposed mandate would nevertheless go a long way towards ensuring the continued

monitoring of the human rights situation in Afghanistan. Her delegation would therefore vote in favour of the draft resolution.

63. **Mr. Da Silva Nunes** (Brazil) said that, on the basis of the recent developments on the ground in Afghanistan, bold measures should be taken to monitor the human rights situation there, especially as it related to women and girls. Brazil supported the creation of a special procedure to strengthen the Council's role in addressing the crisis in Afghanistan; however, it would have preferred for the draft resolution to have given more visibility to the challenges faced by the Afghan people regarding their rights to freedom of religion and belief, of opinion and expression and of peaceful assembly. While the efforts of neighbouring countries in facilitating the delivery of humanitarian assistance to Afghanistan were to a certain extent acknowledged in the draft resolution, little emphasis was placed on other countries' actions in respect of Afghan refugees and asylum seekers. Observance of the principle of non-refoulement and the authoritative advice of the United Nations High Commissioner for Refugees on Afghanistan were important considerations in that regard. The Council could play a crucial role in resolving the current crisis by promoting international dialogue and coordinated action together with other United Nations bodies.

64. **Mr. Hashmi** (Pakistan), speaking on behalf of the Organization of Islamic Cooperation (OIC), said that Human Rights Council resolution S-31/1, adopted by consensus at the Council's thirty-first special session, which had been convened at the request of OIC, had conveyed a united message of solidarity with the Afghan people. Maintaining a unified stance was of paramount importance for alleviating the human rights situation in Afghanistan. While some elements of resolution S-31/1 were reflected in the draft resolution currently under consideration, it was not clear whether the draft provided any added value, especially as it appeared to shy away from the notion of accountability. OIC reaffirmed the need for wide-ranging dialogue among all parties and representatives of the people of Afghanistan and for the active engagement of the international community, including the United Nations and key international and regional actors in the areas of politics, humanitarian assistance and development. International assistance remained critical for creating an environment in which the needs and aspirations of the Afghan people could be fulfilled. OIC welcomed the commitments made at the high-level ministerial meeting on the humanitarian situation in Afghanistan.

65. Speaking as the representative of Pakistan, he said that Afghanistan stood at an inflection point, after four decades of conflict with devastating human costs. Notwithstanding some legitimate concerns, there was a real window of opportunity for advancing the shared goals of peace, security, stability, development and human rights in Afghanistan. Shaping an international response to the situation required prudence, proportionality and a strategy for engagement that accorded primacy to the legitimate needs and aspirations of the Afghan people. It was critical to draw lessons from the consequences of past engagement with Afghanistan or lack thereof.

66. Unfortunately, in terms of the approach, calibration and sequencing of the international response, draft resolution [A/HRC/48/L.24/Rev.1](#) was ill timed, ill advised and counterproductive. First, the draft resolution did not reflect an assessment of the situation in Afghanistan against the backdrop of prolonged conflict. The so-called "forward-looking" approach that had been taken was flawed, in that it failed to confront the inconvenient reality of past human rights abuses committed by various actors. The draft instead reflected a politically convenient approach that evaluated only the evolving human rights situation in the country. Second, despite assertions to the contrary, the mandate of the proposed new special rapporteur unnecessarily duplicated the existing mandates of OHCHR and UNAMA to monitor and report on the situation. Such a mandate might even complicate the situation further; the track record of many such mandates in conflict and post-conflict situations was unenviable. Third, the draft resolution did not make clear how the appointment of a special rapporteur would improve the situation in Afghanistan, not least as it did not take into account serious issues such as the country's current financial insolvency and lack of governance machinery. Despite proposals by his delegation, the proposed new mandate did not include the conduct of a needs assessment or the provision of technical assistance. Fourth, the draft resolution was not aligned with the overall focus of the United Nations and the region on humanitarian assistance, financial assistance and an inclusive political settlement. It was

unfortunate that the legitimate concerns of the countries in the region and his delegation's constructive attempts to incorporate a regional perspective into the draft resolution had, on the whole, been ignored.

67. The clearly partisan approach taken in the draft resolution was disappointing and nurtured the troubling notion that violations and abuses had an expiry date and that some major actors had immunity from accountability. Well-documented violations were not unequivocally condemned in the draft resolution, but were treated merely as collateral damage. The credibility of the Council would thus be damaged by a misguided zeal and by the mainstreaming of double standards. His delegation would therefore vote against the draft resolution.

68. **Mr. Villegas** (Argentina), reaffirming his Government's firm support for the sovereignty, political independence, territorial integrity and unity of Afghanistan, said that all parties in the country, especially those in power, should comply with international humanitarian law and human rights law and should urgently take steps to protect people at risk, particularly women and children and other vulnerable persons, such as refugees, internally displaced persons, older persons and members of the LGBTIQ+ community. The situation in Afghanistan must be addressed in accordance with the purposes and principles of the Charter of the United Nations. The Council had a responsibility to offer Afghanistan a package of guarantees to ensure continued progress towards the realization of human rights in the country. Referring to the High Commissioner's appeal to the Council during her oral update, he said that the draft resolution was an important step in that it provided for the appointment of a special rapporteur to monitor and report on the human rights situation and to make recommendations to improve it, with the vital assistance and expertise of OHCHR. His delegation would vote in favour of the draft resolution.

69. **Mr. Constant Rosales** (Bolivarian Republic of Venezuela) said that the military invasion and subsequent occupation of Afghanistan by the United States and its allies over a period of more than two decades had undermined the sovereignty and territorial integrity of the country, compromised its social and economic stability and resulted in gross violations of its people's human rights. That invasion was the fundamental cause of the current humanitarian disaster in Afghanistan. The sponsors of the draft resolution had claimed that the mechanism for which it provided would monitor the human rights situation in Afghanistan and protect the Afghan people, yet those same sponsors were preventing the country from securing certain resources, such as funding from the World Bank and the International Monetary Fund, to rebuild the country after the invasion. The proposed new special rapporteurship, rather than helping to advance the human rights situation, would only interfere in Afghan affairs. The Council must fulfil its mandate of promoting and protecting human rights by means of genuine dialogue and cooperation and should not allow politicization, selectivity or double standards to influence its work. Venezuela supported peace in Afghanistan and called for the protection of human rights, particularly those of women and girls, in the country. It would vote against the draft resolution.

70. **Mr. Chernyakov** (Russian Federation) said that while he appreciated the sponsors' willingness to change some of the wording of the draft resolution, most proposals to that effect had, regrettably, been rejected. The adoption of a new resolution on the situation in Afghanistan just one month after the Council's special session on the same subject would be hasty, especially as resolution S-31/1 had yet to be fully implemented. His delegation deplored the inclusion, in draft resolution [A/HRC/48/L.24/Rev.1](#), of biased language aimed at blaming certain parties to the conflict while remaining evasive about human rights violations committed by other participants over the last 20 years. There was no assessment of the real reasons for the humanitarian disaster in Afghanistan, which included military operations and crimes committed against civilians, as well as the hasty and generally irresponsible withdrawal of the United States military without ensuring a proper transition process. Given the complex internal political situation in Afghanistan, a neutral approach was essential to prevent rifts in Afghan society from widening and to help parties to the conflict to reach a compromise solution. Unfortunately, the draft resolution as it stood would not facilitate those goals. His delegation intended to vote against the draft resolution.

71. *At the request of the representatives of China, Pakistan and the Russian Federation, a recorded vote was taken.*

*In favour:*

Argentina, Armenia, Austria, Bahamas, Brazil, Bulgaria, Côte d'Ivoire, Czechia, Denmark, Fiji, France, Germany, India, Italy, Japan, Malawi, Marshall Islands, Mexico, Namibia, Netherlands, Philippines, Poland, Republic of Korea, Sudan, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

*Against:*

China, Eritrea, Pakistan, Russian Federation, Venezuela (Bolivarian Republic of).

*Abstaining:*

Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, Cameroon, Cuba, Gabon, Indonesia, Libya, Mauritania, Nepal, Senegal, Somalia, Uzbekistan.

72. *Draft resolution [A/HRC/48/L.24/Rev.1](#), as orally revised, was adopted by 28 votes to 5, with 14 abstentions.*

73. **The President** invited delegations to make statements in explanation of vote or general statements on either of the draft resolutions considered under agenda item 2.

74. **Mr. Taihitu** (Indonesia) said that his delegation had voted against the draft resolution on the situation of human rights in Yemen ([A/HRC/48/L.11](#)). The Council should focus on creating an environment that reinforced and encouraged States' efforts to fulfil their human rights obligations. He was therefore concerned about the proliferation of country-specific resolutions that selectively spotlighted the human rights situations in just a few countries. The Council's deliberations on such resolutions were generally unproductive and not conducive to the advancement of human rights in the countries concerned. Providing technical assistance and capacity-building, in consultation and agreement with those countries, was the best way to improve the human rights situation. National processes and regional mechanisms must be supported through dialogue and cooperation, rather than undermined. His delegation continued to support the promotion and protection of human rights in Yemen and urged the Council to work towards achieving a unified position in that regard.

75. **Mr. Bekkers** (Netherlands), speaking also on behalf of Belgium, Canada, Ireland and Luxembourg, said that the Council, in rejecting draft resolution [A/HRC/48/L.11](#), had failed the people of Yemen. Four years previously, the mandate of the Group of Eminent Experts had been established by consensus. Since then, the Group had reported on the human rights situation in Yemen with impartiality, humanity and integrity. It had exceeded expectations in fulfilling its mandate despite many obstacles, including difficulty in gaining access to vulnerable people, resource constraints and the advent of the COVID-19 pandemic. The Council's rejection of the draft resolution had effectively ended the Group's reporting mandate and had cut the Yemeni people's lifeline to the international community. He hoped that other means of continued human rights monitoring would be explored so that the people of Yemen would not be abandoned in their hour of need.

76. **Ms. Narvaez Vargas** (Plurinational State of Bolivia) said that her delegation had voted in favour of draft resolution [A/HRC/48/L.24/Rev.1](#) on the situation of human rights in Afghanistan because it supported the establishment of a mechanism to monitor the human rights situation and to make recommendations to improve it, especially with regard to the rights of women and girls. Such monitoring and recommendations must address all the dimensions and underlying factors of the conflict and the involvement of all parties, including foreign military forces. In that connection, it was regrettable that the resolution did not mention the 20-year military occupation of Afghanistan.

77. **Mr. Mahmoud** (Sudan) said that the Sudan had followed developments in Afghanistan closely since mid-August 2021, when the Taliban had taken power, and had supported the convening of the special session on the human rights situation in Afghanistan, as well as the resolution adopted at that session. The degradation of the human rights situation since then was of serious concern, especially in relation to women, girls and human rights defenders. His delegation had voted in favour of draft resolution [A/HRC/48/L.24/Rev.1](#), and



against all the proposed amendments thereto, because it supported the establishment of a monitoring mechanism that would closely follow developments in Afghanistan at a crucial time.

78. **Ms. Tichy-Fisslberger** (Austria), speaking on behalf of the States members of the European Union that were members of the Council, said that draft resolution [A/HRC/48/L.11](#) on the situation of human rights in Yemen had been supported by the European Union as a whole. Its rejection was deeply disappointing. For the last four years, the Group of Eminent Experts had been the only independent and impartial international mechanism monitoring the human rights situation in Yemen. It had played a vital role in gathering information and publicly reporting patterns of violations and abuses of human rights and international humanitarian law by all parties to the conflict. Throughout its work, it had made the people of Yemen its utmost priority, bringing to light their suffering since the start of the conflict. The Council must continue to monitor the situation for as long as violations and abuses persisted. The European Union would continue to demand that all parties should be held accountable for their actions and that victims' rights should be respected. The European Union supported the National Commission of Inquiry and hoped that it would receive the support it needed to do its work independently and with impartiality. Given the dire situation and the immense need for accountability, the Council, in rejecting the draft resolution, had indeed failed the people of Yemen.

79. **Mr. Lee Taeho** (Republic of Korea) said that his delegation had voted in favour of draft resolution [A/HRC/48/L.11](#), in the light of the acute human rights and humanitarian situation in Yemen. He commended the peace initiative put forward by Saudi Arabia with a view to de-escalating tensions in Yemen, as well as its efforts to ensure implementation of the Riyadh Agreement. Noting that the National Commission of Inquiry had been carrying out comprehensive independent investigations into all alleged violations of human rights and of international humanitarian law, he said that his delegation also supported the draft resolution on technical assistance and capacity-building for Yemen in the field of human rights ([A/HRC/48/L.6](#)). He urged all parties to the conflict to support the mediation efforts of the Special Envoy of the Secretary-General for Yemen, to resume peace talks and to remain engaged in the process of seeking an inclusive political solution to the crisis.

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

(A/HRC/48/L.4/Rev.1, A/HRC/48/L.5/Rev.1, A/HRC/48/L.9/Rev.1 and A/HRC/48/L.12)

*Draft resolution [A/HRC/48/L.4/Rev.1](#): Equal participation in political and public affairs*

80. **Mr. Bálek** (Czechia), introducing the draft resolution on behalf of the main sponsors, namely Botswana, Indonesia, the Netherlands, Peru and his own delegation, said that in recent years the Council had dedicated increasing attention to the issue of equal participation in political and public affairs. The draft resolution currently under consideration focused on the impact of the COVID-19 pandemic on participation in public affairs and the crucial importance of equal, broad-based participation for the post-pandemic recovery process. Under the draft resolution, the Council would request OHCHR to organize a one-day intersessional workshop to discuss challenges, good practices and experiences in implementing the right to participate in public affairs, notably in the context of the COVID-19 pandemic, and would underline the importance of genuine periodic elections by universal and equal suffrage as a means of promoting a successful transition to long-term sustainable democracies. The main sponsors of the draft resolution had sought to reflect the concerns and suggestions expressed during the negotiations with a view to achieving consensus.

81. **The President** announced that 14 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$142,700.

82. **Ms. Tichy-Fisslberger** (Austria), making a general statement before the decision, said that equal participation in political and public affairs was one of the pillars of open and democratic societies and concerned a number of rights and fundamental freedoms that continued to be threatened around the world. The draft resolution addressed important new elements, including the impact of emergency measures on public participation, the digital divide and the role that civil society could play in ensuring that the recovery from the

COVID-19 pandemic responded to real needs. Austria appreciated the fact that the draft text placed specific emphasis on the negative consequences of the pandemic for the right to participate in public affairs and for the conduct of elections. Austria particularly supported those parts of the draft resolution that expressed concerns about discrimination and recognized that women and girls, and persons belonging to minorities, were often among those most affected in that regard. It also welcomed the reference in the draft resolution to the importance of the active, meaningful and inclusive participation of youth in decision-making.

83. **Mr. Villegas** (Argentina), making a general statement before the decision, said that the draft resolution highlighted the fact that equal participation in political and public affairs was critically important for democracy, the rule of law, social inclusion, economic growth, sustainable development, the advancement of gender equality and the realization of all human rights and fundamental freedoms. Argentina welcomed the inclusion of a reference to the responsibility of States for ensuring transparent, fair elections that were free of intimidation, coercion and tampering with the counting of votes. It wished to draw attention to the call on States to promote the political participation of all women, address violence against women participating in political and public affairs and accelerate the achievement of gender equality. Argentina encouraged all members of the Council to support the draft resolution.

84. **Mr. Hovhannisyan** (Armenia), making a general statement before the decision, said that his delegation appreciated the draft resolution's focus on women's participation, which was key to addressing the root causes of a range of social, political and economic inequalities and to fostering positive social transformations. Women held 30 per cent of the seats in the National Assembly of Armenia and their numbers at the executive decision-making level were growing steadily. However, much work lay ahead, especially to ensure greater engagement of women at the local level.

85. Armenia remained a strong proponent of the women and peace and security agenda and saw a need to further enhance women's role in peacebuilding processes and in the security sector overall. His delegation was glad to see that the draft resolution largely captured the fundamental importance of elements such as freedom of assembly, the full realization of human rights and meaningful civic participation, especially in the context of the COVID-19 pandemic. There was a fine balance to be struck between reasonable restrictions and civic freedoms. Armenia also appreciated the reference in the draft resolution to periodic, free and fair elections. As a country that had achieved steadfast progress in that regard, including through cooperation with the United Nations and other international and regional structures, it wished to highlight the fact that genuine, transparent and competitive elections were an important milestone in building mature and resilient democracies.

86. **Mr. Manley** (United Kingdom), making a general statement before the decision, said that the main sponsors of the draft resolution had shown strong leadership on what was a crucial issue and had taken an inclusive approach throughout the negotiation of the text. The United Kingdom remained committed to equality in political and public affairs, particularly in the face of the COVID-19 pandemic, which had exacerbated existing inequalities. It also recognized and welcomed the important role that youth participation could play in human rights advocacy and the contribution that it could therefore make to States' fulfilment of their human rights obligations.

87. *Draft resolution A/HRC/48/L.4/Rev.1 was adopted.*

*Draft resolution A/HRC/48/L.5/Rev.1: Human rights of older persons*

88. **Mr. Villegas** (Argentina), introducing the draft resolution on behalf of the main sponsors, namely Brazil, Slovenia and his own delegation, said that the text was also sponsored by an additional 48 States. Under the draft resolution, the Council would call for action to address the situation of older persons from a human rights perspective and would request the United Nations High Commissioner for Human Rights to prepare a report on normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons, with a view to the development of recommendations on addressing possible gaps and the dispersiveness of international human rights law with regard to older persons. The COVID-19 pandemic and States' response to it



had shed light on injustices that had long been denied, neglected or underestimated. Such was the case with ageism, which reinforced discrimination against older people and their marginalization and exclusion. According to the 2021 *Global Report on Ageism*, one in two people held ageist attitudes towards older people. Indeed, age discrimination was so pervasive that it went largely unrecognized and unchallenged. The full enjoyment of human rights by older persons must be addressed in a substantive and holistic manner. The Council should play an active part in a necessary process of cultural transformation of the way society viewed ageing and older people. Argentina therefore called on the Council to adopt the draft resolution by consensus.

89. **The President** announced that a further 15 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$310,200.

90. **Mr. Moerzinger Pagani** (Uruguay), making a general statement before the decision, said that his delegation welcomed the draft resolution's focus on age discrimination and ageism, and believed that the text would make a positive contribution to raising awareness of those issues among the international community and to ending prejudice, stereotypes and other forms of discrimination against older persons. The adoption of the draft resolution would be particularly timely, given that older persons had been disproportionately affected by the COVID-19 pandemic, which had not only resulted in high morbidity and mortality in such persons but also exacerbated existing inequalities.

91. **Ms. Martínez Liévano** (Mexico), making a general statement before the decision, said that her delegation welcomed the fact that, under the draft resolution, the Council would call for States to prohibit all forms of discrimination against older persons, acknowledge that older women often faced multiple and intersecting forms of discrimination and encourage all relevant actors to combat ageism. It also supported the emphasis on the importance of promoting inclusive and age-friendly communities for older persons and the call for States to provide for consultation with and the participation of older persons themselves. She hoped that the draft resolution would be adopted by consensus.

92. *Draft resolution A/HRC/48/L.5/Rev.1 was adopted.*

*Draft resolution A/HRC/48/L.9/Rev.1: Right to privacy in the digital age*

93. **Ms. Stasch** (Germany), introducing the draft resolution on behalf of the main sponsors, namely Austria, Brazil, Liechtenstein, Mexico and her own delegation, said that respect for the right to privacy was a prerequisite for the meaningful exercise of other rights, including the right to freedom of opinion and expression. Technological change, big data and artificial intelligence were fundamentally changing how people lived and worked, and entailed the collection, storage and processing of large amounts of data, including personal and otherwise sensitive data. Artificial intelligence algorithms increasingly had the capacity to deduce information about individuals, make decisions that influenced eligibility for health insurance coverage and credit, and decide what content to direct at which users, thereby undermining users' agency and ability to form an opinion. The draft text, which was sponsored by more than 50 States in all regions, included an acknowledgement that artificial intelligence had some promising applications, but also that it posed risks to the full enjoyment of the right to privacy and other related human rights. One such risk was that it could exacerbate existing discrimination. For instance, facial recognition systems were less accurate with non-white and/or female faces. The draft resolution therefore included a call for human rights to be respected in the conception, design, development and deployment of such technologies by both businesses and Governments.

94. **The President** announced that seven States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$84,200.

95. **Mr. Badhe** (India), making a general statement before the decision, said that his Government fully recognized and respected the right to privacy, which it considered to be an essential element of the right to life. It was committed to the inclusive use of digital technologies to attain its goal of sustainable socioeconomic development. Based on the recommendations of a committee of experts established by the Government, a personal data protection bill had been submitted to Parliament and was in the advanced stages of consideration. The design, development, governance and use of digital technologies should

be shaped by democratic values and respect for universal human rights. India was committed to the development and use of digital and other emerging technologies that yielded tangible benefits for society through a multi-stakeholder approach that was adaptive, dynamic and in line with universal values, including respect for freedom of expression and privacy.

96. **Mr. Villegas** (Argentina), making a general statement before the decision, said that the right to privacy, which was clearly enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, was a “gatekeeper” right that made possible the enjoyment of other rights, including the right to freedom of association and assembly. New technologies relied on large amounts of data, which, if skewed, could cause algorithms to exacerbate existing discrimination. A few days earlier, at the Council’s 34th meeting, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had called for a moratorium on the use of surveillance technologies in the context of immigration enforcement. Facial recognition software had been shown to be less accurate with non-white faces. It was thus important to exercise due diligence when developing artificial intelligence technologies, including by carrying out human rights impact assessments.

97. *Draft resolution A/HRC/48/L.9/Rev.1 was adopted.*

*Draft resolution A/HRC/48/L.12: The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*

98. **Mr. Quintanilla Román** (Cuba), introducing the draft resolution, said that the use of mercenaries, particularly its new forms and manifestations, should and must be addressed by the Council, given its implications for human rights. In that connection, it was crucial to address the relationship between the use of mercenaries and many of the activities of private military and security companies, in particular those carried out in the humanitarian sphere.

99. Under the draft resolution, the Council would condemn any form of impunity granted to perpetrators of mercenary activities and reiterate its call for all States to remain vigilant and strengthen their legal frameworks and their monitoring of such activities. Regrettably, some countries did not recognize the mandate and important work of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, including with regard to the activities of private military and security companies. Significantly, those same countries had impeded progress in the elaboration of a legally binding instrument to regulate those activities. Cuba called on all States members of the Council that were committed to the fight against the use of mercenaries to vote in favour of the draft resolution.

100. **The President** announced that 11 States had joined the sponsors of the draft resolution, which had no programme budget implications.

101. **Mr. Hovhannisyan** (Armenia), making a general statement before the voting, said that the negative impact of the use of mercenaries was constantly evolving and included acute threats and challenges in several regions. As a long-standing supporter of the adoption of a resolution on mercenaries, Armenia was convinced that a number of the conceptual observations made in the Working Group’s report on the impact of the use of private military and security services in humanitarian action (A/HRC/48/51), specifically those concerning the need to regulate mercenary activities from the perspective of international humanitarian law, should be further explored and reflected in the draft resolution. In 2020, for the second time in 30 years, the region in which Armenia was located had experienced a large-scale influx of mercenaries recruited and trafficked from war-torn areas of the Middle East to support a military aggression; that situation had been the subject of several communications issued by the Working Group. The same perpetrators had been identified in country-specific reports as recruiters of child soldiers. The draft resolution and the mandate of the Working Group had the unique mission of addressing cross-cutting violations of human rights and international humanitarian law. The Council was the right forum in which to echo pressing concerns over the proliferation of unlawful mercenary activities and impunity for human rights violations. Armenia would do its part to ensure that the Council continued to tackle those matters.

*Statements made in explanation of vote before the voting*

102. **Ms. Tichy-Fisslberger** (Austria), speaking on behalf of the States members of the European Union that were members of the Council, said that the European Union had long-standing concerns over the draft resolution, including the lack of conceptual clarity with regard to the difference between the roles and actions of mercenaries and those of private military and security companies. Furthermore, overlaps between the mandate of the Working Group and those of other human rights mechanisms had led to a duplication of effort and the inefficient allocation of already limited resources. The draft resolution promoted the creation of an international legal framework, yet the European Union was of the view that existing legislation governing the activities of private military and security companies was satisfactory. The Montreux Document, for example, played an important role in reaffirming States' obligations in that regard. Lastly, the draft text connected mercenaries with the right to self-determination, which fell outside the Council's mandate. Unfortunately, although some of the textual suggestions made by the European Union had been at least partly accommodated in the draft resolution, those long-standing concerns remained unresolved and the European Union thus could not support the draft resolution.

103. **Mr. Manley** (United Kingdom) said that, regrettably, the draft resolution continued to conflate the roles and actions of mercenaries, which were specifically defined in international law, and the activities of private military and security companies, which not only fell outside the scope of the draft resolution but also made a vital contribution to diplomatic, commercial and humanitarian activities in complex environments around the world. There were well-established rules of international humanitarian law and international human rights law that applied to States in their relations with such companies and their operations during armed conflict. The Montreux Document recalled States' existing legal obligations and set out recommended good practice. The confusion between mercenaries and private military and security companies in the draft resolution undermined the work of the Working Group on mercenaries and had the potential to undermine plans to elaborate an international framework on the regulation, monitoring and oversight of the activities of such companies. Although the United Kingdom could not support the draft resolution as submitted, he hoped that Cuba would further explore his delegation's proposals in the context of future negotiations.

104. *At the request of the representative of Austria, a recorded vote was taken.*

*In favour:*

Argentina, Armenia, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Fiji, Gabon, India, Indonesia, Libya, Malawi, Mauritania, Namibia, Nepal, Pakistan, Philippines, Russian Federation, Senegal, Sudan, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of).

*Against:*

Austria, Bulgaria, Czechia, Denmark, France, Germany, Italy, Japan, Marshall Islands, Netherlands, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:*

Brazil, Mexico, Somalia, Togo.

105. *Draft resolution [A/HRC/48/L.12](#) was adopted by 29 votes to 14, with 4 abstentions.*

*The meeting rose at 6.10 p.m.*