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

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The meeting was called to order at 9.10 a.m.

Agenda item 1: Organizational and procedural matters (A/HRC/50/L.62 as orally revised)

Draft resolution A/HRC/50/L.62, as orally revised: Situation of human rights of women and girls in Afghanistan

1. **Mr. Bálek** (Czechia), introducing the draft resolution on behalf of the European Union, said that since August 2021 the human rights situation in Afghanistan had seriously deteriorated, especially for women and girls. The European Union was deeply concerned about the alarming and systematic erosion of the human rights of women and girls in the country. The restrictive measures put in place by the Taliban had had a detrimental impact on the ability of women and girls to participate fully in all spheres of public life. They also stood in complete contradiction with the country's international commitments.

2. For those reasons, the European Union had requested an urgent debate on the human rights of women and girls in Afghanistan to be held by the Council and had submitted the draft resolution currently under consideration. Under the draft resolution, the Council would reiterate its commitment to the rights of women and girls in Afghanistan in accordance with the State's obligations under international human rights law; it would recognize the importance of the full, equal, effective and meaningful participation, inclusion and empowerment of all women and girls in all spheres of life, including through the full realization of the right to education; it would condemn in the strongest possible terms all human rights violations and abuses against women and girls, and it would call upon the Taliban to reverse the policies and practices that currently restricted or denied the human rights and fundamental freedoms of Afghan women and girls, including their right to education at all levels. Finally, the Council would request the convening of an enhanced interactive dialogue on the situation of human rights in Afghanistan during the Council's fifty-first session of the in order to ensure that the voices of Afghan women and girls would be heard by the Council.

3. The draft resolution had been significantly revised to meet the concerns of all parties and achieve broad support for the text. He thanked all States for their constructive collaboration, including Afghanistan, which was one of the draft resolution's sponsor, and called upon the members to adopt the draft resolution by consensus.

4. **The President** announced that 10 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$16,500.

General statements made before the decision

5. **Mr. Manley** (United Kingdom) said that the draft resolution, which had been submitted at a crucial moment for the rights of women and girls in Afghanistan, sent an unequivocal message that the Council stood with them. During the urgent debate held by the Council at the current session, it had been made clear that women in Afghanistan were forced to advocate for their basic rights in order to remain visible. His delegation firmly supported the core message of the draft resolution. All forms of discrimination and violence, particularly sexual and gender-based violence, must cease, and victims and survivors must have access to justice and redress and to safe, unhindered access to sexual and reproductive health services across the country.

6. Afghanistan was the only country in the world where girls were unable to attend secondary school. It was thus of great importance that the draft resolution included language that reflected the devastating reality of girls' education in the country and reaffirmed the equal right of every Afghan child, without discrimination, to education, and that it called upon the Taliban immediately to open schools for girls of all ages. He urged all members to support the draft resolution.

7. **Ms. Taylor** (United States of America) said that her delegation remained concerned about the abuses committed by the Taliban and other non-State actors against other Afghans, including children, members of the LGBTQI+ community and members of ethnic and religious minorities. It joined the international community in calling on the Taliban to uphold

its pledge to respect the human rights of all Afghans. Her delegation specifically condemned the imposition of increasingly restrictive measures severely limiting the ability of Afghan women and girls – who constituted half the country’s population – to fully, equally and meaningfully participate in all aspects of society, including by limiting their access to education, employment opportunities, freedom of movement and choice of dress. The recent announcement that male family members would be punished for failing to enforce compliance with such restrictions had created an environment of constant fear.

8. Her delegation noted that generally only States had obligations under international human rights law. References in the draft resolution to human rights violations by non-State actors should thus not be understood to imply that such actors bore such obligations. Nevertheless, the United States was committed to promoting accountability for human rights abuses by non-State actors in Afghanistan, including the Taliban. The United States did not necessarily understand the characterization of certain acts or situations using international law terms of art to mean that, as a matter of law, such terms were applicable to any specific act or situation.

9. She appreciated the documentation of ongoing human rights abuses in Afghanistan by brave human rights defenders and welcomed the proposal to hold an interactive dialogue during the Council’s fifty-first session, an event that would feature the participation of Afghan civil society, particularly women. She urged all States to support the draft resolution.

10. **Ms. Filipenko** (Ukraine) said that the situation in Afghanistan served as a reminder of the devastating impact of armed conflict on human rights and its disproportionate, long-lasting effect on the most vulnerable groups, including women and girls. Amid deteriorating humanitarian and economic conditions, women and girls were deprived of their most basic human rights. The international community must seek to protect the most vulnerable groups against violence and violations of their rights and freedoms, including by ensuring full respect for international humanitarian law and human rights law; the Council should play an instrumental role in that regard. Ukraine called for the adoption of the draft resolution by consensus.

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

12. **Mr. Andisha** (Observer for Afghanistan) said that, since the takeover of the country by the Taliban, women and girls in Afghanistan had experienced the most severe rollback in the enjoyment of their rights in decades, along with hunger, violence, fear, desperation and invisibility. The Council’s urgent debate on the human rights of women and girls in Afghanistan, held at the current session, had demonstrated that there was still hope for accountability and protection.

13. Two key messages had emerged from the urgent debate. First, the international community had made clear to the Taliban that it would not tolerate the complete disregard of the commitments made to uphold the rights of women and girls. The Taliban must now take action to demonstrate full respect for their rights, in line with the country’s international obligations. The institutionalized and systematic, progressive exclusion of women and girls from participation in Afghan society was akin to gender apartheid. The Council would not stand for misogyny or extremist precepts, nor would it tolerate impunity or the normalization of gender-based violence. The Taliban must ensure equal access to quality education, the elimination of discrimination in employment and health and the immediate removal of restrictions on freedom of movement. The international community, as well as the majority of the Afghan people, would not support repression, torture, arbitrary arrest or the disappearance of women’s rights defenders or of female activists, judges, lawyers and journalists. It was time to uphold democracy and the freedoms of expression, opinion, association and assembly. The sovereign choice of the people of Afghanistan was not the Taliban; indeed, the Taliban did not represent the country’s religion, culture, customs or values. The second key message of the urgent debate had been aimed at the women and girls of Afghanistan; it was a message of solidarity from the international community, who would fight for their voices to be heard and for the protection of their rights and freedoms.

14. The draft resolution paved the way forward for the full, effective and meaningful participation of women in decision-making positions and processes, including in the delivery of humanitarian aid. It would facilitate the establishment of an inclusive and representative

Government, including with regard to women and all religious minorities, that would promote and protect human rights for all. It would support access to justice and effective remedies for victims of gender-based violence, and sustained action by the Council, including robust monitoring, accountability and prevention activities. He called on Council members to adopt the draft resolution by consensus.

15. **Mr. Hashmi** (Pakistan), speaking in explanation of position before the decision, said that Pakistan was in favour of sending a unified message of solidarity and support to Afghan women and girls, who continued to brave a multitude of humanitarian, social, economic and human rights challenges. In doing so, however, Council members should resist the temptation of pursuing politically convenient and selective approaches, and instead should adopt a response informed by the full context of the situation in Afghanistan, respecting the value of constructive engagement with the relevant parties.

16. During the informal consultations on the text, Pakistan had emphasized the importance of assessing the human rights situation of women and girls in Afghanistan against the backdrop of the devastating social and economic impacts of the protracted conflict in the country. The draft resolution should also clearly emphasize the need for specific and pragmatic solutions on how to avoid an economic catastrophe in the country. Issues of financial insolvency and State capacity were directly related to the human rights situation and should be considered within the scope of any meaningful conversation on Afghanistan. Peace, development and human rights were mutually reinforcing, and none could be achieved in isolation. In addition, the text as it stood ignored the value of sustained international engagement and technical assistance in addressing the human rights challenges facing women and girls in Afghanistan. He wished to thank the main sponsors' willingness to incorporate some of the proposals put forward by his delegation to address such gaps in the original text; despite some remaining concerns, his delegation would join the consensus in support of the draft resolution as a demonstration of his country's firm commitment to the rights of women and girls in Afghanistan.

17. **Mr. Mao Yizong** (China), speaking in explanation of position before the decision, said that the lengthy foreign military intervention in Afghanistan had caused great suffering for the Afghan people. China called upon the international community to respect the independence, sovereignty and territorial integrity of the country and the religious beliefs and ethnic customs of the Afghan people. All parties must increase emergency humanitarian aid to Afghanistan and immediately restore the country's national assets to relieve the suffering of its people. Discussions on Afghanistan held by the Council must contribute to, rather than hinder, the peaceful reconstruction of that country. China had taken part actively in the consultations on the draft resolution and had proposed constructive amendments. Regrettably, the text still did not address the causes of the current situation in Afghanistan, nor did it underline the serious impact of terrorism and unilateral coercive measures on the enjoyment of human rights by women and girls in that country. The text lacked balance and did not provide a genuine solution for protecting the human rights of Afghan women and girls. China therefore dissociated itself from the consensus on the draft resolution.

18. *Draft resolution A/HRC/50/L.62, as orally revised, was adopted.*

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.11, A/HRC/50/L.15/Rev.1, A/HRC/50/L.20 as orally revised, A/HRC/50/L.22/Rev.1 as orally revised, A/HRC/50/L.24, A/HRC/50/L.38, A/HRC/50/L.39, A/HRC/50/L.40 as orally revised, A/HRC/50/L.43, A/HRC/50/L.45, A/HRC/50/L.46 and A/HRC/50/L.47)

Draft resolution A/HRC/50/L.11: Freedom of opinion and expression

19. **Mr. Bekkers** (Netherlands), introducing the draft resolution on behalf of the main sponsors, namely Brazil, Canada, Fiji, Namibia, Sweden and his own delegation, said that the main sponsors had sought to craft a carefully balanced text that promoted and anchored freedom of opinion and expression in the digital age, with particular attention paid to digital, media and information literacy. Freedom of expression in the digital age included the ability to meaningfully engage in diverse online spaces, which required digital media and

information literacy, regardless of where users lived. Such literacy was important for the full realization of civil and political rights, as well as social, economic and cultural rights. It was also an essential tool to counter disinformation, to bridge digital divides, including the gender digital divide, and to allow for greater inclusivity. He hoped that the draft resolution would be adopted by consensus.

20. **The President** announced that 14 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$123,400.

General statements made before the decision

21. **Ms. Stasch** (Germany) said that freedom of expression was an indicator that revealed much about a country and its democratic foundations. She welcomed the fact that the draft resolution addressed issues such as the safety of journalists, the negative impact of disinformation, media literacy and individuals' rights to privacy in the digital age, as well as the gender digital divide and its implications for freedom of opinion and expression. Everyone must have equal access to literacy, without discrimination. Her delegation looked forward to the panel discussion on the role of digital, media and information literacy in the promotion and enjoyment of the right to freedom of opinion and expression, to be convened during the Council's fifty-third session, as an opportunity to promote further dialogue on the subject.

22. **Ms. Filipenko** (Ukraine) said that the language of the draft resolution drew on that of previous versions, while highlighting digital media and information literacy – issues of particular importance to Ukraine, as a main sponsor of Council resolution 49/21 on the role of States in countering the negative impact of disinformation on the enjoyment and realization of human rights. The promotion of digital media and information literacy should be at the core of any genuine multi-stakeholder efforts to promote freedom of expression and strengthen the resilience of societies to disinformation. It was especially important in view of the need to combat the disinformation and war propaganda that Russia was trying to impose worldwide as part of its aggression against Ukraine. Her delegation called for the adoption of the draft resolution by consensus.

23. **Mr. Lee Taeho** (Republic of Korea) said that freedom of opinion and expression was a fundamental human right that enabled democratic, free and participative societies. The focus of the draft resolution on digital media and information literacy was intended to advance the full, effective and meaningful enjoyment of that freedom. He welcomed in particular the emphasis on the need to address digital divides and to strengthen the resilience of societies through education and digital inclusion. The panel discussion mandated by the draft resolution would further understanding of the role of digital, media and information literacy in the promotion and enjoyment of the right to freedom of opinion and expression. His delegation lent its full support to the draft resolution and called on all members of the Council to do the same.

24. **Ms. Taylor** (United States of America) said that the right to freedom of expression and opinion was a critical component of a functioning democracy. It was regrettable that differences on how to incorporate references to privacy in the draft resolution had prevented a more substantial discussion about the meaning of media literacy and other methods of countering disinformation. Privacy must be respected and protected, but there were acknowledged differences as to the meaning and scope of privacy under international human rights law. Her delegation was of the view that the issue should be framed using the agreed language of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. References in the draft resolution to the principles of legitimacy and proportionality as part of a State's obligations under international law had no textual basis in the Covenant. Advancing technical and legal accuracy across the Council's work was critical to advancing freedom of opinion and expression.

25. Her delegation nevertheless supported the draft resolution because of its conviction that countries were more stable and prosperous when Governments allowed for peaceful and constructive disagreement in a free and open exchange of ideas. The United States also supported the draft resolution's focus on media literacy as a means to counter disinformation. Her delegation hoped that the panel discussion mandated by the draft resolution would focus

inter alia on improving the transparency of media ownership. Opaque media ownership could facilitate the spread of disinformation and malign influence, as had been observed during the coronavirus disease (COVID-19) pandemic and since the brutal and unjustified further invasion of Ukraine by Russia.

26. **Mr. Scappini Ricciardi** (Paraguay) said that freedom of opinion and expression was one of the pillars of democratic societies and of development and it was crucial in fostering transparency and combating corruption. It was vital to adapt the interpretation of that right in the digital era. He therefore welcomed the inclusion, in the draft resolution, of such issues as digital divides, access to information, personal data management and disinformation. Paraguay supported the draft resolution and trusted that it would be adopted by consensus.

27. **Mr. Staniulis** (Lithuania) said that Lithuania strongly supported the draft resolution and welcomed its systematic focus on digital and media literacy and digital inclusion, fact-checking and transparent technological solutions, all of which empowered individuals, built up their resilience and positively contributed to the overall enjoyment of the right to freedom of opinion and expression. Digital contexts provided opportunities and challenges for exercising that right. The draft resolution emphasized the need to counter the negative effects of disinformation on human rights, to protect journalists and other media workers, and to address digital divides and the challenges faced both online and offline by persons in vulnerable situations, including children, youths, persons with disabilities and women and girls. His delegation would join the consensus on the draft resolution.

28. **Mr. Mika** (Namibia) said that the intimidation, violence and killing of journalists in the Occupied Palestinian Territory was of particular concern, including the killing of Shireen Abu Akleh, who had been brutally murdered while covering an operation by Israeli security forces. The draft resolution, while focusing on digital media and information literacy, also addressed long-standing concerns. Among other things, it strongly condemned attacks against journalists, and it called upon States to take measures to combat impunity. He urged the occupying Power, which he noted had sponsored the draft resolution, to fully implement the provisions of the draft resolution.

Statements in explanation of position before the decision

29. **Ms. Pujani** (India) said that the freedom of opinion and expression was one of the foundations of any democratic society. The draft resolution was an important initiative, as promoting the enjoyment of that right would have a multiplier impact on other rights. Nevertheless, reasonable and lawful restrictions on the exercise of that right would be required to maintain peace, harmony, public order, safety and security. The main sponsors of the draft resolution had made an attempt to account for some of those requirements; they had also attempted to highlight the importance of preventing and combating disinformation, online and offline, in order to protect the right to freedom of speech and expression.

30. In that connection, she also wished to recall the spirit of the Christchurch Call to Action, which India had supported. No one had the right to create and share terrorist and violent extremist content online. Her delegation welcomed the reference in the draft resolution to the freedom to seek, receive and impart information. The Right to Information Act had brought about a paradigm change in the working of public institutions in India. It had become a powerful tool for the people, including civil society organizations and human rights defenders, to seek information from all public institutions in the country.

31. **Mr. Hashmi** (Pakistan) said that his delegation welcomed the timely focus of the draft resolution on digital literacy. During the informal consultations on the text, Pakistan had emphasized the need to accurately reflect the complex global information landscape. The emergence of big data, artificial intelligence and social media platforms had coincided with surges in populism, nationalism and an amplification of hate-based ideologies. The information space, both online and offline, was rife with hate speech, disinformation and the irresponsible use and spread of virulent words, images and opinions. The consequences for human rights were troubling, ranging from the loss of human life to damage to personal reputations and stigmatization of entire communities, resulting in turn in institutional discrimination. It was therefore imperative for the Council to reinforce the special duties and responsibilities that were fundamental to the exercise of the right to freedom of opinion and expression, as enshrined in the International Covenant on Civil and Political Rights. Social

media companies must be reminded of their human rights responsibilities in respect of their business models and practices.

32. During the information consultations, Pakistan had also emphasized the growing digital divide that continued to exacerbate inequalities within and among countries, as well as the related consequences for human rights. As demonstrated by the COVID-19 pandemic, developing countries were in dire need of international support to enhance the accessibility, affordability and availability of the Internet for the benefit of rights holders. His delegation had therefore stressed the need for technology transfer and capacity-building for developing countries, in the spirit of leaving no one behind. Pakistan had underlined the need to recognize that the global human rights discourse on the empowering impact of the Internet required the application of a broader lens, encompassing the indivisibility of all human rights, as well as the specific needs of marginalized groups. In the current digital economy, equipping marginalized people with digital skills would enable the realization of the basic right to an adequate standard of living, which would in turn catalyse sustainable development, providing for a foundational support for the advancement of human rights globally. He thanked the main sponsors for their willingness to accommodate his delegation's proposals regarding the draft resolution, on which his delegation would join the consensus.

33. *Draft resolution A/HRC/50/L.11 was adopted.*

Draft resolution A/HRC/50/L.15/Rev.1: Elimination of female genital mutilation

34. **Mr. Kindia** (Côte d'Ivoire), introducing the draft resolution on behalf of the Group of African States, said that the text consisted of an update of Council resolution 44/16, focused on the cross-border and transnational aspects of female genital mutilation. Despite intensified efforts at national and international levels, many girls and women continued to be taken to countries where the practice was not banned or existing criminal law was not applied.

35. The draft resolution recognized the importance of establishing coordination mechanisms involving all stakeholders, highlighted the harmful effects of the practice on the health of women and girls and addressed the discriminatory attitudes and behaviours at its root that directly affected the implementation of legislative frameworks guaranteeing gender equality. It called on States to encourage the introduction of harmonized policies and put particular focus on prevention through awareness-raising among public servants and the prevention and treatment of associated health risks and complications. It requested the United Nations High Commissioner for Human Rights to prepare a report on good practices in relation to international and regional cooperation and coordination efforts to address cross-border and transnational female genital mutilation, to be submitted to the Council at its fifty-sixth session.

36. The text was the result of broad consultations, which had, as far as possible, taken account of the concerns of different delegations. He called upon Council members to join the Group of African States in supporting the draft resolution.

37. **The President** said that six States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$100,000.

Statements made in explanation of vote before the voting

38. **Ms. Méndez Escobar** (Mexico) said that there was an immediate need to eradicate female genital mutilation, which threatened the well-being, physical integrity and mental, sexual and reproductive health of women and girls. It would have preferred the draft resolution to contain reference to concepts such as comprehensive sex education, bodily autonomy and multiple and intersecting forms of discrimination, which it considered fundamental to the topic, and the prevention and elimination of violence and discrimination against women and girls. The draft resolution fell short of previously established standards, omitting relevant references, such as to the outcome documents of the Beijing Declaration and Platform for Action and of its review conferences. Her delegation called on the sponsors, in future sessions, to hold broad consultations and accommodate the interests and concerns of delegations in a more balanced manner.

39. **Ms. Taylor** (United States of America) said that the United States was committed to the global effort to eliminate female genital mutilation, but had withdrawn its sponsorship of the draft resolution as it wished to underline the importance of recognizing the diverse identities of women and girls, which compounded the discrimination they faced, and the different forms of gender-based violence faced by persons not identifying as women and girls.

40. Council resolution 44/16, which had been adopted by consensus, had more comprehensively articulated the inherent relevance of female genital mutilation to gender inequality, sexual, reproductive and maternal health and the critical health services required by survivors. Her delegation regretted that those issues had not been reflected in the original version of the draft resolution under consideration, which had sought to minimize the consensus achieved at the International Conference on Population and Development and the Fourth World Conference on Women and their review conferences. The United States would not endorse such a step backwards in the Council's approach; the Council instead should strengthen efforts aimed at ending the harmful practice, which was a form of gender-based violence. Further clarifications would be provided in her delegation's statement on all the draft resolutions considered under agenda item 3. She nevertheless thanked the Group of African States for its efforts to address many of her delegation's concerns in the text.

41. **Mr. Manley** (United Kingdom) said that the United Kingdom considered female genital mutilation to be one of the most extreme manifestations of gender inequality, a deeply embedded practice motivated and perpetuated by discriminatory social norms that could not be justified on religious or cultural grounds. The Government was committed to gender equality, girls' education, women's and girls' sexual and reproductive health and rights and thus to ending preventable deaths of mothers, newborns and children. His delegation therefore regretted that the draft resolution did not adequately recognize the practice as a form of gender-based violence and discrimination against women and girls or reflect the need for a gender-responsive approach to prevent sexual and gender-based violence. It was also disappointed with the deletion of long-standing agreed language of the Council and of the General Assembly. For those reasons, the United Kingdom was unable to sponsor the draft resolution, although it would join the consensus and was fully committed to participating in future negotiations on the issue.

42. **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 was fully committed to the elimination of female genital mutilation, which constituted torture or ill-treatment and jeopardized the recognition and full enjoyment of women's and girls' rights and fundamental freedoms. It acknowledged the need for greater cooperation regionally and internationally to eliminate the practice, including its cross-border and transnational manifestations.

43. Like many countries from different regional groups, the European Union considered it essential to uphold the agreed language from Council resolution 44/16. It was regrettable that concessions had been made to views that rejected gender equality and, in particular, that there was no reference to the outcome documents of the Beijing Declaration and Platform for Action or of the Programme of Action of the International Conference on Population and Development or of their review conferences. The absence of the agreed language used in the Sustainable Development Goals and numerous resolutions of United Nations bodies undermined nearly 30 years of multilateral agreements on the rights of women and girls, including progress related to combating female genital mutilation, that had been supported by all Member States, including members of the Group of African States.

44. It was also regrettable that references to "gender responsiveness" had been deleted from the text, even though a gender-responsive approach was essential to properly address gender inequalities and to prevent sexual and gender-based violence, including female genital mutilation. The European Union would have preferred stronger language recognizing female genital mutilation as a form of gender-based violence and discrimination against women and girls and underlining the importance of access to quality and affordable comprehensive sexual and reproductive health information, education, including evidence-based comprehensive sexuality education, and health-care services. For those reasons, the State members of the European Union had been unable to sponsor the draft resolution. However, owing to their strong commitment to the elimination of female genital mutilation and to their

determination to continue cooperating constructively with the Group of African States on the issue, they would join the consensus in support of it.

45. **Mr. Bonnafont** (France) said that France considered the practice of female genital mutilation to be an irreversible violation of the physical and psychological integrity of women and girls and of their fundamental right to dignity and right to decide freely what to do with their bodies. The practice, which stemmed from the systemic gender-based violence inflicted on women and girls by their communities, was proof of the persistent inequality between women and men. France had made the rights of girls and women a priority of its foreign policy and believed that the Council had a responsibility to send a firm message on the inadmissible nature of female genital mutilation.

46. His delegation regretted the absence from the draft resolution of the consensual language of Council resolution 44/16, or indeed of any mention of the outcome documents and review conferences of the Beijing Declaration and Platform for Action and of the Programme of Action of the International Conference on Population and Development. In particular, it regretted the absence of any reference to a “gender-responsive” approach. It considered that the sponsors had discarded the consensual gender-responsive language contained in the outcome documents of the review conferences and in resolution 44/16 without justification. However, given the importance of the topic, France would join the consensus in support of the draft resolution.

47. **Mr. Bichler** (Luxembourg) said that Luxembourg considered female genital mutilation to be a violation of the physical and psychological integrity of women and girls that undermined their rights to sexuality, health, security and to life; no tradition could justify the practice in the twenty-first century. It had long cooperated actively with development partners in West Africa and with the United Nations specialized agencies to put an end to the practice and supported an ambitiously worded draft resolution. It thus profoundly regretted the omission of agreed language on health care and sexual rights, including the term “gender-responsive”, and references to the outcome documents of the review conferences of important initiatives such as the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development.

48. However, his delegation would continue to cooperate actively with the Group of African States on the subject and would join the consensus on the draft resolution, while expressing the hope that future iterations would include more ambitious language, in the interests of the women and girl victims of female genital mutilation and other gender-based violations of their rights.

49. **Ms. Gerrits** (Netherlands) said that she failed to understand why some States would seek to weaken their commitment to eliminate female genital mutilation and considered that, by doing so, they were letting down the millions of women and girls that who had undergone or were at risk of suffering the practice. If States were not prepared to uphold the commitments made over the previous three decades and were unwilling to recognize the need to respond to the gender-based root causes of the harmful practice, it was difficult to imagine how they expected to eliminate female genital mutilation.

50. Female genital mutilation involved the cutting or partial or total removal of the clitoris, frequently the removal of the labia minora and sometimes even of part of the labia majora; in the most severe cases, the vaginal orifice was also narrowed. The practice, for which there was no medical justification, entailed numerous immediate and long-term consequences, including serious bleeding and infection, painful sexual intercourse and increased risk of complications during childbirth; it clearly constituted a human rights violation. The practice could be eliminated only through coordinated and systematic, human-rights-based and gender-responsive efforts. Action must also be taken to address the sexual and reproductive health of women and girls who had undergone female genital mutilation. In view of the importance of her country’s unwavering commitment to the elimination of female genital mutilation, the Netherlands would join the consensus on the resolution, but called on the Group of African States to resume its leading role in the fight to end the atrocious violation of human rights of women and girls.

51. *Draft resolution A/HRC/50/L.15/Rev.1 was adopted.*

Draft resolution A/HRC/50/L.20, as orally revised: The rights to freedom of peaceful assembly and of association

52. **The President** said that the proposed amendments contained in documents [A/HRC/50/L.54](#) and [A/HRC/50/L.55](#) had been withdrawn by the sponsor.

53. **Mr. Bálek** (Czechia), introducing the draft resolution on behalf of the main sponsors, namely Indonesia, Lithuania, Maldives, Mexico, the United States of America and his own delegation, said that the text was intended to renew the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association under the same terms as established in Council resolution 15/21. The draft resolution included key elements adopted by the Council over the previous three years related to the enjoyment of the rights, wherever exercised, online and offline, in times of crisis or emergency or simply in daily life. In addition, some changes had been introduced in an effort to address different views and to allow for the draft resolution to be adopted by consensus.

General statements made before the decision

54. **Mr. Hovhannisyan** (Armenia), noting the inclusive and constructive nature of the negotiations on the text, said that his delegation hoped the draft resolution would be adopted by consensus. Recent health emergencies had underlined the need to strike a delicate balance between public safety and many fundamental freedoms. The draft resolution captured specific challenges and opportunities afforded by information and communications technologies and the digital space in respect of the realization of the rights to freedom of peaceful assembly and of association. It also stressed the vulnerabilities that might lead to abuses, such as unlawful surveillance, Internet shutdowns and other undue restrictions on fundamental freedoms. Armenia, which was undertaking wide-ranging reforms in the area, appreciated the emphasis put on civil society actors and media workers and the call for States to create an enabling environment for their activities in relation to peaceful assembly and association. Armenia welcomed the renewal of the Special Rapporteur's mandate as an important mechanism for international cooperation. Noting that a number of individual and collective rights were dependent on the full and equal realization of the right to freedom of peaceful assembly and of association, he said that Armenia looked forward to future iterations of the draft resolution.

55. **Mr. Staniulis** (Lithuania) said that, despite the Special Rapporteur's significant efforts, the rights to freedom of association and of assembly were increasingly challenged in the world. The sponsors had conducted open and inclusive consultations and had sought to take into account all the concerns and recommendations expressed by the participants. Freedom of association and of assembly enabled the enjoyment of all other rights and therefore required the Council's support. His delegation invited Council members to adopt the draft resolution by consensus, as in the past.

56. **Ms. Filipenko** (Ukraine) said that Ukraine strongly supported the balanced and bold text of the draft resolution. It welcomed the renewal of the Special Rapporteur's mandate and the incorporation of new language focused on the digital context, funding of civil society actors and access to justice. The introduction of a reference to crisis situations was of particular importance to Ukraine, in view of the gross and systematic suppression of freedom of assembly and association on the territories of Ukraine, temporarily occupied by the Russian Federation, including the Autonomous Republic of Crimea and the city of Sevastopol, where the Russian occupation authorities engaged in violent and consistent attacks on civic space, persecuted any form of dissent and imposed their oppressive domestic legislation contrary to international law. Her delegation believed that the Council had a duty to continue safeguarding fundamental freedoms, including the freedoms of peaceful assembly and association. Ukraine would join the consensus on the draft resolution and called on all Council members to do the same.

57. **Ms. Taylor** (United States of America) said that the United States strongly supported the draft resolution and encouraged all Council members to adopt it by consensus. The renewal of the Special Rapporteur's mandate was critical in the light of the increased crackdowns on civic space and fundamental freedoms around the world, including during the COVID-19 pandemic and since the brutal and unjustified further invasion by Russia of

Ukraine. Democracy and human rights were essential for peace and stability. Governments that supported an open, accessible, inclusive, empowered and fully functioning civil society and ensured the rights to freedoms of peaceful assembly and of association were more stable, prosperous and resilient, and respect for human rights and fundamental freedoms was the foundation for peace, stability, security and inclusive economic growth.

58. **The President** announced that 25 States had joined the sponsors of the draft resolution. The programme budget implications of the draft resolution had been published on the Council's extranet. The activities provided for in the draft resolution were considered perennial in nature and the related provisions had already been included under the programme budgets for the relevant years. Accordingly, no additional resources were required.

59. **Mr. Mao Yizong** (China), speaking in explanation of position before the decision, said that China protected the rights to freedom of peaceful assembly and of association, but recognized that those freedoms and rights were not absolute. It was stipulated in the relevant human rights conventions that, in exercising those rights, citizens must obey the law and not challenge public safety and security or the legitimate rights and freedoms of others.

60. His delegation had participated actively in the negotiations on the draft resolution and, with other countries, had proposed some constructive amendments. It welcomed the sponsors' agreement to some of its proposals, but was nevertheless of the view that the draft resolution contained shortcomings in respect of the financing of non-governmental organizations and lacked objectivity and balance, thus undermining the legal sovereignty of States. For those reasons, China would dissociate itself from the consensus on the draft resolution.

61. *Draft resolution A/HRC/50/L.20, as orally revised, was adopted.*

Draft resolution A/HRC/50/L.22/Rev.1, as orally revised: Elimination of all forms of discrimination against women and girls

62. **Mr. Ballinas Valdés** (Mexico), introducing the draft resolution on behalf of the main sponsors, namely Argentina, Chile and his own delegation, said that the text was focused on the importance of the full and effective participation of girls and young women in public life in conditions of equality.

63. The text recognized the substantial role played by young women and girls as agents of change and highlighted the importance of enabling, facilitating and encouraging their participation in decision-making processes and strengthening their capacity for action, autonomy and leadership. Specific legislation and public policy were needed to promote and protect their right to freedom of expression, association and peaceful protest through participation in organizations, networks and digital spaces. All stakeholders should work to ensure that girls and young women could form and convey their opinions freely without discrimination or violence. The personal development of young women and girls had a direct impact on the creation of just, inclusive and sustainable societies.

64. The draft resolution provided for the extension for a period of three years of the mandate of the Working Group on discrimination against women and girls, which had contributed to improving the Council's understanding of the priority concepts and challenges. The main sponsors regretted that, despite the holding of informal and bilateral meetings and their efforts to produce a balanced text reflecting common solutions, a large number of amendments had been proposed. The importance of the topic demanded that the Council members should speak with one voice, for the sake of all girls and women; it was therefore hoped that the draft resolution would be adopted by consensus, as in the past.

65. **The President** said that the proposed amendments to the draft resolution, as orally revised ([A/HRC/50/L.24](#), [A/HRC/50/L.38](#), [A/HRC/50/L.39](#), [A/HRC/50/L.40](#) as orally revised, [A/HRC/50/L.43](#), [A/HRC/50/L.45](#), [A/HRC/50/L.46](#) and [A/HRC/50/L.47](#)) would be considered separately. Three proposed amendments ([A/HRC/50/L.41](#), [A/HRC/50/L.42](#) and [A/HRC/50/L.44](#)) had been withdrawn by their sponsors.

66. **Ms. Al Farsy** (Observer for Saudi Arabia), introducing the proposed amendment contained in document [A/HRC/50/L.24](#), said that her delegation hoped that its wording would help to resolve issues faced by her and other delegations in a manner consistent with

their beliefs and customs, while respecting the principles of the Council. Based on the language of international instruments, the amendment addressed her delegation's reservations in respect of paragraphs 7 and 8 of the draft resolution, which were not in line with the beliefs and customs of her country's people. Her delegation hoped that Council members would support the proposed amendment.

67. **Ms. Oduwaiye** (Observer for Nigeria), introducing the proposed amendments contained in documents [A/HRC/50/L.38](#) and [A/HRC/50/L.39](#), said that Nigeria remained fully committed to the elimination of all forms of discrimination against women and girls and recognized the important role played by the Council in that regard. However, her delegation could not support the inclusion of a reference to the prohibition of discrimination on the basis of "gender", given that all relevant United Nations human rights treaties referred to the prohibition of discrimination on the basis of "sex". Draft resolution [A/HRC.50/L.22/Rev.1](#) constituted a classic case of misrepresentation, misinterpretation, and violation of relevant paragraphs of international human rights law. In addition, the inclusion of the controversial concept "intersecting forms of discrimination" was unacceptable owing to its ambiguous scope and the absence of a clear definition of the term in international law. Her delegation was disappointed that alternative, consensus-based language proposed by it and other delegations had not been acceptable to the sponsors of the resolution.

68. The first of the proposed amendments consisted of a proposal to replace the phrase "intersecting forms of discrimination" with "compounded forms of discrimination". The second proposed amendment contained a proposal to replace the phrase "comprehensive sexuality education" which the majority of Member States had consistently rejected, with consensus-based language from articles 5 and 14 of the Convention on the Rights of the Child. She wished to recall that the international technical guidance on sexuality education was not the result of intergovernmental negotiations and had never enjoyed the endorsement of Member States. The consensus-based language of the General Assembly remained authoritative for guiding the decisions of the Human Rights Council. For those reasons, she requested Council members to vote in favour of the two proposed amendments.

69. **Mr. Moharam** (Observer for Egypt), introducing the proposed amendment contained in document [A/HRC/50/L.40](#), as orally revised, said that it had been stated in clear terms at the International Conference on Population and Development of 1994 that abortion should in no case be promoted as a method of family planning. Likewise, the Beijing Declaration and Platform for Action had reaffirmed that every effort should be made to reduce the recourse to abortion through expanded and improved family planning services. There was scientific evidence that unlimited access to abortion was dangerous to the long-term health of women, and the preamble of the Convention on the Rights of the Child clearly stated that children needed legal protection before as well as after birth.

70. In the twelfth preambular paragraph of the draft resolution, the term "unintended pregnancies" simply meant pregnancies that were unwanted from a family planning perspective, which went against international consensus. Aside from the fact that the use of the term "safe abortion" was an attempt to normalize abortion, and that it had not been used either at the International Conference on Population and Development or in the Beijing Declaration and Programme of Action, abortion was never truly safe because it constituted a risky operation in all cases. He wished to stress that even the Committee on the Elimination of Discrimination against Women did not endorse such a borderless definition of abortion. The proposed amendments were intended simply to align the text with internationally agreed language. He urged all the members to vote in favour of the proposed amendment.

71. **Ms. Al Abtan** (Observer for Iraq), introducing the proposed amendment to the draft resolution, as orally revised ([A/HRC/50/L.43](#)), said she regretted that the main sponsors had preferred the expressions "sexual and reproductive rights" and "bodily autonomy" to the language of the relevant treaties. By referring to "sexual and reproductive rights", the sponsors of the draft resolution were attempting to elevate to the status of a stand-alone right a concept that was not recognized in international human rights law. The proposed amendment, drawing on language from article 12 of the International Covenant on Economic, Social and Cultural Rights, reaffirmed the right of everyone to enjoyment of the highest attainable standard of physical and mental health, including but not limited to sexual and reproductive health. It also proposed that the term "bodily autonomy" should be deleted, as

it was being used to promote practices that were illegal in most countries and had no basis in international human rights law. The proposed amendment contained in document [A/HRC/50/L.45](#) was sponsored by 16 other delegations, and she requested all Council members to vote in favour of it.

72. **Ms. Sukacheva** (Observer for the Russian Federation), introducing three proposed amendments ([A/HRC/50/L.45](#), [A/HRC/50/L.46](#) and [A/HRC/50/L.47](#)), said that women and girls must be able to express their views on issues directly related to them; at the same time, as girls were children, they were covered by the special protection measures of the Convention on the Rights of the Child. It was unfortunate that, instead of ensuring safe conditions for the participation of children in processes that had an impact on them, the sponsors of the draft resolution were exposing them to an unjustified risk of abuse. It was important to bear in mind the level of physical and mental maturity of each child as well as the rights and vital guiding role of parents and guardians. Her delegation was concerned about the granting of special rights to certain groups – here, women and girl human rights defenders – since such an approach ran counter to the principle of the universality of human rights.

73. By referencing, in the third preambular paragraph of the draft resolution, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, while omitting mention of the General Assembly, the sponsors had chosen to cite conferences with a limited number of participants in order to legitimize ambiguous concepts not recognized at the international level. Since the draft resolution contained numerous provisions that were questionable in terms of international law, she called on States to vote in favour of the proposed amendments submitted by her delegation. If those proposed amendments were not approved, the Russian Federation would not consider the draft resolution as consensus-based and would not support it. Furthermore, her Government would reserve the right to interpret the text in the context of its international legal obligations and national legislation.

74. **Mr. Ballinas Valdés** (Mexico) said that the sponsors of the draft resolution did not accept any of the proposed amendments, which undermined the purpose of the draft resolution. He urged members to vote against each proposed amendment.

75. **The President** said that 14 States had joined the sponsors of the draft resolution. He invited members of the Council to make general statements on the draft resolution, as orally revised, and the proposed amendments.

76. **Mr. Manley** (United Kingdom) said that girls and young women around the world played crucial roles as human rights defenders and agents of change, and their activism was integral to the advancement of gender equality and human rights. His Government was proud to defend and promote universal access to comprehensive sexual and reproductive health care and rights, including safe abortion. He was grateful to the delegation of Mexico for the inclusive and transparent negotiations held on the draft resolution. He regretted the proposed amendments, which were intended to undermine the agency of women and girls, making it harder to build more resilient, prosperous and safe societies. His delegation strongly supported the text and would vote against all the proposed amendments.

77. **Mr. Bal** (Mauritania), commending the main sponsors on the spirit of cooperation and consensus that they had shown throughout the negotiations, said that the active, free and meaningful participation of women in decision-making and the elimination of discrimination and violence against women were a prerequisite to the full enjoyment of girls' and women's fundamental rights. The family unit was the basic building block of society, and as such it constituted an essential environment for the support of women and girls. It was in that context that his delegation and the delegation of Egypt had proposed amendments aimed at strengthening the text. Although not all their proposals had been accepted, the draft resolution, as orally revised, represented an acceptable compromise.

78. **Ms. Taylor** (United States of America), thanking the main sponsors for the transparent and open negotiations that they had conducted, said that the draft resolution contained critical concepts for the advancement of the health and human rights of women and girls. Her Government supported the full, effective and meaningful participation of all women and girls in public life and was in favour of a gender-responsive COVID-19 response and recovery process. The United States recognized the impact of multiple and intersecting

forms of discrimination and continued to support sexual and reproductive health and rights, recognizing the importance of evidence-based comprehensive sexuality education in addressing adolescent pregnancies. Advancing gender equity and equality benefited all citizens. Her delegation fully supported the draft resolution and would vote against all the proposed amendments.

79. **Mr. Lee Taeho** (Republic of Korea) said that the main sponsors had consistently shown strong leadership in the area of gender equality and women's empowerment. The theme of the draft resolution was timely and pertinent, given that multiple and intersecting barriers and stereotypes continued to hinder the effective participation of young women and girls in public and political life. It was especially noteworthy that the draft resolution addressed access to inclusive, good-quality education as a way to promote digital inclusion and literacy. The text was the result of a transparent and open negotiating process. His delegation fully supported it, including the renewal of the mandate of the Working Group on discrimination against women and girls. His delegation would vote against the proposed amendments and called upon all Council members to do the same.

80. **Mr. Bálek** (Czechia), speaking on behalf of the States members of the European Union that were members of the Council, said that equality and non-discrimination were basic principles under international human rights law. Despite the progress made since the entry into force of the Convention on the Elimination of All Forms of Discrimination against Women over forty years ago, discrimination against women and girls and impunity for the violation of their rights persisted in both the private and public spheres, online and offline, in times of conflict and times of peace, and in all regions of the world. The European Union was therefore concerned about the pushback against gender equality evidenced by the multiple proposed amendments to the draft resolution.

81. Any arbitrary restrictions on women's rights to freedom of expression, association and peaceful assembly would run contrary to States' obligations under international law, which allowed for restrictions on such rights only where necessary to protect public safety, order, health, morals, or the fundamental rights and freedoms of others. He rejected the amendments that deliberately confused the right to freedom of expression with the right to be heard in article 12 of the Convention on the Rights of the Child. He also deeply regretted the amendments that called into question women's and girls' rights to autonomous decision-making, including with respect to their bodies. According to the World Health Organization, pregnancy and childbirth complications were the leading cause of death among girls aged 15 to 19 years globally. Therefore, the reference to "universal access to sexual and reproductive health services and evidence-based information and education" had a rightful place in the draft resolution. States had an obligation to respect, protect and fulfil women's right to sexual and reproductive health free from coercion and violence; failing to do so had a tremendous impact on their capacity to participate in public life on an equal footing with men. For all those reasons, the States members of the European Union that were members of the Council would vote against the proposed amendments to the draft resolution, and called on others to do the same.

82. **Ms. Macdonal Alvarez** (Plurinational State of Bolivia) said that the draft resolution highlighted a number of challenges to advancing the right of women and girls to full and equal participation in public life. Bolivia was sponsoring the draft resolution in the light of the 2019 coup on its territory during which girls and women had been subjected to violence, including sexual violence, and gender-based discrimination. Lifting any barriers that prevented women and girls from reaching their potential was a priority, and efforts must be made not to lose any of the ground gained. Her delegation would vote in favour of the draft resolution and urged others to do the same.

83. **The President** said that the programme budget implications of the draft resolution had been published on the Council's extranet. The activities provided for in the draft resolution were considered perennial in nature and the related provisions had already been included under the programme budgets for the relevant years. Accordingly, no additional resources were required. He invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.24](#).

Statements made in explanation of vote before the voting

84. **Mr. Rosales** (Argentina) said that sex education and information on reproductive health must be evidence-based to ensure that young women and girls could make informed decisions about their health, including how to avoid risky sexual behaviours, unplanned pregnancies and sexually transmitted diseases. His delegation would vote against the proposed amendment and called on other members of the Council to do the same.

85. **Mr. Bichler** (Luxembourg) said that the proposed amendment called into question a woman's autonomy to decide on matters concerning her own body without facing coercion, discrimination or violence; it therefore ran counter to the very goal of the draft resolution. His delegation was deeply concerned that the progress made in the areas of gender equality and women's and girls' right to sexual and reproductive health was now being challenged. In the context of the COVID-19 pandemic, restrictions on sexual and reproductive health services could have devastating impacts on the health of women and girls, and they represented a major setback for women's rights. Luxembourg was firmly opposed to the rollback of any of the social and legislative progress achieved during the preceding ten years. Therefore, his delegation would vote against the proposed amendment and encouraged all Council members to do the same.

86. **Mr. Staniulis** (Lithuania) said that the proposed amendment aimed to undermine the right of women and girls to make informed and autonomous decisions. He wished to remind the Council that the phrase "access to sexual and reproductive health services, education and information" was in line with the agreed language of target 3.7 of the Sustainable Development Goals. Evidence-based sexual and reproductive health information and education enabled young women and girls to make informed choices about their health, relationships and sexuality, and navigate a world where their health and well-being were still under threat. Objective, peer-reviewed evidence demonstrated that it led to reduced rates of unplanned pregnancy, HIV and other sexually transmitted infections, as well as to increased positive behaviours associated with sexual and reproductive health. He also wished to recall that the phrases "gender-specific and intersectional" and "human rights-based and gender-responsive approach in their responses and recovery strategies to the COVID-19 pandemic" were agreed language drawn from Council resolution 44/17. For those reasons, his delegation would vote against the amendment and called on others to do the same.

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

In favour:

Cameroon, China, Eritrea, Gabon, Gambia, Kazakhstan, Libya, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates.

Against:

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

Abstaining:

Benin, Brazil, Côte d'Ivoire, India, Indonesia, Malaysia, Uzbekistan.

88. *The proposed amendment contained in document [A/HRC/50/L.24](#) was rejected by 24 votes to 14, with 7 abstentions.*

89. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.38](#).

Statements made in explanation of vote before the voting

90. **Ms. Méndez Escobar** (Mexico) said that the special procedures of the Human Rights Council and the human rights treaty bodies had recognized that women and girls who faced multiple and intersecting forms of discrimination, such as those with disabilities, those who lived with HIV, and those who belonged to indigenous communities and ethnic minorities, experienced a disproportionately high rate of human rights violations. Likewise, at the Fourth

World Conference on Women: Action for Equality, Development and Peace, States had recognized that many women faced additional barriers to the enjoyment of their human rights owing to factors such as their race, language, ethnicity, culture, religion and socioeconomic class. References to multiple, intersecting and systemic forms of discrimination had been used in numerous Council resolutions on topics ranging from the right to work to the rights of indigenous peoples. In order to challenge damaging gender stereotypes, segregation and exclusion, it was crucial to tackle the underlying causes of the discrimination and violence faced by women and girls. That was only possible by analysing all grounds of discrimination and the effect produced when they intersected. Her delegation would vote against the proposed amendment, which sought to deny that women and girls faced multiple and intersecting challenges on account of their gender, and asked all Council members to do the same.

91. **Ms. Taylor** (United States of America) said that many United Nations documents recognized that women and girls were subjected to multiple, intersecting and systemic forms of discrimination. It was a fact that individuals could be subjected to systemic discrimination and discrimination based on more than one perceived characteristic, and recognizing that fact was an important foundation for identifying ways to eliminate discrimination against women and girls. By contrast, the phrase “compounded forms of discrimination” was not a term commonly used in United Nations documents, and its meaning was unclear. United Nations documents also increasingly recognized the importance of women’s and girls’ bodily integrity and autonomy and the resulting discrimination and gender-based violence that occurred when women’s and girls’ bodily integrity and autonomy were disregarded. Respect for women’s and girls’ dignity, bodily integrity and autonomy was critical to eliminating discrimination against them, and thus, that language belonged in the draft resolution.

92. No person should be subjected to discrimination based on their gender, and it was difficult to contemplate a resolution on eliminating discrimination against women and girls that did not address gender-based discrimination. In that context, therefore, the more inclusive term “gender” was preferable to “sex”. She encouraged delegations to join hers in voting against the proposed amendment contained in document [A/HRC/50/L.38](#).

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

In favour:

Benin, Cameroon, China, Eritrea, Gambia, Kazakhstan, Libya, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates.

Against:

Argentina, Armenia, Bolivia (Plurinational State of), Czechia, Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, 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:

Brazil, Côte d’Ivoire, Gabon, India, Indonesia, Malaysia, Namibia, Uzbekistan.

94. *The proposed amendment contained in document [A/HRC/50/L.38](#) was rejected by 23 votes to 14, with 8 abstentions.*

95. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.39](#).

Statements made in explanation of vote before the voting

96. **Mr. Rosales** (Argentina) said that Argentina was against the proposed removal of the reference to universal access to comprehensive sexuality education from the draft resolution. Such education was enshrined in numerous Council resolutions and removing it would constitute a backward step in the fulfilment of women’s and girls’ rights. Comprehensive sexuality education that was age-appropriate taught young people about human rights, gender equality, respect for others and consent. It empowered young women and girls to stand up for their rights, reduced gender-based violence and helped people to form stronger and more

respectful relationships. In addition, it was essential for reducing rates of sexually transmitted diseases and unwanted pregnancies, which were a main driver of school dropout among girls. Comprehensive sexuality education contributed to ensuring that everyone had enough information to make decisions on matters related to sex and reproduction in a free and responsible manner. His delegation would vote against the proposed amendment and called on other Council members to do the same.

97. **Mr. Bálek** (Czechia) said that comprehensive sexuality education played an important role in actions aimed at eliminating all forms of discrimination against women and girls. Moreover, it was a technical term used at the United Nations and at intergovernmental meetings in different regions of the world, and it had previously been employed in texts adopted by the Council. It was worth noting that the relevant paragraph in the draft resolution included the qualifier “evidence-based”. Therefore, the draft resolution as drafted by the main sponsors already represented a balanced compromise. His delegation would vote against the proposed amendment and called on all Council members to do the same.

98. **Mr. Bonnafont** (France) said that France opposed the amendment, including the removal of the reference to “evidence-based comprehensive sexuality education”. Comprehensive sexuality education was necessary to promote equality between girls and boys, to combat stereotypes, and to better prevent and combat all forms of discrimination and violence against women and girls. It was absolutely compatible with respect for cultures and with the central responsibility of parents and families. Furthermore, it allowed young people to take informed decisions; it changed lives and had a positive impact on public health. The draft resolution did not envisage replacing the role of the family, but rather provided for the sharing of responsibility between parents and education institutions. Lastly, “evidence-based comprehensive sexuality education” was agreed language that had been included in previous resolutions. His delegation called on Council members to vote against the amendment.

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

In favour:

Cameroon, China, Eritrea, Gambia, India, Indonesia, Kazakhstan, Libya, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates.

Against:

Argentina, Bolivia (Plurinational State of), Czechia, Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Malawi, 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:

Armenia, Benin, Brazil, Côte d’Ivoire, Gabon, Namibia, Uzbekistan.

100. *The proposed amendment contained in document [A/HRC/50/L.39](#) was rejected by 22 votes to 16, with 7 abstentions.*

101. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.40](#), as orally revised.

Statements made in explanation of vote before the voting

102. **Ms. Méndez Escobar** (Mexico) said that her delegation opposed the proposed amendment, which sought to limit the powers of States to decide their own laws in the area of health. The amendment would also undermine efforts to prevent teenage pregnancy and was therefore contrary to the protection of the human rights of women and girls and to the principle of the best interests of the child. Teenage pregnancy could involve complications that endangered the mother’s life and could limit the effective enjoyment of the rights to education, recreation and an adequate standard of living. Her delegation would vote against the amendment and called upon others to do likewise.

103. **Mr. Bekkers** (Netherlands) said that his delegation supported the draft resolution presented by the main sponsors and could not support the amendment. The reference to safe

abortion drew on language from the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action, agreed almost 30 years previously. The term had been used in many Council resolutions since then and had never been contested; it was also in line with articles 12 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women. Moreover, the draft resolution explicitly referred to safe abortion “when not against national law”. It did not impose any obligations on States to implement a particular form of legislation. The amendment was unacceptable because it imposed restrictions on States and undermined carefully balanced multilateral agreements concerning abortion.

104. Improving access to family planning services was critical for preventing unplanned pregnancies and the need for abortion. The majority of countries around the world allowed safe abortion under certain circumstances, for instance, to save the life or preserve the health of the woman, when the pregnancy was the result of rape or incest, or in cases of fetal impairment. The World Health Organization and numerous human rights bodies recognized that failure to provide access to safe abortion compelled women to risk their lives and health by seeking unsafe abortion services.

105. The proposed amendment, which concerned a paragraph that aimed to strengthen the realization of the right to health, constituted a regression from the common international commitment to prevent avoidable maternal morbidity and mortality. In the light of the Council’s duty to uphold the highest human rights standards and not dilute existing commitments, the Netherlands would vote against the proposed amendment and called on all other Council members to do the same.

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

In favour:

Cameroon, China, Eritrea, Gabon, Gambia, Kazakhstan, Libya, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates.

Against:

Argentina, Armenia, Bolivia (Plurinational State of), 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, Brazil, Côte d’Ivoire, India, Indonesia, Malawi, Malaysia, Namibia, Uzbekistan.

107. *The proposed amendment contained in document [A/HRC/50/L.40](#), as orally revised, was rejected by 22 votes to 14, with 9 abstentions.*

108. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.43](#).

Statements made in explanation of vote before the voting

109. **Ms. Méndez Escobar** (Mexico) said that her delegation opposed the amendment, which sought, *inter alia*, to delete the reference to reproductive rights. It was globally recognized that reproductive rights were an integral part of human rights; they had been enshrined in the Programme of Action of the International Conference on Population and Development and the Beijing Declaration and Platform for Action and reaffirmed in numerous intergovernmental documents negotiated by the Council, the General Assembly, the Commission on the Status of Women and the Commission on Population and Development. Reproductive rights were essential for the full realization of all human rights, including the rights to life, health, equality and non-discrimination, and privacy. Consequently, Mexico would vote against the amendment and called on the other Council members to do the same.

110. **Ms. Stasch** (Germany) said that the amendment went against the aim of the draft resolution, as it sought to deny that reproductive rights were human rights and that they were

relevant for adolescents and young women. It also denied the importance of the right to bodily autonomy, which protected women and girls from human rights violations and sexual and gender-based violence. Germany therefore strongly opposed the amendment.

111. Reproductive rights had been recognized for almost 30 years, having been reaffirmed in many declarations, agreements and resolutions, including those of the Council. She therefore called upon the Council to continue to speak up for the rights of women and girls, and to speak out against violence and discrimination. She encouraged the other Council members to join Germany in voting against the amendment.

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

In favour:

Cameroon, China, Eritrea, Indonesia, Libya, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates.

Against:

Argentina, Armenia, Bolivia (Plurinational State of), Brazil, Czechia, Finland, France, Germany, Honduras, India, Japan, Lithuania, Luxembourg, Malawi, 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, Côte d'Ivoire, Gabon, Gambia, Kazakhstan, Namibia, Uzbekistan.

113. *The proposed amendment contained in document [A/HRC/50/L.43](#) was rejected by 25 votes to 13, with 7 abstentions.*

114. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.45](#).

Statements made in explanation of vote before the voting

115. **Mr. Ballinas Valdés** (Mexico) said that the amendment sought to negate the contribution that girls could make in promoting and defending their own human rights and their potential to express concern about issues affecting them. He recalled that article 12 of the Convention on the Rights of the Child stated that children had the right to express their views freely in all matters affecting them, with those views being given due weight. In addition, the Committee on the Rights of the Child had devoted its general comment No. 12 to the right of the child to be heard, in which it called upon States to support and encourage children's organizations and child-led initiatives.

116. In recent years, girls had been at the forefront of the defence of human rights; they had addressed important forums such as the General Assembly, and one had even been awarded the Nobel Peace Prize. Their vision, courage and political sensitivity should be recognized and celebrated. It was also essential for girls and young women to engage in matters affecting them so that they would have a better chance of addressing global problems. Consequently, Mexico would vote against the amendment and encouraged other members of the Council to do likewise.

117. **Ms. Stasch** (Germany) said that women and girls were crucial agents of change whose voices were vital for the protection, promotion and fulfilment of human rights. Regrettably, the amendment denied the role played by female human rights defenders and girl- and youth-led organizations in such efforts. The amendment was therefore inconsistent with the Council's long-standing commitment to support women and girls, their human rights and their agency. Women and girls should be able to speak up for themselves and be involved in the making of decisions that affected them. Moreover, civil society engagement was crucial for addressing current challenges, as the Council had recognized previously. Germany would vote against the amendment and called on other Council members to do the same.

118. **Mr. Lanwi** (Marshall Islands) said that, as girls and young women continued to face significant barriers to their effective participation in all areas of society, it was imperative to support their autonomy and to defend and advocate for their rights. The amendment sought to stifle girls' and women's autonomy by deleting the references to female human rights

defenders and girl- and youth-led organizations from paragraphs intended to promote an enabling environment for their participation. The Council should continue to empower female human rights defenders and the organizations that they led. Amendments that sought to exclude their participation were consistent with the misogyny and patriarchal inequality that the draft resolution aimed to eliminate. For those reasons, the Marshall Islands would vote against the amendment and urged other Council members to do the same.

119. **Mr. Manley** (United Kingdom) said that his delegation regretted that amendments had been proposed in respect of such an important resolution and it objected strongly to the amendment submitted by Russia, which was wholly unnecessary and aggressive in its intent. Empowering women and girls to participate in public life was an important step towards universal gender equality. The right to participate in public life was covered by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women. The participation of girl- and youth-led organizations in decision-making processes was also key to achieving the Sustainable Development Goals.

120. Over 40 per cent of the world's inhabitants were aged 24 years or younger. Young people were an essential driving force towards a more equal world: they could not and should not be excluded. Indeed, girl- and youth-led organizations should be empowered to play an active role in political processes. For the stated reasons, the United Kingdom would vote against the amendment and encouraged the other Council members to do likewise.

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

In favour:

China, Eritrea, Mauritania, Pakistan, Senegal, Somalia, Sudan.

Against:

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

Abstaining:

Benin, Cameroon, Côte d'Ivoire, Gabon, Gambia, Indonesia, Kazakhstan, Malaysia, Qatar, United Arab Emirates, Uzbekistan.

122. *The proposed amendment contained in document [A/HRC/50/L.45](#) was rejected by 25 votes to 7, with 11 abstentions.*

123. **The President** invited the Council to take action on the proposed amendment contained in document [A/HRC/50/L.46](#).

Statements made in explanation of vote before the voting

124. **Ms. Milačić** (Montenegro) said that the Council had consistently spoken out against discrimination against women and girls, which remained a sad reality around the world. The commitment of the international community to the human rights of women and girls was anchored in various consensual agreements and resolutions. The Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences were key milestones in that regard. However, the amendment proposed to include non-agreed language, by inserting the words "as adopted by the General Assembly", with a view to excluding important regional and intergovernmental agreements and frameworks. The amendment therefore ran counter to States' commitments under the 2030 Agenda for Sustainable Development and to the objective of the draft resolution itself, namely to ensure the rights of women and girls to speak out against discrimination. Montenegro would therefore vote against the amendment and called on other Council members to do the same.

125. **Mr. Rosales** (Argentina) said that the proposed amendment would limit recognition of gender equality and the condemnation of discrimination and violence against women and

girls to the outcome documents that had been adopted by the General Assembly, whereas the third preambular paragraph of the draft resolution was based on agreed language that had been used for many years, including in target 5.6 of the Sustainable Development Goals. The outcome documents of review conferences included those adopted by the Commission on the Status of Women and the International Conference on Population and Development. The review conferences in question had taken place under the auspices of the United Nations and the States of the regions concerned had been able to attend them. Furthermore, the outcome documents were crucial tools for implementing health, education and human rights commitments and for addressing violence against women and girls. For those reasons, Argentina would vote against the proposed amendment and invited the other Council members to do the same.

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

In favour:

China, Eritrea, India, Indonesia, Libya, Mauritania, Pakistan, Senegal, Somalia, Sudan.

Against:

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

Abstaining:

Armenia, Benin, Brazil, Cameroon, Côte d'Ivoire, Gabon, Gambia, Kazakhstan, Malaysia, Qatar, United Arab Emirates, Uzbekistan.

127. *The proposed amendment contained in document [A/HRC/50/L.46](#) was rejected by 22 votes to 10, with 12 abstentions.*

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

Statements made in explanation of vote before the voting

129. **Ms. Kauppi** (Finland) said that her delegation supported the draft resolution as submitted by the main sponsors and believed that the proposed amendment would seriously weaken the text and undermine the purpose of the draft resolution.

130. According to the Convention on the Rights of the Child – the most widely ratified international human rights instrument – all children had the right to freedom of expression, a right which included the freedom to seek, receive and impart information and ideas, regardless of frontiers and through any medium of the child's choice. Children also had the rights to freedom of association and to freedom of peaceful assembly. Those rights could only be restricted for a few reasons, such as the protection of national security and public safety. Furthermore, the Committee on the Rights of the Child had raised awareness of multiple forms of discrimination against girls and the importance of focusing on girls in order to break the cycle of harmful traditions and prejudices. While families and family members played an important role in children's lives, their role could not be used as an excuse to undermine girls' rights as enshrined in international conventions. Parents and legal guardians had obligations towards their children, who must be respected as important rights holders.

131. While in isolation the amendment might seem harmless, in fact it undermined the essence of the draft resolution, namely, to reaffirm girls' right to participate in public affairs free from discrimination and violence. That participation was also essential for equal and inclusive economic growth and sustainable development, the rule of law, good governance, peace and democracy. The delegation of Finland would vote against the proposed amendment and called on others to do likewise.

132. **Mr. Rosales** (Argentina) said that his delegation could not support the proposed amendment, which sought to limit the participation of girls in public life and decision-making processes. Girls' right to participation formed part of a package of interrelated and indivisible rights. It should not be conditional upon their "evolving capacities", a concept that appeared

in the Convention on the Rights of the Child as a reminder that parents and guardians did not have an absolute right to provide direction and guidance. The right to participate contributed to the empowerment of children and adolescents and should be considered a fundamental right, deriving from the recognition that all human beings had the rights to equality and dignity and the capacity for self-determination. Moreover, article 12 of the Convention, which stated that children had the right to express their views freely in all matters affecting them, created an obligation for States to respect, protect and uphold that right. The amendment misused the concept of parental direction and was not consistent with the Convention. Argentina would vote against it and encouraged other members of the Council to do likewise.

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

In favour:

China, Eritrea, India, Indonesia, Libya, Malaysia, Mauritania, Pakistan, Qatar, Senegal, Somalia, Sudan.

Against:

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

Abstaining:

Armenia, Benin, Brazil, Cameroon, Côte d'Ivoire, Gabon, Gambia, Kazakhstan, United Arab Emirates, Uzbekistan.

134. *The proposed amendment contained in document [A/HRC/50/L.47](#) was rejected by 22 votes to 12, with 10 abstentions.*

135. **The President** invited the Council to take action on draft resolution [A/HRC/50/L.22/Rev.1](#), as orally revised.

Statements made in explanation of position before the decision

136. **Mr. Sall** (Senegal) said that his Government remained committed to ending all forms of discrimination against women and girls. For that reason, it had adopted legislation to protect women and girls and national policies to eliminate gender inequality. Furthermore, the country's Constitution prohibited all forms of discrimination, including sexual discrimination, and granted women the right of access to land, the right to alleviation of their conditions of life and the right to access health and welfare services. Married women had the right to own property on equal terms with their husbands and the right to manage their own property. The Constitution also prohibited the forced marriage of women and girls.

137. In the light of the country's social and cultural circumstances, the delegation had decided to join the consensus on the draft resolution; however, it wished to dissociate itself from the third and eleventh preambular paragraphs and paragraphs 4 (e), 6 (b) and 7, which contained controversial language on sexual and reproductive rights, abortion and comprehensive sexuality education. It also was of the view that the draft resolution should refer to "sex" rather than "gender" and that the terms "intersectionality" and "intersecting", which had no agreed legal definition, should be deleted.

138. **Mr. Suleman** (Pakistan) said that the promotion and protection of the rights of women and girls and the elimination of all forms of discrimination and violence remained the Council's collective endeavour. International human rights law clearly spelled out universal norms and values to combat discrimination against women and girls and allow them to enjoy fundamental rights and freedoms. The inclusive and equal participation of women and girls in society was crucial for combating discrimination and promoting gender equality.

139. During the consultations on the draft resolution, his delegation and others had underscored that the text should be aligned with international treaties and other negotiated and agreed language. As the focus of the text was women's and girls' participation in public life and decision-making, his delegation had urged the main sponsors to fully respect articles 12, 13, 14 and 15 of the Convention on the Rights of the Child, which highlighted the

importance of children's age, maturity and evolving capacities, as well as the duties of parents and legal guardians.

140. Pakistan strongly advocated the realization of women's and girls' fundamental rights. The realization of the right to health, including access to sexual and reproductive health care, was essential and must be respected. Challenges in that regard, relating to extreme poverty, socioeconomic inequality and resource constraints, should be overcome through a holistic approach.

141. Although some improvements had been made, several proposals had not been accommodated in the draft resolution; as a result, the text retained numerous controversial concepts that were not universally accepted. It did not fully comply with the provisions of the Convention on the Rights of the Child and other human rights instruments aimed at upholding women's rights and ensuring children's protection and well-being. Advancing women's rights should not entail reinventing international law; it required greater compliance with existing norms. Resolutions on such an important issue required a united voice, reflecting the collective will of all States. The delegation of Pakistan was willing to join the consensus, although it wished to dissociate itself from paragraphs 4 (e) and 7 and requested that, in the future, due consideration be given to its position.

142. **Ms. Padmasari** (Indonesia) said that Indonesia was deeply committed to ensuring women's enjoyment of their human rights and was steadfast in its efforts to prevent all forms of discrimination and violence against women and girls. It continued to protect, promote and fulfil the rights of women and girls in order to ensure their full, effective, inclusive and meaningful participation in all spheres of life, including public and political affairs. The Government addressed gender equality and women's and girls' empowerment through the national medium-term development plan and national action plan on human rights on the understanding that they were cross-cutting issues that required a whole-of-society approach.

143. Indonesia supported efforts to make the draft resolution consistent with the language and concepts of relevant international human rights instruments. It would continue to promote universal respect for the promotion of all human rights. To further promote women's and girls' full and equal participation and representation in policy- and decision-making, the delegation of Indonesia would join the consensus on the draft resolution.

144. **Mr. Bal** (Mauritania) said that Mauritania was resolutely committed to eliminating discrimination against women and girls and had incorporated the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child into its legal order. His delegation had actively participated in the negotiation of the draft resolution with a view to reaching a consensus on a balanced text. It was therefore regrettable that the concerns of several delegations had not been taken into account. The draft resolution referred to controversial notions such as "evidence-based comprehensive sexuality education" and ambiguous concepts such as the "right to sexual and reproductive health" and the "right to bodily autonomy", which did not enjoy international acceptance. Furthermore, references to abortion and to sexual and reproductive health must be in conformity with the language agreed in the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development. For those reasons, Mauritania had voted in favour of the amendments and requested the main sponsors of future iterations of the draft resolution to take its concerns into account in future sessions. His delegation joined the consensus on the understanding that Mauritania would interpret the draft resolution in the light of its national laws and international human rights obligations.

145. **Mr. Aljarman** (United Arab Emirates), speaking on behalf of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and his own delegation, said that the draft resolution was important for all societies that wished to empower women and girls and ensure the enjoyment of their rights. The countries on whose behalf he spoke rejected all forms of discrimination against women and girls and considered that it was necessary to create the conditions in which women could flourish, in keeping with the Islamic religion. In the informal consultations, their delegations had explained their position and put forward alternative language in respect of certain paragraphs. Regrettably, those positions had not been taken into account; as a result, the text contained concepts that ran counter to the laws, culture and

religion of the Gulf region. The delegations therefore joined the consensus but dissociated themselves with the sixth, eighth and eleventh preambular paragraphs and paragraphs 4 (b) and (f), 7, 8 and 10 of the draft resolution.

146. *Draft resolution [A/HRC/50/L.22/Rev.1](#), as orally revised, was adopted.*

The meeting rose at 12.15 p.m.