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

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The meeting was called to order at 3.10 p.m.

Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development (*continued*)
([A/HRC/50/L.2](#), [A/HRC/50/L.6](#) as orally revised, [A/HRC/50/L.12](#), [A/HRC/50/L.13/Rev.1](#), [A/HRC/50/L.25](#), [A/HRC/50/L.26](#), [A/HRC/50/L.27](#), [A/HRC/50/L.28](#), [A/HRC/50/L.29](#), [A/HRC/50/L.30](#), [A/HRC/50/L.31](#), [A/HRC/50/L.32](#), [A/HRC/50/L.33](#), [A/HRC/50/L.34](#), [A/HRC/50/L.35](#), [A/HRC/50/L.36](#) and [A/HRC/50/L.37](#) as orally revised)

Draft resolution [A/HRC/50/L.2](#): Mandate of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

1. **Ms. Giovanoni Pérez** (Observer for Uruguay), introducing the draft resolution on behalf of the main sponsors, namely Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico and his own delegation, said that it contained a proposal for the Council to renew the Independent Expert's mandate for three additional years. Every country struggled to ensure that its people could live lives free from violence and discrimination, including that based on sexual orientation and gender identity. The renewal of the Independent Expert's mandate would continue to make it possible for States to receive valuable technical assistance, thereby helping to close protection gaps and build knowledge of ways to combat violence and discrimination based on sexual orientation and gender identity. To support the draft resolution was to reaffirm the international community's support for equality and non-discrimination, cornerstones of international human rights law. It was also to renew a commitment to the fulfilment of article 1 of the Universal Declaration of Human Rights, which stated that all human beings were born free and equal in dignity and rights.

2. Regrettably, a number of amendments had been proposed, many of which were intended to frustrate the main objective of the draft resolution, which was to provide protection from violence and discrimination based on sexual orientation and gender identity. The repeated refusal of the proposed amendments' sponsors to negotiate with the main sponsors of the draft resolution was also regrettable. Their rejection of proposals to discuss the wording of the text, all of which had been made in good faith, was an unprecedented and unwelcome departure from standard practice at the United Nations. Two of the proposed amendments concerned marriage, a topic that had not been touched on by either of the two mandate holders in the six years of the mandate's existence and did not fall within its scope.

3. Violence and discrimination were never justified. For that reason, she hoped that Council members would vote in favour of the draft resolution and against all the proposed amendments.

4. **Ms. Fuentes Julio** (Observer for Chile), continuing the introduction of the draft resolution, said that the two mandate holders had worked closely with all stakeholders, including Governments, civil society, United Nations agencies and lesbian, gay, bisexual and transgender persons. The mandate holders' eagerness to engage in dialogue and to maintain open channels of communication had been recognized. The main sponsors of the draft resolution had led negotiations on the text in a transparent and constructive fashion, organizing two rounds of informal consultations and meeting bilaterally with interested delegations.

5. People and organizations the world over, including more than 1,100 civil society organizations, were counting on the Council to renew the Independent Expert's mandate. She urged Council members to vote in favour of the draft resolution and against the proposed amendments.

6. **Mr. Mehdi** (Pakistan), introducing the proposed amendments contained in documents [A/HRC/50/L.25](#), [A/HRC/50/L.26](#), [A/HRC/50/L.27](#), [A/HRC/50/L.28](#), [A/HRC/50/L.29](#), [A/HRC/50/L.30](#), [A/HRC/50/L.31](#), [A/HRC/50/L.32](#), [A/HRC/50/L.33](#), [A/HRC/50/L.34](#), [A/HRC/50/L.35](#), [A/HRC/50/L.36](#) and [A/HRC/50/L.37](#) as orally revised on behalf of the main sponsors, namely the States members of OIC, with the exception of Albania, said that the amendments were intended to ensure that the draft resolution was in line with international human rights law and to reaffirm the Council's commitment to combating discrimination.

The proposed amendments, grouped by theme, would be introduced by representatives of the States members of OIC.

7. **Ms. Haque** (Observer for Bangladesh), introducing the proposed amendments contained in documents [A/HRC/50/L.25](#), [A/HRC/50/L.26](#) and [A/HRC/50/L.27](#), said that all human beings should enjoy human rights and fundamental freedoms equally. Attempts to create new categories of protection for new categories of individual could therefore have dire consequences. The three proposed amendments reaffirmed the support of States members of OIC for efforts to end the violence or discrimination to which people might be subjected for any reason. There was no universal definition of the terms “sexual orientation” and “gender identity”, which were not concepts in international human rights law; therefore, the draft resolution was likely to be highly divisive if adopted in its current form.

8. The group of countries proposing the amendments did not recognize the Independent Expert’s mandate and therefore could not support the third preambular paragraph of the draft resolution, in which the Council recalled its previous resolutions on the mandate. There should be joint ownership of the international human rights agenda, and human rights issues should be considered in an objective and non-confrontational manner. She urged Council members to vote in favour of the three proposed amendments as an expression of support for the universality of human rights.

9. **Mr. Ayed** (Observer for Saudi Arabia), introducing the proposed amendments contained in documents [A/HRC/50/L.28](#) and [A/HRC/50/L.30](#), said that a number of States members of OIC, Pakistan in particular, had participated in the informal consultations led by the main sponsors of the draft resolution, which was the most controversial text to be considered at the Council’s current session. Although those States had expressed concern about what they considered inadvisable attempts to impose concepts or notions pertaining to social matters that fell outside the internationally agreed human rights framework, their concerns had not been given due consideration. The aim of the two proposed amendments was to ensure the objectivity of human rights principles.

10. **Ms. Al-Suwaidi** (Qatar), introducing the proposed amendment contained in document [A/HRC/50/L.29](#), said that the text consisted of a proposal to add a new preambular paragraph after what was currently the last such paragraph of the draft resolution. The new preambular paragraph would state that the Council deplored the use of external pressure and coercive measures against States, particularly developing countries, including through the use and threat of use of economic sanctions and/or application of conditionality to official development assistance with the aim of influencing their national positions. Such issues had been raised previously by States that had been subjected to pressure as a result of the position they had taken in respect of previous resolutions on the same topic. Such pressure undermined the principle of democracy and non-interference with States’ internal affairs.

11. The proposed amendment contained in document [A/HRC/50/L.31](#) consisted of a new preambular paragraph after what was currently the fifth such paragraph of the draft resolution. The new preambular paragraph would state that the draft resolution should be understood within the sovereign rights and national legislation of all countries, as well as their development priorities, their religious and moral values and their cultural heritage. The proposed amendment made clear that the Council should refrain from dealing with issues not covered in international human rights instruments, as doing so would undermine its ability to work collectively. She called on Council members to vote in favour of the two proposed amendments.

12. **Ms. Oduwaiye** (Observer for Nigeria), introducing the proposed amendments contained in documents [A/HRC/50/L.32](#) and [A/HRC/50/L.33](#), said that it was crucial to respect domestic specificities and States’ historical, cultural, social and religious sensitivities; the universality of human rights should not serve as a pretext for the imposition of notions that called cultural and religious sensitivities into question. As noted in the second of the two proposed amendments, it was also necessary to avoid derogatory stereotyping, negative profiling and the stigmatization of religions and persons based on their religion or belief. The freedom of religion and belief was a fundamental freedom. Council members should vote for the two amendments and thus demonstrate their commitment to the promotion and protection

of all human rights. The Council should also avoid controversies that undermined the causes it purported to advance.

13. **Mr. Bal** (Mauritania), introducing the proposed amendments contained in documents [A/HRC/50/L.34](#) and [A/HRC/50/L.35](#), said that the States members of OIC on whose behalf he was speaking were concerned about the introduction of concepts for which there was no basis in international human rights law. The introduction of those concepts undermined the universality of human rights and made it more difficult for members of such human rights bodies as the Council to cooperate. Paragraph 2 of the draft resolution would, as currently worded, violate States' sovereign rights. It was therefore proposed, in the second amendment, that paragraphs 4, 5, 6 and 7 of the draft resolution should be deleted, as they contained requests that were not related to protection from violence and discrimination. There was no precedent in international human rights law for the recognition of persons based on their sexual orientation or gender identity. He called on Council members to vote for the amendments in support of the universality of human rights.

14. **Mr. Gamaleldin** (Observer for Egypt), introducing the proposed amendments contained in documents [A/HRC/50/L.36](#) and [A/HRC/50/L.37](#) as orally revised, said that the Independent Expert's mandate was expanding steadily both on paper and in practice. The fears that had been expressed six years earlier by States opposed to the mandate had since been exacerbated. As noted in the first proposed amendment, international human rights law did not require States to recognize same-sex marriage and societies had the right to determine their own social systems. The second proposed amendment, which had been revised to bring it fully into line with article 16 of the Universal Declaration of Human Rights, stated that men and women of full age had the right to marry and that States had the sovereign right to regulate marriage laws in accordance with their international human rights obligations.

15. The wording of the two proposals reflected the general approach of the States members of OIC, which sought to promote mutual understanding and respect, and, unlike other States, never attempted to use the Council to impose their own value systems on others. He asked all Council members to vote in favour of the two amendments.

16. **Mr. Ballinas Valdés** (Mexico) said that the main sponsors did not agree with the proposed amendments, the aim of which was to undermine the purpose of the Independent Expert's mandate, the universal nature of human rights and the idea that all human beings were born free and equal in dignity and rights. Moreover, none of the proposed amendments had been put forward during negotiations on the wording of the draft resolution, and OIC had refused to negotiate bilaterally with the main sponsors of the draft resolution. For those reasons, his delegation requested that each of them should be put to a vote.

17. **The President** invited the Council members to make general statements on the draft resolution and the proposed amendments.

18. **Mr. Bálek** (Czechia), speaking on behalf of the States members of the European Union that were members of the Council, said that although everyone was born free and equal in dignity and rights, people still faced violence and discrimination for their sexual orientation or gender identity. In some places, same-sex relationships were punishable by death. The Independent Expert was at the forefront of efforts to combat such violence and discrimination.

19. The draft resolution that would renew the Expert's mandate was the product of open, transparent and inclusive negotiations led by the main sponsors. Notwithstanding the claims to the contrary made by some States, the draft resolution created no new rights specific to lesbian, gay, bisexual, transgender and intersex persons. Its aim was simply to ensure that such persons were afforded protection from violence and discrimination. The aims of the proposed amendments, on the other hand, were to undermine the mandate or to bring extraneous issues within its scope. Any amendments that sought thus to ensure that not everyone enjoyed his or her rights equally were unacceptable.

20. The European Union was strongly committed to protecting the equal enjoyment of all human rights by all lesbian, gay, bisexual, transgender and intersex persons. It called on all Council members to work together for fairer, more inclusive and sustainable societies, based on equality, non-discrimination and the protection and promotion of all human rights.

21. **Mr. Aljarman** (United Arab Emirates) said that his Government would, in accordance with international human rights law, make every effort to prevent violence and discrimination of any kind. However, the draft resolution was intended to confer international legitimacy on problematic concepts. Imposing a set of values that were not internationally recognized, thereby showing a lack of respect for diverse cultural identities, was itself a human rights violation. If the draft resolution were adopted, it would not only lead to the imposition of such values; it would also hinder the exercise of the right to freedom of religion. His delegation therefore called on Council members to vote in favour of the proposed amendments.

22. **Mr. Bichler** (Luxembourg) said that the Independent Expert's mandate was based on the fundamental principles underlying the Council's work. There had been a troubling increase in violence and discrimination against sexual minorities; the renewal of the Expert's mandate was critical in that regard.

23. **Ms. French** (United Kingdom) said that until 2014, when, with the courageous support of the delegation of South Africa, the Council had adopted its first resolution on the protection of lesbian, gay, bisexual, transgender and intersex persons, such persons had been largely hidden from view within international human rights frameworks. Objections had been raised to the use of such terms as "sexual orientation" and "gender identity". Enforced silence bred discrimination and undermined equality. In 2014, however, the Council had sent the world a message of recognition, hope and empowerment: human rights were for everyone.

24. In 2016, the Council, building on its earlier resolution, had adopted a resolution, perhaps the most significant in its history, establishing the first United Nations mandate on sexual orientation and gender identity. The establishment of the mandate was a recognition of the need to uphold the rights of the most vulnerable groups of people.

25. The two holders of the mandate thus far had engaged constructively with representatives of States in all regions of the world. All States should support the draft resolution, which simply ensured that everyone would be able to exercise his or her rights, and should reject the proposed amendments.

26. **Mr. Bekkers** (Netherlands) said that hate crimes, police abuse, harassment, intimidation, blackmail, torture and family and community violence were only some of the ills that people faced because of their sexual orientation or gender identity. People were punished for who they were, a situation that underscored the need to renew the Independent Expert's mandate, which involved raising awareness, promoting dialogue and providing technical assistance. The Netherlands encouraged all Council members to support the draft resolution.

27. **Mr. Ruddyard** (Indonesia) said that, under its Constitution and the international human rights instruments it had ratified, Indonesia, as a multi-ethnic, multi-religious and multilingual nation, upheld everyone's right to protection from violence and to enjoyment of human rights in all spheres of life without discrimination. However, his delegation was not in a position to support the draft resolution because it espoused certain values that did not enjoy consensus under international law. It was unacceptable to renew a mandate relating to an issue that had no legal foundation in the international human rights framework, including the Universal Declaration of Human Rights. Furthermore, the draft resolution imposed particular values and lifestyles that were not aligned with the social, cultural and religious sensitivities of a number of United Nations Member States, including Indonesia. It also symbolized a failure to maintain the spirit of consensual and constructive engagement within the Council, which should always take a comprehensive approach when considering issues, particularly those involving different social, cultural and religious values and norms. Therefore, Indonesia would vote against the draft resolution and would dissociate itself from it if adopted; moreover, it would not support, cooperate or engage with the special procedure.

28. **Ms. Rodzli** (Malaysia) said that Malaysia reaffirmed its unwavering commitment to the principles and values of non-violence and non-discrimination on any grounds against any individual in accordance with the principles set out in international human rights law and the Universal Declaration of Human Rights. While it recognized the Council's mandate to promote and protect human rights, Malaysia believed that the mandate should be fulfilled through a constructive and cooperative approach to the consideration of issues, particularly

those involving the social, cultural and religious diversity of the Member States. Since the central concept of the draft resolution did not enjoy international consensus or recognition, Malaysia would vote against it.

29. **Mr. Bal** (Mauritania) said that Mauritania strongly supported the Council as a forum for dialogue on human rights issues on the basis of the principles of mutual respect, cooperation, objectivity and non-selectivity. Any attempt to introduce controversial and divisive concepts or notions that had no legal basis in international human rights law and directly involved the sociocultural and religious sensitivities of a large number of Member States would only increase polarization and undermine the cooperative and consensus-based international human rights architecture. The principles of non-violence and non-discrimination were enshrined in the Constitution of Mauritania and further safeguarded by national legislation and the ratification of international instruments. The efforts to universalize controversial concepts relating to private behaviour were clearly designed to impose preferences that were contrary to universal human rights norms, which required respect for national specificities and diverse historical, cultural and religious contexts. Accordingly, his delegation would vote in favour of the amendments and, were they not adopted, would vote against the draft resolution.

30. **Ms. Taylor** (United States of America) said that the common thread among the various concerns raised was that the text of the draft resolution detracted from the universality of human rights. However, there was nothing more universal than ensuring that no one should be the object of violence merely because of their identity. She hoped that the Council would show courage and support the draft resolution. Council members must work together to amplify all voices and help ensure that no one, regardless of identity, was subjected to violence or discrimination. The United States strongly supported the work of the current Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, and her worries, as the mother of two children who identified as members of the LGBTIQI+ community, were assuaged by the knowledge that there was a dedicated special procedure to protect them from violence. She urged all the members to vote in favour of the draft resolution and to reject all the amendments.

31. **Mr. Algehit** (Libya) said that Libya rejected all forms of discrimination, in line with its international commitments. However, Libya rejected the attempts to establish a new set of rights outside the framework of international human rights instruments and was of the view that the draft resolution failed to take into account the specificities of a number of peoples owing to an attempt by certain parties to arbitrarily impose their concepts and values. For those reasons, his delegation would support the amendments, which would bring the draft resolution more into line with international law, and, if they were rejected, would vote against the draft resolution.

32. **The President** said that, while the draft resolution had programme budget implications, the activities thereunder were considered perennial in nature and the related provisions had already been included under the programme budgets for the relevant years. Accordingly, no additional resources were required. He invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.25](#).

Statements made in explanation of vote before the voting

33. **Mr. Rosales** (Argentina) said that the main sponsors of the draft resolution firmly rejected the amendment, which undermined the spirit and chief objective of the draft resolution by deleting the references to sexual orientation and gender identity. The amendment was deeply hostile and had not been put forward either bilaterally or during the informal consultations, in contrast to the spirit of constructive dialogue that should underpin multilateralism and the work of the Council. Countless reports by the United Nations human rights system as well as academia and experts from around the world had reliably shown that persons with diverse sexual orientation or gender identity faced violence, discrimination and restrictions on their fundamental rights; therefore, they must be recognized and protected. Accordingly, Argentina could not support the amendment and urged all members to vote against it.

34. **Mr. Bálek** (Czechia) said that the Czech Republic did not support the amendment. Striking out references to the key elements of sexual orientation and gender identity from the mandate of the Independent Expert would achieve one thing only – stripping the mandate of its purpose. Individuals across all regions experienced discrimination and violence based on sexual orientation and gender identity, a fact that the Council must address. The main sponsors had held several rounds of consultations open to all interested delegations, yet the concerns raised in the amendment had never been brought to them. For those reasons, his delegation would vote against the amendment and called on all members to do likewise.

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

In favour:

Cameroon, China, Côte d'Ivoire, Eritrea, Gabon, Gambia, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

Against:

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

Abstaining:

Benin, India, Namibia.

36. *The proposed amendment contained in document [A/HRC/50/L.25](#) was rejected by 23 votes to 19, with 3 abstentions.*

37. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.26](#).

38. **Mr. Da Silva Nunes** (Brazil), speaking in explanation of vote before the voting on behalf of the main sponsors of the draft resolution, said that the proposal to delete, in the third preambular paragraph, the references to prior Council resolutions, including resolution 32/2 establishing the mandate of the Independent Expert and resolution 41/18 renewing the mandate, was unacceptable. The third preambular paragraph of the draft resolution did not reaffirm the content of those prior resolutions but simply recalled them, and there was consensus at the United Nations that such formulations did not imply endorsement of content. Replacing the paragraph with a generic reference to resolutions that addressed other forms of discrimination would detract from the objective of the draft resolution. In the light of the foregoing and of the fact that the sponsors of the amendment had not presented their proposal either bilaterally or during the informal consultations, Brazil would vote against the amendment and urged all the members to do the same.

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

In favour:

Cameroon, China, Côte d'Ivoire, Eritrea, Gabon, Gambia, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

Against:

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

Abstaining:

Benin, India, Namibia.

40. *The proposed amendment contained in document [A/HRC/50/L.26](#) was rejected by 22 votes to 19, with 3 abstentions.*

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

Statements made in explanation of vote before the voting

42. **Mr. Ballinas Valdés** (Mexico) said that the main sponsors of the draft resolution could not accept the proposal to add a preambular paragraph on the need to consider human rights issues in an objective and non-confrontational manner. The amendment bore no relation to the content of the draft resolution and was unnecessary because its intention was already encompassed in resolution 32/2 establishing the mandate. Moreover, such language was not used in any Council resolutions and implied that the draft resolution and the mandate lacked objectivity. Not only had the work of the Independent Expert been conducted in a constructive, balanced, independent and objective manner in the six years since the establishment of the mandate, but it had also shown, in conjunction with other parts of the human rights system, that violence and discrimination on grounds of sexual orientation and gender identity existed and was a barrier to the exercise of rights by many people in all regions of the world. Furthermore, the amendment had not been presented to the sponsors of the draft resolution. Accordingly, Mexico would vote against the amendment and urged all Council members to do likewise.

43. **Ms. Taylor** (United States of America) said that her delegation strongly and unequivocally opposed all the amendments put forward in relation to the draft resolution, as they fell outside the scope of the draft resolution and of the mandate it sought to renew. The Council was responsible for promoting universal protection of all human rights and fundamental freedoms for everyone, without distinction of any kind and in a fair and equal manner. The introduction of the amendments at such a late stage was contrary to the spirit of good faith, transparency and cooperation that should guide negotiations at the Council. Furthermore, the amendments did not enjoy consensus among the States members of OIC that were also members of the Council; she therefore implored OIC members to vote according to their national position.

44. The amendment under consideration implied that the draft resolution had been drafted in a subjective and confrontational way, when its aim was to renew a mandate established by the Council to promote dialogue through reports and country visits. The fact that over 1,040 recommendations on sexual orientation and gender identity made under the universal periodic review had been accepted by over 130 States demonstrated that most States welcomed constructive dialogue and were committed to addressing those issues. She urged the members to vote against the amendment.

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

In favour:

Benin, Cameroon, China, Côte d'Ivoire, Eritrea, Gabon, Gambia, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

Against:

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

Abstaining:

India, Namibia, Nepal.

46. *The proposed amendment contained in document [A/HRC/50/L.27](#) was rejected by 21 votes to 20, with 3 abstentions.*

47. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.28](#).

Statements made in explanation of vote before the voting

48. **Mr. Rosales** (Argentina) said that the main sponsors of the draft resolution could not accept the amendment, which created a false opposition between the fight against racism and the fight against violence and discrimination on grounds of sexual orientation and gender identity. The main sponsors rejected the instrumentalization of the racism agenda for political

and ideological ends and stressed that the draft resolution, whose inclusive approach was in line with international human rights law, explicitly recognized the interrelation between violence and discrimination on grounds of sexual orientation and gender identity and that committed on other grounds, such as race, ethnicity, socioeconomic status, disability and age. The amendment sought to dilute the objective of the draft resolution by ignoring the value added of the Independent Expert's mandate and incorporating ambiguous language on anti-racism mechanisms already addressed in depth in other resolutions. Therefore, Argentina would vote against the amendment and urged others to do likewise.

49. **Mr. Lanwi** (Marshall Islands) said that the mandate of the Independent Expert revolved around the universal principle affirmed in the Universal Declaration of Human Rights that all persons were born free and equal in dignity and rights without exception and therefore had the right to protection against all forms of violence and discrimination. The proposed amendment sought to undermine the impact of the draft resolution by broadening the scope of the Independent Expert's mandate to include racism and racial discrimination and thus diluting the main message about protection against violence and discrimination based on sexual orientation and gender identity. There was already a plethora of protection mechanisms and initiatives under the United Nations focused solely on racial issues, including more than 10 special procedures and over 65 resolutions of the Council and of the Third Committee of the General Assembly. Furthermore, the language of the amendment had been lifted from Council resolution 32/2, a reference to which had been included in the third preambular paragraph of the draft resolution; the amendment was therefore wholly unnecessary. For those reasons, his delegation would vote against the amendment and urged others to do the same.

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

In favour:

Cameroon, China, Côte d'Ivoire, Eritrea, Gabon, Gambia, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

Against:

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

Abstaining:

Armenia, Benin, Namibia, Nepal.

51. *The proposed amendment contained in document [A/HRC/50/L.28](#) was rejected by 20 votes to 20, with 4 abstentions.*

52. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.29](#).

Statements made in explanation of vote before the voting

53. **Mr. Ballinas Valdés** (Mexico) said that the main sponsors of the draft resolution, which were all countries of the global South, rejected the proposed amendment. As the sponsors of the proposed amendment were aware, the mandate of the Independent Expert did not extend to imposing or threatening to impose sanctions on States; on the contrary, the work had always been carried out in a constructive, open, transparent and inclusive manner and in the spirit of respectful dialogue. The amendment was therefore irrelevant. Moreover, if adopted, the amendment would introduce language not found in resolutions pertaining to other technical mandates or even in Council resolution 27/21, on human rights and unilateral coercive measures, which instead was focused on the negative impact of such measures on human rights. Lastly, the amendment had not been presented to the main sponsors either bilaterally or during the informal consultations. Accordingly, Mexico would vote against the amendment and called on all Council members to do likewise.

54. **Ms. Kauppi** (Finland) said that Finland strongly supported the drafted resolution as submitted and commended the efforts of the main sponsors to engage constructively with

delegations and address any concerns. The amendment was irrelevant to the issue at stake and fell outside the scope of the draft resolution, which was in no way connected to the use of sanctions or the conditionality of official development assistance. In fact, in addition to protection against violence and discrimination, the mandate of the Independent Expert provided for cooperation with States in helping them to comply with their international human rights obligations to prevent violence and discrimination on any grounds. Her delegation regretted the unwillingness of the amendment's sponsors to engage in a transparent fashion despite having had several opportunities to do so. For those reasons, Finland would vote against the amendment and called on others to do the same.

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

In favour:

Cameroon, China, Côte d'Ivoire, Eritrea, Gabon, Gambia, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Namibia, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

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

Abstaining:

Benin, India, Nepal.

56. *The proposed amendment contained in document [A/HRC/50/L.29](#) was rejected by 21 votes to 21, with 3 abstentions.*

57. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.30](#).

Statements made in explanation of vote before the voting

58. **Mr. Rosales** (Argentina), speaking on behalf of the main sponsors of the draft resolution, said that violence and discrimination were not private matters and did not fall outside the scope of international human rights law. On the contrary, the right to a life free from violence and discrimination was a basic element of that law. In addition, sexual orientation and gender identity were not new concepts at the United Nations; they had been included in General Assembly resolutions since 2003 and Human Rights Council resolutions since 2011. Moreover, the amendment contradicted a number of the Sustainable Development Goals, particularly targets 16.1 and 16.2 on the reduction of all forms of violence and the elimination of abuse, exploitation and trafficking of children, to which members of the LGBTQI+ community were especially vulnerable. It also contradicted article 1 of the Universal Declaration of Human Rights. For those reasons, Argentina would vote against the amendment and urged all the members to do the same.

59. **Ms. Stasch** (Germany) said that her delegation could not accept the amendment, which sought to undermine the primary purpose of the draft resolution, namely, to strengthen the international human rights system and the universality of human rights by ensuring protection from violence and discrimination on grounds of sexual orientation and gender identity. It went against the heart and purpose of the draft resolution to protect human beings who, in too many parts of the world, faced neglect, hate, violence and criminalization on account of who they were and whom they loved. Therefore, Germany would vote against the amendment and called on all Council members to do likewise.

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

In favour:

Cameroon, China, Côte d'Ivoire, Eritrea, Gabon, Gambia, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

Against:

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

Abstaining:

Benin, India, Namibia.

61. *The proposed amendment contained in document [A/HRC/50/L.30](#) was rejected by 22 votes to 19, with 3 abstentions.*

62. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.31](#).

Statements made in explanation of vote before the voting

63. **Mr. Ballinas Valdés** (Mexico) said that the main sponsors of the draft resolution rejected the proposed amendment as inappropriate. In 1993, at the World Conference on Human Rights, States had agreed that “the promotion and protection of all human rights is a legitimate concern of the international community”. While States clearly had a sovereign right to enact their own laws, there was no link between the proposed amendment and the draft resolution or the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

64. Human Rights Council resolution 32/2, establishing the mandate, made clear that the mandate’s aim was to focus solely on addressing violence and discrimination. The purpose of the draft resolution currently under consideration was to renew that clearly defined mandate, which in no way interfered with the sovereign rights of any country. On the contrary, as reflected in Articles 10 to 14 of the Charter of the United Nations, resolutions emanating from the United Nations had the legal value of recommendations.

65. The proposed amendment sought to undermine the content and aim of the draft resolution. Mexico would vote against it and called on all members to do the same.

66. **Ms. French** (United Kingdom) said that, while her delegation fully acknowledged the significance of national and regional particularities and various historical, cultural and religious backgrounds, as set out in the Vienna Declaration and Programme of Action, it could not support the proposed amendment contained in document [A/HRC/50/L.31](#), which would undermine the universality of human rights and facilitate the adoption of State-sponsored measures against individuals based on sexual orientation and gender identity.

67. The aim of the Independent Expert’s mandate was to protect all persons irrespective of their sexual orientation and gender identity. There were no national, religious, cultural, social or other circumstances under which States could derogate from their duty to respect, protect and fulfil the right to be free from discrimination and violence, which was a foundational human right that applied to all individuals around the world. The United Kingdom therefore deemed the proposed amendment to be damaging and irrelevant to the draft resolution.

68. The constructive engagement of the main sponsors notwithstanding, the concerns reflected in the proposed amendment had not been conveyed at any point during the negotiation process. The United Kingdom would vote against the proposed amendment and urged all members to do the same.

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

In favour:

Benin, Cameroon, China, Côte d’Ivoire, Eritrea, Gabon, Gambia, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Namibia, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

Against:

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

Abstaining:

Armenia, Nepal, Paraguay.

70. *The proposed amendment contained in document [A/HRC/50/L.31](#) was adopted by 22 votes to 19, with 3 abstentions.*

71. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.32](#).

Statements made in explanation of vote before the voting

72. **Mr. Rosales** (Argentina) said that the main sponsors of the draft resolution were firmly committed to respecting all cultures and religions. They strongly believed that diversity enriched everyone and made societies better.

73. Nevertheless, the proposed amendment contained in document [A/HRC/50/L.32](#) was unnecessary, repetitive and imprecise. The principles of non-discrimination and non-violence did not violate any social, cultural or religious value system and were in fact aligned with most major religious doctrines.

74. The draft resolution did not in any way demonstrate disregard for social, cultural or religious value systems; on the contrary, the mandate holders had worked closely with social, cultural and religious leaders and other special procedures mandate holders working in the area of cultural rights, including the Special Rapporteur on freedom of religion or belief.

75. Of even greater concern was the use of new and unclear language in the proposed amendment, which would allow States to choose not to recognize certain human rights. That was unacceptable, particularly in the context of a draft resolution on violence and discrimination. Argentina would vote against the proposed amendment and called on all members to do the same.

76. **Ms. Taylor** (United States of America) said that the United States opposed the amendment and wished to encourage States members of OIC to vote in accordance with their national position. The proposed amendment appeared to suggest that certain value systems and particularities could be invoked to justify discrimination and violence based on sexual orientation and gender identity, which was not permitted under international human rights law. The amendment placed cultural relativism above the universality of human rights. The United States objected to the idea that claims of particular value systems could be invoked as justification for human rights violations and abuses. The Council's mandate encompassed promotion of and respect for human rights over any particular consideration, including cultural practices or contradictory national legislation. The Independent Expert's mandate specifically included reporting on violence and discrimination, neither of which could be justified through cultural or religious diversity. The United States urged the members to vote against the proposed amendment.

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

In favour:

Cameroon, China, Côte d'Ivoire, Eritrea, Gabon, Gambia, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

Against:

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

Abstaining:

Benin, India, Namibia, Nepal.

78. *The proposed amendment contained in document [A/HRC/50/L.32](#) was rejected by 21 votes to 19, with 4 abstentions.*

79. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.33](#).

Statements made in explanation of vote before the voting

80. **Mr. Ballinas Valdés** (Mexico) said that the main sponsors of the draft resolution rejected the proposed amendment. The draft resolution sought to renew a mandate designed to tackle violence and discrimination, including stereotypes, against individuals based on sexual orientation and gender identity. It did not in any way seek to stereotype, negatively profile or stigmatize religions and persons based on their religion or belief. The concerns of the sponsors of the amendment were already addressed by the inclusion in the draft resolution of language from the Vienna Declaration and Programme of Action regarding the “significance of national and regional particularities and various historical, cultural and religious backgrounds”.

81. The proposed amendment was intended to divert attention away from the focus of the draft resolution and to undermine the universality of human rights. The Special Rapporteur on freedom of religion or belief had expressly stated that religious beliefs could not be invoked as legitimate “justification” for violence or discrimination on the basis of sexual orientation and gender identity.

82. The right to live a life free from violence and discrimination and the right to freedom of religion and belief were not incompatible, and the Council should not place them in opposition to one another. Mexico would vote against the proposed amendment and urged all members to do the same.

83. **Mr. Staniulis** (Lithuania) said that Lithuania supported the draft resolution as submitted and opposed the proposed amendment. The fifth preambular paragraph of the draft resolution reflected a compromise based on the language of the Vienna Declaration and Programme of Action. The proposed amendment was intended to artificially oppose religion and the right of everyone to live free from violence and discrimination, reflecting a negative narrative that was not compatible with the draft resolution, which did not accuse any religion or belief of creating stereotypes.

84. Freedom in general, and freedom of thought, conscience, religion and belief in particular, were cornerstones of the international human rights framework. The right to freedom of religion or belief of all human beings, including members of the LGBTIQ community, must be recognized without discrimination of any kind.

85. Lithuania could not accept an amendment that was designed to create the exclusionary narrative that freedom of religion or belief was not compatible with protection from violence and discrimination based on sexual orientation and gender identity. It would therefore vote against the proposal and called on Council members to do the same.

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

In favour:

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

Against:

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

Abstaining:

Armenia, Benin, Namibia, Nepal.

87. *The proposed amendment contained in document [A/HRC/50/L.33](#) was rejected by 20 votes to 20, with 4 abstentions.*

88. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.34](#).

Statements made in explanation of vote before the voting

89. **Mr. Da Silva Nunes** (Brazil) said that the main sponsors of the draft resolution could not accept the proposed amendment, which ignored the violence and discrimination suffered by individuals based on sexual orientation and gender identity and instead included other grounds for discrimination that had been the focus of 70 years of relevant work in the United Nations human rights mechanisms and entities.

90. The aim of the draft resolution was to renew the mandate of the Independent Expert. The proposed amendment went against the commitment to leave no one behind and sought to modify the mandate and address multiple issues that were unrelated to discrimination and violence based on sexual orientation and gender identity. Brazil would vote against the proposed amendment, which had not been presented to the main sponsors of the draft resolution during the negotiation process, and invited all members to do the same.

91. **Mr. Bichler** (Luxembourg) said that protecting individuals from violence and discrimination based on sexual orientation and gender identity was the central theme of the draft resolution and the mandate of the Independent Expert. Many people lived every day with the serious consequences of violent acts, and their protection was rooted in the universal principles of human rights. States had a shared responsibility to defend them.

92. The proposed amendment sought to replace the agreed language of “sexual orientation and gender identity” with a list of other terms that would bring into question the fundamental aim of the draft resolution. It was crucial that the sense of the draft resolution should not be diverted, so that the mandate could benefit the most vulnerable groups at which the text was aimed. In the spirit of respect for the fundamental principles upheld by the Council, Luxembourg encouraged all members to join it in voting against the proposed amendment.

93. **Ms. Macdonal Alvarez** (Plurinational State of Bolivia) said that the Council should send a strong message of rejection of violence based on sexual orientation and gender identity. Her delegation would not support the proposed amendment.

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

In favour:

Cameroon, China, Côte d’Ivoire, Eritrea, Gabon, Gambia, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

Against:

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

Abstaining:

Benin, India, Namibia.

95. *The proposed amendment contained in document [A/HRC/50/L.34](#) was rejected by 23 votes to 19, with 3 abstentions.*

96. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.35](#), which had programme budget implications amounting to \$73,800.

Statements made in explanation of vote before the voting

97. **Mr. Da Silva Nunes** (Brazil) said that the main sponsors of the draft resolution could not support the proposed amendment, which was designed to avoid the renewal of the Independent Expert's mandate.

98. The proposed amendment did not refer to sexual orientation and gender identity, thereby seeking to erase recognition of the existence of violence and discrimination based on those characteristics, and was aimed at depriving a mandate on those issues of its legitimacy. The Council must not accept an amendment that sidestepped the principles of substantive equality, discrimination and non-aggression. For victims of violence and discrimination and for the civil society organizations that supported them, it was important for the Council to maintain a direct link with the work of the Independent Expert, whose mandate had created legitimate expectations that human rights violations perpetrated against persons of diverse sexual orientation and gender identity would not be ignored by the United Nations system. Brazil would vote against the proposed amendment and encouraged all members to do the same.

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

In favour:

Cameroon, China, Côte d'Ivoire, Eritrea, Gabon, Gambia, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

Against:

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

Abstaining:

Benin, India, Namibia.

100. *The proposed amendment contained in document [A/HRC/50/L.35](#) was rejected by 23 votes to 19, with 3 abstentions.*

101. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.36](#).

Statements made in explanation of vote before the voting

102. **Ms. Méndez Escobar** (Mexico) said that the main sponsors of the draft resolution rejected the proposed amendment. The mandate of the Independent Expert had been well defined since its inception, focusing on the specific issue of violence and discrimination based on sexual orientation and gender identity. None of the 11 reports issued since 2016 had addressed the question of same-sex marriage or contained any recommendations in that regard.

103. The draft resolution was simply procedural and sought to renew the mandate without expanding it or creating new rights. Nevertheless, the sponsors of the proposed amendment had initiated a debate on the issue of same-sex marriage within the framework of the Independent Expert's work and were attempting to force its inclusion in the mandate. The main sponsors of the draft resolution had never promoted the inclusion of that question in the draft resolution and had always maintained a clear focus on violence and discrimination.

104. The mandate and work of the Independent Expert had always been respectful of different social systems and had been adapted to the specific needs of each country. The aim of the mandate was to promote constructive dialogue, consultation and cooperation with States and other stakeholders to identify best practices, raise awareness and provide support, technical assistance and capacity-building to combat violence and discrimination. Mexico would vote against the proposed amendment and called on the members to do the same.

105. **Mr. Bekkers** (Netherlands) said that the draft resolution, like its predecessor in 2019, was a procedural text focused on the renewal of a mandate on protection from violence and discrimination based on specific grounds, namely sexual orientation and gender identity. It did not create new human rights or remove existing ones and did not address any rights relating to marriage. The mandate that the draft resolution was seeking to renew had never touched on the topic of equal marriage and had never issued specific recommendations on the matter.

106. It was regrettable that the sponsors of all the proposed amendments had not negotiated with the sponsors of the draft resolution before putting forward their amendments. Countries should come together and negotiate in good faith. Given that the proposed amendment fell outside the scope of the draft resolution, the Netherlands would vote against it and called on Council members to do the same.

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

In favour:

Cameroon, China, Côte d'Ivoire, Eritrea, Gabon, Gambia, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

Against:

Argentina, Bolivia (Plurinational State of), Brazil, Czechia, Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Marshall Islands, Mexico, Montenegro, Netherlands, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Benin, India, Namibia, Nepal, Paraguay.

108. *The proposed amendment contained in document [A/HRC/50/L.36](#) was rejected by 20 votes to 19, with 6 abstentions.*

109. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.37](#), as orally revised.

Statements made in explanation of vote before the voting

110. **Mr. Rosales** (Argentina) said that the main sponsors of the draft resolution rejected the proposed amendment. Adding a paragraph that referred to article 16 of the Universal Declaration of Human Rights would distort the content of the draft resolution. The issue of marriage fell outside the well-defined scope of the Independent Expert's mandate; moreover, the proposed amendment set out a restrictive and arbitrary interpretation of article 16 (1) of the Universal Declaration of Human Rights, as the second sentence of that article, which stated that men and women were "entitled to equal rights as to marriage, during marriage and at its dissolution", had intentionally been omitted.

111. International human rights law should be interpreted progressively so as to achieve greater protection and defence of human rights, especially with regard to violence and discrimination. Argentina would vote against the proposed amendment and urged the members to do the same.

112. **Ms. Milačić** (Montenegro) said that the Independent Expert's mandate had been carefully defined to focus exclusively on discrimination based on sexual orientation and gender identity. It was rooted in international commitments made under the Charter of the United Nations and the Universal Declaration of Human Rights and reaffirmed in the Vienna Declaration and Programme of Action. Those commitments were deeply embedded in the foundations of the Council and its mandate to promote universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner.

113. Montenegro was proud to be among the strongest supporters of the LGBTIQ+ community in the region; each year, a peaceful and inclusive pride parade was held in the

capital. Legislation had been adopted on same-sex life partnerships, and the enactment of a law on legal gender recognition was among the Government's current priorities.

114. Pursuant to article 16 of the Universal Declaration of Human Rights, all adults had the right to marry without the limitations that the proposed amendment sought to introduce. Any attempt to recast that right was unacceptable. Placing special emphasis on equal marriage in the context of the Independent Expert's mandate was not within the spirit or aim of the draft resolution.

115. The pledge to leave no one behind could be fulfilled only by reaching all persons, irrespective of their sexual orientation and gender identity. Montenegro would vote against the proposed amendment and called on the members to do the same.

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

In favour:

Cameroon, China, Côte d'Ivoire, Eritrea, Gabon, Gambia, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan.

Against:

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

Abstaining:

Benin, India, Namibia, Nepal.

117. *The proposed amendment contained in document [A/HRC/50/L.37](#) was rejected by 21 votes to 19, with 4 abstentions.*

118. **The President** invited the Council to take action on draft resolution [A/HRC/50/L.2](#), as amended.

119. **Mr. Rosales** (Argentina), making a general statement before the voting, said that the main sponsors of the draft resolution rejected the amendment contained in document [A/HRC/50/L.31](#). The main aim of the draft resolution remained unchanged, namely the renewal of the mandate of the Independent Expert, thereby guaranteeing the Council's ongoing commitment to the principle of the universality of human rights. The Council should not take a step backwards in its role of protection and should not accept justification of violence or discrimination on any grounds. He urged members to vote in favour of the draft resolution.

Statements made in explanation of vote before the voting

120. **Ms. Al-Suwaidi** (Qatar) said that it was important to avoid the use of unclear and controversial terminology that was not included in the Charter of the United Nations and did not take into account the specificities of national legislation. International human rights law and the Sustainable Development Goals did not provide sufficient clarity on how to combat violence against a particular group of people. A lack of consensus would lead to controversy and exacerbate differences within the Council. Maintaining consensus would facilitate work towards the Council's shared objective of protecting human rights.

121. **Mr. Loum** (Senegal) said that the proposed amendments to the draft resolution had sought to reject certain controversial notions that were contrary to the social, cultural and religious values of the sponsors of those amendments. Furthermore, the proposed amendments were in keeping with the decisions on family and social affairs taken at the forty-third session of the Council of Foreign Ministers of OIC in Tashkent in October 2016. For those reasons, his delegation would vote against the draft resolution.

122. **Mr. Scappini Ricciardi** (Paraguay) said that all States had a sovereign right to define their own legislation. There was no requirement under international human rights law for States to recognize same-sex marriage. The Independent Expert's mandate did not generate additional rights or rights that differed from those established in national legislation. Rather,

it sought to protect all persons against violence and promote respect for fundamental rights. Combating violence in all its forms was among the international commitments his Government had made in the area of human rights. Therefore, his delegation would vote in favour of the draft resolution.

123. **Mr. Hashmi** (Pakistan), speaking on behalf of the States members of OIC that were members of the Council, with the exception of Albania, said that the draft resolution undermined the key human rights principles of universality, equality, impartiality and objectivity, as highlighted in the institution-building package adopted by Council resolution 5/1 and in General Assembly resolution 60/251. OIC noted with regret the propensity to advance controversial concepts that were inconsistent with the principles of international human rights law. Its opposition to the draft resolution stemmed from the fact there was no universal consensus on the concepts of sexual orientation and gender identity and those concepts were not recognized by international human rights law as prohibited grounds for discrimination; the prohibited grounds for discrimination were codified in international human rights treaties, which called on States parties to honour their human rights obligations without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; those concepts ran contrary to the social, cultural and religious particularities of many Member States and undercut the shared values of respect for diversity and pluralism; and international human rights law provided sufficient grounds to counter discrimination and violence against people for any reason, thus obviating the need to elevate personal sexual preferences to the status of fundamental human rights.

124. The States members of OIC reaffirmed their commitment to uphold the human rights of all persons, without discrimination, and rejected violence on any ground. However, they could not support efforts aimed at inventing new sets of rights on the basis of personal sexual preference. In accordance with article 16 of the Universal Declaration of Human Rights, they reaffirmed that men and women of full age had the right to marry and to found a family, and the family was the natural and fundamental group unit of society.

125. OIC did not support extending the Independent Expert's mandate. His delegation would vote against the divisive draft resolution, as it had consistently done past iterations of the draft resolution.

126. **Mr. Gerahtu** (Eritrea) said that Eritrea upheld human rights and supported the meaningful participation of women and girls in society. Eritrea had combated gender-based violence and sought to break from restrictive gender norms. It was taking steps to overhaul the legal system to mainstream the rights of women and girls in policies and laws. The country's customary rules and traditions did not tolerate any form of sexual harassment or violence. His delegation would have liked the draft resolution to address the issue of violence against women in the context of internationally recognized rights. Regrettably, the rejection of the proposed amendments to the draft resolution compelled his delegation to vote against the draft resolution.

127. **The President** announced that France had withdrawn its sponsorship of the draft resolution.

128. **Mr. Bonnafont** (France) said that France fully supported the draft resolution. Fundamental international human rights instruments clearly stated that all persons must be able to enjoy the same rights and protections without any discrimination. The fight against discrimination and violence based on sexual orientation and gender identity must remain a priority for the Council.

129. Steady progress had been made on decriminalizing homosexuality on every continent. However, all too many countries hid behind the pretext of specific values to keep up discriminatory legislation that ran contrary to the fundamental rights of each human being. In too many countries, lesbian, gay, bisexual, transgender and intersex persons continued to be victims of violence, torture, arbitrary detention, harassment, discrimination and even murder, committed with impunity. For those reasons, the renewal of the Independent Expert's mandate was essential. France actively supported measures to promote human rights and the efforts to ensure that human diversity and the universality of rights were respected.

130. The proposed amendments to the draft resolution trampled on such diversity in the name of a relativistic approach to rights that his delegation vigorously opposed. France had therefore voted against all the proposed amendments and regretted the adoption of amendment [A/HRC/50/L.31](#). For France, there could be no ambiguity: international law prohibited all violence and discrimination based on sexual orientation and gender identity. No argument in favour of sovereignty could repeal such a prohibition. France called on Council members to give precedence to tolerance, humanism and the universality of human rights by supporting the draft resolution.

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

In favour:

Argentina, Bolivia (Plurinational State of), Brazil, Cuba, Czechia, Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Marshall Islands, Mexico, Montenegro, Nepal, Netherlands, Paraguay, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of).

Against:

Cameroon, China, Côte d'Ivoire, Eritrea, Gabon, Gambia, Indonesia, Libya, Malawi, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates.

Abstaining:

Armenia, Benin, India, Kazakhstan, Namibia, Poland, Uzbekistan.

132. *Draft resolution [A/HRC/50/L.2](#) was adopted by 23 votes to 17, with 7 abstentions.*

Draft resolution [A/HRC/50/L.6](#), as orally revised: Importance of casualty recording for the promotion and protection of human rights

133. **Mr. Jäger** (Observer for Lichtenstein), introducing the draft resolution, as orally revised, on behalf of the main sponsors, namely Costa Rica, Sierra Leone and his own delegation, said that every day on average an estimated 100 civilians were killed in situations of armed conflict. Respect for the dignity of the dead was one of humanity's most universal values. Although customs varied, the personal, societal and legal need to acknowledge a person's death was common worldwide. Casualty recording in situations of armed conflict or gross violations of international human right law upheld that fundamental value by endeavouring to produce a comprehensive and detailed record of every person killed and the circumstances of the person's death.

134. **The President** announced that there were 10 additional sponsors of the draft resolution, which had programme budget implications amounting to \$137,000.

135. **Ms. Batistić Kos** (Observer for Croatia), continuing the introduction of the draft resolution, said that Croatia had witnessed the horrors of war in the recent past and recognized the importance of casualty recording and its connection with a variety of human rights, including the right to life, to the truth, to access to justice and to an effective remedy and reparation. Casualty recording could contribute to better protection of civilians in armed conflict and complement efforts to account for missing persons. It could also provide valuable evidence in all forms of accountability, transitional justice and reconciliation processes.

Statements made in explanation of position before the decision

136. **Mr. Hovhannisyan** (Armenia) said that Armenia agreed that there was a need to bring the importance of casualty recording to the attention of the Council in order to develop international understanding about it and promote it as a best practice. As the main sponsor of the Council resolutions on prevention of genocide, Armenia recognized casualty recording as a human rights issue that could greatly facilitate implementation of the States' existing commitments under international humanitarian and international human rights law. Casualty recording should contribute to a larger effort to preserve historical memory related to gross human rights abuses as well as serious violations of international humanitarian law. Lastly, he wished to emphasize the importance of the Convention on the Prevention and Punishment of the Crime of Genocide, as the first human rights treaty adopted by the General Assembly.

137. **Mr. Rosales** (Argentina) said that his delegation fully supported the draft resolution. Casualty recording was interlinked with a number of fundamental human rights, such as the right to life, truth and justice and the right to an effective remedy. Moreover, such recording contributed to ending impunity. The draft resolution was a step forward in that direction, as it requested the United Nations High Commissioner for Human Rights to prepare a comprehensive report on the impact of casualty recording on the promotion and protection of human rights, including relevant practices, in particular the role of casualty recording in upholding and fulfilling the rights of victims and survivors of armed conflict, post-conflict environments and gross violations of international human rights law. Lastly, he wished to highlight the importance of the right to truth, a reference to which had been included in two preambular paragraphs of the text.

138. **Ms. Filipenko** (Ukraine) said that, during the previous four months, violent and unjustified Russian aggression had claimed the lives of tens of thousands of Ukrainian civilians and had been accompanied by gross violations of human rights. Ukraine attached particular importance to the collection of evidence and information that could be effectively used for the purpose of ensuring accountability and justice. As was emphasized in the draft resolution, the practice of casualty recording was crucial for preventing impunity for human rights violations. Her delegation would therefore like to join the sponsors of the draft resolution, which it trusted would be adopted by consensus.

139. **Mr. Bálek** (Czechia), speaking on behalf of the States members of the European Union that were members of the Council, said that the draft resolution would help to highlight the role of casualty recording in upholding and fulfilling the rights of victims. Recognizing casualty recording as a human rights issue did not create new human rights or international humanitarian law obligations for States, but rather drew the Council's attention to an important principle that could greatly facilitate implementation of States' existing obligations under international human rights law. His delegation welcomed the reference, in the text, to the gender and age dimension of casualty recording.

140. **Mr. Da Costa** (Gambia) said that the Gambia, having recently emerged from 22 years of oppression, would be remiss if it did not support the draft resolution. A truth, reconciliation and reparations commission set up by the Government had revealed that much evidence that could have been preserved had been lost. Therefore, casualty reporting was extremely important. The draft resolution should be adopted by consensus with a view to ensuring that evidence was preserved and justice was obtained.

141. **Ms. Stasch** (Germany) said that casualty records were helpful to identify violations of the right to life and were an integral part of the right to the truth, the right to seek, receive and impart information and the right to an effective remedy. Her delegation welcomed the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in that regard.

142. **Ms. Taylor** (United States of America) said that her delegation looked forward to receiving the High Commissioner's report on the impact of casualty recording on the promotion and protection of human rights and would join the consensus on the draft resolution, as orally revised. Clarification of her Government's views on references to the Protocols Additional to the Geneva Conventions of 1949 and to article 2 of the International Covenant on Civil and Political Rights were available on the website of the Permanent Mission of the United States and included in the annual *Digest of United States Practice in International Law*.

143. **Ms. French** (United Kingdom) said that casualty recording was useful for identifying patterns of harm and shedding light on behaviour that had the most adverse effect on civilians. It could also provide essential information about the circumstances of a person's death and uphold the dignity of victims and their families. The United Kingdom acknowledged the links between casualty recording, the right to an effective remedy and the right to the truth, as set out in Council resolution 9/11. However, it wished to emphasize that the conduct of hostilities was a field properly regulated by international humanitarian law. While her Government recognized the benefits of casualty recording for the international community, it was important to distinguish between international humanitarian law and international human rights law and to ensure that the important issue of casualty recording was discussed in the

appropriate forum. Despite those concerns, the United Kingdom would join the consensus on the draft resolution.

144. *Draft resolution A/HRC/50/L.6 was adopted.*

Draft resolution A/HRC/50/L.12: Human rights and the regulation of civilian acquisition, possession and use of firearms

145. **Mr. Chuquihuara Chil** (Observer for Peru), introducing the draft resolution on behalf of Ecuador and his own delegation, said that earlier iterations of the draft resolution had focused on the importance of regulating civilian use, acquisition and possession of firearms to prevent the widespread abuses and violations of the right to life and security that were committed using firearms. In later versions, language on the impact of such regulation on civil, political, economic, social and cultural rights had been incorporated.

146. The present draft resolution followed the path of previous resolutions and included important elements of the High Commissioner's latest report on the impact of the civilian acquisition, possession and use of firearms by children and youth. The number of firearms in the hands of civilians exceeded the number in the hands of law enforcement officials. There were frequent tragic occurrences of shootings in schools, places of worship and on other public premises, and firearms continued to be used in common and organized crime.

147. The draft called on States to adopt effective regulations on the acquisition, possession and use of firearms by children and to invest in violence prevention and rehabilitation initiatives for children and youth trapped in violent environments. It also included a new paragraph in which the Council called upon States to consider adopting requirements for manufacturers and dealers of firearms based on the Guiding Principles on Business and Human Rights.

148. Lastly, under the draft resolution, the High Commissioner would be requested to prepare a report on effective national regulations, policies and good practices, challenges and lessons learned to address the negative human rights impact of civilian acquisition, possession and use of firearms.

149. **The President** announced that 10 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$89,400.

150. **Mr. Brizuela** (Paraguay), making a general statement before the decision, said that the draft resolution aimed to address concerns around increasing arms production, as well as the numerous cases of civilian firearms-related violence, which had caused death, physical injuries and psychological trauma, including anxiety disorders, post-traumatic stress and the risk of substance abuse, all of which could result in lifelong consequences for the persons affected. No effort should be spared to protect people, especially children and youth, from the human rights impact of civilian acquisition, possession and use of firearms, especially illegal firearms. For those reasons, his delegation would support the draft resolution.

Statements made in explanation of position before the decision

151. **Ms. Taylor** (United States of America) said that her delegation would join the consensus in support of the draft resolution. Noting the tragic mass shootings that had occurred recently in her country, she said that the United States Government remained seized with the urgency of ensuring public safety. The current Administration was committed to working with all political parties to develop meaningful reforms that would strike a better balance between public safety and constitutional rights. In that connection, it was important to stress that decisions regarding civilian ownership of firearms was solely under the sovereign jurisdiction of individual states. In June, President Biden had signed into law the Bipartisan Safer Communities Act – the most significant gun reform legislation passed by Congress in nearly 30 years. Under the Act, \$750 million would be made available to States for the implementation of so-called “red-flag” laws, which allowed for the temporary seizure of guns from individuals deemed to be a threat to themselves or others, and for expanding background checks on younger gun buyers; in addition, millions of dollars would be allocated for mental health services, school safety and crisis intervention programmes. Further

clarifications would be provided in her delegation's statement on all the draft resolutions considered under agenda item 3.

152. **Ms. Macdonal Alvarez** (Plurinational State of Bolivia) said that her delegation would join the consensus in support of the draft resolution. The investigation into the transfer of arms to her country in the conflicts that had arisen following the 2019 coup d'état, during which dozens of people had died and hundreds had been injured, was ongoing. The draft resolution clearly indicated that States should refrain from transferring arms, especially where there was a risk that those arms might be used to commit or facilitate serious violations of international human rights law.

153. *Draft resolution A/HRC/50/L.12 was adopted.*

Draft resolution A/HRC/50/L.13/Rev.1: Access to medicines, vaccines and other health products in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

154. **Mr. Da Silva Nunes** (Brazil), introducing the draft resolution on behalf of the main sponsors, namely China, Egypt, India, Indonesia, Senegal, South Africa, Thailand and his own delegation, said that, since the beginning of the coronavirus disease (COVID-19) pandemic, the world had gained a deeper understanding of the vital importance of access to medicines, vaccines and health products with regard to the right to health. The full enjoyment of that right was dependent on the full protection of all human rights, as well as robust international cooperation based on solidarity; solidarity was more important than ever, given the exacerbation of inequalities resulting from the COVID-19 pandemic. All States had obligations under human rights law in the international pursuit of health as a global public good.

155. A healthier world for everyone would require better preparedness and therefore the strengthening of local health systems, which in turn required international cooperation and solidarity. It was hoped that the international community would consider the legacy built within the Council over the last two decades in highlighting the crucial importance of timely, equitable and unhindered access to health products as a cornerstone of the right to health when negotiating a new international instrument on pandemic prevention, preparedness and response, as referred to in decision SSA2(5), adopted by the World Health Assembly in December 2021.

156. He wished to thank all the delegations that had participated in the informal consultations, as well as OHCHR; civil society; and all the sponsors of the draft resolution, including the Group of African States. The result was a strong but balanced text that corresponded to the urgency of the current health challenges. He hoped that the draft resolution would be adopted by consensus.

157. **The President** announced that 22 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$686,100.

General statements made before the decision

158. **Mr. Zhao Zhang** (China) said that the COVID-19 pandemic continued to take a heavy toll on the economic and social development of all countries, especially developing countries, as well as posing a serious threat to people's health and rights. The COVID-19 vaccine was a powerful tool in responding to the pandemic and should be considered a global public good; its uneven distribution in the world needed to be addressed urgently. China urged all countries to help developing countries to obtain vaccines promptly, in a spirit of unity and cooperation, in order to save lives and eradicate COVID-19 as quickly as possible. The draft resolution sent a positive message of unity and cooperation in promoting multilateralism, fair access to medicines and vaccines and the right to life and health. His delegation called on all Council members to support it.

159. **Ms. Astiasaran Árias** (Cuba) said that the COVID-19 pandemic had clearly deepened inequalities within and between States: whereas in some countries vaccines had been made available to the entire population, in others, even a single dose remained an impossible dream. A number of preventable and treatable diseases also continued to take a

toll on populations around the world, owing to lack of access to medicines and vaccines. Cuba was committed to cooperating with other countries, as only joint, coordinated efforts by the international community would make it possible to realize the human right to health. For those reasons, his delegation supported the draft resolution and urged the Council to adopt it by consensus.

160. **Ms. Macdonal Alvarez** (Plurinational State of Bolivia) said that the impacts of the COVID-19 pandemic had been felt by the entire world, but most especially by countries in the global South. The international community must intensify efforts to address inequalities and commit to fostering multilateral cooperation to ensure equitable and just access to vaccines and other medical products. Health was a human right, and should not be seen as a profit-making enterprise. Recovery from the pandemic must involve human rights-based approaches. Such approaches could be applied to improving social protection programmes, providing for universal health care and promoting technology and knowledge transfer mechanisms. Her delegation supported the draft resolution and urged all Council members to do the same.

Statements made in explanation of position before the decision

161. **Mr. Bálek** (Czechia), speaking on behalf of the States members of the European Union that were members of the Council, said that the European Union would join the consensus in support of the draft resolution. The European Union contributed significantly towards the achievement of international health goals through multilateral cooperation, including in the context of the COVID-19 pandemic. It sought solutions to health challenges through whole-of-government, whole-of-society and Health in All Policies approaches. Two and half years into the pandemic, it was clear that the international community must improve the prevention, preparedness and response to public health emergencies of international concern.

162. The European Union had participated constructively in the negotiation of the draft resolution. It welcomed the fact that the core group had taken into account some of its concerns and it appreciated the main sponsors' willingness to meet with a group of States, including the European Union, to discuss specific issues of concern. Nevertheless, the draft resolution did not fully reflect the discussions held: while the text contained some positive developments relating to the framework around the right to health, other elements were still lacking. As in the past, the European Union continued to be concerned about the risk of duplication with other forums. The European Union acknowledged the work being done globally with regard to access to medicines, vaccines and other health products, with coordination by OHCHR, the World Health Organization (WHO), the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO), and it encouraged all States to contribute to that work. Selective quotations from other expert forums should have been avoided in the text. Another concern was the inclusion of non-agreed, non-human-rights language and the lack of an adequate human rights-based approach to the issue of access to medicines, vaccines and other health products – a concern that had been echoed by a number of States. The European Union believed that Council resolutions on the topic should focus on inequalities between individuals, not between countries. Furthermore, the numerous requests for follow-up could have been streamlined to avoid placing an excessive burden of work on OHCHR.

163. **Mr. Bonnafont** (France), recalling the preamble of the WHO Constitution, said that the COVID-19 pandemic had given renewed meaning to the fundamental human right to health and to the common danger represented by health-related inequalities. Early in the pandemic, France had defended the COVID-19 vaccine as a global public good, based on the principles of human rights, interdependence, cooperation and solidarity. Those same principles must guide the proposed expanded access to medicines and vaccines and the strengthening of health systems. If a pandemic or a disease with pandemic potential was a threat to some countries, it was a threat to all. It was important to analyse the positive and negative ways in which the COVID-19 vaccine had been managed as a global public good. The agreement reached at WTO on the intellectual property rights of vaccines would undoubtedly inform the ongoing discussions on a new international instrument on pandemic prevention, preparedness and response. While his delegation would join the consensus in

support of the draft resolution, it nonetheless regretted that not all proposals made during the informal consultations had been taken into account. It would have been preferable for the text to better identify the impact of the pandemic on human rights per se. Noting that a number of other draft resolutions related to the same subject were currently before the Council, his delegation encouraged their respective sponsors to coordinate their efforts in order to formulate a draft resolution more rigorously in line with the Council's mandate and attract the highest level of support.

164. **Ms. French** (United Kingdom) said that her country was committed to fulfilling its obligations under the International Covenant on Economic, Social and Cultural Rights, including the realization of the right to the enjoyment of the highest attainable standard of physical and mental health. As stated during the informal consultations, her delegation remained concerned that the draft resolution addressed matters beyond the scope of the Council, including matters currently under consideration within WHO. A clear international position on pandemic prevention, preparedness and response was vital and would be best achieved by discussing such matters in the appropriate forum. Despite its concerns, her delegation would join the consensus in support of the draft resolution, owing to the importance it attached to ensuring access to medicines, vaccines and other health products. It remained committed to engaging in future negotiations on the issue.

165. **Mr. Riblett** (United States of America) said that his delegation would join the consensus in support of the draft resolution. However, it wished to underscore its position that trade language negotiated or adopted by the General Assembly and the Economic and Social Council or under their auspices had no relevance for United States trade policy, for its trade obligations or commitments, or for the agenda at WTO, including discussions or negotiations in that forum. While the United Nations and the WTO shared common interests, they had different roles, rules and membership. The United States understood that the references in the draft resolution to knowledge-sharing and transfer of technology were to voluntary knowledge-sharing and voluntary transfer of technology on mutually agreed terms. In addition, the draft resolution, in particular the thirty-third preambular paragraph and operative paragraphs 3 and 4, did not capture the carefully negotiated and balanced language of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and the Doha Declaration on the TRIPS Agreement and Public Health. The United States understood that references to immunization as a "global public good" referred to the global public health benefit resulting from extensive immunization of the global population. It emphasized the importance of sharing pathogen samples and genetic sequencing data and facilitating rapid and equitable access to public health information and medical countermeasures in the context of health emergencies. However, the reference, in paragraph 6 (c), to "internationally agreed principles" was unclear; the United States understood that there was no multilateral access and benefit-sharing instrument that mandated benefit-sharing to be directly linked to the utilization of unique genetic sequencing data.

166. *Draft resolution [A/HRC/50/L.13/Rev.1](#) was adopted.*

The meeting rose at 6.30 p.m.