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President: Ms. Khan(Fiji)

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The meeting was called to order at 3.15 p.m.

Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development (*continued*)
([A/HRC/48/L.27](#))

Draft resolution [A/HRC/48/L.27](#): Mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change

1. **Mr. Lanwi** (Marshall Islands), introducing the draft resolution on behalf of the main sponsors, namely the Bahamas, the European Union, Fiji, Panama, Paraguay, the Sudan and his own delegation, said that the text was a response to repeated calls by civil society organizations and countries particularly vulnerable to climate change. In the informal consultations and bilateral negotiations on the draft, due consideration had been given to all the views expressed by States and other stakeholders. Subsequently, the main sponsors had orally revised the draft text to incorporate references to article 2 of the Paris Agreement and article 5 of the Vienna Declaration and Programme of Action. The purpose of the proposed mandate was, inter alia, to identify, study and raise awareness of the adverse impacts of climate change on the full enjoyment of human rights, provide guidance to States on the adoption of a human rights-based approach to climate adaptation and mitigation policies and support national efforts in that regard while being attentive to country-specific challenges. Earlier in 2021, in a report described by the Secretary-General of the United Nations as “a code red for humanity”, the Intergovernmental Panel on Climate Change had warned that continued sea level rise was already irreversible for centuries to millennia. The time had come to recognize and react to the existential threat that the climate change emergency posed to the full enjoyment of human rights by all. The proposed mandate was one of many tools that the international community would need to win the fight for the survival of the current and future generations. Consequently, the main sponsors remained hopeful that all the members of the Council would support the adoption of the draft resolution.

2. **The President** announced that 27 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$2,038,500, and that the proposed amendment contained in document [A/HRC/48/L.32](#) had been withdrawn by its sponsor.

3. **Mr. Manley** (United Kingdom), making a general statement before the voting, said that the United Kingdom recognized the serious and unequivocal threat that climate change posed to the planet and the implications that it could have for the full enjoyment of human rights. Ahead of the 2021 Conference of the Parties to the United Nations Framework Convention on Climate Change, which would be held under its presidency, the United Kingdom remained firm in its conviction that States should fully respect, protect and promote human rights in all climate change-related actions. Climate change had the potential to disproportionately affect marginalized and vulnerable populations, including women and girls, indigenous peoples and those living in poverty. A new special rapporteur would help to elevate the Council’s work to address the impact of climate change on the enjoyment of human rights. The United Kingdom had a strong record of tackling the linkages between human rights and climate change and would continue to make the link where appropriate. During the negotiation of the draft resolution, it had sought to ensure that the proposed mandate had a human rights focus and avoided duplicating the work of existing special rapporteurs. It had emphasized that the principle of common but differentiated responsibilities, while relevant to climate change commitments, did not apply to human rights obligations. As a sponsor of the draft resolution, it welcomed the proposed appointment of a special rapporteur on the promotion and protection of human rights in the context of climate change.

4. **Mr. Lapasov** (Uzbekistan), making a general statement before the voting, said that the draft resolution addressed one of the most pressing issues on the contemporary agenda. Climate change was an undeniable reality that required concrete and decisive action. It had a negative impact on the human rights of millions of people, in particular members of vulnerable groups such as women, children, older persons, persons with disabilities and indigenous, peasant and local communities. Uzbekistan believed that a new special

rapporteur could make a significant contribution to the fight against climate change and, above all, serve as a key instrument for tackling the issue – widely overlooked in recent years – of how to address the adverse effects of climate change while guaranteeing the full and effective enjoyment of human rights by all. As a landlocked developing country, Uzbekistan wished to emphasize the importance of the specific mandate that the special rapporteur would have to raise awareness of the disproportionate burden faced by the most vulnerable countries when dealing with the consequences of climate change.

5. **Ms. Imene-Chanduru** (Namibia), making a general statement before the voting, said that the negative impacts of climate change on human rights continued to be painfully felt around the world. Floods, droughts, storms and earthquakes were nature's call for action. The creation of the proposed mandate was therefore long overdue. It would enrich the Council's work on climate change and support not only the mainstreaming of a human rights-based approach in all climate change-related actions and policies but also the identification of best practices and capacity-building needs at the domestic and international levels. Developing countries, particularly small island States and the least developed countries, were most vulnerable to the negative impacts of climate change. Namibia therefore welcomed the fact that the mandate would involve making recommendations to States and other stakeholders on how to address the impacts on human rights. As a sponsor of the draft resolution, it hoped that the text would be adopted by consensus.

6. **Ms. Tichy-Fisslberger** (Austria), making a general statement before the voting on behalf of the States members of the European Union that were members of the Council, said that climate change was already having negative effects on the enjoyment of human rights and that those effects were more acutely felt by people in vulnerable situations. A dedicated special rapporteur would be of great help to the international community in translating its newly acquired awareness of the issue into policies and actions. The decision to appoint a new special rapporteur was not one to be made lightly, not least because of well-known financial constraints. However, climate change was not just any topic: the Secretary-General had labelled it an existential threat to humanity, and it had rightly been placed at the top of the international agenda.

7. The United Nations human rights system could and should contribute to addressing the topic at what was a critical juncture but should do so while strictly adhering to the Council's mandate and without prejudging or replicating discussions in other international forums. It was essential to ensure that human rights were systematically integrated into global action to fight climate change and that efforts on those two fronts were mutually reinforcing. Respect for, and the promotion of, human rights must also guide the design and implementation of climate change mitigation and adaptation policies and other practices and projects. The new special rapporteur would be well placed to provide support and advice in that regard, especially if he or she acted in full and close cooperation with other relevant mechanisms and mandate holders. The draft resolution was the result of intense negotiations and reflected different experiences and points of view from across the globe. The States members of the European Union that were members of the Council were proud to be among the main sponsors and to support the adoption of the draft text by consensus.

8. **Ms. Giovanoni Pérez** (Uruguay), making a general statement before the voting, said that her delegation strongly supported the draft resolution. Climate change was one of the greatest threats to human rights and posed a serious risk to the fundamental rights to life, health and food. The three planetary crises of climate change, biodiversity loss and pollution made it more necessary than ever to ensure cross-cutting, system-wide coordination. The new special rapporteur would complement the work of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Uruguay was confident that they would fulfil their respective mandates in a manner that built on existing synergies and that they would provide the Council and States with comprehensive technical advice. It would be important for the new mandate to contribute to the protection of environmental human rights defenders.

9. **Ms. Pujani** (India), making a general statement before the voting, said that climate change was a significant priority for India, which, despite huge developmental challenges, had taken ambitious action to promote clean and renewable energy, energy efficiency, afforestation and biodiversity. It had also taken the lead in bringing together international

partnerships such as the International Solar Alliance and the Coalition for Disaster-Resilient Infrastructure. It was on track to meet its climate change mitigation commitments: it had achieved its voluntary target of reducing emission intensity by 21 per cent between 2005 and 2020 and was poised to achieve a 35 per cent reduction long before the target year of 2030.

10. The creation of a separate mandate to address the impact of climate change on the enjoyment of human rights had most recently been referred to in Council resolution 47/24. While India had dissociated itself from the relevant operative paragraph, it had voted in favour of the resolution in view of its abiding commitment to addressing the impact of climate change. It had noted, however, that the mandate of the existing Special Rapporteur on human rights and the environment comprehensively addressed the issue of climate change and that establishing another mandate could lead to duplication without adding value. The submission of another draft resolution on the matter just one session after the adoption of Council resolution 47/24 showed that priority had not been accorded to consensus-building.

11. The principles of equity and common but differentiated responsibilities and respective capabilities were the cornerstone of the discourse on climate change. While both climate change and human rights were undeniably global issues, establishing a linkage between the two was neither tenable nor maintainable in law. Adequate international mechanisms were already in place to consider the institutional, legal, infrastructural and social aspects of climate actions under the United Nations Framework Convention on Climate Change. India could not support the establishment of a parallel process under an entirely different multilateral mechanism that sought to bring climate change within the purview of human rights. According to the Paris Agreement, developed countries should take the lead in climate action, in view of their historical responsibility. Her delegation did not think that the draft resolution would contribute to achieving those objectives and was thus not able to support it.

12. **Ms. Pua-Diezmos** (Philippines), making a general statement before the voting on behalf of the core group on human rights and climate change, namely Bangladesh, Viet Nam and her own country, said that the group had been unequivocal in its support for the creation of a mandate on the promotion and protection of human rights in the context of climate change, as reflected in Council resolution 47/24. The rapid submission of a second draft resolution to establish such a mandate disregarded the preference of many States for an inclusive, transparent and deliberative process, which was regrettable. Nevertheless, her group had engaged in good faith with the main sponsors and had made proposals to strengthen the mandate by ensuring that it dealt with the issues central to the most vulnerable countries, including climate finance, adaptation, technology transfer, loss and damage, and climate justice. Those proposals unfortunately had not been taken on board, resulting in a proposed mandate that was deficient in the face of glaring gaps in the fulfilment of climate obligations that called into question some countries' commitment to addressing the adverse impact of climate change on human rights.

13. As members of the Climate Vulnerable Forum, the Philippines, Bangladesh and Viet Nam had envisioned a process and outcome that would unify the Forum's members and foster cooperation in pursuit of common purposes and goals. It was disappointing that the Forum's secretariat had overstepped its role as a facilitator of the implementation of the Forum's agenda, which it was not in a position to dictate or direct.

14. Climate action entailed political will and genuine commitment, which would not be generated through the appointment of a new special rapporteur. The core group on human rights and climate change espoused a hard-nosed realism with regard to the demands of climate justice on all States and cautioned against complacency and the false sense of achievement that some might feel in response to such an appointment. The group called on the other members of the Council to be ambitious in seeking to fulfil their climate obligations. It would vote in favour of the draft resolution in the hope that the proposed mandate would be able to sustain focus on the salient issue of climate justice and address the uneven fulfilment of climate obligations among States insofar as they affected human rights.

15. **Ms. Bain** (Bahamas), making a general statement before the voting, said that the recent report of the Intergovernmental Panel on Climate Change had shown yet again that action on climate change was urgently needed. While the Bahamas agreed with the Secretary-General that the report was "a code red for humanity", it believed the report was also a "code

blue”, bearing in mind sea level rise and the increasing frequency of natural disasters such as floods. The nexus between climate change and human rights was clear. The impacts of the former threatened the full enjoyment of the latter in all spheres. Her delegation was therefore pleased to be one of the main sponsors of the draft resolution. Time was a luxury that the international community simply did not have. The draft resolution offered an opportunity for the Council, the standard-bearer for human rights at the global level, to demonstrate its ability to rise to the occasion on an issue that was of critical importance and would be for generations to come.

16. **Mr. Mahmoud** (Sudan), making a general statement before the voting, said that his delegation was proud to be one of the main sponsors and wished to emphasize the significance of the impact of climate change, which constituted an unprecedented threat to humankind. The Sudan was convinced that the proposed new mandate would bolster the Council’s work, including its efforts to promote and protect human rights. It urged all members of the Council to back the draft resolution and was grateful to the delegations that had participated in its preparation.

Statements made in explanation of vote before the voting

17. **Mr. Eremin** (Russian Federation) said that his Government remained committed to the fight against climate change and would continue to devote close attention to the matter both domestically and internationally. At the same time, it could not but note that the draft resolution ran counter to the principle of specialization according to which every United Nations agency was created for a specific purpose. The draft text would lead to a duplication of functions and dilute the mandates of the secretariat of the United Nations Framework Convention on Climate Change and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. His delegation was puzzled by the haste with which the draft resolution had been submitted, a matter of months after the adoption of Council resolution 47/24. The draft text would serve merely to expand the remits of non-specialized bodies and could even undermine the international community’s efforts to combat climate change. As a result, his delegation had called for a recorded vote and would vote against the draft resolution.

18. **Mr. Hashmi** (Pakistan) said that the concurrence of the coronavirus disease (COVID-19) pandemic and the climate emergency had exposed fundamental shortcomings in the international community’s approach to protecting human lives and saving the planet. Given the urgent need to revisit that approach, the draft resolution was particularly timely. The Council should stand up for rights holders who were vulnerable to the adverse impacts of climate change. The informal consultations on the draft text had uncovered two main issues. The first was the normative framing of the proposed mandate. It was essential to ensure that the mandate took a 360-degree view of climate change and that the application of a human rights lens did not mean that the developmental and environmental aspects of the issue were ignored. More importantly, the mandate must respect and mainstream the perspectives, needs and predicaments of developing countries, especially small island developing States, and galvanize international cooperation on the basis of the principle of common but differentiated responsibilities and respective capabilities.

19. The second issue was the organizational structure of the mandate. In order to synergize the Council’s work on climate change with that of other United Nations-led processes and mechanisms, there was a need to assemble the right expertise in relation to climate science, development and international human rights law, among other fields of study. Having listened carefully to the arguments in favour of appointing a new special rapporteur, Pakistan continued to believe that the necessary expertise could best be found through the establishment of a working group or mechanism. It therefore requested the other Council members and the main sponsors to revisit that organizational aspect of the proposed mandate in the near future. His delegation had made proposals to strengthen the draft resolution and align the terms of reference of the proposed mandate with contemporary needs and trends. It appreciated the sponsors’ sincere efforts to accommodate diverse perspectives and fully supported the initiative.

20. **Mr. Okaniwa** (Japan) said that his Government had been paying attention to the potential impacts of climate change on human rights and recognized that the international

community must work together on the issue. However, delegations continued to hold widely divergent views on the content of the draft resolution. Moreover, climate change issues were already being addressed under the United Nations Framework Convention on Climate Change, creating the potential for overlap. Substantive information on the proposed future activities of the new special rapporteur and any relevant outcomes of those activities should be provided to the Council. For those reasons, his delegation could not fully support the draft resolution and would abstain from voting. Nevertheless, it would continue to engage actively in the relevant discussions to ensure that the new special rapporteur could fulfil his or her mandate appropriately.

21. **Ms. Yu Jin Nam** (Republic of Korea) said that, while the appointment of a new special rapporteur required prudent consideration, it was fully justified in the case at hand. Climate change and its adverse impacts were accelerating much faster than foreseen, and the international community could not risk being too slow in its response. Her delegation agreed with the main sponsors that the impact of climate change on human rights merited the full and dedicated attention of the Council, which, together with its special procedures, must contribute to the relevant discussions to ensure that the impact of climate change on human rights was fully understood and integrated into policy responses. Her delegation would vote in favour of the draft resolution and called on all other delegations to do the same.

22. **Mr. Jiang Duan** (China) said that it was important for States to adhere to the principle of common but differentiated responsibilities, which was the cornerstone of global efforts to tackle climate change, an issue that affected the destiny of humankind. Industrialized countries should support developing nations, particularly small island developing States. For its part, China sought to help other States improve their climate response capacity while, at the same time, pursuing its own low-carbon development path. It remained committed to ensuring that its carbon dioxide emissions peaked by 2030 and that it achieved carbon neutrality by 2060.

23. His delegation had participated in the informal consultations on the draft resolution and understood the sponsors' concerns. However, consensus on the mandate of a new special rapporteur had not been reached, and China remained concerned that any such mandate might affect the role of existing mechanisms under the United Nations Framework Convention on Climate Change. His delegation also wondered whether a human rights-based approach to climate change was appropriate at all. China therefore intended to abstain from voting. Nonetheless, it would continue to shoulder its international responsibilities and to cooperate on global climate-related issues.

24. *At the request of the representative of the Russian Federation, a recorded vote was taken.*

In favour:

Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Cameroon, Côte d'Ivoire, Cuba, Czechia, Denmark, Fiji, France, Gabon, Germany, Indonesia, Italy, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Senegal, Somalia, Sudan, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

Russian Federation.

Abstaining:

China, Eritrea, India, Japan.

25. *Draft resolution [A/HRC/48/L.27](#), as orally revised, was adopted by 42 votes to 1, with 4 abstentions.*

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

27. **Mr. Villegas** (Argentina) said that his delegation had voted in favour of draft resolution [A/HRC/48/L.12](#) on the use of mercenaries as a means of violating human rights

and impeding the exercise of the right of peoples to self-determination. Argentina fully supported the right to self-determination of peoples who remained under colonial domination and foreign occupation within the meaning of General Assembly resolutions 1514 (XV) and 2625 (XXV). Pursuant to paragraph 1 of General Assembly resolution 1514 (XV), the right to self-determination was applicable only to peoples subjected to alien subjugation, domination and exploitation. In that connection, draft resolution [A/HRC/48/L.12](#) had to be interpreted and applied in accordance with the relevant resolutions of the General Assembly and of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

28. **Mr. Bhattarai** (Nepal) said that his delegation had supported draft resolution [A/HRC/48/L.17/Rev.1](#) on the question of the death penalty and had urged the universal abolishment of the death penalty. In respect of draft resolution [A/HRC/48/L.27](#), he hoped that the newly established mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change would serve to enrich discussions on climate change-related issues. Without overlapping with other mandates, the Special Rapporteur should focus on climate-vulnerable nations, including the least developed countries. It was important to pay special attention to vulnerable and marginalized groups, which had been particularly affected by the COVID-19 pandemic. In that connection, universal access to COVID-19 vaccines would be a global public good. Nepal believed in the universality, indivisibility, interdependence, interrelatedness and mutually reinforcing nature of human rights, including the right to development, and was itself seeking to promote the inclusion of all sectors of society in political and public affairs.

29. **Mr. Awoumou** (Cameroon) said that his delegation had voted against draft resolution [A/HRC/48/L.17/Rev.1](#) on the question of the death penalty. Despite the absence of international consensus on the subject of the death penalty, the text sought to impose a norm that went beyond the provisions of the relevant General Assembly resolutions. The death penalty, in fact, was not prohibited under international law, and it was the prerogative of individual States to decide whether to suspend or abolish it, in accordance with their own legal customs and requirements. Whether or not the death penalty constituted a human rights violation depended upon how it was applied. In that connection, the death penalty in Cameroon was subject to very strict due process guarantees. It was envisaged only for the most serious crimes, such as terrorist offences, and could not in any case be handed down against pregnant women or persons who were under the age of 18 at the time the offence was committed. Moreover, offenders in cases involving crimes that carried the death penalty always received legal aid and an appeal for clemency was filed as a matter of course.

30. **Mr. Taihitu** (Indonesia) said that his delegation had voted against draft resolution [A/HRC/48/L.17/Rev.1](#) on the question of the death penalty because the text did not accurately reflect States' diverging views on the issue. Abolishing or retaining the death penalty or establishing a moratorium was a matter to be decided at the national level. There was no international consensus or intergovernmental agreement on the prohibition of the death penalty. All States were free to exercise their sovereign rights and to implement their own domestic laws as they saw fit, while upholding their obligations under international law. Public debate on the death penalty was ongoing in Indonesia.

31. **Mr. Jiang Duan** (China) said that the world was facing numerous risks and challenges. Development remained unbalanced and uncoordinated, and the goals of the 2030 Agenda for Sustainable Development had yet to be achieved, particularly for people in developing countries. In addition, the COVID-19 pandemic had had a heavy negative impact on social and economic development and the enjoyment of human rights. How to overcome those challenges was the main question before the Council. For that reason, China had submitted draft resolution [A/HRC/48/L.14](#), entitled "Realizing a better life for everyone". He wished to thank all those who had participated in the consultations on the text, which had been amended to accommodate different views. Nonetheless, as a number of States required further time to digest its contents and understand its implications, the sponsors had decided to withdraw the draft resolution. His delegation would pursue constructive engagement with all parties in order to help deepen their understanding of the text and would resubmit the draft resolution at a future date.

32. **Ms. Filipenko** (Ukraine) said that Ukraine shared the international community's growing concerns about the environment, which had significant implications for the three pillars of the United Nations, namely human rights, peace and security, and development. As a party to the Paris Agreement and the United Nations Framework Convention on Climate Change, Ukraine was proud to have contributed to reducing the negative impact of climate change by substantially and consistently cutting its greenhouse gas emissions. It also supported meaningful international undertakings to address environmental challenges while protecting human rights. For that reason, her delegation had voted in favour of draft resolution [A/HRC/48/L.23/Rev.1](#) on the human right to a clean, healthy and sustainable environment. However, she shared the view that any independent right in that regard had to have a firm legal basis. She wished to thank the main sponsors, namely Costa Rica, Maldives, Morocco, Slovenia and Switzerland, and looked to them for leadership in consolidating further support for human rights in the specific context of the environment.

33. **Ms. Bain** (Bahamas) said that the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples had affirmed the multifaceted dimensions and implications of colonialism, and in 2021 the world had entered the Fourth International Decade for the Eradication of Colonialism. However, much remained to be done to ensure that all peoples could freely determine their political status and freely pursue their economic, social and cultural development. The Bahamas had therefore supported draft resolution [A/HRC/48/L.8](#) on the negative impact of the legacies of colonialism on the enjoyment of human rights, and she thanked the delegation of China for the initiative and for its open consultations on the text. Her delegation had also supported the amendments to the draft resolution in the belief that it needed to reflect not only the historical legacy and vestiges of colonialism, but also the increasing number of contemporary practices which effectively led to the subjugation, domination and exploitation of certain racial, national and ethnic groups and threatened their fundamental human rights, including the right to self-determination. In that connection, she hoped that the panel discussions envisaged in the resolution would provide a forum in which the Council could explore those issues.

Agenda item 4: Human rights situations that require the Council's attention
([A/HRC/48/L.10](#) and [A/HRC/48/L.19/Rev.1](#))

Draft resolution [A/HRC/48/L.10](#): Situation of human rights in the Syrian Arab Republic

34. **Ms. Throup** (United Kingdom), introducing the draft resolution on behalf of the main sponsors, namely France, Germany, Italy, Jordan, Kuwait, the Netherlands, Qatar, Turkey, the United States of America and her own delegation, said that the Council had already adopted two similar resolutions in 2021, but the current text remained tragically necessary in the light of recent actions by the regime, such as the siege of Dar'a and air strikes in the north-west of the country, which had caused great humanitarian suffering and left many civilians dead or injured. Such abuses could not be ignored by the Council. It was important to keep the spotlight on Syria.

35. The draft resolution drew on recent credible findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, according to which the human rights situation had worsened over the previous 12 months and the country did not yet offer a safe and stable environment for the sustainable and dignified return of refugees. The text underlined the need for a nationwide ceasefire, highlighted the importance of accountability and called for progress in the political process. It also expressed deep concern about missing persons and persons subjected to enforced disappearance, and included the Commission's recommendation that an independent mechanism should be created with an international mandate to coordinate and consolidate claims in that regard. She hoped that the draft resolution would be adopted by consensus.

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

37. **Ms. Tichy-Fisslberger** (Austria), making a general statement before the voting on behalf of the States members of the European Union that were members of the Council, said that the dire situation in the Syrian Arab Republic needed to be addressed by the human rights bodies of the United Nations. The European Union welcomed the main sponsors' choice to

present a short text that focused on recent developments in the country while also continuing to highlight the most egregious violations of the past, such as indiscriminate attacks against civilians, the use of chemical weapons and the widespread practice of arbitrary detention, enforced disappearance, assassination, torture and sexual and gender-based violence. The European Union supported the draft resolution, in particular its emphasis on accountability and justice and on missing persons. It also welcomed the call for a complete and immediate nationwide ceasefire and the reaffirmed commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic. Lastly, she wished to express her support for the efforts of the Special Envoy of the Secretary-General for Syria.

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

39. **Mr. Aala** (Observer for the Syrian Arab Republic), speaking via video link, said that the sponsors of the draft resolution were acting in a manner that was inconsistent with the purposes and principles of the Charter of the United Nations. By submitting such resolutions at every session, without the consent of the State concerned, they were simply demonstrating their resolve to politicize the work of the Council. In fact, the very States that had drafted the text were at the forefront of campaigns against the Government of the Syrian Arab Republic. They also supported the Commission of Inquiry, which operated under an open-ended mandate endorsed by non-consensual resolutions and which deliberately overlooked certain facts, notably those relating to the Government's responsibility to protect citizens from terrorism. Moreover, most of the States in question had themselves disbursed billions of dollars to support terrorist activities in Syria and elsewhere, and had set up terrorist groups that used false humanitarian slogans as a cover for activities intended to distort the international image of the Syrian Government. Some of the States sponsoring the draft resolution were occupying parts of Syrian territory, thereby threatening the country's sovereignty, unity and integrity, while others were imposing unilateral coercive measures on the Syrian people, subjecting humanitarian action to political conditionality and trading the suffering of refugees for political and financial gain. Such countries had neither the political nor the moral authority to present resolutions on Syria.

40. The draft resolution was noteworthy for its political motivations, its double standards and its selectivity. It directed accusations against the Government while completely overlooking the inhuman consequences of unilateral coercive measures, which violated all categories of human rights, foremost among them the right to life. At the same time, it ignored the crimes of militias and terrorist groups and paid no heed to the use of water as a form of blackmail and collective punishment. His delegation rejected the draft resolution and its fabricated accusations and called on members of the Council to vote against it.

Statements made in explanation of vote before the voting

41. **Mr. Chernyakov** (Russian Federation) said that the consideration of draft resolutions on the human rights situation in the Syrian Arab Republic had become a hallmark of Council sessions. However, the increased number of resolutions did not help to improve the situation on the ground. The draft currently before the Council was another example of how certain States used human rights as a platform from which to level accusations against the legitimate Government of the Syrian Arab Republic, on the basis of flimsy evidence provided by the Commission of Inquiry. At the same time, the activities of foreign armed groups were ignored, despite the fact that they occupied parts of the country and were responsible for war crimes and crimes against humanity. The draft resolution also made no mention of the devastating consequences of unilateral coercive measures for the Syrian people; those consequences were exacerbated by the effects of the COVID-19 pandemic. His delegation was opposed to the draft resolution, which was unobjective, one-sided and highly political, and called for a vote on the text.

42. **Mr. Da Silva Nunes** (Brazil) said that the deaths of more than 350,000 people in Syria since March 2011 were a source of great sorrow and he strongly condemned all abuses of human rights and violations of international humanitarian law that had taken place in the country. His delegation supported the involvement of the Council in efforts to build an inclusive political environment in Syria. In that connection, an immediate, complete and nationwide ceasefire was an essential foundation for the advancement of a sustainable political agreement. The Constitutional Committee was the key platform for furthering

constructive negotiations between opposing groups, and he fully supported the efforts being made by the Special Envoy of the Secretary-General for Syria to ensure the sustainability and effectiveness of the Committee. However, although his delegation supported international efforts to end the conflict and bring to account persons responsible for human rights violations, it believed that the draft resolution currently before the Council was deeply unbalanced and partial. Any resolution on the issue needed to address violations committed by all parties in a non-selective and objective manner. Brazil therefore intended to abstain from voting.

43. **Mr. Mao Yizong** (China) said that he supported the request of the Russian Federation for a vote on the draft resolution. China had always maintained that differences concerning human rights should be resolved through constructive dialogue and cooperation; it was opposed to the use of human rights for political ends or for interference in the internal affairs of other States. Like similar resolutions in the past, the current text was one-sided, unfair and unobjective. It did not address the root causes of the conflict and it made no mention of the impact of illegal foreign military intervention or of unilateral coercive measures. The draft resolution would not alleviate the suffering of the Syrian people, contribute to the promotion and protection of human rights or bring a political settlement any closer. China intended to vote against it.

44. **Mr. Constant Rosales** (Bolivarian Republic of Venezuela) said that his delegation rejected the draft resolution, which was the third of its kind submitted in 2021, and exhorted the sponsors to stop submitting draft resolutions on the Syrian Arab Republic at each session of the Council. A previous resolution had extended the mandate of the Commission of Inquiry, with budget implications in excess of \$6,200,000, thus making the Commission a sort of parallel human rights organization. Under the same resolution a mandate had been conferred on OHCHR that could call that body's credibility into question. Those were clear examples of the politicization of the work of the Council and the use of human rights as a tool to further political agendas against Syria.

45. The draft resolution included an expression of concern about the measures being taken by the Government of Syria to combat the COVID-19 pandemic but made no mention of actions taken by the United States to destroy the country's economy or of the serious repercussions of the illegal unilateral coercive measures being imposed by the United States and the European Union. Venezuela supported a peaceful political solution to the conflict, with the participation of the legitimate Government of Syria and with full respect for the country's sovereignty, independence and territorial integrity. His delegation would therefore vote against the draft resolution.

46. **Mr. Quintanilla Román** (Cuba) said that his delegation objected to the submission of politically motivated resolutions that did not have the support of the State concerned. Human rights should not be manipulated for political ends. The role of the international community was not to legitimize punitive action or regime change, which led only to death and destruction and made no contribution to the defence of human rights. Interventionist agendas must therefore be laid aside. The illegal use of force constituted a grave violation of the Charter of the United Nations. Cuba rejected any attempt to undermine the independence, sovereignty or territorial integrity of Syria and supported the pursuit of a peaceful, just and negotiated solution to the current situation, one that emphasized the right of the people of the country to self-determination and peace. The draft resolution currently before the Council went in entirely the opposite direction and, for that reason, his delegation intended to vote against it.

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

In favour:

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

Against:

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

Abstaining:

Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, India, Indonesia, Libya, Mauritania, Namibia, Nepal, Pakistan, Philippines, Senegal, Somalia, Sudan, Uzbekistan.

48. *Draft resolution A/HRC/48/L.10 was adopted by 23 votes to 7, with 17 abstentions.*

Draft resolution A/HRC/48/L.19/Rev.1: Situation of human rights in Burundi

49. **Ms. Pipan** (Observer for Slovenia), introducing the draft resolution on behalf of the European Union, said that the text, while identifying a number of persistent challenges that still needed to be addressed, acknowledged the measures the State had taken over the previous 12 months in the areas of human rights, good governance and the rule of law. The draft resolution envisaged the appointment of a special rapporteur to monitor the situation of human rights in Burundi and to accompany the Government on its path towards re-engagement with the international community and with the United Nations and its human rights mechanisms.

50. The European Union had organized informal consultations with the State concerned and with the members of the Group of African States that were members of the Council, and it had listened carefully to the views of other sponsors and of civil society. She was aware that the Government of Burundi was not entirely satisfied with the text, but nonetheless hoped that it would cooperate with the special rapporteur, in line with public commitments made by Burundi to advance human rights. Adoption of the draft resolution would offer Burundi an opportunity to resume its cooperation with the Council.

51. **The President** said that four States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$698,500.

52. **Mr. Awoumou** (Cameroon), making a general statement before the voting on behalf of the members of the Group of African States that were members of the Council, said that the Group welcomed the constructive and promising informal consultations held on the draft resolution but regretted that the sponsors had not demonstrated sufficient flexibility to allow for the development of a common position on the text. The Group welcomed the decisions of the United Nations Security Council and the Peace and Security Council of the African Union to remove Burundi from their agendas and the decision of the International Organization of la Francophonie to resume cooperation with the Government of Burundi. Noting the substantial progress made in the country towards ensuring the enjoyment of fundamental freedoms, the Group of African States encouraged the Government to continue to follow up on the recommendations of international expert bodies, including OHCHR. However, the Council must take due account of the needs and national priorities of the State and promote constructive dialogue and cooperation to help it fulfil its human rights obligations. In view of the willingness of the Government of Burundi to cooperate with the international community, the Group of African States urged the European Union to prioritize the use of international pressure as part of a holistic approach to the human rights situation in Burundi, instead of imposing additional measures against the will of the country, which could be counterproductive and risked aggravating an already fragile situation.

53. **Ms. Salah** (Somalia), making a general statement before the voting, said that her Government welcomed the progress made towards social and political stability and economic growth in Burundi, as well as its achievement of peace and security. Previous human rights monitoring mechanisms established in respect of Burundi had proven unproductive. Her delegation therefore did not support the proposed establishment of a new special rapporteur and requested that the draft resolution should be put to the vote. Somalia would vote against the draft resolution and called on other members of the Council to do the same.

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

55. **Mr. Tabu** (Observer for Burundi) said that Burundi did not support the proposal to establish a new special rapporteur, which was completely unjustified. The Council should

take due account of the recent positive developments in the country, which had been recognized by the international community, and let Burundi take care of its own development and that of its people without interference. The Government of Burundi would not cooperate with the proposed special rapporteur, if established, and regretted the approach taken by the European Union, which had decided to try to impose measures on Burundi rather than cooperate with it in order to arrive at a compromise solution.

56. His delegation welcomed the support of the members of the Group of African States that were members of the Council. Issues affecting Africa should be resolved by African States. He wished to recall that, since 2015, at the suggestion of the European Union, Burundi had been subject to an independent investigation mission dispatched by OHCHR and five unproductive years of investigations by the Commission of Inquiry on Burundi. Earlier in the current session, the President of Burundi, Mr. Évariste Ndayishimiye, had briefed the Council on the progress made in the country through reforms in the areas of good governance, social justice, freedom of opinion and of the press, social and economic rights, humanitarian assistance, civil and political rights and national reconciliation. The United Nations Security Council, the Peace and Security Council of the African Union and the International Organization of la Francophonie had all recognized the positive developments that were taking place in Burundi and had changed their approach to engagement with the country accordingly. It was therefore difficult to understand why the European Union had not followed suit, without suspecting the existence of an ulterior motive. Burundi did not require monitoring by an external mechanism in order to promote and protect human rights; cooperation, dialogue, technical assistance and capacity-building should continue to be prioritized instead. His delegation therefore called on the Council members to withhold their support from the draft resolution, the adoption of which would be tantamount to a violation of the rights of the people of Burundi and could only aggravate the situation.

Statements made in explanation of vote before the voting

57. **Mr. Constant Rosales** (Bolivarian Republic of Venezuela) said that draft resolution [A/HRC/48/L.19/Rev.1](#) was interventionist and politicized. There was no justification for the establishment of the proposed special rapporteur, which did not have the support of Burundi and was thus destined to fail. Such a special rapporteur would function as a mere political tool, draining the limited resources of the United Nations. The Bolivarian Republic of Venezuela rejected foreign interference in the domestic affairs of sovereign States and called on the Council to adhere to the principles of non-selectivity and non-politicization by abandoning its practice of establishing monitoring mechanisms without the consent of the countries concerned, which seriously undermined its credibility. The Government of Burundi had shown a clear commitment to dialogue with the Council and a willingness to take the necessary measures to overcome its internal challenges. For those reasons, the Bolivarian Republic of Venezuela did not support the draft resolution, which should be put to a recorded vote.

58. **A representative of China** said that China did not support the establishment of country-specific mechanisms without the consent of the countries concerned. The draft resolution ignored the progress made in the human rights situation in Burundi and the Government's multiple and clear requests for the Commission of Inquiry on Burundi to be decommissioned and for all initiatives to establish further monitoring mechanisms in respect of Burundi to be abandoned. For those reasons, his delegation would vote against the draft resolution.

59. *At the request of the representatives of Somalia and the Bolivarian Republic of Venezuela, a recorded vote was taken.*

In favour:

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

Against:

Bolivia (Plurinational State of), Cameroon, China, Cuba, Eritrea, Gabon, Libya, Malawi, Mauritania, Pakistan, Philippines, Russian Federation, Somalia, Togo, Venezuela (Bolivarian Republic of).

Abstaining:

Bahrain, Bangladesh, Burkina Faso, Côte d'Ivoire, India, Indonesia, Namibia, Nepal, Senegal, Sudan, Uzbekistan.

60. *Draft resolution [A/HRC/48/L.19/Rev.1](#) was adopted by 21 votes to 15, with 11 abstentions.*

Agenda item 5: Human rights bodies and mechanisms ([A/HRC/48/L.21/Rev.1](#), [A/HRC/48/L.49](#), [A/HRC/48/L.50](#), [A/HRC/48/L.51](#), [A/HRC/48/L.52](#), [A/HRC/48/L.53](#), [A/HRC/48/L.54](#), [A/HRC/48/L.55](#), [A/HRC/48/L.56](#) and [A/HRC/48/L.57](#))

Draft resolution [A/HRC/48/L.21/Rev.1](#): Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

61. **Mr. Cleland** (Observer for Ghana), introducing draft resolution [A/HRC/48/L.21/Rev.1](#), as orally revised, on behalf of the main sponsors, namely Fiji, Hungary, Ireland, Uruguay and Ghana, said that the issue of intimidation or reprisals against persons who sought to cooperate with the United Nations remained a huge challenge for the Human Rights Council. The main objective of the draft resolution was to help put an end to such unacceptable and unjustifiable practices. Under the draft resolution, the Council would welcome the positive developments and good practices identified in the most recent report of the Secretary-General on the topic ([A/HRC/48/28](#)), as well as the efforts by various United Nations bodies to draw attention to, prevent and address acts of intimidation or reprisals. The text also highlighted new trends and developments in that area, including acts of intimidation or reprisals carried out online, as well as other challenges linked to the COVID-19 pandemic.

62. **Ms. Szűcs** (Observer for Hungary) said that States had a collective responsibility to prevent acts of intimidation or reprisals against persons who cooperated with United Nations bodies and mechanisms, ensure accountability for such acts and preserve a safe and enabling environment for participation at the United Nations. As a result of the constructive engagement of Council members in the informal consultations, the text was well balanced and reflected views from all perspectives. The main sponsors called on all members of the Council to vote against the proposed amendments that had been put forward and to adopt draft resolution [A/HRC/48/L.21/Rev.1](#), as orally revised, by consensus.

63. **The President** announced that 11 States had joined the sponsors of the draft resolution, which had no programme budget implications. She invited the representative of the Russian Federation to introduce the proposed amendments contained in documents [A/HRC/48/L.49](#), [A/HRC/48/L.50](#), [A/HRC/48/L.51](#), [A/HRC/48/L.52](#), [A/HRC/48/L.53](#), [A/HRC/48/L.54](#), [A/HRC/48/L.55](#), [A/HRC/48/L.56](#) and [A/HRC/48/L.57](#).

64. **Mr. Eremin** (Russian Federation) said that his delegation had decided to withdraw the proposed amendments contained in documents [A/HRC/48/L.49](#) and [A/HRC/48/L.51](#), since the issues that they addressed had been incorporated into the revised text of the draft resolution.

65. Given the importance of the subject matter and the good intentions behind the draft resolution, it was unfortunate that the text contained formulations and concepts that had not been agreed upon by consensus. His delegation was particularly concerned about the sponsors' refusal to address the issue of fabricated allegations of reprisals and intimidation made for political purposes by individuals or groups, with the backing of foreign States. Through the proposed amendment contained in document [A/HRC/48/L.54](#), his delegation proposed the addition of language in that regard.

66. In document [A/HRC/48/L.56](#), his delegation proposed the insertion of a new operative paragraph that addressed the issue of the discriminatory actions of States that hosted United Nations offices, in particular the denial of entry visas to individuals who sought to cooperate with the United Nations, including representatives of Russian civil society. Such a practice

was unacceptable and at odds with the responsibility of host States to facilitate the entry of persons who sought to cooperate with the United Nations.

67. The remaining proposed amendments were intended to address issues such as the assumed existence of a fabricated right of unhindered access to United Nations bodies, which had no basis in international law, and the attribution of undue powers to senior Secretariat officials.

68. **Ms. Costa Prieto** (Uruguay) said that the sponsors of the draft resolution did not support the amendments proposed by the Russian Federation, which were contrary to the spirit of the text, and requested a recorded vote on each amendment.

69. **The President** invited the Council members to make general statements on the draft resolution and on the amendments proposed by the Russian Federation.

70. **Ms. Tichy-Fisslberger** (Austria), speaking on behalf of the States members of the European Union that were members of the Council, said that the European Union wished to reiterate its staunch support for civil society and the right of everyone to cooperate and communicate freely with the United Nations and its mechanisms, including the Council. All acts of intimidation or reprisals against persons who sought to cooperate with the United Nations were contrary to the core values of the Organization and should be condemned in the strongest terms. The European Union would continue to support all efforts to prevent such acts, ensure accountability for them and preserve a safe and enabling environment for participation at the United Nations. For those reasons, the States members of the European Union that were members of the Council would vote in favour of the draft resolution, as orally revised.

71. **Ms. Martínez Liévano** (Mexico) said that Mexico recognized the important work performed by human rights defenders, both individually and in cooperation with international human rights mechanisms, and condemned all acts of intimidation or reprisals against them. She welcomed the efforts undertaken by the United Nations in cooperation with States to examine and verify allegations of acts of intimidation or reprisals in a gender-sensitive manner and with a special focus on persons in vulnerable situations. It was important to continue to take the necessary measures to prevent such practices, which undermined the functioning of the international human rights system, and in particular the work of the Council. For those reasons, Mexico was a sponsor of draft resolution [A/HRC/48/L.21/Rev.1](#) and called on States to reject the amendments proposed, which were contrary to the spirit of the initiative.

72. **Mr. Johnson** (Togo) said that attacks and acts of intimidation or reprisals against individuals or groups who cooperated with the United Nations were unacceptable. Togo remained resolutely committed to combating such human rights abuses and therefore supported the draft resolution.

73. **Ms. Pua-Diezmos** (Philippines) said it was encouraging to note that the draft resolution reflected the need to pay equal attention to acts of intimidation or reprisals committed by non-State actors and terrorist groups. The Philippines wished to underscore the need for the Secretary-General to devote greater attention, in his annual report, to the alarming trends in that regard. The draft resolution included a call for the States concerned to be given an opportunity to respond to allegations of acts of intimidation or reprisals. However, many States had expressed concern that their responses were inadequately reflected in United Nations reports. That pointed to an unbalanced approach that disregarded States' efforts to support the human rights reporting system in good faith and provide authoritative information. There was therefore merit in the idea of establishing a publicly accessible, transparent and democratic platform within the United Nations system where allegations of acts of intimidation or reprisals and the responses of States to those allegations were presented on an equal footing, in keeping with the spirit of the draft resolution. Her delegation would support the adoption of the draft resolution, as orally revised.

74. **Mr. Idris** (Eritrea) said that cooperation with the United Nations was fundamental to the promotion and protection of human rights. However, the current practice of paying no heed to the issue of fabricated accusations of acts of intimidation or reprisals made by persons pretending to be human rights defenders had led the Council to adopt a series of non-

consensual resolutions that fell short of its lofty goals. Draft resolution [A/HRC/48/L.21/Rev.1](#) reflected a wholesale acceptance of that practice, as it included a request to States to cooperate with United Nations mechanisms and representatives but did not address the need to verify all allegations presented. As the trend towards the increased politicization of the Council showed no sign of abating, the proliferation of country-specific mandates under agenda items 2, 4 and 10 had undermined the Council's work and its appeals for greater cooperation. For some parties, cooperation with the Council meant rejecting any violation of the Council's fundamental principles, while for others, it meant blindly accepting the results of all votes. The draft resolution did not enjoy the full support of his delegation, which would abstain from voting.

75. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/48/L.50](#).

Statements made in explanation of vote before the voting

76. **Mr. Leweniqila** (Fiji) said that the seventh preambular paragraph of the draft resolution accurately reflected the most recent report of the Secretary-General, which was an important report that should be welcomed accordingly. It referred to the development of legislative frameworks for ensuring the right to access, communicate and cooperate with regional and international bodies. The proposed amendment would completely change the meaning of the paragraph, making it irrelevant to the very report to which it referred. His delegation would therefore vote against the proposed amendment and urged the other Council members to do likewise.

77. **Mr. Villegas** (Argentina) said that the proposed amendment would eliminate the reference in the text to the right to access, communicate and cooperate with regional and international bodies, a right that was inextricably linked to the spirit of the draft resolution. That reference should therefore be retained, as should the word “*Welcoming*” at the start of the paragraph. It was not the whole of the Secretary-General's report that was being welcomed, but merely the positive developments and good practices identified therein. His delegation would vote against the proposed amendment.

78. *At the request of the representative of Uruguay, a recorded vote was taken.*

In favour:

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

Against:

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

Abstaining:

Armenia, Bahrain, Bangladesh, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Mauritania, Nepal, Philippines, Senegal, Somalia, Sudan, Togo.

79. *The proposed amendment contained in document [A/HRC/48/L.50](#) was rejected by 22 votes to 9, with 14 abstentions.*

80. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/48/L.52](#).

Statements made in explanation of vote before the voting

81. **Ms. Tichy-Fisslberger** (Austria), noting that the eleventh preambular paragraph of draft resolution [A/HRC/48/L.21/Rev.1](#) had been taken verbatim from Human Rights Council resolution 42/28, the most recent iteration of the resolution, and that no amendment had been proposed at the time of that resolution's adoption, said that her delegation did not support the proposed amendment. Reprisals and acts of intimidation carried out in connection with the work done by the special procedures accounted for many of the examples given in the Secretary-General's report. The special procedures played an essential role by engaging

directly with and obtaining first-hand information from civil society, human rights defenders and victims of human rights violations. The Coordination Committee of Special Procedures facilitated coordination among the special procedure mandate holders, including in their response to acts of intimidation and reprisals. Removing the reference to the Committee would represent a failure to recognize the Committee's role in preventing and addressing such acts; her delegation would therefore vote against the proposed amendment.

82. **Mr. Leweniqila** (Fiji) said that the proposed amendment was intended to remove all recognition of the work of the Coordination Committee to prevent and address acts of intimidation and reprisals. The Committee played a crucial role by facilitating a coordinated response to acts that were brought to its attention by the special procedure mandate holders; its work therefore should be welcomed. Moreover, without a reference to the Committee, it would be unclear how reprisals and acts of intimidation were addressed by the mandate holders. His delegation would vote against the proposed amendment.

83. *At the request of the representative of Uruguay, a recorded vote was taken.*

In favour:

Bolivia (Plurinational State of), China, Cuba, Eritrea, India, Indonesia, Russian Federation, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

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

Abstaining:

Armenia, Bahrain, Bangladesh, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Mauritania, Nepal, Pakistan, Philippines, Senegal, Somalia, Sudan.

84. *The proposed amendment contained in document [A/HRC/48/L.52](#) was rejected by 24 votes to 9, with 14 abstentions.*

85. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/48/L.53](#).

Statements made in explanation of vote before the voting

86. **Ms. Costa Prieto** (Uruguay) said that the proposed amendment effectively would strip the thirteenth preambular paragraph of draft resolution [A/HRC/48/L.21/Rev.1](#) of all meaning. The failure to take steps to address acts of intimidation and reprisals was a flagrant case of failure to cooperate with the international human rights system, as such acts sought to make that system difficult or impossible to access by those whose rights it was meant to protect and promote. Moreover, the paragraph was consistent with the institution-building package adopted by Council resolution 5/1 and with General Assembly resolution 60/251, which clearly stated that Council members must uphold the highest standards in the promotion and protection of human rights and must fully cooperate with the Council. It was regrettable that the proposed amendment had not been withdrawn despite the oral revisions made by the sponsors to the draft resolution. Her delegation would vote against it.

87. **Ms. Boiko-Kulyk** (Ukraine) said that Ukraine had consistently advocated the strengthening of the response by the United Nations and its Member States to acts of intimidation and reprisals against those who engaged with the Organization. It was not clear why cooperation with the Human Rights Council should apply only to States members of the Council, as the proposed amendment seemed to imply, rather than to all States Members of the United Nations. Under General Assembly resolution 60/251, the Council was a subsidiary organ of the Assembly and was thus part of the United Nations system. The language that the proposed amendment was intended to delete was extremely important. States had an obligation to ensure the safety and security of those seeking to cooperate with the United Nations, both online and offline, to prevent reprisals by States and non-State actors and, where reprisals did occur, to condemn them, to ensure the accountability of perpetrators and to provide access to effective remedies for victims. That obligation was recognized in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to

Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. As the proposed amendment was clearly a further attempt to weaken the draft resolution, her delegation would vote against it.

88. *At the request of the representative of Uruguay, a recorded vote was taken.*

In favour:

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

Against:

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

Abstaining:

Bahrain, Bangladesh, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Mauritania, Pakistan, Philippines, Senegal, Somalia, Sudan, Togo.

89. *The proposed amendment contained in document [A/HRC/48/L.53](#) was rejected by 25 votes to 7, with 13 abstentions.*

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

Statements made in explanation of vote before the voting

91. **Mr. Leweniqila** (Fiji) said that draft resolution [A/HRC/48/L.21/Rev.1](#) did not deal with the question of fabricated allegations of acts of intimidation or reprisals. The proposed amendment reflected neither the aims nor the spirit of the draft resolution. His delegation would vote against it.

92. **Mr. Jaber** (France) said that the proposed new preambular paragraph had no place in draft resolution [A/HRC/48/L.21/Rev.1](#), the aim of which was to put an end to acts of intimidation and reprisals suffered by those who sought to cooperate, cooperated or had cooperated with the United Nations, its representatives and mechanisms in the field of human rights. Such acts, many of which targeted human rights defenders, were condemned by all the States Members of the United Nations and yet continued to be perpetrated. As a result of the inclusive consultations held by the sponsors of the draft resolution, the credibility and reliability of allegations was already covered in other parts of the text, including the fourth and tenth preambular paragraphs and paragraphs 9 and 14. His delegation would vote against the proposed amendment.

93. *At the request of the representative of Uruguay, a recorded vote was taken.*

In favour:

Bangladesh, China, Cuba, Eritrea, India, Indonesia, Mauritania, Philippines, Russian Federation, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

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

Abstaining:

Armenia, Bahrain, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Nepal, Pakistan, Senegal, Somalia, Sudan.

94. *The proposed amendment contained in document [A/HRC/48/L.54](#) was rejected by 24 votes to 11, with 11 abstentions.*

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

96. **Ms. Costa Prieto** (Uruguay), speaking in explanation of vote before the voting, said that the proposed amendment was intended to frustrate the main objective of paragraph 1 of draft resolution [A/HRC/48/L.21/Rev.1](#), which was to reaffirm the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations. In order to fulfil their mandates effectively, international mechanisms must be accessible to everyone; that requirement was especially important in the case of the international human rights system, which could not operate in isolation from the persons whose rights it had the duty to promote and protect. The right referred to in paragraph 1 was directly related to the freedoms of expression, association, assembly and movement enshrined in the Declaration on Human Rights Defenders. Given that the adoption of the proposed amendment could hinder communication with and access to the United Nations and its mechanisms, her delegation would vote against it.

97. *At the request of the representative of Uruguay, a recorded vote was taken.*

In favour:

Bangladesh, Brazil, China, Eritrea, India, Indonesia, Pakistan, Russian Federation, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

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

Abstaining:

Armenia, Bahrain, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Mauritania, Philippines, Senegal, Somalia, Sudan, Togo.

98. *The proposed amendment contained in document [A/HRC/48/L.55](#) was rejected by 23 votes to 10, with 12 abstentions.*

99. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/48/L.56](#).

100. **Ms. Stasch** (Germany), speaking in explanation of vote before the voting, said that an open and free civil society space formed the basis of a resilient society. Human rights defenders, activists and journalists played a crucial role in giving a voice to victims and witnesses and bringing to light common challenges. While it was important to facilitate access by individuals wishing to cooperate with the United Nations in all areas, including with regard to travel into and out of States that hosted regional and international bodies, the proposed amendment did not address the possibility that requirements at entry and exit points might be unduly used to hinder the access of individuals seeking to cooperate with the United Nations. It was noteworthy that the Secretary-General's report did not refer to any cases in which visas had been denied to individuals seeking to cooperate with the United Nations. Therefore, it appeared that the proposed amendment, as currently drafted, dealt with issues beyond the scope of the draft resolution. Her delegation would vote against it.

101. *At the request of the representative of Uruguay, a recorded vote was taken.*

In favour:

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

Against:

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

Abstaining:

Argentina, Armenia, Bahrain, Bangladesh, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Mauritania, Nepal, Philippines, Senegal, Somalia, Sudan.

102. *The proposed amendment contained in document [A/HRC/48/L.56](#) was rejected by 23 votes to 6, with 16 abstentions.*

103. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/48/L.57](#).

104. **Mr. Lanwi** (Marshall Islands), speaking in explanation of vote before the voting, said that the Assistant Secretary-General for Human Rights deserved the full support of the Council to strengthen efforts to develop a more comprehensive system for preventing and addressing allegations of acts of intimidation or reprisals. The proposed deletion of paragraph 12 of draft resolution [A/HRC/48/L.21/Rev.1](#) was not consistent with the objective of improving the response by the United Nations to acts of intimidation and reprisals, nor was it consistent with the Council's vision for human rights and the promotion of a safe environment for those who sought to cooperate with the United Nations, its representatives and mechanisms in the field of human rights. His delegation would therefore vote against the proposed amendment.

105. *At the request of the representative of Uruguay, a recorded vote was taken.*

In favour:

Bangladesh, China, Cuba, Eritrea, India, Russian Federation, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

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

Abstaining:

Armenia, Bahrain, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Indonesia, Mauritania, Pakistan, Philippines, Senegal, Somalia, Sudan, Togo.

106. *The proposed amendment contained in document [A/HRC/48/L.57](#) was rejected by 24 votes to 8, with 14 abstentions.*

107. **The President** invited the Council to take action on draft resolution [A/HRC/48/L.21/Rev.1](#), as orally revised.

Statements made in explanation of position before the decision

108. **Mr. Eremin** (Russian Federation) said that, despite the willingness demonstrated by the draft resolution's sponsors to consider proposals by other delegations, true dialogue had become possible only two days previously, and a fully satisfactory text had therefore been difficult to achieve. The issue of reprisals and acts of intimidation against individuals who cooperated with international human rights bodies was very timely. His Government paid close attention to the work of civil society organizations that cooperated with the United Nations and international human rights monitoring bodies. The right to engage with international bodies, provided that domestic remedies had been exhausted, was enshrined in the Russian Constitution. Reprisals against individuals who cooperated with international human rights bodies were unacceptable. However, such cooperation did not grant individuals or organizations any additional rights, privileges or immunities, and certainly not ones that were not enshrined in international law, such as the right to access to the United Nations. There were many cases in which dishonest tactics had been used by individuals to achieve their own objectives, sometimes to discredit one or more States; it was therefore regrettable that the sponsors had not agreed to incorporate his delegation's proposals on fabricated allegations. Furthermore, he failed to understand why the denial of entry visas to individuals seeking to cooperate with the United Nations, such as representatives of civil society or of States attending events hosted by the United Nations, could not be considered reprisals. Attempts by the draft resolution's sponsors to treat such issues as matters of national immigration law were inappropriate, as they legitimized the imposition of restrictions on individuals seeking to cooperate with the United Nations. Furthermore, consensus had yet to be achieved on some of the language in the draft, as evidenced by the proposed amendments. His delegation therefore could not unreservedly support the draft resolution and wished to

dissociate itself from those paragraphs on which amendments had been proposed. He looked forward to cooperating with the sponsors of subsequent draft resolutions on the topic in order to achieve a more balanced, consensus-based text.

109. **Mr. Jiang Duan** (China) said that China supported the work of the United Nations human rights mechanisms in fulfilling their mandates, including the conduct of constructive dialogue and cooperation with Member States. It opposed all acts of intimidation and reprisals against those who cooperated with the United Nations and its representatives and mechanisms. China was a country governed by the rule of law. Everyone was equal before the law, and those who committed crimes were investigated and held accountable for their actions. Crimes committed under the guise of human rights-related activities should be severely punished under the law, and United Nations mechanisms must not be used to cover up crimes. China had constructively participated in the informal consultations on the draft resolution and had put forward a number of legitimate concerns and suggestions. Regrettably, the text still lacked balance, as it went beyond the bounds of the Organization's authority and did not duly recognize the legitimate right of States to punish criminal acts. Therefore, China wished to dissociate itself from the consensus on the draft resolution.

110. **Mr. García Andueza** (Bolivarian Republic of Venezuela) said that he regretted the intransigence shown by the draft resolution's sponsors during the informal consultations, despite his delegation's submission in good faith of proposals aimed at achieving a balanced text. The draft resolution contained provisions intended to disregard the parameters established in the Council's institution-building package, which represented a delicate balance. There was no need to go beyond that framework, since the Council already had sufficient capacity to respond to any situations that merited its attention. His Government was committed to promoting and protecting human rights on the basis of genuine dialogue and cooperation, not through confrontational language or approaches. He wished to underline his delegation's spirit of collaboration with the Council and its mechanisms, in which respect for all actors involved must prevail. His delegation would dissociate itself from the consensus on the resolution.

111. **Mr. Taihitu** (Indonesia) said that his delegation would join the consensus on the draft resolution. It was concerned at the continued reports of acts of intimidation and reprisals against those who cooperated with the United Nations. Human rights defenders were key partners in the advancement of human rights, and their protection, including that of their health in the context of the COVID-19 pandemic, was crucial. Allegations of reprisals were very serious and should thus be carefully scrutinized before being reflected in the Secretary-General's report. The rule of law must be upheld and United Nations human rights mechanisms must take care to distinguish legitimate law enforcement acts from acts that amounted to reprisals. That distinction was clearly drawn in a number of United Nations instruments, including the Universal Declaration of Human Rights, article 29 (2) of which referred to the "just requirements of morality, public order and the general welfare in a democratic society". The observance of such requirements should be better recognized in the implementation of the draft resolution and in future reports of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

112. **Mr. Suleman** (Pakistan) said that his Government attached importance to the engagement of all stakeholders, especially civil society and victims of human rights violations, with the United Nations human rights machinery. Cases of intimidation and reprisals against those who cooperated with the United Nations must be dealt with seriously. While his delegation generally supported the draft resolution's thematic focus, it took the view that the text lacked clarity in establishing links between rights and responsibilities. The work of civil society and its engagement with the United Nations must be guided by the purposes and principles of the Charter of the United Nations and by Economic and Social Council resolution 1996/31. By demonstrating responsibility, openness and transparency, civil society could strengthen its credibility and enhance its participation in global platforms. That view could not be contested on its merits, and he hoped that it would be taken into consideration in future resolutions.

113. He also wished to spotlight the plight of human rights defenders who were operating in situations of foreign occupation recognized by the United Nations, who faced daily acts of

intimidation, harassment and life-threatening reprisals at the hands of occupation regimes. The Secretary-General's recent report (A/HRC/48/28) had drawn attention to those worrying trends, including in occupied Jammu and Kashmir, where brutal and inhuman tactics were used to terrorize, silence and deter Kashmiri defenders from engaging with United Nations mechanisms. He strongly encouraged the main sponsors to reflect the challenges faced by such defenders in future iterations of the draft resolution.

114. *Draft resolution A/HRC/48/L.21/Rev.1, as orally revised, was adopted.*

115. **Mr. Awoumou** (Cameroon) said that draft resolution [A/HRC/48/L.21/Rev.1](#) did not clearly define the concepts of cooperation with the United Nations, acts of intimidation or reprisals. As a result, separatist and other destabilizing activities could appear to be legitimized, which in turn put States in a difficult position. Furthermore, under the draft resolution the Council took note with appreciation of the Secretary-General's reports on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, but those very reports were sometimes founded on unverified information and undermined the judicial sovereignty of States. The mandate given to the President of the Council to address allegations of acts of intimidation or reprisals exceeded the terms of the mandate agreed by the Council. Despite its reservations, his delegation had joined the consensus on the text; he hoped future versions would be improved.

116. **Mr. Da Silva Nunes** (Brazil) said that it was important for the Council to renew its commitment to promoting a safe and enabling environment in which human rights defenders could exercise their freedom of opinion and expression, without fear of reprisals. While the resolution contributed to the Council's shared goals in many respects, a number of imprecisions and omissions meant that it was not wholly consistent with the mandates agreed by the Council and might result in overlap between the mandates of the various human rights institutions. Despite those continued concerns, his delegation had joined the consensus on the resolution, given the overall positive effect it was expected to have on defenders' ability to act freely, without interference.

The meeting rose at 6.15 p.m.