



# General Assembly

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## Human Rights Council Fifty-first session

### Summary record of the 42nd meeting

Held at the Palais des Nations, Geneva, on Friday, 7 October 2022, at 9 a.m.

*President:* Mr. Villegas..... (Argentina)

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*The meeting was called to order at 9.05 a.m.*

**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** (continued) (A/HRC/51/L.6, A/HRC/51/L.27 as orally revised, A/HRC/51/L.49, A/HRC/51/L.50, A/HRC/51/L.51, A/HRC/51/L.52, A/HRC/51/L.53 and A/HRC/51/L.54)

*Draft resolution A/HRC/51/L.27, as orally revised: Situation of human rights in Afghanistan*

1. **Mr. Bálek** (Czechia), introducing the draft resolution, as orally revised, on behalf of the European Union, said that the Council had a duty to address the dire humanitarian situation and human rights crisis in Afghanistan. The human rights of women and girls were being drastically rolled back in all spheres of Afghan society; other grave violations and abuses included reprisals targeting opponents and critics and a clampdown on fundamental freedoms, including freedom of expression.
2. The draft resolution was a country-specific resolution that enjoyed the support of the country concerned. It condemned the continued human rights violations and abuses, including against children, and violations of international humanitarian law in Afghanistan, including the grave, institutionalized, widespread and systematic oppression of all women and girls in the country. It called upon the Taliban to reverse their policies and practices and to bring them into line with the international human rights obligations of Afghanistan. The mandate of the Special Rapporteur on the situation of human rights in Afghanistan was crucial, as borne out by his work so far; under the draft resolution, the Council would extend and strengthen that mandate in relation to children's rights and the documentation of human rights violations and abuses. The supporting role of the Office of the United Nations High Commissioner for Human Rights (OHCHR) would also be strengthened.
3. Three rounds of informal consultations and a number of bilateral meetings had been held on the draft resolution. He welcomed the constructive participation of delegations, including that of Afghanistan, which was one of the sponsors. The draft had been significantly revised in the light of comments received, in order to meet the concerns of all parties. It was therefore regrettable that six amendments had nevertheless been submitted. He called on Council members to adopt the draft resolution by consensus and to oppose any amendments.
4. **Mr. Yang Zhilun** (China), introducing six proposed amendments to the draft resolution, as orally revised (A/HRC/51/L.49, A/HRC/51/L.50, A/HRC/51/L.51, A/HRC/51/L.52, A/HRC/51/L.53 and A/HRC/51/L.54), said that Afghanistan was currently in a new era of reconstruction, and the international community should support the Government's efforts to establish peace. While his delegation appreciated the efforts made by the sponsors of the draft resolution, it regretted that its suggestions had not been accepted and that the draft resolution therefore lacked balance. For that reason, China was compelled to propose several amendments.
5. Under the proposed amendment contained in document A/HRC/51/L.49, the international community would, in accordance with General Assembly resolution 60/251, reaffirm the importance of bearing in mind national and regional particularities and historical, cultural and religious backgrounds. The proposed amendments contained in documents A/HRC/51/L.50 and A/HRC/51/L.51, respectively, were aimed at including references to previous violations of international human rights law, in particular those committed by foreign armed forces, in order to uphold the Council's principles of objectivity and non-politicization. The proposed amendment contained in document A/HRC/51/L.52 reflected the fact that the States whose military intervention had caused the current crisis in Afghanistan should bear the primary responsibility for the country's economic reconstruction. Under the proposed amendment contained in document A/HRC/51/L.53, the Council would call for relevant States to reverse the decision to freeze Afghan Central Bank assets. Lastly, the proposed amendment contained in document A/HRC/51/L.54 had been put forward on the grounds that further reporting on the implementation of Council decision 2/113 and Council resolution 14/15, which had already been discussed extensively, was

unnecessary and unhelpful. He hoped that Council members would support the proposed amendments.

6. **Mr. Bálek** (Czechia) said that the main sponsors of draft resolution [A/HRC/51/L.27](#) did not support the proposed amendments and requested the Council to put each amendment to a vote.

7. **The President** said that six States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$1,452,300. He invited members of the Council to make general statements on the draft resolution and the proposed amendments.

8. **Mr. Honsei** (Japan) said that his Government was deeply concerned at the deteriorating human rights situation in Afghanistan, in particular the severe restrictions placed on the fundamental rights of women and girls, including the right to education. Close monitoring of the situation had become increasingly necessary; his delegation therefore strongly supported the draft resolution's provisions on extending and enhancing the Special Rapporteur's mandate. Furthermore, the international community must remember to protect the right to life, which was the most fundamental right. To date, Japan had contributed \$217 million in response to the ongoing crisis in Afghanistan and neighbouring countries. He hoped that the Council members would unite in solidarity with the Afghan people and promote their human rights.

9. **Ms. French** (United Kingdom) said that her delegation welcomed the constructive and transparent conduct of the informal consultations, which her delegation believed had resulted in a balanced text. As had been made clear during the interactive dialogue and the enhanced interactive dialogue held at the current session, the Special Rapporteur's mandate was crucial for giving a voice to Afghans who remained in the country while their human rights were being stripped away. Afghanistan was the only country in the world where girls could not attend secondary school. Religious and ethnic minorities, particularly the Hazara people, members of the LGBT+ community and civil society activists, were facing increased levels of violence and discrimination. The United Kingdom therefore strongly supported the renewal and strengthening of the Special Rapporteur's mandate. She urged all members to do the same and to reject attempts to derail his vital work.

10. **Ms. Taylor** (United States of America) said that the United States wished to join the international community in calling upon the Taliban yet again to uphold their pledges to the Afghan people, to respect the rights of all Afghans and to reverse the restrictions in place, in particular those that increasingly limited the ability of Afghan women and girls to fully, equally and meaningfully participate in all aspects of society, by denying their access to education, employment opportunities, freedom of movement and choice of dress. The practice of punishing male family members for failing to enforce compliance with those restrictions created an environment of constant fear and further undermined women's and girl's autonomy and rights. The United States continued to call for the restoration of women's and girls' access to education at all levels throughout the country.

11. In connection with her delegation's strong support for the draft resolution, as orally revised, she wished to note that, in general, only States, not non-State actors, had obligations under international human rights law; nevertheless, the United States was committed to promoting accountability for human rights abuses by non-State actors in Afghanistan, including the Taliban. In addition, the United States did not necessarily understand the characterization of certain acts or situations using international law terms of art to mean that, as a matter of law, such terms were applicable to any specific act or situation. Further clarifications would be provided in her delegation's statement on all the draft resolutions considered under agenda item 3.

12. Her delegation wished to recognize the brave efforts of human rights defenders to document ongoing human rights abuses in Afghanistan. It welcomed the extension of the Special Rapporteur's mandate, as well as the additional resources to be provided in that connection. Her delegation also welcomed the proposal to hold an enhanced interactive dialogue at the Council's fifty-third session, an event that would feature the participation of representatives of Afghan civil society, especially women.

13. The proposed amendments to the draft resolution would dilute the Council's support for the Special Rapporteur and distract from his urgently needed work to address the rapidly deteriorating human rights situation under the Taliban, particularly for women and girls. Attempts to shift the blame for the outrageous actions of the Taliban and the suffering of the Afghan people were a waste of the Council's time. She called on Council members to vote against all the amendments.

14. **Mr. Bálek** (Czechia), speaking on behalf of the States members of the European Union that were members of the Council, said that, as part of the negotiation process, the European Union had reached out in good faith to the sponsors of the proposed amendments and had made oral revisions to the draft resolution to address the substantive concerns raised in the proposed amendments contained in documents [A/HRC/51/L.49](#), [A/HRC/51/L.52](#) and [A/HRC/51/L.53](#). However, none of those proposals had been withdrawn.

15. The proposed amendment contained in document [A/HRC/51/L.49](#) had been falsely presented as reflecting the fourth preambular paragraph of General Assembly resolution 60/251. In fact, the proposed amendment reformulated that preambular paragraph in a way that fundamentally altered its meaning. The proposed amendments contained in documents [A/HRC/51/L.50](#) and [A/HRC/51/L.51](#) were aimed at drawing attention away from the much-needed monitoring of the deteriorating human rights situation in Afghanistan, thereby weakening the scope of the draft resolution. The proposed amendment contained in document [A/HRC/51/L.52](#) focused on economic issues, rather than human rights. Technical assistance and capacity-building were usually provided to Governments, not to non-State actors such as the Taliban, and they were meant to address human rights rather than economic issues. The proposed amendment contained in document [A/HRC/51/L.53](#) gave the impression that the grave human rights violations and abuses suffered by the Afghan people were a consequence of the economic situation in the country, whereas they were the result of deliberate policies and actions taken by the Taliban and others. As for the proposed amendment contained in document [A/HRC/51/L.54](#), which was aimed at ending the reporting mandate of OHCHR regarding Afghanistan, it was clear that the human rights situation required enhanced monitoring and reporting. The European Union strongly supported the work of OHCHR, and it was crucial that the High Commissioner should continue to keep the Council updated on the human rights crisis in Afghanistan. For all those reasons, the European Union called on Council members to vote against the proposed amendments and to support the draft resolution, as orally revised.

16. **Mr. Bonnafont** (France) said that, even though the elected Government of Afghanistan had been driven out by an armed rebellion that had carried out military operations across the country for several years, humanitarian assistance had continued to be provided in order to prevent a political disaster from becoming a humanitarian disaster. The Council must adopt the draft resolution in order to renew and enhance the mandate of the Special Rapporteur to encompass the particular human rights situation of women and girls, who, together with ethnic, religious and political minorities, were currently suffering as a result of the repressive policies of the Taliban.

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

18. **Mr. Andisha** (Observer for Afghanistan), extending thanks to the delegations and civil society organizations that had sponsored and engaged constructively in the negotiation of the draft resolution, which was an improvement upon the previous iteration, said that robust action by the Council was essential for ensuring accountability, for the sake of the Afghan people. His delegation deeply appreciated the mandate and work of the Special Rapporteur, which would be extended and strengthened through the draft resolution. It welcomed the inclusion of a child's rights perspective in the mandate and the added responsibility of documenting human rights abuses. The citizens of Afghanistan expected the Council's response to the situation to be proportional to the magnitude of the crimes, violations and abuses taking place in the country.

19. While his delegation strongly supported the draft resolution, as orally revised, it regretted that the Council had shied away from establishing a dedicated accountability mechanism to investigate all allegations and to thoroughly document and collect evidence to establish criminal responsibility for human rights violations and abuses. Such a mechanism

would serve as a deterrent and thus offer a degree of protection for Afghans. His delegation would continue to work with all stakeholders towards the establishment of such a mechanism and was open to discussing its name and format, so that it did not duplicate or overshadow current mandates.

20. The draft resolution, as orally revised, was minimalist and balanced, and his delegation rejected any attempt to further weaken its provisions or to justify widespread human rights abuses, gender apartheid and tyranny in Afghanistan in the name of religion, cultural relativism or the humanitarian situation. Linking the Taliban's primitive mindset and barbaric acts to the so-called cultural and religious particularities of the people of Afghanistan was wrong. The Taliban's military takeover of the country had ushered in a new era of destruction, not only of its democratic institutions and the human rights of women and girls and minorities, but also of its values of diversity and unity. It was only a matter of time before such devastating trends spread to other countries in the region.

21. The Council should refrain from politicizing the human rights crisis in Afghanistan; instead, it should send a strong message to the people of Afghanistan that the international community would not tolerate the Taliban's complete disregard of their commitment to uphold human rights. He called on the members of the Council to adopt the draft resolution, as orally revised.

22. **Mr. Hashmi** (Pakistan), speaking in explanation of vote before the voting, said that, notwithstanding the legitimate concerns raised about the human rights, humanitarian, social and economic aspects of the situation in Afghanistan, there was a real window of opportunity for building a peaceful and stable country in which the people could exercise their basic human rights and fundamental freedoms after decades of conflict. Shaping an international response to the situation required prudence, proportionality and observance of the principles of objectivity, non-politicization, non-selectivity and constructive engagement; addressing the urgent needs of the Afghan people must remain the top priority. The convening of a special session of the Council in 2021, at the request of the Organization of Islamic Cooperation, had been a positive step towards achieving consensus on such a response. Unfortunately, the initiatives since taken by the European Union had derailed the process and precipitated divisions as a result of a politically convenient and selective approach.

23. There were four fundamental flaws in the draft resolution, as orally revised. First, it failed to contextualize the serious human rights situation against the backdrop of human-caused conflict. Its sponsors sought to promote a skewed narrative and to deflect attention away from the underlying drivers and actors that were responsible for the current situation in the country. Second, the text assessed the human rights conditions of the Afghan people in isolation, brushing aside the time-tested and mutually reinforcing relationship between peace, development and human rights, and thus overlooked practical ways and means to secure the basic rights, dignity and freedom of the Afghan people. Third, while providing for resources for the Special Rapporteur's mandate, which was to maintain a so-called "forward-looking" approach, the draft resolution shied away from ensuring accountability for previous human rights violations and abuses committed by various actors. That clearly partisan approach advanced the troubling notion that violations and abuses had an expiry date and that accountability could be pursued *à la carte*. Lastly, the draft was not aligned with the overall approach of the countries in the region, which, based on lessons learned from the past, had continuously advocated sustained international engagement and the use of humanitarian, financial and reconstruction assistance as catalysts for safeguarding and advancing basic rights. Although some of the proposals put forward by his delegation to rectify the flaws in the draft resolution had been accepted, on the whole, the text still fell short of the principles and benchmarks he had outlined. For those reasons, his delegation requested that the draft resolution should be put to a vote and would vote against it.

24. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/51/L.49](#).

25. *At the request of the representative of Czechia, a recorded vote was taken.*

*In favour:*

China, Eritrea, Gambia, India, Indonesia, Kazakhstan, Malaysia, Pakistan, Qatar, Venezuela (Bolivarian Republic of).

*Against:*

Argentina, Armenia, Brazil, Czechia, Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Benin, Cameroon, Côte d'Ivoire, Gabon, Libya, Mauritania, Namibia, Nepal, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

26. *The proposed amendment contained in document [A/HRC/51/L.49](#) was rejected by 22 votes to 10, with 13 abstentions.*

27. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/51/L.50](#).

28. *At the request of the representative of Czechia, a recorded vote was taken.*

*In favour:*

Argentina, China, Eritrea, Malaysia, Namibia, Pakistan, Venezuela (Bolivarian Republic of).

*Against:*

Brazil, Czechia, Finland, France, Gambia, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Armenia, Benin, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Kazakhstan, Libya, Mauritania, Nepal, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

29. *The proposed amendment contained in document [A/HRC/51/L.50](#) was rejected by 21 votes to 7, with 17 abstentions.*

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

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

*In favour:*

Argentina, China, Eritrea, Gambia, Malaysia, Namibia, Pakistan, Venezuela (Bolivarian Republic of).

*Against:*

Brazil, Czechia, Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Armenia, Benin, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Kazakhstan, Libya, Mauritania, Nepal, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

32. *The proposed amendment contained in document [A/HRC/51/L.51](#) was rejected by 20 votes to 8, with 17 abstentions.*

33. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/51/L.52](#).

34. *At the request of the representative of Czechia, a recorded vote was taken.*

*In favour:*

Argentina, Brazil, China, Gambia, Kazakhstan, Malaysia, Mauritania, Pakistan, Qatar, Venezuela (Bolivarian Republic of).

*Against:*

Czechia, Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Armenia, Benin, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Libya, Namibia, Nepal, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

35. *The proposed amendment contained in document [A/HRC/51/L.52](#) was rejected by 19 votes to 10, with 15 abstentions.*

36. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/51/L.53](#).

37. **Ms. Taylor** (United States of America), speaking in explanation of vote before the voting, said that, in the light of the Taliban's renewed willingness to harbour the leader of Al-Qaida, no country that was serious about containing terrorism or helping the Afghan people would advocate giving the Taliban ready access to Afghan Central Bank assets. The draft resolution, as orally revised, addressed the concern expressed about the use of Central Bank funds for the benefit of the Afghan people.

38. The United States was taking action to address the dire economic situation of Afghanistan. In September 2022, it had announced, in coordination with international partners and Afghan economic experts, the establishment of the Afghan Fund, which would protect, preserve and make targeted disbursements of Afghan reserves to help provide greater stability to the Afghan economy. Her delegation would vote against the proposed amendment and urged others to do the same.

39. *At the request of the representative of Czechia, a recorded vote was taken.*

*In favour:*

China, Eritrea, Namibia, Pakistan, Qatar, Venezuela (Bolivarian Republic of).

*Against:*

Armenia, Czechia, Finland, France, Gambia, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Argentina, Benin, Brazil, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Kazakhstan, Libya, Malaysia, Mauritania, Nepal, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

40. *The proposed amendment contained in document [A/HRC/51/L.53](#) was rejected by 21 votes to 6, with 18 abstentions.*

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

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

*In favour:*

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

*Against:*

Argentina, Armenia, Brazil, Czechia, Finland, France, Gambia, Germany, Honduras, India, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Namibia, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Benin, Cameroon, Côte d'Ivoire, Gabon, Indonesia, Kazakhstan, Libya, Malaysia, Mauritania, Nepal, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

43. *The proposed amendment contained in document [A/HRC/51/L.54](#) was rejected by 25 votes to 4, with 16 abstentions.*

44. **The President** invited the Council to take action on draft resolution [A/HRC/51/L.27](#), as orally revised.

45. **Mr. Yang Zhilun** (China), speaking in explanation of vote before the voting, said that, in the year since the fundamental change in Afghanistan, the situation had been moving towards stability, with the concerted efforts of all parties. The conflict that threatened the Afghan people's right to life had abated, and the international community should, on the basis of respect for the independence, sovereignty and territorial integrity of Afghanistan, continue to strengthen its engagement with the interim Government and guide the country in creating an inclusive political environment, implementing stable policies, combating terrorism and maintaining friendly relations with neighbouring countries. It should seek to play a constructive role in building peace, stability and development in Afghanistan and in improving the human rights situation. Owing to unilateral sanctions, reductions in foreign aid and frequent natural disasters, Afghanistan faced daunting challenges in seeking to ensure the livelihoods and food security of the Afghan people, which, in turn, had an impact on their rights. The international community should work with Afghanistan to develop an approach that was acceptable to it. During the negotiations on the text, many delegations, including his own, had proposed language on the issue of accountability for previous and current human rights violations and on the need for the countries that had created the crises to take responsibility for the country's reconstruction. Unfortunately, those legitimate suggestions had not been taken into account. Therefore, his delegation also wished to request that the draft resolution should be put to a vote and would vote against it, as he hoped others would do as well.

46. **Mr. Peña Ramos** (Bolivarian Republic of Venezuela), speaking in explanation of vote before the voting, said that Venezuela rejected the draft resolution. Its sponsors had not deemed it necessary to submit such a draft at any time during the two decades of the bloody military invasion and subsequent occupation of Afghanistan by the United States and its allies. Between 2010 and 2020 alone, their crimes against humanity had resulted in the deaths of more than 241,000 people, including over 7,700 children. There had been no accountability for the massive human rights violations committed against the Afghan people following that invasion, which had seriously undermined the country's territorial sovereignty and its economic and social development. It was the fundamental cause of the current humanitarian disaster in Afghanistan.

47. The sponsors of the draft resolution claimed that the mechanism whose mandate they wished to renew would help to protect human rights, yet those same sponsors were preventing the country from securing certain resources, not only from the Afghan Central Bank, but also from the World Bank and the International Monetary Fund, to rebuild the country and to ensure the health and food security of its people. He wished to reiterate his Government's opposition to the establishment of costly monitoring mechanisms without the consent of the country concerned. Rather than helping to advance the human rights situation, such mechanisms only interfered in the affairs of sovereign States. 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 would vote against the draft resolution and urged the other Council members to do likewise.

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

*In favour:*

Argentina, Armenia, Benin, Brazil, Côte d'Ivoire, Czechia, Finland, France, Gambia, Germany, Honduras, India, Japan, Lithuania, Luxembourg, Malawi, Malaysia, Marshall Islands, Mexico, Montenegro, Namibia, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Against:*

China, Pakistan, Venezuela (Bolivarian Republic of).

*Abstaining:*

Bolivia (Plurinational State of), Cameroon, Cuba, Eritrea, Gabon, Indonesia, Kazakhstan, Libya, Mauritania, Nepal, Qatar, Senegal, Somalia, Sudan, Uzbekistan.

49. *Draft resolution A/HRC/51/L.27, as orally revised, was adopted by 29 votes to 3, with 15 abstentions.*

50. **The President** invited delegations to make statements in explanation of vote or general statements on any of the draft texts considered under agenda item 2.

51. **Mr. Rosales** (Argentina) said that the role of the Council was to address human rights issues that were brought to its attention by the human rights mechanisms established by the United Nations in a spirit of cooperation and dialogue and according to the principle of non-selectivity, in line with General Assembly resolution 60/251. His delegation had abstained from voting on draft decision [A/HRC/51/L.6](#) on the grounds that China, the country concerned, had not been consulted, even though it was a member of the Council and had recently demonstrated its willingness to cooperate with the international human rights system by accepting a visit by the United Nations High Commissioner for Human Rights. China must follow up on all reports produced by human rights mechanisms, including the OHCHR assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, China, and must undertake to respond to and investigate all the human rights violations documented therein. The Council should not, however, insist immediately on holding a debate on that human rights situation without first engaging in the dialogue and cooperation that were required to address the serious human rights concerns referred to in the OHCHR assessment.

52. **Mr. Manley** (United Kingdom) said that, in submitting draft decision [A/HRC/51/L.6](#), the main sponsors had sought to bring before the Council an issue that clearly warranted its attention. No State, whatever its size, influence or geographical location, should be free to avoid scrutiny over allegations of possible crimes against humanity. It was widely agreed that the human rights situation in Xinjiang was of serious concern, as had been borne out by the OHCHR assessment, which had drawn extensively on first-hand testimonies and information published by the Chinese authorities. Although the draft decision had not been adopted, the many discussions surrounding it in Geneva and in the capitals of Council members had highlighted the scale and the nature of the terrible violations faced by Uyghur and other Muslims in Xinjiang. It had therefore been correct to seek to hold a debate on the human rights situation in that region at the Council. To have failed to do so would have been to ignore the plight of huge numbers of people who, on the basis of their ethnicity and religion, were subjected to arbitrary detention, torture or ill-treatment, forced labour, sexual and gender-based violence, forced sterilization and enforced disappearance. The United Kingdom would continue to raise concerns about the human rights situation in Xinjiang in international forums and to urge China to change course and cease the practices that the OHCHR assessment had described in such clear and disturbing detail.

53. **Mr. Muhamad** (Malaysia) said that the fate of the former United Nations Commission on Human Rights was a reminder that the Council should not allow itself to be held hostage by the political agenda of certain countries. Regrettably, the submission of draft decision [A/HRC/51/L.6](#) had revealed the continued politicization and polarization of the Council. Countries were forced to become embroiled in the power play between certain States instead of working together to fulfil the Council's mandate, which was to address all human rights issues in an impartial and objective manner. His Government believed strongly in human rights discourse based on the principles of cooperation, constructive engagement, inclusivity, transparency and mutual respect, which would ensure the Council's effectiveness and continued relevance.

54. As a primarily Muslim nation, Malaysia shared the growing concerns expressed about the alleged human rights violations and abuses against the Uyghur and other predominantly Muslim minorities in Xinjiang, as reflected in the assessment made by OHCHR. However, it cautioned against taking action that could further aggravate the polarization of the Council and that would not necessarily have a positive impact on the ground. Malaysia welcomed the ongoing engagement of China with OHCHR and called on Council members to continue to support it. The visit by the former High Commissioner had laid a solid foundation for further

constructive engagement, including on issues pertaining to Xinjiang. Undermining that process could diminish trust between China and OHCHR and discourage other States from entering into similar collaborative arrangements. His Government hoped that China would continue to engage constructively with the Council's mechanisms, and would itself continue to engage with China on all important human rights issues through consultation, dialogue, exchanges of best practice, capacity-building and technical cooperation. As a moderate Muslim country with a multi-ethnic and multireligious population, Malaysia had valuable insights and experiences to share. For all those reasons, his delegation had abstained from voting on the draft decision.

55. **Mr. Yang Zhilun** (China) said that the United States and certain other Western countries had repeatedly fabricated lies about Xinjiang, brandishing the flag of human rights to engage in a political smear campaign against China and to contain its development. In submitting draft decision [A/HRC/51/L.6](#), they had sought to use a United Nations forum to interfere in the country's domestic affairs. The international community, despite pressure from the United States and certain other Western countries, had seen through those lies, and most members of the Council, particularly developing countries, had rejected the draft decision. The issue regarding Xinjiang had nothing to do with human rights, and everything to do with counter-terrorism and anti-separatism. Thanks to the authorities' considerable efforts over the past few years, there had been no recent terrorist incidents, and the people of Xinjiang enjoyed an unprecedented level of protection. The Council should turn its attention to the United States and the United Kingdom, where serious human rights violations were being committed, including sexual and gender-based violence and the violation of refugees' rights; guns and unilateral coercive sanctions were also causes for concern. Those countries should admit their failures to the international community and ensure that justice was done. They should resume dialogue, rather than seek confrontation, with other Council members.

**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/51/L.5](#), [A/HRC/51/L.8](#) as orally revised, [A/HRC/51/L.25](#) as orally revised, [A/HRC/51/L.33](#) as orally revised, [A/HRC/51/L.42](#), [A/HRC/51/L.45](#), [A/HRC/51/L.46](#), [A/HRC/51/L.47](#), [A/HRC/51/L.64](#) and [A/HRC/51/L.66](#))

*Draft resolution [A/HRC/51/L.5](#): The right of everyone to the enjoyment of the highest attainable standard of physical and mental health*

56. **Mr. Da Silva Nunes** (Brazil), introducing the draft resolution, said that its purpose was to extend the mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. He hoped that it would be adopted by consensus.

57. **The President** said that 31 States had joined the sponsors of the draft resolution, which had no programme budget implications.

58. *Draft resolution [A/HRC/51/L.5](#) was adopted.*

*Draft resolution [A/HRC/51/L.25](#), as orally revised: Human rights implications of new and emerging technologies in the military domain*

59. **Mr. Castillero Correa** (Observer for Panama), introducing the draft resolution, as orally revised, on behalf of the main sponsors, namely Austria and his own delegation, said that, in recent decades, various human rights mechanisms had shown growing concern about the human rights impact of new and emerging technologies in the military domain and about the need to regulate them. While the aspects relating to international humanitarian law were widely discussed in disarmament forums, such technologies could have broad repercussions on human rights, in particular the right to life and security and the right to human dignity. The Council, which was responsible for promoting universal respect for the protection of all human rights and fundamental freedoms, was the ideal forum in which to examine the issue.

60. Under the draft resolution, the Council would request the Advisory Committee to prepare a study and to submit it to the Council at its sixtieth session. The main sponsors had held four rounds of informal consultations and various bilateral meetings on the draft

resolution, with a view to reaching consensus. Due account had been taken of the views of delegations, civil society and others.

61. **Ms. Schweitzer** (Observer for Austria), continuing the introduction of the draft resolution, as orally revised, said that new and emerging technologies in the military domain raised concerns about compliance with human rights law. In the absence of human control, there was a risk that human rights could be undermined. Algorithms could not make ethical choices or comprehend the value of human life; therefore, such technologies could affect the inherent dignity of the human person and thus the foundation of all human rights. The study requested in the draft resolution was intended to start a dialogue based on a common agreement that new and emerging technologies in the military domain had human rights implications. The process would give all stakeholders the opportunity to contribute their views. While important discussions on the issue were being held in other forums, they had a different focus. Given the fast pace of technological developments in the military domain, and growing concerns in related areas, it was high time for the Council to consider the human rights issues involved. She looked forward to the adoption of the draft resolution by consensus.

62. **Mr. Eremin** (Observer for the Russian Federation), introducing the proposed amendments contained in documents [A/HRC/51/L.45](#), [A/HRC/51/L.46](#) and [A/HRC/51/L.47](#), said that his delegation appreciated the constructive approach taken by the main sponsors during the negotiation of what was a new resolution for the Council, especially considering the diverse views on such an ambiguous, complex topic. In the view of the Russian Federation, however, neither the topic nor any of the issues raised in the text of the draft resolution fell within the Council's remit. As his delegation had repeatedly emphasized, it was crucial to observe the principle of division of labour within the United Nations: each of its bodies had been created for a specific purpose and had been assigned the necessary experts and mandates. Draft resolution [A/HRC/51/L.25](#) provided for an unjustified referral of disarmament issues to the Council, which had neither a mandate nor the relevant competencies in that area. Questions linked to technological developments in the military domain should be considered first and foremost by the Conference on Disarmament. It would be harmful to both the Council and the Conference if the Council were to consider such questions. Moreover, the draft resolution, if adopted, would allow for the erection of artificial barriers to the exchange of technologies and cooperation in the military domain, particularly as some of the key concepts in the draft, such as "new and emerging technologies" and "the military domain", did not have internationally recognized definitions.

63. His delegation did not support the submission of the draft for consideration by the Council or the request for the Advisory Committee to prepare a study on the topic, which went far beyond the scope of its remit. Such issues should be considered within the framework of discussions on the Convention on "Inhumane" Weapons. It was also regrettable that the main sponsors had insisted on inserting language that did not relate to human rights and was not enshrined in international human rights law. However, following bilateral consultations, the sponsors had agreed to take into account his delegation's concerns relating to the sixth, seventh and eighth preambular paragraphs. Therefore, it had withdrawn the proposed amendments contained in documents [A/HRC/51/L.45](#), [A/HRC/51/L.46](#) and [A/HRC/51/L.47](#). It nevertheless wished to distance itself from the consensus on the draft resolution.

64. **The President** said that seven States had joined the sponsors of the draft resolution, which had no programme budget implications.

*General statements made before the decision*

65. **Mr. Ballinas Valdés** (Mexico) said that the Council should urgently consider the human rights implications of new and emerging technologies in the military domain, given that international human rights law and international humanitarian law were complementary and mutually reinforcing. His delegation welcomed the recognition of a link between the Guiding Principles on Business and Human Rights, in particular the obligation of the private sector to respect human rights, and accountability. While it agreed that it was necessary to examine the complete life cycle of new and emerging technologies to ensure the observance of human rights, the critical stage for compliance with human rights obligations and

international humanitarian law was during the use of such technologies. Therefore, his delegation would have preferred to retain, in the seventh preambular paragraph, the reference to meaningful human control. He trusted that the study requested by the Council under the draft resolution would outline the basic cognitive and epistemological limitations and algorithmic biases evident in the use of such technologies.

66. **Mr. Badhe** (India) said that the scope of the draft resolution was overly broad and that many of the issues it dealt with, including human control, needed to be duly deliberated. The Council was not the appropriate forum for discussing the subject of the draft resolution, which was already, within the framework of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, being considered by the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems. The Council should refrain from duplicating the work already under way within the United Nations system.

67. **Mr. Peralta Rodas** (Paraguay), recalling that the Council had a mandate to promote the protection of all human rights and fundamental freedoms, including the right to life and to dignity, said that it was an appropriate forum in which to discuss the issues raised in the draft resolution. Special procedure mandate holders, the Secretary-General, the former United Nations High Commissioner for Human Rights and even the Human Rights Committee, in its general comment No. 36 (2018), had expressed concern about the indiscriminate effects of military technology such as drones and autonomous weapons systems. In 2014, the Special Rapporteur on extrajudicial, summary or arbitrary executions had specifically urged the Council to deal with such issues in relation to the right to life and human dignity. The study that would be prepared under the draft resolution, which had no programme budget implications, would help to clarify the implications of new and emerging technologies in the military domain for international human rights law, particularly regarding accountability for human rights violations.

*Statements made in explanation of position before the decision*

68. **Mr. Hashmi** (Pakistan) said that there was considerable evidence that autonomous machines and systems with lethal capabilities would fundamentally alter the delicate balance between guaranteeing security and upholding the rights and dignity of human beings. The military application of such technologies would have implications for international politics and security, international human rights law and international humanitarian law; the submission of the draft resolution was therefore timely. While discussions should continue to be held in the relevant consensus-based forums to find meaningful solutions to sensitive issues such as the security dimension of lethal autonomous weapons systems, the Council could weigh in on such systems' potential human rights impacts.

69. The position of Pakistan on such systems was well known: it had consistently called for the development of internationally binding rules and regulations in that regard. Meaningful human control was essential for mitigating the litany of risks associated with the military application of such technologies, including with regard to human rights. An autonomous machine with lethal capabilities should not be allowed under any circumstances to arbitrarily deprive any individual of his or her right to life. His delegation therefore deeply regretted the opposition of some delegations to the concept of meaningful human control. Such opposition was contrary to the spirit of universally agreed human rights principles, norms and values. Furthermore, no provision of the draft resolution could be misinterpreted to extend false legitimacy to certain types of weapons systems based on new and emerging technologies, particularly those systems whose critical functions such as target selection, engagement and use of force did not incorporate meaningful human control.

70. It was hoped that the study to be carried out under the draft resolution would help to flesh out the human rights principles and safeguards that applied with respect to the military application of new and emerging technologies and related security issues and would provide inputs on the concept of meaningful human control through the prism of international human rights law. His delegation would join the consensus on the draft resolution.

71. **Mr. Bonnafont** (France) said that the use of new technologies in the military and other domains presented both risks and opportunities. His Government paid close attention to the potential risks involved and acknowledged the usefulness of holding a discussion within the Council on the possible human rights implications of such technologies, since the Council was the main United Nations organ responsible for protecting and promoting human rights. Nevertheless, such a discussion must be without prejudice to the competencies and mandates of the various international forums in which the issues in question were already under discussion. The study to be prepared pursuant to the draft resolution should not duplicate the work already under way in specialized forums. His delegation would abstain from voting on the draft resolution.

72. **Mr. Lee Taeho** (Republic of Korea) said that rapid technological advances in the military domain, including the development of artificial intelligence and automation, were raising profound and unique humanitarian and human rights questions. The fast-evolving nature and uncertainty of such technologies made it difficult to fully grasp their implications for human dignity. His delegation therefore agreed that a study of such implications was needed. Given the expertise of the relevant disarmament forums, the study to be carried out by the Advisory Committee should take into account the ongoing discussions in the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems. In addition, the study should build on the recommendations set out in the report of the Advisory Committee on new and emerging digital technologies with regard to the promotion and protection of human rights ([A/HRC/47/52](#)). His delegation would join the consensus on the draft resolution.

73. **Ms. French** (United Kingdom) said that her Government was unequivocally in favour of ensuring that States' rapid technological advancements were fully compliant with international law. The creation and use of systems that operated without meaningful and context-appropriate human involvement offended that position. Put simply, human responsibility and accountability could not be done away with. Her delegation was concerned, however, at the fact that the draft resolution strayed outside the Council's mandate. The subject matter of the draft resolution, including the concept of human control, was being actively and appropriately considered in other United Nations forums such as the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems. Discussing the issue within the Council might unduly impinge on the important discussions being held within that forum. Furthermore, the draft resolution contained unclear terminology implying that its scope covered both armed conflict and peacetime. The conduct of hostilities was an area properly regulated by international humanitarian law. While it would be beneficial to assess the human rights compliance of emerging technologies in the military domain, it was important to distinguish between international humanitarian law and international human rights law. To that end, her delegation encouraged the Advisory Committee to coordinate with the Group of Governmental Experts to ensure that its analysis of situations in armed conflict took account of the Group's findings on international humanitarian law. Notwithstanding those concerns, her delegation would join the consensus on the draft resolution.

74. **Mr. Czech** (Poland) said that the Council did not seem to be the appropriate forum for discussing new and emerging technologies in the military domain. The Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems had a mandate from the States parties to the Convention on Certain Conventional Weapons to lead formal discussions on the topic. While his delegation shared the concerns expressed about the human rights implications of new and emerging technologies in the military domain, it took the view that the draft resolution might undermine the legitimacy and work of the Group of Governmental Experts. In addition, the Group's wide array of tools and expertise made it the best forum for analysing the implications of the development and use of new and emerging technologies in the military domain. Considering the dire security situation caused by the Russian aggression against Ukraine, as well as other priorities in the area of national defence, the Group of Governmental Experts was significant in more ways than one: not only was it the most appropriate diplomatic and legal forum for discussions of such technologies, but it also served to safeguard the essential balance between military necessity and humanitarian requirements. His delegation would join the consensus on the draft resolution.

75. **Mr. Trumbull** (United States of America) said that it was important not to duplicate or undermine the work of other forums, such as the Group of Governmental Experts set up pursuant to the Convention on Certain Conventional Weapons. His delegation's joining the consensus on the draft resolution should not be understood as implying that the United States would accept the use of the language in the draft in other forums. Moreover, since the common understanding of new and emerging technologies was evolving, the language would warrant reconsideration if the topic was addressed in subsequent Council resolutions. The work of the Advisory Committee should be informed by the principle that international humanitarian law was a *lex specialis* governing armed conflict, including the use of new and emerging technologies by the military.

76. Regarding the seventh preambular paragraph, the United States agreed on the centrality of the human element in the use of force but saw it as a matter of warfare rather than a legal requirement. Furthermore, the appropriate use of automation in the lawful use of force did not raise any particular concerns related to human dignity, human rights or international humanitarian law. With regard to the potential problems highlighted in the eighth and ninth preambular paragraphs, the United States was not aware of any evidence supporting those concerns. The Advisory Committee should study the matter in an objective, fact-based manner and should not stigmatize technology through speculation. A further concern was that the draft resolution did not adequately reflect the primacy of international humanitarian law or the potential benefits of new and emerging technologies in the military domain. For example, the United States had used certain forms of automated decision-making to strengthen the implementation of international humanitarian law. So-called smart weapons equipped with precision guidance systems had enabled the United States military to strike enemy military objectives with less risk to civilians and civilian objects. The United States continued to improve protection of civilians in armed conflict and encouraged all States to do likewise. Lastly, the Advisory Committee should seek to promote greater common understanding that the potentially positive or negative human rights implications of emerging technologies depended primarily on how such technologies were used.

77. *Draft resolution A/HRC/51/L.25, as orally revised, was adopted.*

*Draft resolution A/HRC/51/L.33, as orally revised: Human rights and transitional justice*

78. **Mr. Kabbaj** (Observer for Morocco), introducing the draft resolution, as orally revised, on behalf of the main sponsors, namely Argentina, Switzerland and his own delegation, said that the text included a request to OHCHR to prepare a report on lessons learned and good practices of transitional justice in the context of sustainable peace and development and to present it to the Council during an enhanced interactive dialogue at the fifty-eighth session. While the need to deal with gross human rights abuses and serious violations of international humanitarian law was a considerable challenge for the societies concerned, the sponsors firmly believed that transitional justice processes, if carried out in a participatory, inclusive and tailored manner, could address the root causes of conflict and thus ensure sustainable peace and development.

79. **Mr. Lauber** (Observer for Switzerland), continuing the introduction of the draft resolution, as orally revised, said that the main sponsors had held three rounds of informal consultations and a number of bilateral meetings, and were confident that the text struck the right balance among the various positions expressed. The final preambular paragraph and paragraph 9 had been amended in response to points raised about the consistency of information exchange and the importance of taking into account the contribution of civil society to transitional justice. New language had been introduced on youth participation and on mental health and psychological support services. The main sponsors welcomed the withdrawal of some of the amendments that had been proposed, but regretted that attempts were still being made to change agreed wording, including language taken from Council resolution 42/17, which had been adopted without a vote in 2019. In particular, the main sponsors would not support the proposed deletion of references to the International Criminal Court or the proposed replacement of the term "atrocities", which was used in previous resolutions and in core documents on transitional justice; the term was intended to cover genocide, war crimes, crimes against humanity and ethnic cleansing. The main sponsors called on the members to reject the proposed amendments and to support the draft resolution.

80. **The President** announced that the proposed amendments contained in documents [A/HRC/51/L.61](#) and [A/HRC/51/L.65](#) had been withdrawn.

81. **Ms. Khusanova** (Observer for Russian Federation), introducing the proposed amendments contained in documents [A/HRC/51/L.64](#) and [A/HRC/51/L.66](#), said that, despite the sponsors' efforts, some of her delegation's concerns had not been addressed. Neither the fight against impunity in the context of supporting international peace and security nor the settlement and prevention of conflicts had ever been linked to the International Criminal Court. Moreover, the Court had not lived up to expectations and was not a genuinely independent or authoritative body of international justice. The General Assembly itself had noted the Court's bias and lack of effectiveness in certain cases. Holding perpetrators to account was a key to peace, but that purpose was not served when a politicized international judicial body took matters into its own hands. Furthermore, genocide, war crimes, crimes against humanity and ethnic cleansing were referred to as "the most serious crimes" under international law, yet the sponsors had replaced that phrase with the term "atrocities", which had no clear legal definition. The purpose of the proposed amendments was to correct those two issues, and she urged the members to support them.

82. **Ms. Stasch** (Germany) said that the sponsors did not accept either of the proposed amendments and requested that a vote should be taken.

83. **The President** announced that 11 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$1,560,200. He invited the Council to take action on the proposed amendment contained in document [A/HRC/51/L.64](#).

*Statements made in explanation of vote before the voting*

84. **Mr. Rosales** (Argentina) said that his delegation rejected the proposed amendment to the twentieth preambular paragraph, as it would modify agreed language used in multiple Council resolutions. The sponsors of the draft resolution had already agreed to specify that the "Charter" referred to in that preambular paragraph was the Charter of the United Nations, even though there had never been any ambiguity on that score in the past. The text contained no language urging States to ratify the Rome Statute of the International Criminal Court or to collaborate with the Court. He hoped that the Council would support the message of the paragraph, which was that the goal of the multilateral system was to end impunity, establish the rule of law, promote and encourage respect for human rights and international humanitarian law and achieve sustainable peace. His delegation would vote against the proposed amendment and requested all the members to do the same.

85. **Mr. Bichler** (Luxembourg) said that transitional justice was often a necessary step towards peace and always a vital component of efforts to prevent the recurrence of atrocities. The international community thus had a duty to establish, support and strengthen prevention mechanisms and remedies. The International Criminal Court was the main judicial institution at the international community's disposal for combating impunity for the most serious human rights violations and thus promoting a transition towards peace. Not referring to the Court in a resolution on a topic at the heart of its *raison d'être* would be an inexplicable and regrettable omission. His delegation would therefore vote against the proposed amendment and called on members to do likewise and to adopt the draft resolution by consensus.

86. *At the request of the representative of Germany, a recorded vote was taken.*

*In favour:*

Bolivia (Plurinational State of), China, Cuba, Eritrea, India, Indonesia, Malaysia, Mauritania, Nepal, Pakistan, Venezuela (Bolivarian Republic of).

*Against:*

Argentina, Benin, Côte d'Ivoire, Czechia, Finland, France, Gambia, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Armenia, Brazil, Cameroon, Gabon, Kazakhstan, Libya, Namibia, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

87. *The proposed amendment contained in document [A/HRC/51/L.64](#) was rejected by 22 votes to 11, with 13 abstentions.*

88. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/51/L.66](#).

*Statements made in explanation of vote before the voting*

89. **Mr. Rosales** (Argentina), noting that the proposed amendment would replace all instances of the word “atrocities” with the word “crimes”, said that the current wording of the draft resolution had been extensively used in previous resolutions, without being challenged, and in many relevant United Nations documents. The purpose of transitional justice was to address a set of crimes – genocide, crimes against humanity, war crimes and ethnic cleansing – collectively referred to as atrocities, in addition to other human rights abuses and violations of international humanitarian law. The proposed changes would weaken the substance of the text; therefore, his delegation would vote against the proposed amendment and called on all members to do likewise.

90. **Mr. Bichler** (Luxembourg) said that his delegation was surprised at the request of the Russian Federation to replace the term “atrocities”, as it was not a new usage. For example, under the Framework of Analysis for Atrocity Crimes developed by the Special Adviser on the Prevention of Genocide and the Special Adviser on the Responsibility to Protect, the term “atrocity crimes” referred to three international crimes – genocide, crimes against humanity and war crimes – that were defined in international legal instruments, including the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 12 August 1949 and the Protocols Additional thereto of 1977, and the Rome Statute. The term “ethnic cleansing” had been added to the Framework in keeping with the 2005 World Summit Outcome. Replacing “atrocities” with “the most serious crimes” would understate the gravity of crimes that, as recalled by former Secretary-General Ban Ki-moon, affected the core dignity of human beings. Accordingly, his delegation would vote against the proposed amendment and called on all other delegations to do the same.

91. *At the request of the representative of Germany, a recorded vote was taken.*

*In favour:*

China, Venezuela (Bolivarian Republic of).

*Against:*

Argentina, Armenia, Benin, Czechia, Finland, France, Gambia, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Namibia, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Brazil, Cameroon, Côte d’Ivoire, Eritrea, Gabon, India, Indonesia, Kazakhstan, Libya, Malaysia, Mauritania, Nepal, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

92. *The proposed amendment contained in document [A/HRC/51/L.66](#) was rejected by 24 votes to 2, with 19 abstentions.*

93. **The President** invited the Council to take action on draft resolution [A/HRC/51/L.33](#), as orally revised.

94. **Mr. Bálek** (Czechia), making a general statement before the decision on behalf of the European Union, said that human rights must be at the core of any successful sustainable transition process. Transitional justice was a priority of the European Union Action Plan on Human Rights and Democracy. The draft resolution built on Council resolution 42/17, which had been adopted by consensus, and focused on good transitional justice practices in the context of sustainable peace and development. The European Union supported the references to the important role of the Human Rights Council and other United Nations bodies, the International Criminal Court and civil society. It hoped that the draft resolution would be adopted by consensus.

95. **Ms. Pujani** (India), speaking in explanation of position before the decision, said that, while her delegation dissociated itself from the twentieth preambular paragraph because India was not a party to the Rome Statute, it would join the consensus on the draft resolution on account of the importance that India attached to human rights and transitional justice.

96. *Draft resolution A/HRC/51/L.33, as orally revised, was adopted.*

*Draft resolution A/HRC/51/L.42: Terrorism and human rights*

97. **Ms. Méndez Escobar** (Mexico), introducing the draft resolution on behalf of the main sponsors, namely Egypt and her own delegation, said that the purpose of the text was to advance international standards in the light of recent developments, including the seventh biennial review of the United Nations Global Counter-Terrorism Strategy, the High-level International Conference on Human Rights, Civil Society and Counter-Terrorism and various reports by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, as well as the points raised by States during the adoption of the previous Council resolution on that topic. The draft resolution was intended to be a substantive guide for States in fulfilling their obligations related to the protection of human rights in the context of counter-terrorism activities, with particular emphasis on the freedoms of expression and opinion, the prohibition of torture, the principle of non-refoulement, the right to privacy and due process, the protection of children and victims' rights. She trusted that the draft resolution would be adopted by consensus.

98. **Mr. Gamaleldin** (Observer for Egypt), continuing the introduction of the draft resolution, said that the text was the fruit of extensive and productive consultations aimed at ensuring that the Council continued to speak with one voice on a complex and critical issue. In Africa alone, terrorist attacks had killed more than 8,000 people so far in 2022. Globally, terrorist attacks motivated by racism, xenophobia and other forms of intolerance had increased dramatically; States should take note of early signs of those phenomena. Combined with the impact of the coronavirus disease (COVID-19) pandemic and growing political and sociocultural divisions, the terrorist threat could eventually generate more acts of violent extremism.

99. The draft resolution was a strong, comprehensive and carefully balanced text that incorporated substantive elements on key issues, including victims of terrorism, with a particular focus on women and children, due process guarantees, non-discrimination and emerging challenges such as new technologies. The main sponsors encouraged the members to adopt, by consensus, a draft resolution whose message was that effective counter-terrorism measures and the protection of human rights were not conflicting goals but were, rather, complementary and mutually reinforcing.

100. **The President** announced that 50 States had joined the sponsors of the draft resolution, which had no programme budget implications.

*General statements made before the decision*

101. **Mr. Bálek** (Czechia), speaking on behalf of the European Union, said that the text, which was based on Council resolution 45/11, had been strengthened through the addition of references to issues such as protection of the freedoms of opinion and expression; the importance of ensuring the rule of law, due process and non-discrimination in the administration of justice; the need to protect children and treat them primarily as victims; the crucial role of women and civil society in developing prevention strategies; and the importance of ensuring full respect for human rights and fundamental freedoms when using new technologies in counter-terrorism. The European Union regretted, however, the addition of several points stemming from the United Nations Global Counter-Terrorism Strategy that were unrelated to the Council's mandate to promote and protect human rights. In that connection, he wished to emphasize the importance of the work of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, as the only United Nations entity with a mandate to report on counter-terrorism exclusively from a human rights perspective. Nevertheless, the European Union would join the consensus on the draft resolution.

102. **Ms. Pujani** (India) said that terrorism posed a serious threat to economic and social development, undermined democracy and jeopardized the rule of law. While acts of terrorism violated the rights of individual victims, they also deeply affected the enjoyment of a range of human rights by victims' families and society as a whole. She welcomed the fact that the draft resolution encouraged all States to develop comprehensive assistance plans, including for relief and rehabilitation, for victims of terrorism and their families. As States continued to improve their legislation and national systems to address the rights and needs of victims of terrorism, they must not lose sight of the right to justice of victims of cross-border terrorism. India had been living under the threat of terrorism, including cross-border terrorism, for decades and had been countering that threat with firm determination. Her delegation hoped that the international community would stand united in taking a zero-tolerance approach to terrorism and called on all the members to support the draft resolution unconditionally.

103. **Mr. Ding Yang** (China) said that terrorism was an indiscriminate enemy of humankind and, as such, should be resolutely suppressed. Counter-terrorism measures should be consistent, address both the symptoms and the root causes of terrorism, and result from a collective effort on the part of the international community. As a responsible member of the international community, China cracked down on terrorism in all its forms, eradicated terrorist breeding grounds, effectively addressed the root causes of terrorism and provided assistance to victims.

104. Despite the fair and transparent consultations held by the main sponsors, the draft remained unbalanced and failed to fully reflect the needs of developing countries. There should not be a one-sided emphasis on the impact of counter-terrorism measures on the human rights of perpetrators of terrorist acts, as opposed to the impact of terrorism on the rights of innocent victims, nor should any country's lawful counter-terrorism measures be irresponsibly criticized. Greater attention should be paid to the financing of terrorist organizations and the misuse of the Internet to promote terrorism. Notwithstanding those misgivings, his delegation would join the consensus, and hoped that greater attention would be paid to the concerns of all parties in future iterations of the resolution.

*Statements made in explanation of position before the decision*

105. **Ms. Taylor** (United States of America) said that her delegation joined the consensus on the draft resolution and wished to reiterate the importance of continuing to strengthen collective approaches in support of human rights, while adapting to meet new challenges and threats. Concerning the new paragraphs added to the draft, she noted that the legal framework applicable to counter-terrorism efforts was context-dependent, although State practices must comply with their international obligations in all cases. The United States understood references to the right to privacy to mean the right not to be subjected to arbitrary or unlawful interference in one's privacy, as set forth in article 17 of the International Covenant on Civil and Political Rights. The "Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence", which was referred to in the text, reflected conclusions and recommendations agreed to by individual experts rather than by States; its implementation was therefore voluntary. Further clarifications would be provided in her delegation's statement on all the draft resolutions considered under agenda item 3.

106. Her delegation was disappointed that some Council members had been unwilling to add language on the promotion and protection of human rights and the rule of law even though the wording in question had been agreed upon by both the Security Council and the General Assembly. Lastly, noting with concern that the genuine, collective desire for consensual, non-competing resolutions was increasingly leading to weakened texts, she cautioned the members to resist proposals that did not uphold the Council's highest standards.

107. **Mr. Ahmad** (Pakistan), speaking on behalf of the States members of the Organization of Islamic Cooperation (OIC), said that, in line with its consistent, principled position that the four pillars of the United Nations Global Counter-Terrorism Strategy embodied a unified, comprehensive approach to countering terrorism, OIC had always advocated the application of a balanced lens to the Council's discussions on terrorism and human rights. Furthermore,

it attached equal importance to ensuring the basic human rights of victims of terrorism and to addressing human rights violations while countering terrorism.

108. He was pleased to note that the draft resolution incorporated some of the proposals made by OIC during the 2021 review of the Strategy, including those on emerging terrorism-related threats, the rise of hate speech and the misuse of new technologies by terrorists. However, the draft did not accommodate the key proposal put forward by OIC, which was merely to recognize the rise in terrorist attacks motivated by Islamophobia and other forms of religious intolerance, prejudice and hatred. To recognize that trend was the least that the Council, as the foremost international human rights body, could do in solidarity with the victims of terrorist attacks such as the one in Christchurch, New Zealand, given that such attacks were a direct consequence of phenomena that were well within the Council's core mandate. Opposition to the proposal was all the more disappointing in that the language had been taken from General Assembly resolution 75/291, which had been adopted by consensus. Although the draft resolution fell short of the OIC members' expectations, they would join the consensus, in line with their firm resolve to combat the scourge of terrorism and promote and protect human rights.

109. *Draft resolution A/HRC/51/L.42 was adopted.*

110. **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.

111. **Mr. Idris** (Eritrea) said that his delegation wished to dissociate itself from the consensus on draft resolution [A/HRC/51/L.8](#), as orally revised, on conscientious objection to military service. Not all States enjoyed the same level of security, and Eritrea, as a small country with a small population, could not afford to grant everyone the right to conscientious objection. Eritrea would continue to mobilize its society to meet national security threats, as any country would do in the same situation.

112. **Mr. Shahi** (Nepal) said that his delegation was pleased that most of the draft resolutions under agenda item 3 had been adopted by consensus. As a country with experience of a home-grown, nationally led, nationally owned and uniquely successful peace process, Nepal was determined to run its transitional justice process in an equally unique way. His delegation appreciated the fact that the main sponsors of draft resolution [A/HRC/51/L.33](#), as orally revised, on human rights and transitional justice had addressed most of its concerns; it had therefore joined the consensus. Nepal had sponsored a number of the draft resolutions under agenda item 3, in keeping with its position that all fundamental human rights, including the right to development, should be treated with equal emphasis. The realization of the right to development was crucial for the timely achievement of the 2030 Agenda for Sustainable Development, especially in view of the effects of the COVID-19 pandemic, climate change and armed conflicts.

113. **Mr. Habib** (Indonesia) said that, in recognition of the role of transitional justice in strengthening human rights, preventing the recurrence of mass atrocities, supporting reconciliation processes and sustaining peace, Indonesia had joined the consensus on draft resolution [A/HRC/51/L.33](#), as orally revised. However, his delegation dissociated itself from the twentieth preambular paragraph, as Indonesia was not a party to the Rome Statute.

114. **Mr. Kelly** (United States of America), noting that the United States had supported most of the draft resolutions submitted under agenda item 3, said that Council resolutions did not change the current state of conventional or customary international law, nor did they create rights or obligations under international law. Any reaffirmation of prior instruments and resolutions applied only to those States that had affirmed them initially. While the United States supported the full implementation of the Sustainable Development Goals, the 2030 Agenda was not binding and did not create rights or obligations under international law. Moreover, in the absence of an agreed international definition, the United States would continue to oppose references to the so-called right to development.

115. Similarly, while the United States supported policies to advance respect for the universal right to an adequate standard of living, the rights set out in the International Covenant on Economic, Social and Cultural Rights were not justiciable in its courts, as it was

not a party to that instrument. Furthermore, the language of Council resolutions did not inform the country's understanding of its obligations under the International Covenant on Civil and Political Rights, including in relation to derogations in times of public emergency and the right to an effective remedy. The right to legal assistance was understood as encompassing the right to defend oneself through legal assistance of one's choosing, to communicate with legal counsel and to have legal assistance assigned to act on one's behalf in any case where the interests of justice so required or without cause where one did not have the means to pay for legal assistance.

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

**Agenda item 4: Human rights situations that require the Council's attention**  
(A/HRC/51/L.13)

*Draft resolution A/HRC/51/L.13: Situation of human rights in the Russian Federation*

117. **Mr. Bichler** (Luxembourg), introducing the draft resolution on behalf of 26 States members of the European Union, said that the deterioration of the human rights situation in the Russian Federation had accelerated in recent months, with the adoption of draconian laws aimed at stifling independent media and "undesirable" organizations by imposing severe penalties on anyone who challenged the Government, and with the arrest of large numbers of persons for taking part in demonstrations. Such systematic repression had been documented by numerous independent sources. The Council had a responsibility to address situations of violations of human rights, including gross and systematic violations. In accordance with the principles of universality, impartiality, objectivity and non-selectivity, the Council must address the situation in Russia. To do otherwise would amount to an admission that certain States were exempted from accountability for human rights.

118. The proposed text was the fruit of a long process. The situation in Russia had been drawn to the Council's attention by member and observer delegations, special procedure mandate holders and the Acting United Nations High Commissioner for Human Rights. The establishment of a mandate for a special rapporteur for Russia had become all the more pressing as the Russian Government had withdrawn from the European Convention on Human Rights on 16 September 2022, thus leaving its 144 million citizens without the protection of the European Court of Human Rights. When regional means of recourse no longer existed, protection must be ensured at the international level.

119. The draft resolution was based in part on other resolutions adopted by the Council and was informed by reports from independent, reliable sources, including the Secretary-General, OHCHR, the special procedures and the treaty bodies. The text was supported by States in all regions and had been modified to take into account comments made by delegations in the informal consultations. Regrettably, the country concerned had chosen not to participate in those consultations. He urged the Council to adopt the text by consensus and called upon the country concerned to cooperate fully with the special rapporteur.

120. **The President** announced that five States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$423,200.

*General statements made before the voting*

121. **Mr. Bálek** (Czechia) said that the draft resolution deserved the full support of the Council. There had been a clear and systematic crackdown on civil society, human rights defenders, independent media outlets, the political opposition and persons belonging to minority groups in Russia. Ordinary citizens were being targeted simply for speaking out against the Government. He called on all States members of the Council to support the adoption of the draft resolution.

122. **Mr. Bonnafont** (France) said that the forced shutdown, one year earlier, of the International Human Rights Centre "Memorial" had been an alarming sign of the deterioration of the human rights situation in Russia and an irremediable loss for the Russian people. The very recent awarding of the 2022 Nobel Peace Prize to Memorial, to a non-

governmental organization in Ukraine and to an activist in Belarus reflected the growing concern about a dangerous trend. Since launching its invasion of Ukraine, Russia had imposed a systematic campaign of repression against anyone who dared to voice the slightest criticism against the authorities and their war of aggression. The consequences of that pro-war, anti-Western, repressive, regressive policy, demonstrating a ludicrous disdain for the tenets of freedom, were already tragic. They could be seen in the massive human rights violations that had caused thousands to flee a country they no longer recognized as home; in the violent crackdowns on those who opposed the mobilization; and in the imprisonment of journalists and regular citizens merely for uttering the words “No war”.

123. The sponsors of the draft resolution were not the only ones to have sounded the alarm. On 13 July 2022, 12 independent and impartial United Nations experts had condemned the systematic repression of civil society, human rights defenders and the media in Russia, and, in a report issued in September 2022, the rapporteur appointed under the Moscow Mechanism of the Organization for Security and Cooperation in Europe (OSCE) had documented in detail the stifling of civil society in Russia over the previous 10 years.

124. Russia, which had already flouted the basic principles of the Charter of the United Nations by invading Ukraine, would claim that a double standard was being applied and that the draft resolution would only serve as a pretext for interference in its internal affairs. Ensuring respect for all human rights in all countries, without distinction, lay at the very heart of the Council’s mandate. If the Council did not react in the face of such serious circumstances, it would be derelict in its duties under its mandate. Russians, like citizens of all other countries, had the right to live in a society based on respect for human rights and the fundamental principles supported by the Council. His delegation called upon all members of the Council to support the draft resolution.

125. **Mr. Honsei** (Japan) said that universal values such as human rights, freedom, democracy and the rule of law must be respected in every country. His delegation was deeply concerned about the deterioration of the human rights situation in the Russian Federation and wished to ask the Russian authorities to comply with all their obligations under international human rights law. Japan supported the appointment of a special rapporteur and hoped that the latter’s mandate would be carried out effectively and efficiently.

126. **Mr. Staniulis** (Lithuania) said that his delegation, as a main sponsor of the draft resolution, had no doubt that the gravity of the situation in the Russian Federation merited the Council’s urgent attention. The Russian Federation had for decades used propaganda, disinformation, repressive legislation and violence to create a climate of fear and intimidation, not only for civil society, journalists, human rights defenders and other activists, but for all citizens. Such persistent human rights violations and restrictions of basic freedoms had laid the foundations for the ongoing war of aggression against Ukraine, the consequences of which had been felt throughout the world. The draft resolution and the establishment of the mandate of the special rapporteur were the least that the Council could do to finally shed light on the long-standing human rights crisis in Russia. He invited all countries to implement the Council’s mandate by supporting the initiative and voting in favour of the text if a vote was requested.

127. **Ms. Kauppi** (Finland) said that a number of United Nations high officials and special procedure mandate holders had drawn attention to the alarming situation of human rights in the Russian Federation and had found that the Russian Government was not complying with its international human rights commitments. The Acting United Nations High Commissioner for Human Rights had underscored, in her statement before the Council on 12 September 2022, that the intimidation, restrictive measures and sanctions applied by Russia had undermined the rights to freedom of assembly, expression and association. Such statements must not remain mere words; they gave the Council a duty to act in accordance with its mandate. Finland, as a main sponsor of the draft resolution, called for its adoption by consensus. In the event that a vote was requested, she urged all members to vote in favour.

128. **Mr. Czech** (Poland) said that, over many years, the sponsors of the draft resolution had pursued an incremental approach. They had tried to engage with Russia bilaterally and in the relevant regional forums, including the Council of Europe and OSCE. However, owing to the Russian authorities’ unwillingness to cooperate in those regional structures and their

withdrawal from some of them, the sponsors of the draft resolution had reached an impasse. It was thus reasonable to bring the matter to the Council's attention. Since the withdrawal of the Russian Federation from the Council of Europe on 16 September 2022, Russian citizens no longer enjoyed the protection of the European Convention on Human Rights, and Russia was the only country in Europe whose human rights situation was not covered by any international or regional monitoring. The time had come to place the situation of human rights in Russia on the Council's agenda. For those reasons, he called upon all member States to support the draft resolution.

129. **Ms. Filipenko** (Ukraine) said that her delegation was gravely concerned about the rapidly deteriorating human rights situation in Russia and condemned the systematic violation of human rights, the imposition of heavy restrictions on freedom of speech and association, the systemic persecution of opposition figures and other crimes committed by the regime in Moscow. Such vicious policies were emblematic of the regime's appalling and blatant disregard for human rights and dignity, which had become a menace for the people not only of Russia, but also of the region and the entire world. Close monitoring of the human rights situation in Russia by the Council's mechanisms was long overdue. Anyone with doubts on that score needed only to review recent footage of the streets of Russian cities, where thousands had been violently detained for protesting the recent escalation of the Putin regime's war against Ukraine.

130. There was a clear link between the Russian Government's internal repression in Russia and its external aggression against Ukraine. The draft resolution was especially pertinent for her country as it stood firm against the Russian Government's attempts to deprive it of its right to exist. Her delegation fully supported the draft resolution and called upon other members of the Council to vote in favour of it.

131. **Ms. Stasch** (Germany) said that, as noted by other delegations, there was a substantive need for the establishment of a mandate for a special rapporteur to monitor and report on the human rights situation in Russia. Precisely 16 years earlier, Anna Politkovskaya, a journalist who had dedicated her life to reporting about human rights violations, had been assassinated in Moscow. Just a few hours earlier, the International Human Rights Centre "Memorial", one of the organizations that had been oppressed and shut down by the Russian Government, had been awarded the Nobel Peace Prize.

132. In recent years the human rights situation in Russia had steadily deteriorated. At the same time, there had been a complete lack of domestic or regional remedies, as Russia had withdrawn from the Council of Europe, ending its citizens' access to the European Court of Human Rights. It was now the only country in Europe whose human rights situation was not monitored by any regional institution or mechanism. At the European Court of Human Rights, 17,450 complaints against Russia remained pending. A special rapporteur would be able to fill some of those gaps with a mandate that would be internationally legitimate and politically neutral and would offer a highly credible channel of communication for civil society, for those persons who remained in Russia, for those who had fled and for the international community. She called on all members of the Council to acknowledge the gravity of the situation and to vote in favour of the draft resolution.

133. **Mr. Bekkers** (Netherlands) said that a year had passed since Dmitry Muratov, the editor in chief of the newspaper *Novaya Gazeta*, had been awarded the Nobel Peace Prize for his courageous fight to safeguard freedom of expression in Russia. A Russian court had recently revoked the newspaper's media licence, thereby silencing one of the last independent media voices in the country. That was just one example of how the Russian authorities had increased their repression against journalists, media workers and citizens. In the past 20 years, 26 journalists had been killed, 24 were currently serving sentences of up to 22 years, and over 20 media outlets had been forced to halt their operations. The space for freedom of expression and opinion continued to shrink, and with it the enjoyment of many other human rights.

134. Under the draft resolution, the Council would call upon the Russian authorities to uphold fundamental freedoms and would establish a mandate for a special rapporteur to monitor the human rights situation and report to the Council. The mandate of the special rapporteur would also function as a crucial beacon of hope for Russian civil society, human rights defenders and independent journalists, showing them that the international community

was not leaving them behind. His delegation called upon all members of the Council to support the draft resolution so as to ensure that the Council would fulfil its mandate to address situations of violations of human rights, including gross and systematic violations, as set out in General Assembly resolution 60/251, thus demonstrating that no country was above scrutiny.

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

136. **Mr. Gatilov** (Observer for the Russian Federation) said that the Council had ceased to be a forum for dialogue and for the resolution of problems related to human rights, as his delegation had noted on numerous occasions. Under pressure from the Western countries, thematic issues of general concern had given way to politicized, country-specific topics, thus overwhelming the Council with initiatives to create new mandates calling for innumerable reports and discussions and straining the Council's already modest resources. The draft resolution was just one more example of the Western countries' use of the Council for their political ends.

137. The initiative had nothing to do with the rights of Russians. The actual objective was to create one more means of bringing pressure to bear on Russia. The scheme, hatched by the European Union and its satellites, was merely one more attempt to punish Russia for its independent domestic and foreign policies and to ensconce the subject of Russia on the Council's agenda in order to smear his country in a flood of false accusations. The draft was based on the same old insinuations regarding Russia that had been spread by the United States and its subservient satellites. The so-called "concerns" listed in the text were completely removed from the actual situation and could in no way serve as justification for the establishment of a mandate for a special rapporteur on Russia, yet that was the very purpose of that despicable text. The accusations it contained could be levelled against practically any one of the States that had sponsored it. The Council regularly heard about situations in Western countries, including upsurges in racism and xenophobia, arbitrary police actions, the use of special equipment to disperse peaceful protests, widespread interference in the private lives of citizens, clampdowns on political opposition movements and the forced closure of media outlets. He would like to ask the Western champions of democratic values why there were no country-specific mechanisms for them.

138. His Government had never shied away from discussions of the most acute human rights problems, including in its interaction with the Council's special procedures and the treaty bodies. His delegation's reasoning on the subjects addressed by the draft resolution was well known and was reflected in numerous reports, replies to requests from special human rights mechanisms, official declarations and statements by Russian representatives, all of which were readily available.

139. From the outset, the sponsors of the draft resolution had shown no desire for an open and honest dialogue. They had not even bothered to inform his delegation of their initiative or to show a modicum of diplomacy by proposing a preliminary discussion, as was normal practice at the United Nations. Instead, the United States and other Western countries had pushed Luxembourg into hastily introducing the draft, even before conducting consultations, which in fact had never been held. What had happened to their vaunted aspiration for constructive interaction in the field of human rights?

140. The sponsors themselves had never hidden their complete lack of interest in engaging in a dialogue with Russia and in hearing its views. They openly acknowledged that they needed the new mandate to secure a channel for receiving information from Russian civil society organizations that existed thanks only to Western funding. Obviously, such confrontational actions by the European Union and its allies were extremely dangerous to all of the human rights endeavours of the United Nations. They represented a further step in the West's strategy to turn the Council and the entire United Nations human rights system into an instrument serving a single group of States. Any other State whose sovereign policy was considered objectionable by the "collective West" could be the next target. The Russian Federation was resolutely opposed to such an approach and emphatically called upon all members of the Council whose principles of objectivity, non-selectivity and impartiality were more than hollow words to oppose that anti-Russian initiative and to vote against the draft resolution.

*Statements made in explanation of vote before the voting*

141. **The President** said that the United Kingdom of Great Britain and Northern Ireland and the United States of America had withdrawn their sponsorship of the draft resolution.

142. **Mr. Constant Rosales** (Bolivarian Republic of Venezuela) said that Venezuela opposed the adoption of the draft resolution, which was completely politicized. The imposition of monitoring mechanisms had unfortunately become a common practice in the Council. There were no valid grounds for the establishment of a mandate for a special rapporteur, apart from the attempts by hegemonistic countries to wage an anti-Russia campaign using human rights as a political lever. They sought to keep Russia in the Council's spotlight through biased reports on alleged human rights violations drawn up using clandestine sources lacking credibility. His Government was familiar with such practices.

143. The establishment of the special rapporteur's mandate was not supported by the Russian Government and would thus provide no benefit for the protection of human rights in Russia; as a politicized tool, it was doomed to failure. The special rapporteur would simply be used against the Russian Government and would squander the scarce resources of the United Nations. Venezuela, true to its policy of rejecting mandates that interfered in the internal affairs of States, called on the Council to abandon the selectivity, politicization and double standards entailed by special rapporteurs' mandates that did not have the consent of the countries concerned, which seriously undermined the Council's credibility. Working for peace implied an engagement in dialogue. His delegation called for a recorded vote and invited the Council to join it in rejecting the draft resolution.

144. **Mr. Quintanilla Román** (Cuba) said that, as a matter of principle, Cuba opposed the imposition of selective and politicized country-specific procedures that were adopted without the consent of the country concerned and were solely intended for geostrategic purposes. The most effective way to protect and promote human rights was through cooperation, constructive dialogue and respectful exchanges. Resolutions such as the draft before the Council led only to further confrontation and polarization and were a clear example of the selectivity, political manipulation and double standards that had unfortunately been imposed on the Council. If there had been a genuine interest in improving the situation of human rights in a country subjected to unilateral coercive measures, the text would have included a rejection of such sanctions, whose effects on the human rights of the people concerned could not be ignored. The draft resolution made no mention of such effects. The establishment of biased mechanisms ran counter to the spirit of cooperation that should prevail in the Council and merely fostered confrontation and interference in the internal affairs of the countries concerned. His delegation would oppose the adoption of the draft resolution and called for a recorded vote.

145. **Mr. Yang Zhilun** (China) said that the Council had been established specifically to promote and protect human rights through dialogue and cooperation. It should apply the principles of universality, impartiality, objectivity, non-selectivity and non-politicization. Regrettably, in recent years, politicization and confrontation had continued to escalate as double standards had taken hold. Certain Western countries refused to utter a word about widespread racism, the egregious violation of the rights of refugees, immigrants and indigenous peoples, and the indiscriminate use of unilateral coercive measures by their own Governments and their allies. Instead, they constantly fabricated and spread disinformation in order to railroad country-specific human rights resolutions through the Council and to use human rights as a pretext to interfere in the internal affairs of States.

146. Those actions seriously undermined international cooperation and dialogue on human rights and hindered the healthy development of the cause of human rights globally. His Government had always opposed the politicization and instrumentalization of human rights issues and the establishment of country-specific mechanisms without the consent of the countries concerned. The sponsors were attempting to force through an unjust draft resolution that was lacking in objectivity and would lead to serious division and confrontation. It would serve their own political agenda, but would seriously undermine trust in the Council and damage its credibility. His delegation supported the request for a vote on the draft resolution and called on the members of the Council to vote against it.

147. **Ms. Taylor** (United States of America) said that her delegation appreciated the deliberate and thoughtful approach taken by the many sponsors of the draft resolution, which would create a mandate for a special rapporteur on the human rights situation in Russia. The sponsors had taken an incremental approach over many years, including through bilateral engagement with Russia and through regional forums such as the Council of Europe and OSCE. Regrettably, Russia had been unwilling to cooperate within existing mechanisms. The recent termination of the jurisdiction of the European Court of Human Rights over acts by Russia left no regional recourse for the Russian people to defend their human rights and for the international community to examine the Russian Government's treatment of its people.

148. It was thus critical for the Council to create a mandate for a special rapporteur. The Russian Government's repression had been years in the making, and by all independent accounts was continuing to worsen. The shrinking civic space had discouraged Russians from actively participating in public life. Since Russia had launched its devastating war of aggression against Ukraine, repressive tactics and attacks against dissenting Russian voices exercising their human rights and fundamental freedoms had increased significantly. Such unrelenting attacks were enabling the authorities to continue the war on Ukraine and the ongoing violations of the Charter of the United Nations.

149. The draft resolution would ensure that the grave situation of human rights in Russia was independently reviewed by a special rapporteur. The creation of such a mandate would predetermine neither the work that would be done nor the findings that would be issued, and was more than justified by the Russian authorities' long-running and worsening repression within Russia. Her delegation would vote in favour of the draft resolution and urged others to do so as well.

150. **Mr. Rosales** (Argentina) said that his delegation would vote in favour of the draft resolution, on the understanding that the text's provisions would be implemented with the greatest objectivity, bearing in mind that, under General Assembly resolution 60/251, the promotion and protection of human rights must be based on the principles of cooperation and genuine dialogue and must be aimed at strengthening States' capacity to comply with their international human rights obligations.

151. **Mr. Manley** (United Kingdom) said that the draft resolution, which was sponsored inter alia by 26 European allies of the United Kingdom, was a measured, proportionate and necessary response to the alarming human rights situation in Russia. Since the illegal invasion of Ukraine, the authorities had only increased their repression and attacks against individuals seeking to exercise their human rights and fundamental freedoms. The goal of those authorities was to silence people who spoke out against the war and to detain those who tried to avoid being sent abroad to die in the towns and fields of Ukraine. The infliction of increasing violence abroad necessitated more brutal repression at home.

152. Contrary to claims that the response proposed in the draft resolution was disproportionate and should be more incremental, the proposed action was considered, deliberate and entirely appropriate. As the repression in Russia increased, countless Russians were suffering and were looking to the Council to show that it stood in solidarity with them, that their struggle and grief would not be ignored and that the Council was willing to help establish the truth and provide hope to those working to protect human rights in Russia. His delegation would vote in favour of the draft resolution and called upon all members of the Council to do likewise.

153. **Ms. Méndez Escobar** (Mexico) said that her Government believed in multilateralism as a way of addressing common problems and had supported the establishment of international human rights mechanisms, inter alia in the framework of the Council. The expulsion of the Russian Federation from the European human rights system and from the Human Rights Council had created a problem that was now to be solved by means of a resolution. That was a distortion of the purposes for which the universal human rights system had been established.

154. Her Government had condemned, as violations of international law, the Russian invasion of Ukraine and the organization of so-called referendums in the territories temporarily occupied by Russia. It called upon the Russian authorities to ensure that journalists and human rights defenders were able to conduct their work independently, free

from repression and violence, and with respect for their rights to freedom of association, expression and opinion.

155. Her delegation's position of principle was that an incremental approach should have been taken in the draft resolution, which should not have included the establishment of a new mandate. That view was without prejudice to the content of the draft and did not imply that Mexico condoned any failure to respect human rights. It would have been advisable to gather more information, take time to analyse the willingness of the country concerned to address the existing challenges, and objectively take stock of the situation. In the light of those considerations, her delegation would abstain from voting on the draft resolution.

156. **Ms. Al-Muftah** (Qatar) said that her Government had repeatedly supported the establishment of special procedure mandates in support of human rights throughout the world. However, her delegation would abstain from voting on the draft resolution. In its view, the creation of a mandate for a special rapporteur was not the most suitable solution. The issues addressed by the draft resolution were complex, and certain legal requirements must be met. Given the information currently available and the complexity of the international conflict between the Russian Federation and Ukraine, it would be more appropriate to focus on peaceful means of settling international disputes. She reiterated her delegation's call to avoid further escalation and to make use of diplomatic means and dialogue to come to a peaceful solution, in accordance with international law and the Charter of the United Nations.

157. *At the request of the representatives of China, Cuba and Venezuela (Bolivarian Republic of), a recorded vote was taken.*

*In favour:*

Argentina, Czechia, Finland, France, Germany, Japan, Lithuania, Luxembourg, Marshall Islands, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Against:*

Bolivia (Plurinational State of), China, Cuba, Eritrea, Kazakhstan, Venezuela (Bolivarian Republic of).

*Abstaining:*

Armenia, Benin, Brazil, Cameroon, Côte d'Ivoire, Gabon, Gambia, Honduras, India, Indonesia, Libya, Malawi, Malaysia, Mauritania, Mexico, Namibia, Nepal, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

158. *Draft resolution [A/HRC/51/L.13](#) was adopted by 17 votes to 6, with 24 abstentions.*

*The meeting rose at 12.35 p.m.*