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

Contents

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

Agenda item 4: Human rights situations that require the Council's attention

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

Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development (*continued*)
(A/HRC/49/L.9, A/HRC/49/L.28 as orally revised, A/HRC/49/L.29 as orally revised, A/HRC/49/L.31/Rev.1, A/HRC/49/L.43, A/HRC/49/L.46 and A/HRC/49/L.47)

Draft resolution A/HRC/49/L.9: Recognizing the contribution of human rights defenders, including women human rights defenders, in conflict and post-conflict situations, to the enjoyment and realization of human rights

1. **Ms. Smith** (Observer for Norway), introducing the draft resolution, said that human rights defenders, including women human rights defenders, played an essential role in promoting and protecting human rights in conflict and post-conflict situations. By gathering and corroborating information on human rights violations, they enabled organizations such as United Nations human rights mechanisms to fulfil their mandates. They provided the building blocks necessary for conflict prevention and resolution and for inclusive, peaceful and democratic societies. Regrettably, the nature of their work often placed them in harm's way and they faced threats, harassment, violence and even death. Women human rights defenders were at risk of gender-based violence. It was therefore important for the Council to send a strong message of recognition and support for human rights defenders and their work.
2. Her delegation had striven to conduct an open, inclusive and comprehensive negotiation process, including eight rounds of informal consultations. Although it had not been possible to reach a consensus on the text, Norway was proud to present the draft resolution and called on all members to support it.
3. **The President** announced that 22 States had joined the sponsors of the draft resolution, which had no programme budget implications.

General statements made before the voting

4. **Mr. Ballinas Valdés** (Mexico) said that the work of human rights defenders was vital in any democratic and participatory system. His delegation had observed with concern that human rights defenders around the world faced heightened challenges. It was therefore important for the Council to reaffirm its commitment to ensuring their protection. The draft resolution set forth several measures that States should take to ensure that the work of human rights defenders was not prevented or hindered, and to prevent, investigate and punish any acts that endangered their personal safety and integrity.
5. The Government of Mexico attached great importance to the protection of human rights defenders in the areas of economic, social and cultural rights, environmental protection and sustainable development, as shown by its ratification in 2021 of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean. Mexico also recognized the importance of creating a safe and enabling environment for human rights defenders to carry out their work. For those reasons, his delegation supported the draft resolution.
6. **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 a committed and determined supporter of civil society and of human rights defenders, who played a key role and were often exposed to significant personal risks, especially in conflict and post-conflict situations. It was therefore essential that the Council should adopt the draft resolution, which addressed the main challenges that human rights defenders faced and sent a message of support for the positive contribution that they made to society.
7. The delegation of Norway had demonstrated its willingness to find compromises, while maintaining the essence of the draft resolution, with the result that it had presented a balanced text. In the event that a vote was requested, the States members of the European Union that were members of the Council would vote in favour of the draft resolution.

8. **Mr. Ruddyard** (Indonesia) said that Indonesia supported efforts to advance an inclusive definition of human rights defenders in line with 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. Thus, acknowledgement should be extended to all actors who worked for the enjoyment of human rights. For example, female health workers, who were vulnerable in the context of the coronavirus disease (COVID-19) pandemic, also defended human rights by helping to heal and rebuild communities and societies during and after conflicts. It was deeply worrying that health workers faced threats and violence, including attacks by armed groups. The draft resolution called upon States to adopt a survivor-centred approach to address violence against female health workers and to hold perpetrators accountable. By adopting the draft resolution, the Council would clearly signal its inclusive approach to human rights defenders and its recognition of their need to be protected. His delegation supported the draft resolution, since human rights defenders and civil society organizations were key actors in the advancement of human rights. At the same time, it wished to reiterate that in countries governed by the rule of law, all persons were equal before the law and therefore human rights defenders had the same freedoms and obligations as other citizens.

9. **Mr. Lanwi** (Marshall Islands) said that his delegation supported the draft resolution. At the current juncture, it was more vital than ever that the Council should send a clear and resolute message of support to human rights defenders. When nations faced the scourge of war, human rights defenders played a key role in upholding the human rights of all, and contributed to the emergence of societies where peace, human rights and the rule of law could thrive. His delegation viewed the draft resolution as the outcome of a thorough, transparent and cooperative negotiation process, and urged all members to support its adoption.

10. **Mr. Hovhannisyan** (Armenia) said that his delegation welcomed the thematic focus of the draft resolution. Conflict and post-conflict settings created fertile ground for gross violations of international humanitarian law and international human rights law. Human rights defenders and independent national human rights institutions performed critical tasks, such as monitoring and documenting violations, combating impunity and countering disinformation and misinformation. Those tasks were especially important in circumstances in which international mechanisms were absent, the Internet and other means of communication were disrupted, and humanitarian access was obstructed or denied. His delegation also welcomed the emphasis on women human rights defenders, who often faced gender-based discrimination, harassment and blackmail for speaking out and shining a light on the victims of conflicts. The Armenian people had first-hand knowledge of the value of peace and the indispensable contribution of brave individuals, groups and institutions that stood against human rights violations and abuses.

11. **Mr. Mika** (Namibia) said that the work of human rights defenders had always been crucial to international efforts to promote universal respect for the protection of human rights. For that reason, it was incumbent upon States to create a safe and enabling environment for human rights defenders. His delegation was pleased to note that the draft resolution called upon States to ensure that counter-terrorism measures were in accordance with their obligations under international human rights law and did not endanger the safety of human rights defenders or unduly hinder their work. Namibia condemned in the strongest terms the designation by Israel of Palestinian human rights groups as terrorist organizations and called upon Israel to revoke that decision.

12. His delegation wished to emphasize that the primary responsibility for implementing the Convention relating to the Status of Refugees fell to the States parties; therefore, any broadening of the definition of refugees, as envisaged in the draft resolution, must be decided upon in consultation with States. Nonetheless, Namibia would vote in favour of the draft resolution and encouraged all Council members to do the same.

Statements made in explanation of vote before the voting

13. **Ms. Khusanova** (Russian Federation) said that the informal consultations on the draft resolution could have been more productive and inclusive. Substantive proposals by the Russian delegation had been ignored, while the ideas of certain delegations had been

incorporated into the text over the objections of others. It was unfortunate that the sponsors of the draft resolution had failed to show a cooperative spirit.

14. The Russian Federation attached great importance to supporting the lawful activities of individuals, groups and organs that promoted and protected universally recognized human rights and fundamental freedoms. However, her delegation did not agree with an approach that sought to place human rights defenders in a special category. All individuals and civil society organizations that lawfully worked to promote and protect human rights should enjoy special protection and propitious conditions, as highlighted in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Her delegation could not understand the refusal to specify in the text that the term “human rights defenders” was understood in line with the principles of that Declaration, as was done in General Assembly resolution 72/247. Nor could it understand the refusal to include language from two preambular paragraphs of General Assembly resolution 76/174, which stated, firstly, that “all human rights and fundamental freedoms” applied “to all persons equally, including human rights defenders” and, secondly, that “human rights defenders ... shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others”. Her delegation did not agree with an interpretation of international human rights law that ignored those provisions, under which individual human rights and freedoms could be limited temporarily in times of armed conflict. Furthermore, in the United Nations, matters of peace and war were dealt with by the Security Council, and it was therefore unacceptable that the Council should amend terminology that had been used by the Security Council for many years. For example, the draft resolution used the term “conflict-related sexual violence” instead of “sexual violence in conflict”. Her delegation called for a vote on the draft resolution. Given the importance of the topic, it planned to abstain from voting, and called upon other Council members to do likewise.

15. **Mr. Eheth** (Cameroon) said that the draft resolution represented an important step forward in the promotion and protection of human rights. However, in order to apply the principles that governed the Council’s work, notably those of objectivity and non-politicization, it was necessary to accurately define certain concepts and thus support States in strengthening democracy and the rule of law. Most States did not have an agreed definition of “human rights defenders” in their national legislation. Moreover, in practice some people who claimed to be human rights defenders were in fact activists who engaged in terrorism with a view to destabilizing the State. The Council should be vigilant to ensure that the concept of human rights defenders was not abused. Despite the shortcomings of the draft resolution, Cameroon believed in multilateralism as a framework for the sustainable resolution of global problems, and therefore would vote in favour of it.

16. **Mr. Zhao Zhang** (China) said that China welcomed the active role that civil society played in promoting economic and social development and in promoting and protecting human rights. It supported those activities within the framework of the law. “Human rights defender” was a term for which there was no clear, internationally agreed definition. Persons claiming to be human rights defenders did not enjoy special rights additional to or above those laid down by law, and the designation did not shield those who violated the law.

17. The Chinese delegation had participated constructively in the informal consultations and had put forward reasonable suggestions. It regretted that the sponsors had failed to take those and other reasonable views on board. The draft resolution in its current form was not balanced, as it overemphasized the rights of human rights defenders and included some elements that might jeopardize the judicial sovereignty of States; indeed, it might be used as a pretext for interference in the sovereign affairs of States. China would therefore abstain from voting on the draft resolution.

18. **Mr. Mehdi** (Pakistan) said that Pakistan valued the contributions made by human rights defenders in advancing and safeguarding fundamental rights and freedoms in conflict and post-conflict situations. They were a strong voice for the voiceless and the eyes and ears of the global community on the ground. Pakistan recognized the importance of civil society’s cooperation and engagement with the United Nations human rights machinery.

19. United Nations-recognized situations of foreign occupation created conditions for the worst forms of human rights crimes. Acting with brazen impunity, occupying regimes intimidated, arrested and killed human rights defenders and labelled them as terrorists in retaliation for their independent human rights work. Regrettably, many self-professed champions of human rights continued to supply those regimes with arms and ammunition, which enabled the persecution of civil society actors. Such disturbing trends had been widely chronicled by the United Nations human rights machinery, independent human rights organizations and global media in occupied Palestine and Jammu and Kashmir. The delegation of Pakistan therefore called on proponents of the draft resolution to abandon their double standards and take credible action to hold occupying regimes accountable for their crimes. It also wished to express reservations about paragraphs 1 and 8 of the draft resolution, which contained language that it believed to be legally inaccurate, and paragraph 23, which went beyond the agreed mandate of the Office of the United Nations High Commissioner for Human Rights (OHCHR) as enshrined in General Assembly resolution 48/141. Nonetheless, given the text's thematic focus on conflict and post-conflict situations, Pakistan supported the draft resolution.

20. **Mr. Peña Ramos** (Bolivarian Republic of Venezuela) said that his Government appreciated the work done by individuals, social movements and organizations devoted to the defence of human rights and recognized the importance of their cooperation with State institutions. Such activities must be conducted in a serious, objective, transparent and responsible manner, with strict respect for the law. In that regard, his delegation disagreed with some of the language of the draft resolution. For example, the preamble expressed the concern that national security, counter-terrorism and cybercrime legislation was supposedly misused to target human rights defenders, without mentioning that all countries had adopted such legislation with good reason, and stated that "domestic law and administrative provisions and their application should not hinder but enable the work of human rights defenders", in contradiction of the principle of equality before the law.

21. It was common knowledge that the hegemonic countries spent millions of dollars financing organizations which, under the guise of defending human rights, fomented political instability in order to undermine democratically elected Governments. The Government of the Bolivarian Republic of Venezuela guaranteed full respect for the work of human rights defenders and provided the necessary conditions for them to freely carry out their activities in accordance with the Constitution and the law. Regrettably, some of the positions taken by delegations during the negotiation of the draft resolution had prevented a satisfactory outcome, and therefore his delegation would abstain from voting.

22. **Mr. Baiou** (Libya) said that it was crucial that the Council should take all necessary steps to recognize the important role of human rights defenders, to protect their rights, and to protect them from Governments or occupying forces that attempted to silence them. Libya would vote in favour of the draft resolution and encouraged all members to do the same.

23. **The President** announced that the Netherlands had withdrawn its sponsorship of the draft resolution.

24. **Mr. Bekkers** (Netherlands) said that the Council had a crucial role to play in bringing visibility to the work of human rights defenders, in promoting an enabling environment online and offline, and in advancing the international framework for their protection. The Council should be an ally of human rights defenders around the world, recognizing the challenges they faced and supporting their legitimate aims. He was therefore disappointed that a vote had been requested on the draft resolution. The criticism that the sponsors had not shown enough openness to engage in negotiations or to make concessions was simply unfounded. The delegation of Norway had engaged in extensive consultations and had presented several compromise proposals. The result was a strong and balanced text that took all perspectives into account. As a Council member committed to the protection of human rights defenders worldwide, the delegation of the Netherlands would vote in favour of the draft resolution and called on all members to do the same.

25. **The President** announced that Lithuania had withdrawn its sponsorship of the draft resolution.

26. **Mr. Staniulis** (Lithuania) said that his delegation considered that the draft resolution should be supported by the whole Council and regretted the call for a vote. Creating a safe and enabling environment for civil society, including human rights defenders, was the responsibility of every State. The draft resolution had benefited from extensive and transparent informal consultations and bilateral engagement, resulting in a strong and balanced text.

27. **Mr. Kah** (Gambia) said that the Gambia had recently emerged from 22 years of tyranny, during which time women in particular had been subjected to human rights violations. His delegation was therefore keenly aware of the importance of registering support for all human rights defenders and considered that it was in the Council's interest to make sure that such resolutions did not come to a vote. He urged all members to vote in favour of the draft resolution, which was fundamental for human rights.

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

In favour:

Argentina, Armenia, Benin, Bolivia (Plurinational State of), Brazil, Cameroon, Côte d'Ivoire, Cuba, Finland, France, Gabon, Gambia, Germany, Honduras, India, Indonesia, Japan, Kazakhstan, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Marshall Islands, Mauritania, Mexico, Montenegro, Namibia, Nepal, Netherlands, Pakistan, Paraguay, Poland, Republic of Korea, Senegal, Somalia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against:

None.

Abstaining:

China, Eritrea, Qatar, Russian Federation, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of).

29. *Draft resolution [A/HRC/49/L.9](#) was adopted by 39 votes to 0, with 8 abstentions.*

Draft resolution [A/HRC/49/L.28](#), as orally revised: Promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from the COVID-19 pandemic

30. **The President** announced that the proposed amendment contained in document [A/HRC/49/L.38](#) had been withdrawn by its sponsor.

31. **Mr. Chen Xu** (China), introducing the draft resolution, as orally revised, on behalf of the main sponsors, namely Bolivia (Plurinational State of), Egypt, Pakistan, South Africa and his own delegation, said that it was the common aspiration of people of all countries to eradicate inequalities and benefit equitably from development gains and the realization of all human rights. The COVID-19 pandemic had posed unprecedented challenges for the socioeconomic development of all countries, especially developing countries. Economic, social and cultural rights, including the rights to health, food, education and work, had been seriously impaired, while existing inequalities within and among States had widened. Thus, the draft resolution highlighted the pandemic's severe impact on the enjoyment of economic, social and cultural rights and stressed the importance of scaling up international cooperation to promote and protect those rights and to address inequalities. The draft resolution acknowledged the contribution of the Council and of OHCHR to promoting and protecting economic, social and cultural rights and requested OHCHR to convene a workshop to discuss practical ways to enhance and strengthen work of the Council and OHCHR in that field.

32. In line with the principles of openness and transparency, the main sponsors had held eight rounds of informal consultations and numerous bilateral meetings, while maintaining close contact with OHCHR throughout the process. As OHCHR had suggested, now was the time to invest in economic, social and cultural rights. His delegation called upon the Council to hear the call of all countries, especially developing and least developed countries, to recognize their peoples' aspirations for greater equality and a better future as they recovered

from the pandemic. The main sponsors trusted that the draft resolution would attract the support of all members.

33. **The President** announced that 60 States had joined the sponsors of the draft resolution.

34. **Mr. Pearce** (Office of the United Nations High Commissioner for Human Rights), speaking via video link, said that an oral revision had been made to paragraph 13 of the draft resolution, whereby the three-day workshop to be convened by OHCHR was to be held “in a hybrid format and fully accessible to persons with disabilities, including sign language interpretation and webcast”. If the proposal was adopted, it would result in an increase of \$39,000 in the programme budget implications of the draft resolution.

General statements made before the voting

35. **Mr. Peña Ramos** (Bolivarian Republic of Venezuela) said that the draft resolution represented a timely initiative, given that the COVID-19 pandemic had drastically increased poverty, seriously undermined the enjoyment of economic, social and cultural rights and devastated the lives of millions of vulnerable people. The Council and OHCHR should focus their efforts on international solidarity, cooperation and assistance, with an emphasis on the realization of economic, social and cultural rights, which would contribute to addressing the terrible situation caused by the neoliberal capitalist system imposed by hegemonic countries, under which millions of people experienced poverty, inequality and social exclusion. Reducing inequality – one of the Sustainable Development Goals – would require a genuine multilateral effort and the political will to prioritize human life over the accumulation of wealth. The Bolivarian Republic of Venezuela firmly supported the draft resolution and called on all States members of the Council to do the same.

36. **Mr. Ruddyard** (Indonesia) said that the pandemic had unquestionably exacerbated inequalities. Numerous data had revealed its damaging impact on hard-won development gains and the enjoyment of all human rights. In that context, the Council should work to comprehensively address inequalities, including by supporting the progressive realization of economic, social and cultural rights. The draft resolution highlighted the importance of strengthening the work of OHCHR and of international cooperation to support the development efforts of States. His delegation called on all members to support the draft resolution, since its adoption would demonstrate the Council’s resolve to strengthen the recovery from the pandemic.

37. **Mr. Mehdi** (Pakistan) said that the draft resolution’s primary purpose was to highlight the relationship between the promotion and protection of economic, social and cultural rights and glaring inequalities in the recovery from the COVID-19 pandemic. The pandemic had exposed and exacerbated existing inequalities and socioeconomic disparities among and within States. In developing and least developed countries, it was estimated that over 100 million people had fallen into extreme poverty. Over 250 million jobs had been lost. While 1.5 billion doses of vaccine were produced every month, 90 per cent of people in Africa were still waiting for their first dose. By imposing human rights-incompatible austerity policies and loan conditions, the unjust and undemocratic global financial system had shrunk fiscal space for developing and least developed countries. Structural inequalities hindered an equitable and symmetrical recovery from the pandemic and, if left unaddressed, would further erode development and human rights gains.

38. In that context, OHCHR had a central role to play. The draft resolution was aimed at empowering OHCHR to strengthen its work in promoting and protecting economic, social and cultural rights within the context of addressing inequalities in recovery from the pandemic, focusing on the needs of developing and least developed countries. His delegation called upon all members to support the draft resolution as a demonstration of their commitment to the global human rights agenda.

39. **Mr. Muhamad** (Malaysia) said that his delegation welcomed the initiative to link the promotion and protection of economic, social and cultural rights with the recovery from the pandemic. The Government of Malaysia recognized that post-pandemic recovery efforts should be sustainable and resilient. Under a national recovery policy, Malaysia was striving to improve the lives of vulnerable and marginalized groups that had been disproportionately

impacted by the pandemic. The draft resolution was a commendable initiative which would allow the Council to foster international solidarity in the COVID-19 response and recovery. His delegation supported the draft resolution and called upon the international community to support the Council's efforts to better promote and protect economic, social and cultural rights and to address inequalities in rebuilding better together.

40. **Mr. Quintanilla Román** (Cuba) said that the impact of the COVID-19 pandemic had deepened economic and social inequalities within and among countries. The imposition of neoliberal policies on developing countries and the persistence of an unjust and unequal economic order placed structural barriers in the way of post-pandemic recovery. The impact of the pandemic on the full enjoyment of economic, social and cultural rights could not be ignored. While in some countries, people could decide whether to be vaccinated, in others they did not have that possibility. The international community had a responsibility to address inequalities in access to vaccines.

41. Cooperation and international solidarity were essential for closing equity gaps within and among countries and for guaranteeing the full protection of human rights. In the fight against COVID-19, Cuba had shown how much could be achieved with political will and appropriate public policies. It had done so in spite of the economic, commercial and financial embargo imposed upon it by the Government of the United States, which had been taken to new extremes during the pandemic. The delegation of Cuba supported the draft resolution.

42. **Ms. Macdonal Alvarez** (Plurinational State of Bolivia) said that the pandemic had undeniably heightened inequalities throughout the world, with a disproportionate impact on the global South. It had also had a negative impact on human rights and had revealed an unjust and inequitable world. The international community should work together towards egalitarian and inclusive sustainable development, with a human rights approach, focusing on vulnerable and historically marginalized groups. Accordingly, the draft resolution contained a request for OHCHR to continue to provide technical assistance to States, in particular developing and least developed countries, to help them address inequalities in recovering from the pandemic. Her delegation called on all Council members to support the draft resolution in order to promote effective cooperation based on solidarity, equity and inclusion and to foster the structural changes that would close persistent gaps.

Statements made in explanation of vote before the voting

43. **Ms. Taylor** (United States of America) said that, although the United States had engaged constructively in the negotiation of the draft resolution, its core concerns had not been addressed, not least in respect of the meaning of the term "inequalities". Equality was relevant insofar as it was addressed in human rights treaties, such as the International Convention on the Elimination of All Forms of Racial Discrimination; that should have been made clear in the text. Her delegation saw the absence of a definition as an attempt to redefine the shared understanding of human rights law so that States could be held to different standards, depending on their levels of economic development, in upholding their human rights obligations. Such a notion was antithetical to the foundational principle of universal human rights. The draft resolution also represented an attempt to interfere with the operational parameters of OHCHR and to divert its focus from promoting and protecting civil, political, economic, social and cultural rights to addressing economic differences between States. The requirements that the text sought to establish would create additional layers of bureaucracy and undermine the Office's autonomy and independence. While the concept of equality was certainly within the High Commissioner's mandate, as it was defined in international human rights law, the United States delegation was confident that OHCHR would understand that the inequalities described in the draft resolution were those addressed in relevant human rights treaties and did not pertain to a broader notion of addressing economic differences between States, which went beyond the Office's mandate.

44. The United States was committed to advancing economic, social and cultural rights and to helping the world recover from the pandemic. It had donated more than 500 million vaccine doses, more than any other country. Unfortunately, the primary focus of the draft resolution was neither economic, social and cultural rights, nor COVID-19 recovery; it fell short of advancing either issue in a transparent way. Consequently, the United States called for a vote and urged its fellow members to join it in voting against the draft resolution.

45. **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 attached great importance to economic, social and cultural rights and recognized the urgency of combating discrimination and promoting equality in the context of the COVID-19 pandemic and the post-pandemic recovery. The pandemic continued to present numerous challenges and was a reminder of the need to fully respect human rights, including the rights to health, work, social security, food, water and sanitation, adequate housing and education. The European Union called for an inclusive, participatory and gender-sensitive approach to pandemic response and post-pandemic recovery. A socioeconomic response grounded in human rights and centred on individuals as rights holders would allow for a more dynamic and sustainable recovery.

46. The European Union was grateful for the main sponsors' efforts to address one of its principal concerns, namely the risk that the draft resolution might undermine the independence of the High Commissioner. As the text had been modified in that regard, the proposed amendment submitted on behalf of the European Union had been withdrawn. During the informal consultations, his delegation had been transparent about its concerns and had made numerous proposals in a constructive spirit, drawing on agreed language. Unfortunately, concerns about the draft resolution's underlying premise remained. The draft resolution presented States as rights holders, mentioning "inequalities within and among States" and the "needs of States". It also referred to international assistance and the role of international financial institutions, which, although important issues, would more properly be discussed in other forums. The primary responsibility for combating all forms of discrimination and promoting equality fell to States, which must put in place national legislation and policies for that purpose. While States might legitimately seek international support, that did not relieve them of their obligations to promote and protect human rights, including economic, social and cultural rights. Those State obligations were not reflected in the text. The European Union remained committed to economic, social and cultural rights and would continue to promote equality in the context of the COVID-19 pandemic. However, for the reasons he had given, the States members of the European Union could not support the draft resolution and would vote against it.

47. **Mr. Ballinas Valdés** (Mexico) said that, as eradicating inequality was a priority of the Government of Mexico, his delegation welcomed the proposal for OHCHR, supported by States and other stakeholders, to identify opportunities for promoting and protecting economic, social and cultural rights and for reducing inequality. However, States' primary obligation to promote and protect all human rights could not be conditional upon their level of development. In some instances the text called for financial measures, but failed to call for States to prioritize policies, laws or practices to combat discrimination, which often impaired the enjoyment of economic, social and cultural rights. The value of the Council's resolutions lay in their contribution to solving common challenges from a perspective centred on individuals as rights holders. In view of his delegation's concerns, it would abstain from voting on the draft resolution.

48. **Ms. French** (United Kingdom) said that, while her delegation appreciated the constructive engagement of the main sponsors, it was unable to support a draft resolution that attempted to recharacterize internationally agreed normative concepts of human rights. It did not agree with the premise, expressed in the sixth preambular paragraph and throughout the text, that the promotion and protection of economic, social and cultural rights contributed to a reduction of undefined inequality among States. Human rights belonged to the individual, not to States. As set out in article 1 of the Universal Declaration of Human Rights, all human beings were born free and equal in dignity and rights. States had obligations and responsibilities towards individuals within their territory, as rights holders. Her delegation agreed that it was important to support the mandate of OHCHR; however, the draft resolution unnecessarily proposed to create additional layers of bureaucracy, in the form of a three-day workshop, two reports and an interactive dialogue, rather than genuinely empowering the Office to carry out its mandate. All of those concerns had been put forward during the negotiation process and the United Kingdom recognized that the main sponsors had made concessions. However, on balance it could not support the draft resolution and would vote against it.

49. **Mr. Lee Taeho** (Republic of Korea) said that his Government was deeply concerned about the far-reaching social and economic consequences of the pandemic. Considering that human rights should be at the forefront of recovery efforts, the Republic of Korea had formally committed itself to promoting and protecting economic, social and cultural rights, combating discrimination and ensuring equality. However, his delegation had a number of concerns about the draft resolution. For instance, it did not agree that there was a direct link between the realization of economic, social and cultural rights and “addressing inequalities within and among States”. The latter phrase placed undue emphasis on the relationship between States, instead of focusing on the relationship between individuals, as rights holders, and States. Furthermore, the Vienna Declaration and Programme of Action made clear that “while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights”. In the light of those concerns, his delegation would vote against the draft resolution.

50. **Mr. Honsei** (Japan) said that many States, including the main sponsors, had stressed the need to promote economic, social and cultural rights and to address inequalities in the recovery from the COVID-19 pandemic, not only through the efforts of each State, but also through coordination between States. While his delegation fully agreed with such views, it nonetheless considered that the draft resolution lacked balance and that Council resolutions should focus on individual rights rather than equality among States. The delegation also considered that the draft resolution weakened the independence of OHCHR. Although it was acceptable to request the High Commissioner to prepare a report or convene a workshop, the delegation did not support the appointment of an external expert to chair and facilitate such a workshop. For those reasons, Japan would vote against the draft resolution.

51. *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), Brazil, Cameroon, China, Côte d’Ivoire, Cuba, Eritrea, Gabon, Gambia, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Paraguay, Qatar, Russian Federation, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

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

Abstaining:

Mexico, Ukraine.

52. *Draft resolution [A/HRC/49/L.28](#), as orally revised, was adopted by 31 votes to 14, with 2 abstentions.*

*Draft resolution [A/HRC/49/L.29](#), as orally revised: *Rights of the child: realizing the rights of the child and family reunification**

53. **Ms. Costa Prieto** (Observer for Uruguay), introducing the draft resolution, as orally revised, on behalf of the Group of Latin American and Caribbean States, said that children on the move, including refugee and migrant children, were particularly vulnerable, and many of them were unaccompanied or had been separated from their families. Such separations could have a negative impact on their enjoyment of a range of rights and increased the likelihood of their falling victim to sexual abuse, gender-based violence, exploitation, sale and other harmful practices. Unfortunately, the number of refugee and migrant children was increasing throughout the world.

54. In that context, the draft resolution sought to ensure the adoption by States of family reunification policies that were coherent, preventive and non-discriminatory. It reaffirmed that the best interests of the child should be a primary consideration in all migration-related proceedings and that all children should be treated as such, regardless of migration status.

The resolution urged States to address existing barriers to family reunification procedures, including by working towards easing financial burdens. Furthermore, States were encouraged to ensure that children recruited and released by armed forces or armed groups were reunited with their families and communities as soon as possible, and to invest in measures to decrease stigma and discrimination against such children.

55. The main sponsors had conducted a transparent negotiation process, which had included six rounds of informal consultations. Despite those efforts, three proposed amendments had been introduced, including in respect of language that had been agreed in previous years. Those proposals weakened the unity of the Council on the delicate issue of migrant children separated from their families. She encouraged all States to vote against the proposed amendments and to support the draft resolution as a whole.

56. **Mr. Bonnafont** (France), continuing the introduction of the draft resolution, as orally revised, on behalf of the States members of the European Union that were members of the Council, said that the Council could not remain silent about the situation of the millions of internally displaced and refugee children around the world, many of whom were separated from their parents. The issue was painfully relevant in the current context, as the illegal military aggression by Russia against Ukraine had caused the mass displacement of millions of children for the first time since the Second World War. The reports of the forced displacement of children living in the occupied territories of Donetsk and Luhansk were deeply worrying.

57. The rights of children who were unaccompanied or separated from their families as a result of events linked to climate change, armed conflict or humanitarian disasters or for their own protection must be respected without discrimination, including during family reunification procedures. All children had the right to participate in decision-making on issues that affected them, including in assessments of their best interests. The sponsors had attached particular importance to ensuring that an age, gender and disability perspective was incorporated throughout the text. All services, advice and information provided to displaced children must be age-appropriate. The fact that girls separated from their families were at greater risk of various forms of discrimination, violence, exploitation and abuse must be taken into account in family reunification procedures. The draft resolution called on States to take disability-responsive measures and ensure that children with disabilities were not discriminated against and that girls with disabilities enjoyed substantive equality, in accordance with the Convention on the Rights of Persons with Disabilities. For those reasons, the European Union called on the Council to adopt the draft resolution by consensus.

58. **Ms. Sukacheva** (Russian Federation), introducing three proposed amendments to the draft resolution, as orally revised ([A/HRC/49/L.43](#), [A/HRC/49/L.46](#) and [A/HRC/49/L.47](#)), said that, thanks to the constructive approach taken by the sponsors, some of the amendments her delegation had planned to propose had been withdrawn. The aim of the three remaining proposed amendments was to remove from the twentieth preambular paragraph and paragraphs 21 (j) and 33 references that provided for the unlimited participation of children on their own in decision-making. Such references were contrary to article 5 of the Convention on the Rights of the Child, which recognized the responsibility of parents and legal guardians for providing guidance in the exercise by the child of the rights recognized in the Convention. In the case of paragraph 33, her delegation had concerns about the lack of criteria for selecting children for participation in consultations. In order to take into account the opinions of a broad range of children, it would be preferable to refer to consultations with children's organizations in different regions. The Russian delegation was also concerned about the lack of agreed guidance for international civil servants concerning the participation of children in events conducted under the auspices of the United Nations. The changes proposed in the amendments sought to make the draft resolution clear, balanced and more legally precise. Her delegation called on States that had a responsible attitude towards the protection of children's rights and that complied with their legal obligations under the Convention to vote in favour of the proposed amendments.

59. **Mr. Bonnafont** (France) said that the main sponsors of the draft resolution did not agree with the proposed amendments and requested the Council to put each amendment to the vote.

60. **The President** announced that eight States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$168,500.

General statements made before the decision

61. **Mr. Rosales** (Argentina) said that his delegation fully supported the draft resolution. The number of migrant children, including children separated from their families, had continued to increase in recent years as a result of the pandemic, humanitarian crises and armed conflicts around the world. Given their particular vulnerability, it was vital that the Council should reaffirm its commitment to ensuring full respect for the human rights of those children. The draft resolution called on States to take measures to reduce obstacles to family reunification, encouraging them to develop effective and accessible family reunification procedures that allowed children to migrate in a regular manner. The draft resolution was fully in line with the Convention on the Rights of the Child, as it was based on a view of children as rights holders and on the principles of substantive equality and non-discrimination. The preambular paragraph urging States to guarantee the highest attainable standard of physical and mental health for all children, including sexual and reproductive health and psychosocial health, was particularly important given that migrant children were at risk of various forms of sexual and gender-based violence, exploitation and other harmful practices. His delegation encouraged all States members of the Council to support the draft resolution and to vote against the proposed amendments.

62. **Mr. Bonnafont** (France), speaking on behalf of the States members of the European Union that were members of the Council, said that the initial draft had already been revised to include constructive proposals that had been supported by the majority of delegations participating in the negotiations. The sponsor of the proposed amendments was now seeking to modify the consensual nature of the draft resolution without having previously shared its concerns in an appropriate and constructive fashion during the informal consultations.

63. The Convention on the Rights of the Child had served as a guide for drafting the text, which reflected the Convention's provisions on children's autonomy. In line with the Convention, the draft resolution stressed that children's opinions should be taken into account in accordance with their age and maturity. The exercise of children's right to freedom of expression could be restricted only for reasons provided by law and if necessary for the protection of national security or of public order or of public health or morals or for respect of the rights of others. Making the participation of children in decision-making conditional on guidance from their parents, as proposed in the amendments contained in documents [A/HRC/49/L.43](#) and [A/HRC/49/L.46](#), would thus be contrary to the Convention and would subject children separated from their families to double discrimination. The European Union could not support the proposed amendments and requested the Council to put each of them to the vote. It called on all States members of the Council to vote against them.

64. **Mr. Lee Taeho** (Republic of Korea) said that the Council had a responsibility to ensure the protection of the rights enshrined in the Convention on the Rights of the Child, including the rights to family life and reunification. As recognized in the draft resolution, children separated from their families in the context of migration and armed conflict were particularly vulnerable and faced stigma, discrimination and violence. His delegation welcomed the theme that had been chosen for the next full-day meeting on the rights of the child: the rights of the child and the digital environment. The Council had a role to play in addressing digital technology's multifaceted impacts in the context of promoting and protecting children's rights and facilitating a child rights-based digital environment. For those reasons, his delegation would support the draft resolution and would vote against the three proposed amendments and encouraged others to do the same.

65. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/49/L.43](#).

Statements made in explanation of vote before the voting

66. **Mr. Bekkers** (Netherlands) said that his delegation could not accept the proposed amendment contained in document [A/HRC/49/L.43](#). The Convention on the Rights of the Child clearly stated that children themselves were rights holders and was very clear when it came to their rights to freedom of expression, association and assembly, which were crucial

for ensuring their meaningful participation in decision-making that affected their lives. The proposal in question did not have the best interests of the child at heart and was contrary to the spirit of the draft resolution, which addressed the rights of children who were separated from their families and found themselves in situations in which they must either make decisions by themselves or have others make them on their behalf. In such situations, the possibility for children to participate was a critical and necessary element in determining their best interests. The proposed amendment would not only infringe their individual right to participate freely and to be heard in matters that concerned them, but would also subjugate that right to the guidance of parents or legal guardians from whom they had been separated, placing them in an even more vulnerable position. That would be a clear violation of the Convention. The Council must not water down existing standards on children's participation, as the proposed amendment sought to do. His delegation would vote against the proposal and called upon all other States members of the Council to do the same.

67. **Ms. French** (United Kingdom) said that the Government of the United Kingdom was committed to fulfilling its obligations under the Convention on the Rights of the Child. Interfering with children's ability to take an active role in decision-making on issues that affected them would be contrary to the Convention, yet the proposed amendment contained in document [A/HRC/49/L.43](#) clearly sought to do just that. In the context of family reunification, the wording proposed by Russia would lead to discrimination against children. Children on the move and unaccompanied children often did not have the possibility to receive guidance from parents or legal guardians. The main sponsors had handled a large number of amendments proposed by Russia in a constructive spirit, as evidenced by the number of adjustments already made to the text. On the twentieth preambular paragraph, they had made repeated efforts to find solutions to accommodate the concerns of the Russian delegation, but the amendment had regrettably been proposed nonetheless. The delegation of the United Kingdom would vote against the proposal and called on all other members of the Council to do the same.

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

In favour:

China, Eritrea, Indonesia, Kazakhstan, Libya, Malaysia, Mauritania, Pakistan, Qatar, Russian Federation, Senegal, Somalia, Sudan.

Against:

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

Abstaining:

Armenia, Benin, Côte d'Ivoire, Gabon, India, United Arab Emirates, Uzbekistan.

69. *The proposed amendment contained in document A/HRC/49/L.43 was rejected by 24 votes to 13, with 7 abstentions.*

70. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/49/L.46](#).

Statements made in explanation of vote before the voting

71. **Ms. Méndez Escobar** (Mexico) said that her delegation was of the view that the proposed amendment to paragraph 21 (j) contained in document [A/HRC/49/L.46](#) undermined the spirit of the draft resolution. Migrant children separated from their families were generally in situations of particular vulnerability. Making their participation conditional on guidance from their parents or guardians, as proposed in the amendment, would subject them to discrimination and revictimization and might even hinder the possibility of their being reunited with their families. As drafted, paragraph 21 (j) was fully consistent with the standards established in the Convention on the Rights of the Child, particularly article 12, as it provided that children's participation in family reunification processes should be in

accordance with their age and maturity and their ability to form their own views. Article 5 of the Convention, on parental guidance, should not be misused to undermine children's agency, autonomy, empowerment and participation, as seemed to be the objective of the proposed amendment. The Convention – which had 196 States parties, including the sponsor of the proposed amendment – had established for the first time in international law a direct relationship between the child and the State. In that respect, it was important to retain the emphasis on children as subjects of rights. The Mexican delegation would vote against the proposed amendment and called on all States members of the Council to do the same.

72. *At the request of the representative of Mexico, a recorded vote was taken.*

In favour:

Cameroon, China, Eritrea, Indonesia, Kazakhstan, Libya, Mauritania, Pakistan, Qatar, Russian Federation, Senegal, Somalia, Sudan.

Against:

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

Abstaining:

Benin, Côte d'Ivoire, Gabon, India, Malaysia, United Arab Emirates, Uzbekistan.

73. *The proposed amendment contained in document [A/HRC/49/L.46](#) was rejected by 24 votes to 13, with 7 abstentions.*

74. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/49/L.47](#).

Statements made in explanation of vote before the voting

75. **Ms. Stasch** (Germany) said that article 12 of the Convention on the Rights of the Child guaranteed children's right to express their views in all matters affecting them, in accordance with their age and maturity. States had an obligation to give effect to that right, but the United Nations should also ensure that children's views were taken into account by consulting them on matters that affected them, especially on reports that focused on children and their rights. Indeed, in resolution 45/30, adopted in 2020, the Council had requested the High Commissioner to consult children themselves in the preparation of her report on the rights of the child and family reunification. Accordingly, the views of children from different regions had been included in the report submitted at the current session ([A/HRC/49/31](#)). It was vital not only to speak about children but to speak with them. The German delegation would be voting against the proposed amendment and called on others to do the same.

76. **Ms. Taylor** (United States of America) said that her delegation believed that consultation with children would enhance the report called for in the draft resolution. Her delegation encouraged other members to join it in voting against the proposed amendment.

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

In favour:

China, Eritrea, Kazakhstan, Pakistan, Russian Federation, Senegal.

Against:

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

Abstaining:

Armenia, Benin, Cameroon, Côte d'Ivoire, Gabon, India, Libya, Mauritania, Qatar, Sudan, United Arab Emirates, Uzbekistan.

78. *The proposed amendment contained in document A/HRC/49/L.47 was rejected by 25 votes to 6, with 12 abstentions.*

79. **The President** invited the Council to take action on draft resolution [A/HRC/49/L.29](#), as orally revised.

Statements made in explanation of position before the decision

80. **Mr. Mehdi** (Pakistan) said that his delegation strongly supported the objective of the draft resolution. Although the main sponsors had accommodated the key concerns raised by his delegation during the informal consultations, the draft resolution still shied away from acknowledging the significant role of parents and legal guardians, as codified in the Convention on the Rights of the Child. As a party to the Convention and its two Optional Protocols, Pakistan was committed to ensuring children's well-being and providing a safe and secure environment for their physical and mental growth. Pakistan hosted some 4 million Afghan refugees. A nationwide campaign had recently been undertaken to verify and update the data of some 1.4 million registered Afghan refugees, among them 200,000 children under the age of 5, and to issue them with smart identity cards, thus helping them preserve their identity and family relations. The international community must fulfil its obligations towards the millions of refugee children across the globe based on the principle of burden- and responsibility-sharing. His delegation supported the draft resolution.

81. **Ms. Sukacheva** (Russian Federation) said that her delegation believed that reuniting children with their parents was of utmost importance in humanitarian situations. Her delegation did not understand the unwillingness of the sponsors to include references to the role of parents and guardians in providing guidance to their children in the exercise of their rights, which was one of the basic tenets of the Convention on the Rights of the Child. She was particularly concerned to note that terminology on which there was no consensus – specifically the term “gender-responsive” – had been retained in the draft. The sponsors had given assurances that, in the context of the draft resolution, the concept related solely to the social roles that might affect children, but that dubious term was often interpreted broadly, in which case its use could result in a violation of children's rights. For those reasons, the Russian Federation reserved the right to interpret the resolution, including the term “gender-responsive”, on the basis of international legal obligations and its domestic legislation. Her delegation was compelled to dissociate itself from the consensus on the twentieth preambular paragraph and paragraphs 21 (j) and 33.

82. **Ms. Taylor** (United States of America) said that her delegation joined the consensus on the draft resolution. The United States had recently submitted its periodic reports on the implementation of its obligations under the two Optional Protocols to the Convention on the Rights of the Child and looked forward to engaging with the Committee on the Rights of the Child and other relevant stakeholders on those critically important issues.

83. Her delegation had concerns about certain elements of the draft resolution, including but not limited to the first, sixth, eleventh, twelfth, fifteenth, sixteenth, twenty-first, twenty-third and twenty-sixth to twenty-ninth preambular paragraphs and paragraphs 3–5, 9, 14, 16–19, 21 and 23–25. The United States recognized that the Convention provided the relevant framework for States parties, but its understanding was that references in the draft resolution to obligations or principles derived from the Convention, including the principle of the best interests of the child, did not suggest that the United States had obligations in that regard. The draft resolution inaccurately characterized obligations of States, including with respect to the recruitment or use of children and matters relating to migration, criminal justice and family law. Further clarifications would be provided in her delegation's statement on all the draft resolutions considered under agenda item 3.

84. *Draft resolution [A/HRC/49/L.29](#), as orally revised, was adopted.*

Draft resolution [A/HRC/49/L.31/Rev.1](#): Role of States in countering the negative impact of disinformation on the enjoyment and realization of human rights

85. **Ms. Filipenko** (Ukraine), introducing the draft resolution on behalf of the main sponsors, namely Japan, Latvia, Lithuania, Poland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and her own delegation, said that the text was

intended to draw attention to the many ways in which disinformation could affect human rights and to provide guidelines for tackling the problem from a rights-based perspective. It concentrated specifically on the crucial role of States in preventing and countering disinformation. The draft resolution promoted the idea that States, as the main duty bearers, should focus on overcoming disinformation by increasing their own transparency, strengthening their commitment to media diversity and adhering to high standards of respect for freedom of opinion and expression in the implementation of relevant policies and legislation. It stressed that States had a proactive role to play in facilitating a multidimensional and multi-stakeholder approach as the only viable path to countering disinformation. It clearly affirmed that States should not engage in spreading or manufacturing disinformation and encouraged them to condemn such acts. The sponsors hoped that the Council members would support the draft resolution and that, if adopted, it would inspire and contribute to further joint efforts in the Council and across United Nations institutions aimed at countering disinformation.

86. **The President** announced that eight States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$112,700.

General statements made before the decision

87. **Mr. Bonnafont** (France), speaking on behalf of the States members of the European Union that were members of the Council, said that the Council had addressed the issue of disinformation in the past, but had never adopted a resolution focusing on its impact on human rights. It was high time that the Council did so, particularly in the current context. Disinformation was a threat to democracy and had a negative impact on human rights, and was increasingly being used to attack human rights defenders and journalists. The European Union welcomed the emphasis on the role and primary responsibility of States in the promotion and protection of human rights online and offline. To respond effectively to the global phenomenon of disinformation, States must step up their efforts and improve coordination. At the same time, the European Union welcomed the emphasis on the importance of respecting human rights in the fight against disinformation, as countering disinformation was in some cases used as a pretext for unduly restricting human rights. The European Union was thus pleased to see the strong wording on the rights to freedom of opinion and expression. The European Union strongly supported the draft resolution and invited the States members of the Council to adopt it by consensus.

88. **Mr. Badhe** (India) said his delegation believed that the most effective way to counter disinformation and hate speech and prevent incitement to discrimination was to promote an environment that guaranteed pluralism, democracy and freedom. The legitimate exercise of the right to freedom of opinion and expression could play an important role in achieving those goals. New media, especially social media, had increasingly emerged as a platform that enabled various actors, including terrorists, to amplify their malicious propaganda and falsehoods. Information and communication technology (ICT) companies had a critical role to play in checking and countering disinformation, hate speech and incitement to hostility and violence. Combating the menace of disinformation, hate speech and violence on social media and ensuring that such technologies were harnessed for global good, including the promotion and protection of human rights, required a sincere, committed and collective effort on the part of the entire international community.

89. **Mr. Ruddyard** (Indonesia) said that the rise in the creation and dissemination of disinformation was a major cause of concern for his Government. The harmful effects of disinformation on the enjoyment of human rights were far-reaching, ranging from incitement to racial hatred and violence to public disengagement from important science-based information relating to public health and safety. The Government of Indonesia thus supported the Council's efforts to promote the role of States in countering disinformation, including through the adoption of the draft resolution. At the domestic level, national and subnational governments were in the best position to determine the most effective policies and legislation to counter disinformation, taking into account the diversity of economic, social and cultural backgrounds of their respective societies. Such policies and legislation must be implemented in compliance with international law, in particular the International Covenant on Civil and Political Rights, as well as the principles of legality and necessity.

90. **Ms. Stasch** (Germany) said that disinformation posed a challenge to all societies as well as to the international rules-based order. False and manipulated information online and offline eroded trust in institutions. Disinformation had become a primary concern for the enjoyment of human rights around the world because it fostered hatred and intolerance. The draft resolution made it clear that States had the primary responsibility for countering disinformation and its negative impact. Her delegation welcomed the fact that the Council was addressing the issue explicitly in a resolution for the first time. The Council and its mechanisms should play a key role in providing independent and impartial information. The main sponsors had constructively accommodated many proposals made during the negotiations. The German delegation looked forward to continuing to work on the topic in the Council and beyond and called for the adoption of the draft resolution by consensus.

Statements made in explanation of position before the decision

91. **Mr. Mehdi** (Pakistan) said that countering disinformation for the promotion and protection of human rights was a priority for his Government. Pakistan had sponsored the General Assembly's landmark resolution 76/227, which addressed a wide range of thematic areas related to disinformation and requested the Secretary-General to submit a report on the topic at the General Assembly's seventy-seventh session. The resolution also invited the Geneva-based human rights machinery to consider the human rights impact of disinformation.

92. Introducing the draft resolution currently under consideration ahead of the Secretary-General's report appeared premature and rushed. Nonetheless, his delegation had engaged constructively to enrich the proposed text, and the sponsors had accommodated its suggestions. As disinformation was among the main vehicles deployed to stoke discrimination, reinforce negative stereotypes, perpetuate stigmatization and incite violence, his delegation had stressed that the Council should unequivocally condemn the deliberate creation and proliferation of false and manipulated information targeting rights holders. While free speech could serve as an antidote to disinformation, it was essential to build legal deterrents against any advocacy of hatred that constituted incitement to violence, in line with article 20 of the International Covenant on Civil and Political Rights. In that regard, his delegation reiterated its serious concerns over the deliberate spread of disinformation to incite phobia against Muslims for electoral purposes.

93. The profit-driven business model of social media companies, coupled with their opaque and algorithm-driven content moderation policies, made them a hotbed of disinformation and hate speech. It was therefore imperative to urge those companies to uphold their basic human rights responsibilities and carry out due diligence during the conception, development and deployment of their products. His delegation welcomed the fact that the draft resolution highlighted the growing problem of State-sponsored disinformation campaigns, of which Pakistan had been a victim. Pakistan would therefore join the consensus on the draft resolution.

94. **Mr. Jiang Duan** (China) said that China resolutely rejected disinformation and called on all parties to strengthen unity and cooperation to tackle the harm it caused. Certain States fabricated and spread false information for political purposes, using human rights as a pretext for slandering other countries and interfering in their internal affairs. The Chinese delegation had actively participated in the informal consultations on the draft resolution and had put forward constructive views and proposed changes. It was regrettable that the main sponsors had failed to consider the reasonable suggestions made by some delegations, including his own. The draft resolution placed excessive emphasis on freedom of speech while failing to identify the various root causes of disinformation and the negative impact of disinformation on the work of the international human rights mechanisms. China therefore wished to dissociate itself from the consensus on the draft resolution.

95. **The President** announced that the Netherlands had withdrawn its sponsorship of the draft resolution.

96. **Mr. Bekkers** (Netherlands) said that disinformation could erode public trust in democratic processes and institutions and undermine public health initiatives. It might further marginalize the voices of persons belonging to minorities, fracture community cohesion and

incite discrimination, xenophobia, intolerance and violence. States needed to step up their efforts to address the challenges posed by disinformation. His delegation was alarmed that laws and policies designed to counter disinformation were used as a pretext for unduly limiting freedom of expression. An enabling environment for free expression and the free flow of information was key to effectively countering disinformation. The draft resolution promoted a human rights-based response to disinformation, in particular by ensuring respect for freedom of expression. His delegation commended the main sponsors on the open and transparent negotiations they had held, using language on which there was a consensus and taking account of suggestions from all sides. His delegation strongly supported the draft resolution and called on all member States to do likewise.

97. **Mr. Constant Rosales** (Bolivarian Republic of Venezuela) said that his Government had repeatedly condemned the serious negative impact of the deliberate creation and dissemination of false or manipulated information against sovereign States by transnational communications corporations in the service of hegemonic States, whose main aim was to discredit and destabilize legitimate Governments that were not aligned with their interests. Nonetheless, his delegation had valid concerns about the draft resolution, including the fact that it questioned the sovereign authority of States to introduce the regulations they deemed appropriate to safeguard their independence and national integrity, with references such as “*Expressing deep concern at State restrictions on the freedom to seek, receive and impart information*”, as though that freedom were absolute, which was not the case anywhere in the world. The shocking closure of media outlets and the censorship of journalists in Europe in recent days seemed inconsistent with the role of some of the sponsors of the draft resolution. The content of the text required more in-depth analysis and discussion. Some of the sponsors of the draft resolution maintained sophisticated systems in their own intelligence agencies to generate disinformation, which they often deployed against countries of the global South. Although his delegation recognized the need to advance the debate on the issue, it wished to dissociate itself from the consensus on the draft resolution.

98. *Draft resolution A/HRC/49/L.31/Rev.1 was adopted.*

Agenda item 4: Human rights situations that require the Council’s attention
(A/HRC/49/L.4, A/HRC/49/L.7 and A/HRC/49/L.12 as orally revised)

Draft resolution A/HRC/49/L.4: Situation of human rights in the Democratic People’s Republic of Korea

99. **Mr. Bonnafont** (France), introducing the draft resolution on behalf of the European Union, said that for the last 18 years the European Union had been at the forefront of efforts in the Council to draw attention to the human rights situation in the Democratic People’s Republic of Korea. It remained deeply concerned about the widespread human rights violations in that country, some of which constituted crimes against humanity, as noted by the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea in the report he had submitted at the current session (A/HRC/49/74). It was regrettable that the Democratic People’s Republic of Korea had not acted on the recommendations contained in previous resolutions of the General Assembly or the Council.

100. The draft resolution addressed the most relevant issues related to the human rights situation in the Democratic People’s Republic of Korea. In the context of the COVID-19 pandemic, it urged the Government to authorize access by international staff and to cooperate with the Access to COVID-19 Tools Accelerator initiative and its COVID-19 Vaccine Global Access (COVAX) Facility to ensure the timely delivery and equitable distribution of vaccines. It also highlighted the urgency of resolving the issue of persons who had been abducted and of reuniting separated families. In addition, the draft resolution provided for the extension of the mandate of the Special Rapporteur for one year and requested the High Commissioner to submit a full report to the Council at its fifty-second session, including additional options for strengthening, institutionalizing and further advancing work on accountability in the Democratic People’s Republic of Korea. The European Union hoped that all delegations would support the adoption of the draft resolution by consensus.

101. **The President** announced that eight States had joined the sponsors of the draft resolution, which had no programme budget implications. He invited the State concerned by the draft resolution to make a statement.

102. **Mr. Han** Tae Song (Observer for the Democratic People's Republic of Korea) said that his delegation categorically rejected the draft resolution, which reflected a political conspiracy that had nothing to do with the protection and promotion of human rights. The repeated adoption of such resolutions every year since 2003 was a consequence of the European Union's servitude to the United States and its hostile policy towards his country, aimed at stifling its social system under the façade of human rights protection. The Council was monopolized by the European Union and the United States, which used the pretext of human rights issues to pursue their political objectives of interfering in internal affairs and seeking regime change in countries with ideals and systems that differed from their own. In fact, the most horrible human rights violations, including systemic racial discrimination, particularly against African Americans, sexual violence and human trafficking, were common in Western countries. His Government took great pride in its social system, which ensured the dignity, rights and interests of the people, based on people-first policies, even under the harsh conditions of the pandemic. Anyone who infringed the dignity, sovereignty and national interests of the Democratic People's Republic of Korea would have to pay a heavy price. His delegation strongly denounced the draft resolution and encouraged member States to dissociate themselves from the consensus.

Statements made in explanation of position before the decision

103. **Mr. Chernyakov** (Russian Federation) said that his delegation had consistently opposed the Council's adoption of politicized country-specific resolutions and the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. The universal periodic review procedure was the appropriate forum for discussing such issues, while showing due respect to the State concerned. No States, even those that described themselves as democracies, were free from human rights violations. His delegation called on all parties to engage in constructive and depoliticized dialogue with the Government of the Democratic People's Republic of Korea and to avoid any form of confrontation. The draft resolution did not reflect the basic principles of respectful and equitable cooperation and contained accusatory rhetoric towards the Government of the Democratic People's Republic of Korea. The use of wording such as "reasonable grounds to believe" discredited the Council's impartiality and objectivity. The Russian Federation wished to dissociate itself from the consensus on the draft resolution.

104. **Mr. Jiang** Duan (China) said that China had always advocated constructive dialogue and cooperation as a means of dealing with human rights issues and had opposed the politicization of such issues and the open exertion of pressure and confrontation. All parties should fully respect the sovereignty and independence of the Democratic People's Republic of Korea, take an impartial and objective view of its efforts and achievements in the promotion and protection of human rights, and fully understand the fundamental role of peace and development on the Korean Peninsula in safeguarding the human rights of the people of the Democratic People's Republic of Korea. Regrettably, the draft resolution failed to reflect fairly and objectively the development of the country's human rights programme and made no mention of the serious negative impact that the unlawful unilateral coercive measures imposed by some States had had on the rights of its people. Attempts to extend the country-specific mandate without the consent of the State concerned would only intensify confrontation and serve to politicize the Council. The Chinese delegation therefore wished to dissociate itself from the consensus on the draft resolution.

105. **Mr. Constant Rosales** (Bolivarian Republic of Venezuela) said that his delegation did not support the draft resolution. The adoption of country-specific resolutions had been imposed by hegemonic States to interfere in the internal affairs of sovereign States and question their political, economic and social systems. The draft resolution was an example of politicization, selectivity and double standards in the field of human rights. It reflected a confrontational approach that denied the fundamental principle of the sovereign equality of States enshrined in the Charter of the United Nations. It encouraged the imposition of illegal and inhumane unilateral coercive measures against the Democratic People's Republic of

Korea, which were a grave violation of human rights and threatened the right to existence and development of its people. The draft resolution did not create an environment conducive to dialogue and cooperation. The Council should uphold the principles of objectivity and impartiality for the genuine promotion and protection of human rights around the world. Therefore, his delegation wished to dissociate itself from the consensus on the draft resolution.

106. **Mr. Idris** (Eritrea) said that every year, the Council adopted politicized resolutions under agenda item 4 without actually assessing their contribution to the betterment of the people concerned. The current draft resolution was a typical example that his delegation opposed in principle. Eritrea maintained its position that the Council's decisions should be depoliticized and accordingly wished to dissociate itself from the consensus on the draft resolution.

107. **Mr. Quintanilla Román** (Cuba) said that his delegation was opposed to the adoption of selective and politically motivated resolutions and mandates, such as the current draft resolution on the Democratic People's Republic of Korea. Such resolutions, adopted against the will of the States concerned, did not contribute to the promotion of human rights or to the dialogue and cooperation that should prevail in the Council. Cooperation between all States and respect for the principles of the Charter of the United Nations were the only effective ways to promote and protect human rights. A non-discriminatory mechanism, such as the universal periodic review, was the only legitimate channel for addressing the human rights situation in individual countries. His delegation's rejection of the draft resolution was not a value judgment on some of the outstanding issues mentioned in the nineteenth preambular paragraph, which required a just and honourable solution with the agreement of all parties. Cuba wished to dissociate itself from the consensus on the draft resolution.

108. *Draft resolution A/HRC/49/L.4 was adopted.*

Draft resolution A/HRC/49/L.12, as orally revised: Situation of human rights in Myanmar

109. **Mr. Bonnafont** (France), introducing the draft resolution, as orally revised, on behalf of the States members of the European Union that were members of the Council, said that the draft resolution condemned in the strongest terms the military coup carried out by the Myanmar armed forces in February 2021 and the violent acts committed by the military against the people of Myanmar. Under the draft resolution, the Council would demand that those responsible for the human rights violations perpetrated by the Myanmar armed forces and security forces should be held accountable for their actions and would express its support for the efforts of the Independent Investigative Mechanism for Myanmar, the International Criminal Court and the International Court of Justice in that regard. It was important for the Council to send a strong signal to the Myanmar armed forces that their brutal, inhuman attacks against civilians, including women, children and persons belonging to ethnic and religious minorities, should cease immediately.

110. The European Union was gravely concerned at the humanitarian crisis in Myanmar, which was exacerbated by the large-scale displacement of persons fleeing the violence and by the continued attacks on medical and humanitarian relief personnel. Under the draft resolution, the Council would call for free, safe and unhindered humanitarian access to all persons in need and would call upon all parties to the conflict to immediately end the patent violations of international humanitarian law. For acute suffering in Myanmar to end, democracy, the rule of law and fundamental rights must be restored. Increased restrictions on civic space, including the harassment of journalists, the shutting down of the Internet and the setting up of online surveillance systems, only hindered the transition to an open, transparent and inclusive democratic society. The European Union wished to recall the commitments undertaken by the armed forces as part of the five-point consensus reached in April 2021 to facilitate a peaceful solution in the interest of the people of Myanmar, to restore democracy and to end the violence. It urged all countries to support the people of Myanmar by immediately ceasing the sale or transfer of weapons, military equipment and materials, dual-use equipment and technical assistance to Myanmar.

111. **The President** announced that eight States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$681,500.

112. **Mr. Manley** (United Kingdom), making a general statement before the decision, said that the international community must continue to speak out against the appalling atrocities committed by the armed forces of Myanmar, as documented in the report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/49/76), and maintain pressure on the authorities to end them. His delegation supported, in particular, the strong wording relating to the transfer of weapons, the sale and transfer of which must cease immediately. He hoped that the Council would adopt the draft resolution by consensus.

113. **Mr. Lee** Taeho (Republic of Korea), making a general statement before the decision, said that his delegation remained deeply concerned at the human rights and humanitarian situations in Myanmar, as well as the lack of tangible progress on issues relating to the Rohingya. The restrictions on the freedoms of expression and of peaceful assembly and association were particularly worrisome, as were the increasing reports of a violent crackdown on dissenting voices, which could further shrink civic space. The Council should continue to monitor the situation in Myanmar, including by extending the mandate of the Special Rapporteur on the situation of human rights in Myanmar. He hoped that the draft resolution would be adopted by consensus.

Statements made in explanation of position before the decision

114. **Mr. Jiang** Duan (China) said that China supported all the parties in Myanmar in efforts to reach a political solution through dialogue and cooperation, within the framework of national laws, and to restore social stability with a view to resuming the democratic transformation process. The international community should help to create a favourable environment for the settlement of the parties' differences. The draft resolution was unbalanced and contained controversial elements, such as references to arms transfers and the International Criminal Court, which were not conducive to a political settlement and might further complicate the situation in Myanmar. His delegation would therefore dissociate itself from the consensus on the draft resolution.

115. **Mr. Mehdi** (Pakistan) said that Pakistan had consistently supported international and regional initiatives aimed at promoting meaningful national dialogue and concrete steps to address discrimination against Rohingya Muslims and to help them to realize their fundamental rights. It was in that spirit, and without prejudice to its position on the reference to the Rome Statute of the International Criminal Court in the text, that his delegation was prepared to support the draft resolution as orally revised. He hoped it would be adopted by consensus.

116. **Mr. Kah** (Gambia) said that his Government wholly supported the draft resolution and was committed to addressing the issue of human rights violations against the Rohingya, as shown by the fact that it had instituted proceedings to that end before the International Court of Justice. The world must not take a passive stance on the situation in Myanmar, whose people had endured much suffering over many years. The current state of affairs was a disgrace to all those who called themselves defenders of human rights and yet allowed the situation to continue.

117. **Mr. Constant Rosales** (Bolivarian Republic of Venezuela) said that he wished to reiterate that, as a matter of principle, his delegation did not support country-specific resolutions, which were counterproductive and did not contribute to the promotion and protection of human rights, especially when they were adopted without the consent of the State concerned. His delegation wished to dissociate itself from the consensus on the draft resolution.

118. **Mr. Chernyakov** (Russian Federation) said that the Russian Federation did not support the creation or extension of country-specific mandates that did not enjoy the support of the country concerned and considered such mandates as attempts to interfere directly in the affairs of sovereign States. The draft resolution was yet another example of the Council's politicization, as a result of which events within Myanmar were interpreted arbitrarily in order to serve the geopolitical interests of a small group of States. The text made clear the sponsors' notorious policy of double standards. It was particularly difficult to reconcile the sponsors' expression of serious concern at the fact that arms transfers might seriously undermine the enjoyment of human rights, on the one hand, with their shameless pumping of

lethal weapons into Ukraine, on the other. The draft resolution was, moreover, full of accusatory rhetoric and gross exaggerations. Clearly, the sponsors were not genuinely seeking out opportunities for dialogue and cooperation. His delegation could not support the draft resolution and wished to dissociate itself from the consensus on it.

119. *Draft resolution A/HRC/49/L.12, as orally revised, was adopted.*

Draft resolution A/HRC/49/L.7: Situation of human rights in the Islamic Republic of Iran

120. **Mr. Aspelund** (Observer for Iceland), introducing the draft resolution on behalf of the main sponsors, namely North Macedonia, the Republic of Moldova, the United Kingdom of Great Britain and Northern Ireland and his own delegation, said that the draft resolution consisted of a short procedural text aimed at extending the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year. He welcomed the improved and increased engagement of the Iranian Government with OHCHR. He hoped that the draft resolution would be adopted by consensus.

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

122. **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 firmly supported the mandate of the Special Rapporteur, whose reports provided a useful overview of the human rights issues to be addressed as a priority and recommendations on how to ensure that the Iranian authorities fulfilled their obligations under international law. While the European Union was deeply concerned at the human rights situation in the Islamic Republic of Iran, it remained open to the possibility of constructive dialogue with the Iranian Government. He hoped that the draft resolution would be adopted by consensus.

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

124. **Mr. Ali Abadi** (Observer for the Islamic Republic of Iran) said that the draft resolution promoted confrontation, discouraged cooperation and reinforced stigmatization. It was shameful that the same self-proclaimed champions of human rights who had boycotted any meaningful debate on the widespread violations of human rights and humanitarian law in the Occupied Palestinian Territory were now sponsoring a draft resolution supporting the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. The draft resolution promoted an inherently biased agenda enabling mandate holders to misinform, mislead and discredit. Those who supported the draft resolution could not credibly claim to care about Iranians' human rights, since they colluded actively with the United States in its various forms of hostility and unilateral coercive measures against the Islamic Republic of Iran. The imposition of a mechanism to monitor the human rights situation in his country was a fundamentally biased and discriminatory political act. It contradicted the principles of universality, objectivity and non-selectivity in the consideration of human rights issues. Iran was fully committed to the promotion and protection of human rights and to the fulfilment of its international obligations. He urged all members to vote against the draft resolution.

Statements made in explanation of vote before the voting

125. **Mr. Mehdi** (Pakistan) said that the draft resolution contravened the well-established principles that should guide the Council's work, namely impartiality, objectivity, universality and transparency. While the Council and its mechanisms should work to foster constructive engagement and dialogue among States, States themselves bore the primary responsibility to promote and protect the basic rights of their citizens in accordance with their international obligations and national circumstances. The global human rights agenda was best served when States were consulted and their consent secured when dealing with affairs that fell exclusively within their sovereign jurisdictions. The draft resolution did not enjoy the support of the country concerned, and his delegation urged the other members to vote against it.

126. **Mr. Da Silva Nunes** (Brazil) said it was regrettable that the Special Rapporteur had not been allowed to visit the Islamic Republic of Iran. His delegation urged the Iranian

authorities to grant him access and also to cooperate with other special procedures; moreover, it encouraged the Special Rapporteur to avail himself of diplomatic channels to enhance dialogue and mutual engagement. His delegation remained concerned about the continued application of the death penalty, including against child offenders; restrictions on the freedoms of expression, association and peaceful assembly; and the arbitrary detention of lawyers and human rights defenders. However, it wished to acknowledge the measures adopted by the Government, which had contributed to a decrease in the number of executions since 2017, and the release and pardons granted to a number of human rights defenders and lawyers. He encouraged the Iranian authorities to enact legislation to protect women against violence and to allow the Baha'i to practise their faith freely and without discrimination. On the understanding that the Government of the Islamic Republic of Iran would continue to introduce measures to advance human rights, his delegation would abstain from voting on the draft resolution.

127. **Mr. Jiang Duan** (China) said that China had consistently advocated constructive dialogue and cooperation among countries as the proper way to address their differences in the field of human rights. His delegation welcomed the efforts of the Iranian Government to promote and protect human rights and hoped that the international community would respect the path chosen by the Iranian people to advance human rights. Interfering in a State's internal affairs in the name of human rights and setting up a monitoring mechanism without the consent of the country concerned only heightened confrontation and undermined the cause of human rights. His delegation would vote against the draft resolution.

128. **Mr. Constant Rosales** (Bolivarian Republic of Venezuela) said that the draft resolution was politically motivated and ran counter to the principles of universality, objectivity and non-selectivity to be observed by the Council, as well as those of State sovereignty and non-interference in the internal affairs of States, as set out in the Charter of the United Nations. It exemplified the use of human rights to further the foreign policy of its European sponsors and of the United States. In fact, it was the United States that should be scrutinized for the imposition of illegal, unilateral coercive measures that constituted crimes against humanity. As a firm supporter of multilateral mechanisms, Iran continued to promote and protect human rights through its participation in international forums such as the Council. Iran enjoyed fruitful interaction with OHCHR and all the special procedures, and respect for basic rights was fundamental to its Government and people. Venezuela would therefore vote against the draft resolution.

129. **Mr. Quintanilla Román** (Cuba) said that mandates that were imposed for political and geopolitical reasons without the consent of the State concerned were selective, ineffective and doomed to fail. It was only through cooperation and dialogue that the Council would successfully contribute to the promotion and protection of human rights. The universal periodic review was the appropriate mechanism for examining the human rights situation in all countries, on an equal footing. The draft resolution was a clear example of politicized and discriminatory practices and of the Council's double standards. His delegation would vote against it.

130. **Mr. Chernyakov** (Russian Federation) said that, time and again, the issue of human rights in Iran had been used by certain States solely for geopolitical ends. The political and sociocultural characteristics of any given State must be taken into account if mechanisms designed to improve the human rights situation were to be truly effective. Isolating Iran on a trumped-up pretext would not further the situation of human rights. Constructive dialogue, based on mutual respect, was the way forward. The draft resolution did not promote such an approach, and his delegation would vote against it.

131. *At the request of the representative of Pakistan, a recorded vote was taken.*

In favour:

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

Against:

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

Abstaining:

Benin, Brazil, Cameroon, Côte d'Ivoire, Gabon, Gambia, Libya, Malaysia, Mauritania, Namibia, Nepal, Qatar, Senegal, Somalia, Sudan, United Arab Emirates.

132. *Draft resolution [A/HRC/49/L.7](#) was adopted by 19 votes to 12, with 16 abstentions.*

The meeting rose at 12.35 p.m.