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Summary record of the 55th meeting*

Held at the Palais des Nations, Geneva, on Thursday, 31 March 2022, at 3 p.m.

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

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* No summary records were issued for the 1st to 54th meetings.

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The meeting was called to order at 3 p.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
([A/HRC/49/L.15/Rev.1](#), [A/HRC/49/L.20](#) and [A/HRC/49/L.26](#))

Draft resolution [A/HRC/49/L.15/Rev.1](#): Advancing human rights in South Sudan

1. **Mr. Manley** (United Kingdom), introducing the draft resolution on behalf of the main sponsors, namely Albania, Norway, the United States of America and his own delegation, said that it was clear from the reports of the Commission on Human Rights in South Sudan and other relevant United Nations bodies that human rights abuses, including horrific acts of sexual and gender-based violence, continued to be committed frequently and with impunity by all actors in the country. Extending the Commission's mandate was absolutely necessary. By shining a light on human rights concerns, the Commission played a vital role in supporting South Sudan in its stated commitment to the full implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and the achievement of durable peace, respect for the rule of law and the full enjoyment and protection of human rights.
2. His delegation regretted that no consensus had been reached on the extension of the Commission's mandate. Despite the best efforts of all concerned and the open and collaborative approach of the Group of African States, it had not been possible to reach agreement on a single negotiated text. If the draft resolution was adopted, his delegation would continue its efforts to achieve consensus in the future.
3. His delegation noted the position of South Sudan with respect to the draft resolution and its call for additional technical assistance and capacity-building. Such assistance was vital for the country, and his delegation would therefore support the draft resolution on technical assistance and capacity-building for South Sudan ([A/HRC/49/L.34](#)), to be considered under agenda item 10. However, it was clear that a more comprehensive approach to improving the human rights situation was needed, including continued monitoring and scrutiny by the Commission. Despite its position regarding the Commission, the Government of South Sudan had continued to cooperate with that body over the past year. The main sponsors urged the States members of the Council to vote in favour of draft resolution [A/HRC/49/L.15/Rev.1](#).
4. **The President** said that two States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$4,577,800.
5. **Mr. Bonnafont** (France), 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 European Union would have preferred a single draft resolution on the situation of human rights in South Sudan. It wished to thank the two groups of sponsors for their efforts to reach agreement on a draft resolution that covered technical cooperation, human rights monitoring and reporting and the collection and preservation of evidence, and to reiterate its call for them to continue to work together in the future to that end.
6. It was important to ensure that the Council dealt appropriately with the human rights crisis in South Sudan. The content of the conference room paper on sexual violence that had been submitted by the Commission on Human Rights in South Sudan was particularly shocking. The European Union recognized the Commission's valuable contribution to the promotion and protection of human rights and the fight against impunity. The States members of the European Union that were members of the Council intended to vote in favour of the draft resolution.
7. **The President** invited the State concerned by the draft resolution to make a statement.
8. **Mr. Ariik** (Observer for South Sudan) said that, since the formation of the Revitalized Transitional Government of National Unity in February 2020, there had been significant progress in the implementation of the Revitalized Agreement despite enormous challenges, including severe flooding and intercommunal violence in Tambura and Jonglei. Those conflicts had since been resolved and persons who had been displaced by them had now

returned home. Mobile courts had been set up around the country to prosecute the perpetrators of sexual and gender-based violence, demonstrating the Government's commitment to tackling such offences and achieving peace. Given the progress made, his Government rejected the proposal to extend the mandate of the Commission on Human Rights. In the areas in which it had requested technical assistance and capacity-building, it would continue to cooperate with the Human Rights Division of the United Nations Mission in South Sudan and work closely with the Office of the United Nations High Commissioner for Human Rights (OHCHR). Those efforts would bear more fruit than reports drafted by the Commission. His delegation had hoped to forge consensus on a single draft resolution that would encourage more technical assistance and capacity-building during the continued implementation of the Revitalized Agreement.

Statements made in explanation of vote before the voting

9. **Mr. Adjoumani** (Côte d'Ivoire), speaking on behalf of the members of the Group of African States that were members of the Council, said that the Group welcomed the strong commitment of the Government of South Sudan and the positive progress that had been made in the implementation of the Revitalized Agreement, which remained the best chance of achieving durable peace in the country. The Group also welcomed the Government's recent announcement of the command structure of the unified forces required for the long-awaited implementation of the key provisions on transitional security arrangements set out in chapter II of the Revitalized Agreement. Such an important step should be encouraged and supported by the Council in the form of continued technical assistance and capacity-building for law enforcement bodies and strengthened cooperation aimed at achieving lasting peace in South Sudan.

10. The Group was conscious of the persisting challenges and urged the Government to redouble its efforts to take action on the provisions of the Revitalized Agreement that had not yet been implemented. It was vital to approach the promotion and protection of human rights in a spirit of constructive and respectful dialogue and with cooperation between States and the relevant stakeholders, while also taking into account the views of the State concerned. The Group had therefore hoped to have a single consensus text that respected the will and needs of the State concerned; regrettably, the Council would instead be presented with two parallel draft resolutions. The Group had worked tirelessly and in good faith with the main sponsors of the draft resolution to find a compromise and had proposed a number of innovative ideas, but those efforts had been unsuccessful. The extension of the Commission's mandate against the wishes of the State concerned would be counterproductive and would compromise the progress that had already been made in the political and security arenas. The Group of African States wished to reaffirm its solidarity with the Government and people of South Sudan and its commitment to supporting them in their quest for sustainable peace, security and development.

11. **Ms. Salah** (Somalia) said that the promotion and protection of human rights should always be approached in the spirit of constructive engagement and with the cooperation of the State concerned. Extending the Commission's mandate would counteract the positive progress that had been made and derail efforts to bring lasting peace to the country. Somalia called for a vote on the draft resolution and would vote against it.

12. **Mr. Gerahtu** (Eritrea) said that South Sudan had been under the scrutiny of two parallel mandates that reflected the stark division in the Council. The submission of the draft resolution was another attempt to pre-empt the technical assistance mandate sought by South Sudan itself. The Council should adopt a more unified position that took into consideration the position of the State concerned. His delegation would vote against the draft resolution.

13. **Mr. Jiang Duan** (China) said that China consistently advocated constructive dialogue and cooperation between all parties on human rights issues and opposed politicization and public pressure in that regard. China appreciated the efforts made by the Government of South Sudan to promote and protect human rights and called on the international community to show full understanding of the challenges facing the country by providing the technical assistance and capacity-building it needed. China supported the draft resolution on technical assistance and capacity-building for South Sudan (A/HRC/49/L.34), which reflected the position of South Sudan and the Group of African States. A number of the sponsors of the

draft resolution at hand had ignored the progress South Sudan had made in the area of human rights and the opinions of African countries in an attempt to force the extension of the Commission's mandate. Those actions were clearly being taken for political purposes and were the consequence of the politicization of human rights issues at the expense of dialogue and cooperation. China therefore intended to vote against the draft resolution.

14. **Mr. Constant Rosales** (Bolivarian Republic of Venezuela) said that his delegation condemned the politicization, selectivity and interventionism inherent in proposals brought before the Council in respect of specific States against their wishes. Such proposals violated the principles of respect for sovereignty and non-interference in the internal affairs of States enshrined in the Charter of the United Nations. His Government continued to categorically oppose such proposals, which were regularly used against countries in the global South and sullied the work of the Council. The Council should fulfil its mandate on the basis of genuine dialogue and cooperation, with the constructive involvement of the States concerned. His delegation intended to vote against the draft resolution.

15. **The President** said that the Netherlands had withdrawn its sponsorship of the draft resolution.

16. **Mr. Bekkers** (Netherlands) said that, while his delegation regretted that no solution had been found, it appreciated the efforts of those countries that had sought to reach consensus on a single draft resolution concerning the situation of human rights in South Sudan. Those efforts should be continued in the future. The Netherlands welcomed the constructive and transparent negotiation process and the balanced text of the draft resolution. While it recognized that some progress had been made in the implementation of the Revitalized Agreement, his delegation remained concerned about the challenges and obstacles preventing the full promotion and protection of human rights, including the need to address impunity. The Commission provided important support in identifying persisting structural risk factors that had facilitated human rights atrocities in the past. His delegation would vote in favour of the draft resolution.

17. **Mr. Ahmed** (Sudan) said that his delegation appreciated the efforts of the Group of African States to reach consensus on a single draft resolution. The Revitalized Agreement required support from the international community. The draft resolution on technical assistance and capacity-building for South Sudan (A/HRC/49/L.34) would ensure that the country received the technical support it needed, while the draft resolution at hand might impede progress towards peace. The Sudan intended to vote against the draft resolution.

18. *At the request of the representative of Somalia, a recorded vote was taken.*

In favour:

Argentina, Armenia, Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Marshall Islands, Mexico, 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, Côte d'Ivoire, Cuba, Eritrea, Mauritania, Pakistan, Russian Federation, Somalia, Sudan, Venezuela (Bolivarian Republic of).

Abstaining:

Benin, Brazil, Cameroon, Gabon, Gambia, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Namibia, Nepal, Qatar, Senegal, United Arab Emirates, Uzbekistan.

19. *Draft resolution A/HRC/49/L.15/Rev.1 was adopted by 19 votes to 11, with 17 abstentions.*

Draft resolution A/HRC/49/L.20: Promotion and protection of human rights in Nicaragua

20. **Mr. Tressler Zamorano** (Observer for Chile), introducing the draft resolution on behalf of the main sponsors, namely Brazil, Canada, Colombia, Costa Rica, Ecuador, Paraguay, Peru and his own delegation, said that, in the face of the deteriorating human rights

situation in Nicaragua, the draft resolution was designed to incrementally strengthen the mandate of OHCHR to protect human rights in the country and contained a proposal to create a group of experts to investigate human rights violations that had occurred since 2018. The High Commissioner, in her report at the current session, had described flagrant violations, including the arbitrary detention of political opponents intending to stand in the 2021 presidential elections, attacks on human rights defenders and journalists, the restriction of civil and political rights and a lack of effective investigation and accountability. In addition, the Nicaraguan authorities had failed to cooperate with OHCHR, special procedure mandate holders and United Nations treaty bodies. The draft resolution contained a call for the Government of Nicaragua to end practices that were not in keeping with its international human rights obligations, combat impunity, cooperate with regional and international organizations and improve the exercise of democracy.

21. **The President** said that six States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$3,178,400.

General statements made before the voting

22. **Mr. Bichler** (Luxembourg) said that Luxembourg had provided support to Nicaragua for many years as one of its development cooperation partners and had continually expressed its concern at the human rights situation, which also caused indirect harm by isolating the country from the international community.

23. Unfortunately, for a number of years, the Government of Nicaragua had refused to implement the recommendations of the High Commissioner and the international community and had continued to engage in systematic human rights violations, including the persecution of civil society and political opponents. Furthermore, there had been worrying developments during the 2021 elections, and a general culture of impunity and corruption persisted, particularly in the judiciary, which was not independent in any way.

24. In the light of the Government's intransigence, the time had come to create a group of experts with a strong mandate to report on human rights violations in Nicaragua. His delegation intended to vote in favour of the draft resolution.

25. **Mr. Peralta Rodas** (Paraguay) said that countries in the region were concerned at the lack of accountability and the persistence of serious human rights violations and abuses in Nicaragua. Paraguay was concerned about the closure of democratic spaces, the suspension of fundamental freedoms, the absence of separation of powers, restrictions on the rights to freedom of expression and of opinion, the dissolution of political parties and harassment of political opponents and civil society organizations. It was also troubled by the progressive erosion of the rule of law, which was marked by a total absence of due process, arbitrary arrests and deplorable conditions of detention. Paraguay condemned the arbitrary detention of politicians and social leaders, journalists, human rights defenders and members of civil society. It urged the Government to immediately release all political prisoners, engage in genuine dialogue with civil society in good faith and establish reforms to ensure free, fair and transparent elections in November 2022. It called upon the Government to cooperate with Council mechanisms and OHCHR. His delegation intended to vote in favour of the draft resolution.

26. **Mr. Bonnafont** (France), speaking on behalf of the States members of the European Union that were members of the Council, said that the European Union was concerned about the erosion of democracy, the rule of law and human rights in Nicaragua. It regretted the fact that the Government consistently ignored the recommendations of the High Commissioner and had shut out other human rights mechanisms, including the treaty bodies and the inter-American system.

27. The European Union was concerned about the systematic violations of civil and political rights in the context of the 2021 elections. The failure to implement electoral and institutional reforms designed to ensure free and fair elections was particularly worrying, as was the adoption and use of legal provisions intended to restrict citizens' capacity to participate in the political process.

28. The persecution and harassment of political opponents, civil society and the media must stop. The European Union rejected, in the strongest possible terms, the use of arbitrary detention as a tool for repression and was gravely concerned at the treatment of political prisoners and the inhuman conditions in which they were held, which could amount to torture or cruel, inhuman or degrading treatment or punishment. The European Union demanded the immediate and unconditional release of all political prisoners and the suspension of legal proceedings against them.

29. The European Union was deeply concerned about persisting impunity and the absence of accountability and urged the Government to ensure effective remedies and allow the granting of reparations to victims by adopting measures to guarantee the independence, transparency and impartiality of the judiciary. There could be no lasting peace or development in Nicaragua in the absence of respect for human rights, justice and accountability. The States members of the European Union that were members of the Council would vote in favour of the draft resolution.

30. **Ms. Stasch** (Germany) said that the already precarious human rights situation in Nicaragua had deteriorated dramatically. Among other widespread violations of civil and political rights, the authorities had persecuted and imprisoned political opponents, including members of the opposition, journalists and human rights defenders, in violation of the basic standards of the rule of law, and were undermining the separation of powers. Germany reiterated its call for the Government to return to democracy and resume dialogue and cooperation with international human rights bodies. Germany intended to vote in favour of the draft resolution.

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

32. **Ms. Morales Urbina** (Observer for Nicaragua), speaking via video link, said that her Government firmly rejected all resolutions adopted by the Human Rights Council against Nicaragua, which were informed by tendentious assessments of the situation in her country and motivated by the economic and political interests of imperialist States. The Government refused to accept any reports on the human rights situation in Nicaragua, since such documents reflected the views of only a minority of actors and failed to take due account of the information provided by the State of Nicaragua itself. Resolutions should not be based on mass media campaigns promoting disinformation and hatred. Nicaragua would continue to implement policies aimed at protecting the life, health and well-being of its population, despite the aggressive and illegitimate sanctions imposed on it by the United States of America and the European Union. It should be noted that Nicaragua had never posed a danger or threat to any other country. The Human Rights Council should not be used as a tool for imposing unjust, unilateral, coercive and illegal measures against Nicaragua. Such measures were tantamount to crimes against humanity. The Council must abide by its mandate, respect the right of all peoples to make their own decisions and live in peace, and observe the principles of non-intervention and equality of treatment of all States under the universal human rights system.

Statements made in explanation of vote before the voting

33. **Mr. Quintanilla Román** (Cuba) said that his delegation wished to reiterate the full support of Cuba for the Government and people of Nicaragua and to congratulate the Government on the results of the 2021 general election. The Government of Nicaragua must continue to advance towards its objectives in spite of the external interference, threats, aggressive rhetoric, disinformation, unilateral coercive measures and hostile actions of certain human rights mechanisms, actions which included the submission of draft resolution [A/HRC/49/L.20](#). The Government of Cuba rejected all measures intended to undermine the sovereignty, self-determination and constitutional order of Nicaragua. Any action taken to address human rights situations must be based on constructive dialogue, and assistance from human rights mechanisms must be provided only at the request and with the consent of the State concerned. Moreover, States had the sovereign right to end cooperation with human rights mechanisms whenever they so wished. Draft resolution [A/HRC/49/L.20](#) undermined the principle of non-intervention in the internal affairs of States and was indicative of the politicization, selectivity and double standards that marred the human rights system, which

were especially evident in the measures taken against developing countries. For those reasons, Cuba called for a vote on the draft resolution. His delegation would vote against it.

34. **The President** said that the Netherlands and the United Kingdom had withdrawn their sponsorship of the draft resolution.

35. **Mr. Bekkers** (Netherlands) said that, despite previous resolutions adopted by the Human Rights Council with regard to the human rights situation in Nicaragua, the Nicaraguan Government had shown no interest in cooperating with the United Nations and the human rights mechanisms, and the situation there continued to deteriorate rapidly. There was practically no free press in the country and civic space had been severely restricted. The 2021 general elections had been neither free nor fair, as demonstrated by the wide-scale human rights violations committed before and during the election process. His delegation commended the main sponsors of the draft resolution for their continued efforts to encourage the Government of Nicaragua to take the path of cooperation and human rights. Previous efforts had been fruitless, which was why the Council had no choice but to establish a mechanism to monitor the situation in Nicaragua with a view to ensuring full accountability. The delegation of the Netherlands would vote in favour of the draft resolution and encouraged other members of the Council to do the same.

36. **Mr. Manley** (United Kingdom) said that the High Commissioner's most recent report on the human rights situation in Nicaragua ([A/HRC/49/23](#)) documented a pattern of serious violations of civil and political rights. In recent years, the people of Nicaragua had consistently been denied many of their universal human rights, including the rights to freedom of expression and peaceful assembly. In 2018, the Nicaraguan authorities had violently repressed anti-Government protests. The Government of the United Kingdom believed that the Council had a duty to respond to the human rights crisis in Nicaragua and fully supported the establishment of a human rights mechanism to conduct thorough and independent investigations into all alleged human rights violations and abuses committed since April 2018. While his Government took no side in the politics of Nicaragua, it noted that hundreds of people had died, thousands had been injured and many had been unjustly imprisoned during the 2018 crackdown. The perpetrators of that crackdown had still not been held to account. For those reasons, the delegation of the United Kingdom would vote in favour of the draft resolution.

37. **Mr. Jiang Duan** (China) said that the Government of China advocated constructive dialogue and cooperation in addressing human rights issues and opposed the politicization of such issues and their use as a pretext for foreign interference. Draft resolution [A/HRC/49/L.20](#) did not objectively reflect the Nicaraguan Government's efforts and achievements with regard to the promotion and protection of human rights or the real situation in the country. The establishment of a country-specific mechanism without the consent of the State concerned would only exacerbate confrontation, further entrench the politicization of the Human Rights Council and waste the limited resources of the United Nations. The delegation of China would therefore vote against the draft resolution.

38. **Mr. Constant Rosales** (Bolivarian Republic of Venezuela) said that his Government firmly rejected draft resolution [A/HRC/49/L.20](#), which was completely arbitrary and undermined the independence of the Nicaraguan State. It was regrettable that the sponsors of the draft resolution included various Latin American countries that continued to sow division and support interventionist mechanisms. It was noteworthy that such mechanisms were always generously funded, despite the crisis currently undermining the Council's ability to carry out its usual work. The draft resolution was a clear example of interference in the internal affairs of Nicaragua, in particular the 2021 general elections. The Council must not continue to be used as a politicized tool by hegemonic countries and their allies wishing to destabilize sovereign States. The draft resolution sought to establish yet another expensive group of human rights experts with quasi-police monitoring functions, whose invented evidence would inevitably be used in support of so-called accountability measures based on the biased world view of the sponsors. His delegation would vote against the draft resolution and called on other members of the Council to do the same.

39. **Mr. Chernyakov** (Russian Federation) said that his delegation noted the politicized and unilateral nature of the draft resolution, which was full of accusatory rhetoric and was

not intended to improve the human rights situation in Nicaragua. Its main goal was clearly interference in the internal affairs of a sovereign State with a view to undermining the internal political situation in the country. The Government of the Russian Federation categorically rejected such underhanded political games, for which the Human Rights Council was being used as a platform. It was opposed to the establishment of a new country-specific mechanism, which would serve only to further foment tensions in Nicaragua and neighbouring countries in the wake of the unacceptable campaign spearheaded by the United States to ensure that the results of the 2021 general elections were not internationally recognized. Only Nicaraguans themselves had the right to judge the legitimacy of electoral processes in their country. The draft resolution was yet another example of the gross manipulation of the Council for dubious political ends. The delegation of the Russian Federation would therefore vote against the draft resolution.

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

In favour:

Argentina, Brazil, Finland, France, Gambia, Germany, 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.

Against:

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

Abstaining:

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

41. *Draft resolution [A/HRC/49/L.20](#) was adopted by 20 votes to 7, with 20 abstentions.**

Draft resolution [A/HRC/49/L.26](#): Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice

42. **Mr. Mehdi** (Pakistan), introducing the draft resolution, said that the text exposed the serious human rights violations and grave breaches of international law committed by Israel in the Occupied Palestinian Territory, including East Jerusalem, and emphasized the imperative need to hold the occupying Power to account and end a decades-long culture of impunity. The preamble recalled principles of international human rights and humanitarian law, reaffirming the principle of the inadmissibility of the acquisition of territory by force. It expressed concern at the fragmentation of the Occupied Palestinian Territory and at the dire situation in the Gaza Strip that had resulted from prolonged blockades and arbitrary physical restrictions. The operative part of the draft resolution called on Israel to withdraw from the Occupied Palestinian Territory and stressed the need for credible, timely and comprehensive accountability measures. It reaffirmed that no State should recognize as lawful any situation that had been created by a serious breach of international law or provide assistance that helped to maintain that situation; called for full cooperation by Israel with the international human rights mechanisms and the cessation of all illegal actions, including the establishment and expansion of illegal settlements; and urged all States to refrain from providing arms to the occupying Power.

43. **The President** announced that eight States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$27,100. He invited the States concerned by the draft resolution to make statements.

44. **Ms. Eilon Shahar** (Observer for Israel) said that, if the draft resolution truly reflected an objective assessment, as its sponsors claimed, it would mention the Israeli and Palestinian victims of Hamas, accountability for the recent killing and assault of critics of the Palestinian Authority, the shrinking of civil society space in the West Bank, the over 1 million

* The delegation of Honduras subsequently informed the Council that it had intended to abstain from voting on the draft resolution.

humanitarian crossings facilitated by Israel in 2021 and the permits issued by Israeli authorities to lesbian, gay, bisexual, transgender and intersex individuals who had fled Palestinian territory. None of those issues was mentioned because draft resolution [A/HRC/49/L.26](#) had been written by the Palestinians, who were thus able to absolve themselves of any responsibility or blame, and had been introduced by Pakistan, which did not recognize her country's right to exist. The draft resolution did not reflect the reality on the ground or represent the new Middle East that Israel was forging together with new allies. It served only to attack Israel, as part of a cynical political game, and to reinforce the Council's echo chamber of hatred against her country. Her delegation called on the members of the Council to vote against the draft resolution.

45. **Mr. Khraishi** (Observer for the State of Palestine) said that, although the representative of the occupying Power had declared that draft resolution [A/HRC/49/L.26](#) had been written on behalf of Palestine, his delegation was willing to cooperate with her or with anyone else to amend it with a view to reaching an understanding with regard to accountability, on the condition that the Government of Israel stopped rejecting the reality of the situation on the ground. His Government was against the targeting of all civilians, regardless of their origin. Regrettably, the international community had been mostly silent on the issue of the killing of civilians in the West Bank and Jerusalem. It was hypocritical of the Israeli delegation to state that civil society in the West Bank was shrinking when the Israeli Ministry of Defense had in fact declared a number of Palestinian civil society groups to be terrorist organizations. The draft resolution was intended to ensure accountability for all violations of international human rights and humanitarian law, as well as reparations for the victims of such violations and their families. He urged the Council members to act in accordance with their obligations under the Geneva Conventions.

Statements made in explanation of vote before the voting

46. **Ms. Taylor** (United States of America) said that the Government of the United States believed that Israelis and Palestinians deserved equal measures of freedom, dignity, security and prosperity. Achieving such equality was important in its own right and also as a means to advance towards a negotiated two-State solution. Her Government was disappointed that States members of the Council continued to disproportionately single out Israel and was dismayed by the many repetitive and one-sided draft resolutions that were submitted year after year. Her delegation appreciated the efforts made to consolidate draft resolutions and avoid submitting them under agenda item 7. However, those efforts, to date, had fallen short of adequately addressing the problematic and biased language in such resolutions as well as their disproportionate number. For those reasons, her delegation called for a vote on draft resolution [A/HRC/49/L.26](#) and urged the members of the Council to vote against it.

47. **Mr. Bekkers** (Netherlands) said that his delegation recognized the considerable efforts of the Palestinian delegation to accommodate its comments on draft resolution [A/HRC/49/L.26](#). The delegation of the Netherlands had yet to receive any information justifying the decision taken by Israel to proscribe certain Palestinian non-governmental organizations. However, it was still assessing the information shared with it and therefore had reservations with regard to the final preambular paragraph of the draft resolution. Nonetheless, the Government of the Netherlands believed that any such prohibition should be imposed only on serious and compelling grounds. While his delegation recognized the importance of accountability, the long-standing position of the Netherlands was that the human rights situation in the Occupied Palestinian Territory should be addressed by the Council in the same way as all other country-specific situations. His delegation therefore called on the Palestinian delegation to maintain its commitment to reducing the number of draft resolutions introduced under item 7 and the further streamlining of reporting mandates. The Netherlands would vote in favour of the draft resolution.

48. *At the request of the representative of the United States of America, a recorded vote was taken.*

In favour:

Argentina, Armenia, Benin, Bolivia (Plurinational State of), China, Côte d'Ivoire, Cuba, Eritrea, Finland, France, Gabon, Gambia, Germany, Indonesia, Japan, Kazakhstan, Libya, Lithuania, Luxembourg, Malaysia, Mauritania,

Mexico, Montenegro, Namibia, Netherlands, Pakistan, Paraguay, Poland, Qatar, Republic of Korea, Russian Federation, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

Brazil, Malawi, United States of America.

Abstaining:

Cameroon, Honduras, India, Marshall Islands, Nepal, Ukraine, United Kingdom of Great Britain and Northern Ireland.

49. *Draft resolution A/HRC/49/L.26 was adopted by 37 votes to 3, with 7 abstentions.*

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

51. **Ms. Peters** (United States of America) said that her delegation strongly supported draft resolution A/HRC/49/L.20 on the promotion and protection of human rights in Nicaragua. However, it wished to clarify its understanding of the language used in certain parts of the resolution. Human Rights Council resolutions did not change the current state of conventional or customary international law and did not create rights or obligations under international law. The United States delegation read the term “right to privacy” as a specific reference to the right not to be subjected to arbitrary or unlawful interference with one’s privacy, as set forth in article 17 of the International Covenant on Civil and Political Rights. The United States delegation wished to emphasize that the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) were non-binding in nature and provided guidance on the treatment of prisoners in accordance with domestic legal frameworks, including with respect to protecting female prisoners from violence, abuse and sexual harassment.

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

(A/HRC/49/L.2, A/HRC/49/L.6, A/HRC/49/L.8, A/HRC/49/L.10, A/HRC/49/L.11, A/HRC/49/L.14, A/HRC/49/L.16, A/HRC/49/L.21 as orally revised, A/HRC/49/L.22, A/HRC/49/L.23/Rev.1, A/HRC/49/L.24, A/HRC/49/L.25 and A/HRC/49/L.35)

Draft resolution A/HRC/49/L.2: Freedom of religion or belief

52. **Mr. Bonnafont** (France), introducing the draft resolution on behalf of the European Union, said that the text provided for the renewal of the mandate of the Special Rapporteur on freedom of religion or belief for another three years and called on Governments to cooperate fully with the mandate holder. It also urged States to step up their efforts to promote and protect freedom of thought, conscience, religion or belief and stressed the importance of a continued and strengthened dialogue in that regard. The promotion and protection of all aspects of freedom of religion or belief, including the right not to believe and the right to change, manifest and practise one’s religion or belief, remained a priority for the European Union, which expressed its gratitude to all those who had participated in the preparation of the draft resolution, in particular the Organization of Islamic Cooperation, for their constructive contributions. He hoped that the draft resolution would be adopted by consensus.

53. **The President** said that nine States had joined the sponsors of the draft resolution. The programme budget implications of the draft resolution had been published on the Council’s extranet. The activities provided for in the draft resolution were considered perennial in nature and the related provisions had already been included under the programme budgets for the relevant years. Accordingly, no additional resources were required.

54. *Draft resolution A/HRC/49/L.2 was adopted.*

Draft resolution A/HRC/49/L.6: The negative impact of unilateral coercive measures on the enjoyment of human rights

55. **Ms. Vakilova-Mardaliyeva** (Observer for Azerbaijan), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, said that the text was based

on Human Rights Council resolution 46/5. It invited the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights to engage with academia to encourage research relevant to her mandate and called on the United Nations High Commissioner for Human Rights to give priority to the resolution in her annual report, bearing in mind the continuing impact of unilateral coercive measures on the populations of least developed and developing countries.

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

57. **Mr. Constant Rosales** (Bolivarian Republic of Venezuela), making a general statement before the voting, said that unilateral coercive measures undermined the enjoyment and exercise of human rights and jeopardized international peace and security. Asset freezes and other sanctions had heightened the suffering of vulnerable peoples, especially during the coronavirus disease (COVID-19) pandemic. Venezuela called for cooperation and solidarity in fighting all cruel measures of that kind, which amounted to crimes against humanity. It urged the Council to reiterate its condemnation of the actions of certain hegemonic countries that used sanctions as a means to exert economic and political pressure on countries of the South. His Government categorically condemned the introduction of laws with extraterritorial application that interfered in the internal affairs of other States and undermined their sovereignty. It called instead for increased multilateralism, which was proven to be the only means to resolve global challenges and build better living conditions for all, and firmly supported the draft resolution.

Statements made in explanation of vote before the voting

58. **Mr. Bonnafont** (France), speaking on behalf of the States members of the European Union that were members of the Council, said that any coercive measures imposed must be proportionate to the objective pursued and must be applied in a manner respectful of international law, fundamental freedoms and human rights. The coercive measures imposed by the European Union were fully in keeping with international law and were just one of the tools it used to pursue the common goals of peace, security, democracy and respect for the rule of law. Sanctions were not an end in themselves; they were part of a global approach that also included political dialogue. The European Union endeavoured to ensure that coercive measures had minimal impact on those who bore no responsibility for the policies and actions that gave rise to their adoption, notably by guaranteeing that the delivery of humanitarian aid and the provision of medical equipment and resources essential to fighting public health crises such as the COVID-19 pandemic were unaffected.

59. The European Union was concerned about the inclusion in the draft resolution of a request for consideration to be given to the possible establishment of a mechanism for monitoring sanctions and their impact. The request compounded other concerns that it had been raising for some time. Contrary to the position expressed in the draft, sanctions were not intrinsically unlawful. Accordingly, the European Union could not support the principle that their imposition should give rise to accountability obligations or reparations. Furthermore, since the draft resolution essentially concerned relations between States rather than the rights of individuals, the European Union did not consider the Human Rights Council to be the appropriate forum in which to address that matter and saw no need for the involvement of the United Nations High Commissioner for Human Rights or the special procedure mandate holders. For those reasons, the States members of the European Union that were members of the Council would vote against the draft resolution.

60. **Mr. Hovhannisyan** (Armenia) said that, as a landlocked nation negatively affected by imposed border closures for more than 30 years, Armenia had first-hand experience of the exacerbating effects of unilateral coercive measures on the challenges of economic and social development. He noted, however, that, in the twentieth preambular paragraph of the draft resolution, the Human Rights Council welcomed the final document and declaration adopted at the eighteenth summit of Heads of State and Government of the Movement of Non-Aligned Countries, held in Baku in 2019. Armenia had consistently expressed strong opposition to that language, which had been introduced by Azerbaijan in blatant violation of the purposes and principles of the Movement. The final document, which contained highly biased references to Armenia, addressed a wide range of topics and issues not necessarily related to

unilateral coercive measures or human rights; Armenia thus saw no reason to welcome its adoption or recall its content in the draft resolution. During the informal consultations, his delegation had proposed language that would have focused the reference to the final document specifically on the topic of the draft resolution and could thus have justified its inclusion, but Azerbaijan had ignored those constructive efforts, abusing its position as Chair of the Movement. Azerbaijan had also failed to address the issue in previous draft resolutions brought before the Council. For those reasons, Armenia had changed its former voting pattern, which had been to vote in favour, and had instead abstained. His delegation would also abstain from voting on the current draft resolution, and particularly wished to dissociate itself from the position set out in the twentieth preambular paragraph.

61. **Mr. Manley** (United Kingdom) said that targeted sanctions were part of a comprehensive and proportionate strategy. They were imposed for specific purposes, were focused on deterring and constraining serious human rights violations, breaches of international law and the obstruction of peace processes, and were not in conflict with the Charter of the United Nations. There were a range of humanitarian licensing grounds to mitigate the unintended consequences of sanctions, including the delivery of humanitarian assistance. For those reasons, the United Kingdom would vote against the draft resolution.

62. **Mr. Ballinas Valdés** (Mexico) said that Mexico was opposed to the use of unilateral coercive measures, which were contrary to international law, including the Charter of the United Nations and General Assembly resolution 2625 (XXV) concerning friendly relations and cooperation among States. However, his delegation regretted the focus of the draft resolution, which failed to take account of concerns that had been raised on various occasions. In particular, it was opposed to the reference to the right to development as a universal and inalienable right. That affirmation could be interpreted to mean that development was a prerequisite for compliance with States' human rights obligations under international law, a view that Mexico did not share. Furthermore, Mexico did not consider the Human Rights Council to be the appropriate forum for addressing the consequences of failures to comply with international law such as those that might arise when unilateral coercive measures were applied in a manner contrary to established norms. In addition, his delegation saw no need to call for the Special Rapporteur on the negative impact of unilateral coercive measures to study the possibility of establishing a dedicated monitoring and follow-up mechanism and believed that such a request would go beyond the mandate established for that special procedure. Mexico would therefore abstain from voting on the draft resolution.

63. **Ms. Taylor** (United States of America) said that, contrary to the position advanced in the draft resolution, coercive measures did not undermine respect for human rights: that responsibility lay with those who committed human rights violations and abuses. Sanctions were an effective tool for responding to malign behaviour, countering terrorism and the proliferation of weapons of mass destruction, and promoting peace, accountability and democracy. Those who claimed that they were inherently unlawful were promoting a false narrative that was reflected in the draft resolution. The current text inappropriately challenged the ability of States to determine their economic relations, protect legitimate national interests and respond to security concerns, besides undermining the international community's ability to respond to human rights violations. In reality, economic sanctions were a legitimate way to achieve foreign policy and other national and international objectives.

64. The United States often took extraordinary measures to minimize the potential humanitarian impact of its sanctions. For example, in 2021 it had taken specific action to minimize the impact of sanctions on the delivery of aid to stem the COVID-19 pandemic, including in Syria and Venezuela. It was a leading provider of humanitarian assistance to both of those countries, actively facilitating the delivery of aid even as their respective Presidents worked to restrict it. Additionally, as part of efforts to address the humanitarian crisis in Afghanistan, and in furtherance of Security Council resolution 2615 (2021), it had recently issued a new general licence to prevent sanctions from standing in the way of the transactions and activities necessary to provide for the basic human needs of the Afghan people. The United States was maintaining its sanctions on certain individuals, inter alia to prevent them from taking advantage of the United States financial system, threatening legitimate global markets and undermining respect for human rights. For those reasons, her delegation would vote against the draft resolution.

65. **Ms. Khusanova** (Russian Federation) said that the widespread practice of using unilateral coercive measures to pressure countries into taking certain courses of action was politically motivated and intrinsically unlawful. However, the use of such measures was increasing and their scope was widening. Despite earlier attempts to proffer some legal justification, the initiators of the unprecedented measures against certain Russian individuals and companies and the Russian economy in general that Western nations had adopted in the course of the previous six weeks now openly admitted that their actions were based on political will, not international law. The resulting raids and seizures of property belonging to Russian individuals and companies were a throwback to barbarian times; even the Magna Carta, the charter of civil liberties signed by the King of England in 1215, guaranteed the inviolability of private property. The coercive measures were also having an impact in the sporting, educational, cultural, medical and humanitarian spheres. Sports federations were taking discriminatory decisions against Russian athletes, Russian students were being excluded from European universities, and international support programmes for severely ill Russian children as well as cultural exchange programmes were being cancelled. The adoption of the draft resolution was therefore timely.

66. Although the Russian Federation did not recognize the right to a healthy and sustainable environment, as mentioned in the draft resolution, it welcomed the addition of a reference to the negative impact on human rights of compliance with unilateral coercive measures among financial and transport companies and the rejection of sanctions of a cross-border nature and attempts to enact laws with extraterritorial application. In addition, it supported the calls for the Special Rapporteur to study the possibility of establishing a mechanism for documenting the impact of sanctions and to engage with representatives of academia in her work. The Russian Federation would vote in favour of the draft resolution.

67. **Mr. Da Silva Nunes** (Brazil) said that Brazil was opposed to the unlawful and selective application of unilateral coercive measures: sanctions must be applied in a manner consistent with international law. However, even when used lawfully, sanctions too often jeopardized the well-being of vulnerable groups and, particularly in the COVID-19 context, could hamper States' ability to promote sustainable development, thus compromising the enjoyment of economic and social rights and food security. On the other hand, some States subject to sanctions continued to use them as a pretext to violate the human rights of their people. Such unacceptable practices must end. His delegation believed that some of the changes introduced to the current version of the draft resolution detracted from the overall balance of the text. In particular, the Council should engage in further dialogue and reflection before adding to its mandate on the subject, as in paragraph 15, or expanding the scope of the concept of negative impacts of unilateral coercive measures, as in the twenty-second preambular paragraph. For those reasons, his delegation had decided to abstain from voting on the draft resolution.

68. *At the request of the representative of France, a recorded vote was taken.*

In favour:

Argentina, Benin, Bolivia (Plurinational State of), China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Honduras, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Qatar, Russian Federation, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

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

Abstaining:

Armenia, Brazil, Cameroon, Gambia, Mexico, Paraguay.

69. *Draft resolution [A/HRC/49/L.6](#) was adopted by 27 votes to 14, with 6 abstentions.*

Draft resolution A/HRC/49/L.8: Cultural rights and the protection of cultural heritage

70. **Ms. Neocleous** (Observer for Cyprus), introducing the draft resolution on behalf of the main sponsors, namely Argentina, Ethiopia, Greece, Iraq, Ireland, Italy, Mali, Poland, Serbia, Switzerland and her own delegation, said that the aim of the draft resolution was to underscore that the destruction of or damage to tangible and intangible cultural heritage could have a detrimental and potentially irreversible impact on the enjoyment of cultural rights and that violations of cultural rights were a threat to social cohesion, sustainable development, peace and reconciliation. Only those on the wrong side of history denied those facts. The Human Rights Council had an important role to play in efforts to protect, restore and preserve cultural heritage. By adopting the draft resolution, it would call on OHCHR, the Special Rapporteur in the field of cultural rights and the United Nations Educational, Scientific and Cultural Organization (UNESCO) to further develop the tools necessary to foster an approach to preservation that promoted universal respect for cultural rights by all. She looked forward to the draft resolution's adoption by consensus.

71. **The President** announced that 27 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$166,200.

72. **Ms. Filipenko** (Ukraine), making a general statement before the decision, said that Ukraine remained committed to protecting the seven sites in the country that were inscribed on the World Heritage List and would continue to do so while countering the unprovoked and unjustified military aggression of the Russian Federation. The destruction of those sites would be a great loss for world culture, not just for Ukraine. Her delegation therefore wished to reiterate the importance of paragraph 2 of the draft resolution, in which the Council urged all parties to armed conflicts to refrain from any unlawful military use or targeting of cultural property, in conformity with their obligations under international humanitarian law. She also welcomed the acknowledgement that cultural heritage could be instrumentalized in conflict and used as a subject of disinformation or information manipulation. She hoped that all members of the Council would support the draft resolution.

73. **Mr. Hovhannisyan** (Armenia), making a general statement before the decision, said that Armenia considered it extremely important for the Council to reiterate that protection of the cultural heritage of minority groups from intentional destruction was a key factor in the preservation of their identity. It particularly wished to emphasize the importance of enhanced cooperation between OHCHR, the Special Rapporteur in the field of cultural rights, UNESCO and other United Nations agencies and the need for them to enjoy unconditional, unimpeded and unfettered access to people in need. The protection of cultural heritage should be mainstreamed in humanitarian action, security strategies, peacebuilding processes and reconciliation initiatives. The Human Rights Council and its Special Rapporteur in the field of cultural rights had a particularly important role to play in early warning and monitoring.

74. States, for their part, had a duty to take all necessary steps to facilitate the prosecution of those responsible for the intentional destruction of cultural heritage, including by collecting and preserving evidence. In addition, they should engage in thorough consultations with local, national and international stakeholders before proceeding with any form of reconstruction or long-term preservation efforts. The adoption of the draft resolution would be a sign to the world that violations of cultural rights and damage to cultural heritage were never acceptable and that the perpetrators of such crimes must be brought to justice. For those reasons, his delegation strongly supported the draft resolution and looked forward to its adoption by consensus.

75. **Ms. Khusanova** (Russian Federation), speaking in explanation of position before the decision, said that the Russian Federation attached great importance to cultural rights. Frequently, those rights were not given sufficient attention and the preservation of historical and cultural monuments was neglected. In a number of countries, cultural sites had been damaged or even destroyed. Some States had declared war on monuments of the Soviet era, including monuments erected in memory of liberating soldiers. The Russian Federation hoped that the draft resolution would be a further contribution to the promotion of cultural rights and protection of cultural heritage. However, the provisions of the thirteenth preambular paragraph and paragraph 7 should not be interpreted as broadening the scope of the 2030 Agenda for Sustainable Development, and the term "cultural rights defenders", as

used in the preamble and in paragraph 12, should be understood in accordance with the goals, principles and provisions of 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.

76. **Mr. Manley** (United Kingdom), speaking in explanation of position before the decision, said that the United Kingdom fully supported efforts to protect cultural heritage from the effects of armed conflict. While his delegation appreciated the spirit of cooperation that had guided the negotiations, it was unconvinced that the Human Rights Council was the most appropriate body to address the issue. Furthermore, it was concerned about the manner in which the draft resolution appeared to equate the protection of cultural heritage with the protection of cultural rights and sometimes strayed into matters of international humanitarian law in a somewhat simplistic way. It would join the consensus and support the draft resolution nonetheless, provided that the reference to targeting of cultural property was understood to cover only unlawful targeting.

77. *Draft resolution A/HRC/49/L.8 was adopted.*

Draft resolution A/HRC/49/L.10: Commemoration of the thirty-fifth anniversary of the Declaration on the Right to Development

78. **Mr. Mardaliyev** (Observer for Azerbaijan), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, said that the aim of the text was to highlight the significance of the anniversary of the Declaration on the Right to Development by creating an opportunity for the international community to reaffirm its recognition of that right as a universal and inalienable human right and to reiterate its unequivocal commitment to making the right to development a reality for all. To that end, the draft resolution called for a full-day high-level meeting to be convened and invited the United Nations High Commissioner for Human Rights to liaise with all States and stakeholders with a view to ensuring their participation. He called on all members of the Council to support the draft resolution.

79. **The President** announced that three States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$133,500.

General statements made before the voting

80. **Mr. Constant Rosales** (Bolivarian Republic of Venezuela) said that his delegation firmly supported the draft resolution and the plans to commemorate the anniversary of the Declaration on the Right to Development. Efforts to realize the right to development must go beyond mere rhetoric and take account of the widening gap between developed and developing countries. The commemorative events should contribute to progress towards the full realization of the right to development as an inalienable right and a key factor in the struggle of the peoples of the South to achieve social justice and overcome poverty and inequality. His delegation hoped that the members of the Council would support the draft resolution.

81. **Mr. Submanian** (India) said that the right to development unfortunately remained a neglected aspect of the global quest to promote and protect human rights. The anniversary of the Declaration on the Right to Development represented an opportunity to mainstream the right to development in the policies and operational activities of United Nations agencies, funds and programmes. India was committed to achieving sustainable and inclusive development and to helping other countries in the realization of the 2030 Agenda. It supported the call for a full-day, high-level meeting and would vote in favour of the draft resolution.

82. **Ms. Rodzli** (Malaysia) said that Malaysia fully supported the call to commemorate the Declaration on the Right to Development and to organize a high-level meeting. As a multiracial country, Malaysia firmly believed that development must benefit all, irrespective of race, gender or socioeconomic status, and remained committed to promoting resilient and sustainable development that was equitable and inclusive and left no one behind. It called upon the international community to support the efforts of the Council to promote dialogue with a view to achieving inclusive development in line with the 2030 Agenda for Sustainable Development.

Statements made in explanation of vote before the voting

83. **Mr. Manley** (United Kingdom) said that the United Kingdom recognized the indivisibility, interdependence and universality of all human rights, including the right to development, and was committed to supporting sustainable growth in both emerging and developed economies. The primary responsibility for ensuring the right to development lay with individual Governments; a lack of development could never provide States with an excuse for failing to meet their human rights obligations. Although his delegation accepted that the anniversary should be acknowledged, it did not believe that a high-level meeting was necessary, especially given the range of other right-to-development initiatives on the Council's programme of work. The United Kingdom delegation had raised its concerns with the main sponsors of the draft resolution and was disappointed that its suggestions were not reflected in the final text. For those reasons, his delegation requested a vote on the draft resolution. It would abstain from voting and encouraged other members of the Council to do the same.

84. **Ms. Taylor** (United States of America) said that her country's concerns regarding the existence and definition of the "right to development" were long-standing and well known. The term had no agreed-upon international meaning, and work was needed to arrive at a definition consistent with human rights. However, the United States saw great value in the Council's discussing how, in the words of the Vienna Declaration and Programme of Action, "development and respect for human rights and fundamental freedoms" were "mutually reinforcing". The United States was committed to alleviating poverty; promoting development globally through food security, electrification, education and health programmes; and promoting inclusion and dignity for all. However, truly sustainable development required accountable Governments that guaranteed access to justice and the rule of law, respected human rights and effectively addressed discrimination while promoting gender equality. Although development was not a prerequisite for improvements in the area of human rights, it could provide the resources needed to build stronger institutions that were better equipped to protect human rights and promote the rule of law. The mutually reinforcing nature of human rights and development was, in short, far too critical to ignore. The United States looked forward to engaging with other States to advance that conversation and ensure that the Council played an appropriate role in respect of human rights and development. Her delegation would abstain from voting on the draft resolution.

85. **Mr. Bonnafont** (France), speaking on behalf of the States members of the European Union that were members of the Council, said that development was built upon the universality, indivisibility and interdependence of all human rights and that a human rights-based approach was important for ensuring inclusive and sustainable development. States had the primary responsibility for the full realization of human rights, including civil and political rights and economic, social and cultural rights.

86. While noting the importance of the thirty-fifth anniversary of the Declaration on the Right to Development, the European Union took the view that the addition to the Council's calendar of a high-level meeting on the right to development was unnecessary, as the Council had already established three mandates devoted to the subject and OHCHR faced budgetary constraints. The States members of the European Union would abstain from voting on the draft resolution.

87. *At the request of the representative of the United Kingdom, a recorded vote was taken.*

In favour:

Argentina, Armenia, Benin, Bolivia (Plurinational State of), Brazil, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Mexico, Namibia, Nepal, Pakistan, Paraguay, Qatar, Russian Federation, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

None.

Abstaining:

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

88. *Draft resolution A/HRC/49/L.10 was adopted by 33 votes to 0, with 14 abstentions.*

Draft resolution A/HRC/49/L.11: Prevention of genocide

89. **Mr. Hovhannisyan** (Armenia), introducing the draft resolution, said that the draft was sponsored by States from all regional groups and was aimed at preventing a worsening of human rights violations that could give rise to the heinous crime of genocide. It was the shared duty of the members of the Council to ensure that victims of genocide and their descendants would benefit from the recognition, accountability, truth, reparation and guarantees of non-recurrence that they deserved.

90. The universalization of the Convention on the Prevention and Punishment of the Crime of Genocide was a major objective for the international community. The draft resolution noted with concern the slowing pace of ratification of and accession to the Convention and encouraged States and United Nations bodies to intensify risk analysis and to cooperate closely with civil society and faith-based organizations and religious leaders to identify risks of genocide. It addressed the problems of misuse of new technologies such as social media platforms and the disinformation and misinformation that they spread, and it called for the convening of an intersessional meeting to discuss that issue and to mark the seventy-fifth anniversary of the Convention's adoption.

91. **The President** announced that 33 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$229,200.

92. **Mr. Bonnafont** (France), making a general statement before the decision on behalf of the States members of the European Union that were members of the Council, said that the European Union welcomed the inclusion in the draft resolution of references to civil society and national human rights institutions, which played a crucial role in the early warning of atrocity crimes. Also welcome was the maintenance of wording from the previous year's resolution underscoring the importance of memory and education and the introduction of new references to the dangers stemming from the use of new technologies, including disinformation and misinformation resulting from the misuse of social media.

93. The draft resolution would nonetheless have benefited from stronger language on the responsibility to protect; for example, it could have further reflected the concepts and wording of the report of the Secretary-General entitled "Responsibility to protect: from early warning to early action" (A/72/884-S/2018/525).

94. One of the most important tasks facing the international community was to bring to justice the perpetrators of atrocity crimes and to support efforts to prevent genocide in the future. The draft resolution made a significant contribution to that endeavour. The members of the European Union would vote in favour of the draft resolution and strongly urged all Council members to do likewise.

95. **Ms. Filipenko** (Ukraine), making a general statement before the decision, said that the draft resolution highlighted the urgency of ending the continued aggression by the Russian Federation against Ukraine and its people, which amounted to war crimes and genocide. The Russian Federation had persisted in committing massive, gross and systematic violations of human rights and international humanitarian law in Ukraine. Its army was continuing to carry out indiscriminate attacks against innocent civilians and to bomb residential areas and civilian infrastructure, including hospitals. It was wiping out entire cities, with the use of cluster munitions and other prohibited weapons. It shelled humanitarian corridors and starved the population. The President of Ukraine had noted that the bombing of a maternity hospital in Mariupol constituted definitive proof that the actions of the Russian Federation were aimed at the genocide of Ukrainians. Her delegation hoped that the adoption of the draft resolution would help to bring the perpetrators of the intentional destruction of the Ukrainian people to justice and avert further recurrences of such horrific crimes.

96. **Mr. Manley** (United Kingdom), making a general statement before the decision, said that the Convention on the Prevention and Punishment of the Crime of Genocide acknowledged that liberating humankind from the odious scourge of genocide required international cooperation. His delegation welcomed the draft resolution's focus on how the use of new technologies such as social media platforms could amplify and contribute to national, ethnic, racial and religious polarization, and looked forward to discussing that issue at the intersessional meeting to mark the seventy-fifth anniversary of the adoption of the Convention. He called on all members of the Council to join in sponsoring the draft resolution.

97. **Ms. Khusanova** (Russian Federation), speaking in explanation of position before the decision, said that she appreciated the Armenian delegation's constructive, transparent and depoliticized approach to negotiating the wording of the draft resolution. The Russian Federation firmly supported efforts to prevent genocide. The Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity provided a robust, universally recognized international legal basis for doing so. Their adoption had been prompted by the massive annihilation of populations by the Nazis and fascists during the Second World War, which at the outset of the conflict had not been criminalized under international law. The deportation and extermination by the Nazis of the peoples of the Soviet Union had taken the form of genocide. Such heinous crimes were spawned by hateful ideologies and it was therefore essential to fight modern forms of Nazism.

98. The Russian Federation supported efforts to bring the perpetrators of such grave international crimes to justice. In recent years the international community had taken steps to establish international courts, including the International Criminal Court. Unfortunately, the Court had not proven to be genuinely independent and impartial, and its jurisprudence had discredited the idea of international criminal justice in its current form. Her delegation was thus compelled to depart from the consensus in respect of the twelfth preambular paragraph of the draft resolution. It was also unable to join the consensus on the twenty-fourth preambular paragraph and paragraph 23, which characterized certain acts, including sexual and gender-based violence, as forms of genocide, as such affirmations were not consistent with the Convention on the Prevention and Punishment of the Crime of Genocide. She was disappointed to note that the text still contained numerous references, for example in the fortieth preambular paragraph and in paragraphs 21, 24 and 35, to "atrocities", "mass atrocities" and "atrocity crimes", which were poorly defined terms that were not enshrined in international law. Her delegation understood such terms to refer to the most serious crimes and crimes against humanity.

99. *Draft resolution A/HRC/49/L.11 was adopted.*

Draft resolution A/HRC/49/L.14: Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

100. **Mr. Ballinas Valdés** (Mexico), introducing the draft resolution, said that the text consisted of a technical update that maintained the elements incorporated into Human Rights Council resolution 40/16 so as to reflect the various perspectives within the Council. The mandate as currently formulated had enabled the Special Rapporteur to carry out comprehensive and exhaustive work, providing States, civil society and United Nations entities with vitally important technical assistance to help ensure that any measures adopted to counter terrorism would fully respect international human rights law, international humanitarian law and international refugee law. He hoped the draft resolution would be adopted by consensus.

101. **The President** said that 12 States had joined the sponsors of the draft resolution, which had no programme budget implications.

102. **Mr. Bonnafont** (France), making a general statement before the decision on behalf of the States members of the European Union that were members of the Council, said that the European Union had firmly supported the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism ever since the mandate's establishment in 2005, four years after the attacks of 11

September 2001. At that time, the international community had realized that a broad spectrum of human rights were under threat or even being violated in the context of actions to counter terrorism. A need had thus been identified for a global mandate to monitor States' compliance with their human rights obligations when they drew up counter-terrorism policies and regulations. The Special Rapporteur was the sole United Nations entity mandated to report on counter-terrorism from the point of view of human rights. The European Union supported the extension of the mandate and called on others to do likewise.

103. **Ms. Taylor** (United States of America), making a general statement before the decision, said that special rapporteurs played a critically important role in assessing potential human rights violations and abuses, particularly in the most dangerous situations. She underscored the primacy of victims of terrorism and of addressing the effects of terrorism on their enjoyment of human rights and fundamental freedoms. The draft resolution referred to families of victims of terrorism, but not every victim had a family, and some lost their families to terrorism in tragic circumstances.

104. **Mr. Subamanian** (India), making a general statement before the decision, said that terrorism violated fundamental human rights, undermined democracy and jeopardized the rule of law. States had a responsibility to provide security to their people and to take steps to counter terrorism. In doing so, they must abide by their obligations, including the obligation to promote and protect human rights and fundamental freedoms. India was a vibrant democracy based on the rule of law and equality before the law; its Constitution enshrined its commitment to human rights. The Government remained committed to ensuring human rights for its citizens while countering terrorism. The use by terrorists of information and communication technologies and digital platforms and tools such as social media, video games, digital payment systems, encrypted messaging services, cryptocurrencies and drones for perpetrating terrorist acts was a real threat that must be addressed. His country had witnessed the use of drones in cross-border terrorist attacks.

105. The increased use of the Internet during the pandemic had exposed more people to recruitment and exploitation by terrorist groups, through hate speech. In such a changing landscape, it was imperative to understand the links between online narratives and offline effects, in the light of evidence-based findings that informed interventions could be successfully undertaken to counter the narratives of terrorist groups.

106. At the ministerial-level meeting of the Security Council commemorating the twentieth anniversary of the adoption of Security Council resolution 1373 (2001), the External Affairs Minister of India had proposed an eight-point action plan for enabling the United Nations system to credibly address the menace of terrorism and ensure effective action. The Human Rights Council must pay attention to serious violations of human rights by terrorists, in all their manifestations. He welcomed the extension of the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and called on all members of the Council to show their unwavering commitment to combating the menace of terrorism and addressing its impacts on all human rights and freedoms.

107. **Mr. Jiang Duan** (China), speaking in explanation of position before the decision, said that terrorism was the common enemy of all humankind and that the entire international community must take action to combat it. The mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism should be extended, and the Special Rapporteur should take an all-encompassing and balanced approach, paying attention not only to the promotion and protection of human rights while countering terrorism, but also to the human rights abuses perpetrated by terrorists. The Special Rapporteur must abide by the Code of Conduct for Special Procedure Mandate Holders of the Human Rights Council and must be objective and impartial, respect the legal independence of each country, rely on verified information, engage in constructive dialogue with Member States and avoid being used by certain political forces, since that would undermine the credibility of the special procedures.

108. *Draft resolution [A/HRC/49/L.14](#) was adopted.*

Draft resolution A/HRC/49/L.16: Right to work

109. **Mr. Gamaleldin** (Observer for Egypt), introducing the draft resolution on behalf of the main sponsors, namely Greece, Indonesia, Mexico, Romania and his own delegation, said that the text built upon the prior resolutions on the right to work, which had all been adopted by consensus, and substantively followed up on the report of the United Nations High Commissioner for Human Rights on the relationship between the realization of the right to work and the enjoyment of all human rights by persons with disabilities (A/HRC/46/47). It had been one of the few draft resolutions that had enjoyed support among sponsors from different regions and with different legal systems, including the Group of African States and some countries that had sponsored a draft resolution on the subject for the first time. Wide consultations had been held, including with civil society organizations active in the field of labour rights.

110. The draft referred, inter alia, to the impact of the COVID-19 pandemic on the labour market and its disproportionate burden on persons with disabilities, particularly women with disabilities. It also called for the organization of a panel during the fifty-first session of the Human Rights Council on the future of the right to work in connection with climate change actions and impacts in the context of sustainable and inclusive economies, with an emphasis on the importance of international cooperation and partnerships. He looked forward to the draft resolution's adoption by consensus.

111. **The President** announced that 67 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$101,700.

112. *Draft resolution A/HRC/49/L.16 was adopted.*

Draft resolution A/HRC/49/L.21, as orally revised: Participation of persons with disabilities in sport, and statistics and data collection

113. **The President** said that the proposed amendments contained in documents A/HRC/49/L.51 to A/HRC/49/L.58 had been withdrawn by the sponsor.

114. **Ms. Méndez Escobar** (Mexico), introducing the draft resolution on behalf of the main sponsors, namely New Zealand and her own delegation, said that the draft, inter alia, called on States to ensure that persons with disabilities could take part in recreational and leisure activities without discrimination and on an equal basis with others, and to improve the collection and accessibility of data on persons with disabilities. It also called for the Council's next two annual interactive debates on the rights of persons with disabilities to focus on support systems for ensuring community inclusion of persons with disabilities and on best practices.

115. The text was the first disability-related draft resolution for which amendments had been proposed. It was essential to avoid politicization of the draft resolution, which addressed a subject of common interest to everyone. She thanked the sponsors of the draft resolution and of the proposed amendments, which had now been withdrawn, for their flexibility and willingness to find solutions that upheld the spirit and objectives of the text. She hoped the draft resolution would be adopted by consensus.

116. **The President** said that 21 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$6,400.

117. **Mr. Rosales** (Argentina), making a general statement before the decision, said that the draft resolution recognized the importance of the human rights-based approach to disability and placed the individual at the core of efforts to ensure the full recognition of human rights and fundamental freedoms. The Council had continued to work in line with the Convention on the Rights of Persons with Disabilities, an instrument that had constitutional status in Argentina. He encouraged the Council to continue to support initiatives along the same lines, treating persons with disabilities as rights holders and as active and full participants in all spheres in society. He called upon the Council to adopt the draft resolution by consensus.

118. **Mr. Bonnafont** (France), making a general statement before the decision on behalf of the States members of the European Union that were members of the Council, said that

the participation of all people in sport was a central component of social integration as well as an essential source of well-being. The European Union was committed to promoting the rights of persons with disabilities in the field of sport and physical activity and ensuring that persons with disabilities were fully involved in the development of sports policies. In addition, it was necessary to have data of high quality for long-term research to ensure that the obligations set out in the Convention on the Rights of Persons with Disabilities were being met. The draft resolution was balanced, took a gender-sensitive approach and addressed the multiple and intersecting forms of discrimination faced by persons with disabilities.

119. *Draft resolution A/HRC/49/L.21, as orally revised, was adopted.*

Draft resolution A/HRC/49/L.22: Mandate of the Special Rapporteur on the right to food

120. **Mr. Quintanilla Román** (Cuba), introducing the draft resolution, said that the right to food was closely connected with all areas of human rights and sustainable development. His delegation attached particular importance to the work of the Special Rapporteur in that regard. The multiple, interrelated global crises, including the COVID-19 pandemic, posed major challenges to the full enjoyment of human rights and had a direct negative impact on the right to food for the millions of people around the world who suffered from hunger. The Council must therefore continue to focus special attention on the right to food.

121. **The President** said that 20 States had joined the sponsors of the draft resolution, which had no programme budget implications.

122. **Ms. Filipenko** (Ukraine), making a general statement before the decision, said that Ukraine attached considerable importance to the realization of the right to food. Ukraine, a key player in ensuring global food security, exported millions of tons of food to different regions of the world each year. In recent months, the war waged by Russia against Ukraine had caused a potentially deadly disruption of those supplies. According to the Food and Agriculture Organization of the United Nations (FAO), the gap in global food supply caused by the Russian aggression could push up already high international food prices by as much as 22 per cent, and the number of undernourished people in the world could increase by more than 10 million in 2022 alone. Her delegation welcomed the Special Rapporteur's focus on confronting that considerable challenge, as elaborated in his press release of 18 March 2022, which called for an immediate halt to the military attacks against Ukraine before there were profound, long-term consequences for everyone's food security. Currently, millions of Ukrainian citizens in Mariupol and other besieged cities had no access to food or water. She trusted that the Special Rapporteur would continue to devote his full attention to the repercussions of the Russian aggression on the right to food, both in Ukraine and throughout the world.

123. **Ms. Taylor** (United States of America), making a general statement before the decision, said that the United States supported the right of everyone to an adequate standard of living, including food. The premeditated and unprovoked war waged by Russia against Ukraine had exacerbated rising global food insecurity. The effects were especially severe for vulnerable populations. To underscore the message just conveyed by the representative of Ukraine, she wished to draw attention to the March 2022 report of FAO entitled "Food security implications of the Ukraine conflict". The international community must work together to address global food insecurity, which would only grow worse as the brutal war on Ukraine continued.

124. **Mr. Ahmed** (Sudan), making a general statement before the decision, said that the current situation of food insecurity had affected the least developed countries in particular. The number of undernourished people had continued to grow for several years. Climate change had had an impact on the capacity of local communities throughout the world to produce their own food and feed themselves. Moreover, food insecurity had created problems such as population displacement and conflict owing to the shortage of local resources. His Government called on Council members to adopt the draft resolution by consensus.

125. **Mr. Manley** (United Kingdom), speaking in explanation of position before the decision, said that, in adopting the draft resolution, Council members should recognize the impact that the unprovoked invasion of Ukraine was having on global food security. The entire world was paying the price for the aggression of Russia. As the representative of

Ukraine had reminded the Council, the grain produced in that country had used to feed 400 million people across the world; that would not be possible in the current year owing to the Russian tanks in the fields of Ukraine that were preventing Ukrainian farmers from sowing crops, to the Russian missiles that were pouring down on Ukrainian infrastructure and to the Russian naval vessels that were blockading the ports of Ukraine. His delegation regretted that the main sponsor of the draft resolution had not taken on board proposals that would have reflected the reality that the world was currently facing.

126. The United Kingdom remained committed to fulfilling its obligations under the International Covenant on Economic, Social and Cultural Rights. It had been giving effect to the Covenant through a combination of legislation and administrative measures. However, it had not incorporated the Covenant into domestic law, and article 2 of the Covenant did not require States parties to do so. The method of implementation of the Covenant by the United Kingdom fulfilled its obligations under article 2 (1). Notwithstanding those issues, his delegation supported the draft resolution.

127. *Draft resolution A/HRC/49/L.22 was adopted.*

Draft resolution A/HRC/49/L.23/Rev.1: Rights of persons belonging to national or ethnic, religious and linguistic minorities

128. **Mr. Wieland** (Observer for Austria), introducing the draft resolution on behalf of the main sponsors, namely Mexico, Slovenia and his own delegation, said that the text focused on conflict prevention and the protection of minority rights. The promotion and protection of the rights of minorities contributed to the political and social stability of the States in which they lived. While minority issues had throughout history often been at the heart of many of the world's conflicts, minority rights were often neglected in peace processes and conflict prevention programmes. The draft resolution contained several provisions aimed at addressing those challenges. It also emphasized that women belonging to minorities often faced specific challenges owing to intersecting forms of discrimination, which made them particularly vulnerable during conflict situations. He trusted that the draft resolution would, like previous resolutions on the same subject, be adopted by consensus.

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

130. **Ms. Khusanova** (Russian Federation), speaking in explanation of position before the decision, said that the Russian Federation traditionally paid great attention to the promotion and protection of the rights of national, ethnic, religious and linguistic minorities, who were increasingly becoming victims of discrimination, racism, xenophobia and inequality. They were more likely than others to become stateless persons who faced discrimination and were deprived of their human rights. The aggressive Russophobia unleashed in a number of countries in recent months, which had infringed on the rights of entire swathes of the populations in question, clearly attested to that fact. Such a situation was unacceptable.

131. The draft resolution touched on several important aspects of the rights of minorities in situations of conflict. However, her Government wished to recall the importance of observing the division of responsibilities within the United Nations system. Questions of peace and security were to be dealt with by the Security Council. References to Security Council resolutions in resolutions of the Human Rights Council were inappropriate. Her delegation therefore dissociated itself from the reference to Security Council resolution 1325 (2000) on women and peace and security in the fourteenth preambular paragraph. It also took issue with the fifteenth preambular paragraph, on the importance of recognizing and addressing multiple, aggravated and intersecting forms of discrimination. Any form of discrimination deserved to be condemned and should be eliminated. Furthermore, the term "human rights defenders" in paragraph 6 (c) should be understood within the meaning of the purposes and principles of 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.

132. *Draft resolution A/HRC/49/L.23/Rev.1 was adopted.*

Draft resolution A/HRC/49/L.24: Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

133. **Ms. Brossard** (Cuba), introducing the draft resolution, said that her delegation regretted that there were still some developed countries that did not recognize the clear relationship between foreign debt and the enjoyment of human rights. Millions of people, even in developed countries, were unable to fully enjoy their economic, social and cultural rights owing to the consequences of austerity policies necessitated by high indebtedness.

134. In the current circumstances brought about by the COVID-19 pandemic, the overwhelming burden of external debt repayment was exacerbating the vulnerability of countries in all regions, especially developing countries. The Council had already recognized the adverse effect of high levels of debt on the ability of countries to withstand the impact of the pandemic. She trusted that the draft resolution, like previous similar resolutions, would be adopted by a large majority.

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

Statements made in explanation of vote before the voting

136. **Mr. Honsei** (Japan) said that the issue of external debt must be dealt with in the appropriate forums rather than by the Council, which should, instead, discuss how best to promote and protect human rights. The subject matter of the draft resolution lay beyond the scope of the Council's mandate. For those reasons, his delegation would call for a vote and would vote against the draft resolution.

137. **Ms. Taylor** (United States of America) said that the United States did not accept the draft resolution's underlying premise that foreign debt prevented the enjoyment of human rights. Governments were responsible for their own economic management and ability to repay debts. The United States also rejected assertions made throughout the draft that ignored the responsibility of borrowers to manage their national debt levels and take on debt in a prudent and sustainable manner, as well as the suggestion that a State had a right to restructure debt without expectation of consequences. Furthermore, mechanisms for debt restructuring and other debt-related issues fell outside the scope, mandate and expertise of the Council. The issues were technical in nature and concerned policies and actions that could have a profound impact on the efficient operation of global credit markets and future financial flows, which were especially critical to developing countries. The United States would therefore vote against the draft resolution.

138. **Mr. Bonnafont** (France), speaking on behalf of the States members of the European Union that were members of the Council, said that the Council should not derogate from its mandate: the promotion and protection of human rights. The Council was not the appropriate forum for addressing the debt crisis. The European Union would therefore vote against the draft resolution. It would continue to engage in discussions on debt within the existing competent forums such as the International Monetary Fund and the World Bank, along with the Group of 20 and the Paris Club.

139. **Mr. Manley** (United Kingdom) said that it was important for the Council to maintain a focused approach in fulfilling its mandate to promote and protect human rights. The Council was not the right forum to discuss foreign debt. The draft resolution fell outside the mandate of the Council and duplicated other international discussions on the issue. The United Kingdom would therefore vote against the draft resolution.

140. *At the request of the representative of Japan, a recorded vote was taken.*

In favour:

Argentina, Benin, Bolivia (Plurinational State of), Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Qatar, Russian Federation, Senegal, Somalia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

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

Abstaining:

Armenia, Marshall Islands, Mexico, Paraguay.

141. Draft resolution [A/HRC/49/L.24](#) was adopted by 29 votes to 14, with 4 abstentions.

Draft resolution [A/HRC/49/L.25](#): Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity

142. **Mr. Quintanilla Román** (Cuba), introducing the draft resolution, said that the promotion and protection of cultural diversity were essential to ensure full respect for human rights. At the same time, cultural diversity, far from weakening universal values, constituted their main source of richness and strength. The COVID-19 pandemic had had a negative impact on the enjoyment of cultural rights by millions of people, affected the normal development of artistic activity and prompted the search for alternative means of producing and accessing cultural products and developing indigenous traditions in many countries. He trusted that, like previous similar resolutions, the draft resolution would be adopted by consensus.

143. **The President** announced that 23 States had joined the sponsors of the draft resolution, which had no programme budget implications.

144. **Ms. Taylor** (United States of America), speaking in explanation of position before the decision, said that the United States supported the promotion of cultural diversity, pluralism, tolerance, cooperation and dialogue among people from all cultures. The advancement of diversity, equity and inclusion was key for all healthy democracies. Efforts to promote cultural diversity should not be used to limit the scope or legitimize the abuse of human rights. Instead, cultural diversity and international human rights could be mutually reinforcing concepts to improve the situation for all. The full realization of economic, social and cultural rights was to be achieved over time in a manner consistent with each State's available resources. In addition to the right to share in scientific advancement, there was a right to the protection of the moral and material interests resulting from any scientific, literary or artistic production. Intellectual property rights reflected the fact that those rights were important and must be respected.

145. Draft resolution [A/HRC/49/L.25](#) was adopted.

Draft resolution [A/HRC/49/L.35](#): Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context

146. **Ms. Stasch** (Germany), introducing the draft resolution on behalf of the main sponsors, namely Brazil, Finland, Namibia and her own delegation, said that, to date, more than 65 delegations from all regions had become sponsors of the text. The right to adequate housing did not only entail having a roof over one's head. It went much further: the right to adequate housing was the right to live in dignity, security and peace. Non-discrimination in that context was essential, as had become even clearer during the COVID-19 pandemic, especially for those facing multiple and intersecting forms of discrimination. The effects of racial discrimination and of systemic racism were matters of particular concern. She trusted that the focus on discrimination in the draft resolution would encourage States to examine the extent and impact of systemic racism on the right to adequate housing and to adopt effective legal, policy and institutional measures to address the problem. In addition, the draft resolution recognized that climate change and related environmental damage affected the right to adequate housing and that the consequences were most acutely felt by people who were already in vulnerable situations.

147. **The President** announced that 32 States had joined the sponsors of the draft resolution, which had no programme budget implications.

148. **Ms. Méndez Escobar** (Mexico), making a general statement before the decision, said that the draft resolution placed particular emphasis on the multiple and intersecting forms of

discrimination faced by women and girls and by persons with disabilities, as well as the challenges faced by different groups in vulnerable situations, in the effective enjoyment of the right to housing. She wished to thank the main sponsors for accommodating her delegation's request to include a reference to financial entities operating in the housing sector and their responsibility to respect human rights in accordance with the Guiding Principles on Business and Human Rights.

149. **Ms. Filipenko** (Ukraine), making a general statement before the decision, said that the draft resolution on the right to adequate housing was important in the context of the ramifications of the Russian aggression against Ukraine and massive destruction of civilian housing and vital infrastructure. Day after day, Russian forces continued to shell residential areas in Ukrainian cities. To date, in the territory controlled by Ukraine alone, more than 4,500 residential buildings had been damaged or destroyed. In Kharkiv, a proud city of 1.5 million residents, at least 1,177 buildings, most of which had been multistorey residential dwellings, had been destroyed, leaving hundreds of thousands of people without a home.

150. In besieged Mariupol, 2,340 buildings had been destroyed or severely damaged. The cities of Volnovakha, Shchastia, Stanytsia Luhanska and Iziun had been completely levelled by Russian missiles and bombs. The Russian aggression had led to a housing crisis on a scale unseen in Europe since the Second World War. The perpetrators of those vicious acts should not go unpunished.

151. *Draft resolution [A/HRC/49/L.35](#) was adopted.*

The meeting rose at 6.50 p.m.