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

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Closure of the session

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The meeting was called to order at 4.30 p.m.

Agenda item 6: Universal periodic review (A/HRC/51/L.10/Rev.1)

Draft resolution A/HRC/51/L.10/Rev.1: Strengthening the voluntary funds for the universal periodic review mechanism of the Human Rights Council

1. **Mr. Machuca** (Argentina), introducing the draft resolution on behalf of the main sponsors, namely Armenia, Fiji, Norway, Pakistan, South Africa and his own delegation, said that the creation, in 2007, of the Voluntary Fund for Participation in the Universal Periodic Review and the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review had strengthened the promotion and protection of human rights and the implementation of international human rights norms throughout the world. The fifteenth anniversary of the two funds and the upcoming fourth cycle of the universal periodic review offered an important opportunity to reflect on achievements, good practices and lessons learned over the previous 15 years and to consider how to optimize the use of the funds to facilitate the participation of developing States, particularly least developed countries and small island developing States. The draft resolution included a recommendation to hold a high-level panel discussion on that topic at the Council's fifty-second session.

2. Strategic support from the United Nations for national efforts to implement the recommendations emanating from the universal periodic review was crucial if that mechanism was to continue to achieve its goals and improve the situation of human rights on the ground. For that reason, the draft resolution included a request to the Secretary-General to strengthen the regular budget-funded dedicated capacity of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to implement the mandates of the two funds. He hoped that the draft resolution would be adopted by consensus.

3. **The President** said that 20 additional States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$9,390,800.

General statements made before the decision

4. **Mr. Faisal** (Malaysia) said that the draft resolution was a timely and relevant initiative coinciding with the fifteenth anniversary of the two voluntary funds. The well-balanced text was forward-looking and underlined the significant impact that the funds had had on the universal periodic review process. Technical assistance and capacity-building were essential for the meaningful implementation of recommendations emanating from that process. He therefore supported the call to strengthen the capacity of the Universal Periodic Review Branch in the regional offices. He also welcomed the proposed high-level panel discussion, which would provide a good opportunity for the international community to reaffirm its collective commitments.

5. **Mr. Ahmad** (Pakistan) said that the universal periodic review was the Council's crowning success. It was a peer-driven mechanism that had advanced the principles of universality, non-selectivity, dialogue and constructive engagement in the promotion and protection of human rights. The recommendations emanating from the review had brought about real changes on the ground. The two voluntary funds had contributed to that process by facilitating the participation of developing countries. Thanks to the funds, in fact, 112 State delegations had been able to attend the universal periodic review and technical assistance had been provided to 76 countries around the globe.

6. The fifteenth anniversary of the funds and the upcoming fourth cycle of the universal periodic review constituted a befitting occasion to reflect on the optimal use of the funds, particularly in the light of their dwindling resources and the ever greater number of requests for support from developing countries. The proposed high-level panel discussion should be an exercise in collective reflection on how best to use the funds to facilitate the participation of developing countries, particularly least developed countries and small island developing States. The request to the Secretary-General to further strengthen the Universal Periodic Review Branch in each regional office was intended to help OHCHR respond promptly to requests from States. He hoped that all members would support the draft resolution as a demonstration of their commitment to the global human rights agenda.

7. **Ms. Kauppi** (Finland) said that the universal periodic review was a cornerstone of the Council, a unique process that had the aim of improving the situation of human rights on the ground. It was therefore important to ensure that all States were able to participate, and the two voluntary funds were vital tools for facilitating such participation and for strengthening the implementation of key human rights recommendations. Tangible results had been achieved with the support of the funds, and strengthening the capacity of OHCHR would ensure that that continued to be the case in the future. Finland welcomed the draft resolution and hoped that it would be adopted by consensus.

8. **Ms. Parquet Sosa** (Paraguay) said that the two voluntary funds were indispensable for the implementation of human rights obligations and of recommendations emerging from the universal periodic review and other human rights mechanisms. During the informal consultations on the draft resolution, her delegation, together with others, had proposed that landlocked developing countries should be expressly included in the list of nations that should benefit from the optimization of the use of the funds. In fact, landlocked developing countries suffered a geographical disadvantage that had serious consequences for their development; 32 of the 44 landlocked countries in the world were classified as “least developed”. Unfortunately, no account had been taken of those concerns, and for that reason her delegation was unable to join the sponsors. Nonetheless, Paraguay remained committed to all the Council’s assistance and cooperation mechanisms.

9. **Ms. Macdonal Alvarez** (Plurinational State of Bolivia) said that her Government recognized the importance of the two voluntary funds, but was disappointed that the draft resolution took no account of the request which her delegation, alongside others, had made that landlocked developing countries should be expressly included in the list of nations that should benefit from the optimization of the use of the funds. Thirty-two landlocked developing countries in the world were facing problems linked principally to the fact that they had no direct access to the sea and, consequently, to world markets, a state of affairs that severely affected their socioeconomic advancement. It was important to strengthen Human Rights Council mechanisms on a basis of equality, non-discrimination and international solidarity as principles for rectifying global imbalances and injustices. Nonetheless, her delegation would join the consensus on the draft resolution.

10. **Mr. Lee Taeho** (Republic of Korea) said that the fifteenth anniversary of the two voluntary funds provided an opportune backdrop against which to consider lessons learned. The high-level panel discussion envisaged in the draft resolution was all the more valuable in the light of the upcoming fourth cycle of the universal periodic review. The essence of the review mechanism lay in the concrete implementation of its recommendations on the ground. For that reason, his Government had contributed consistently to the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review. His delegation particularly welcomed the request in the draft resolution for the dedicated capacity of the Universal Periodic Review Branch in each OHCHR regional office to be strengthened in order to ensure the implementation of the funds’ mandates and to reinforce support for developing countries as they sought to implement universal periodic review recommendations. He hoped that the draft resolution would be adopted by consensus.

11. *Draft resolution [A/HRC/51/L.10/Rev.1](#) was adopted.*

Agenda item 8: Follow-up to and implementation of the Vienna Declaration and Programme of Action ([A/HRC/51/L.16/Rev.1](#) as orally revised and [A/HRC/51/L.48](#))

Draft resolution [A/HRC/51/L.16/Rev.1](#), as orally revised: National human rights institutions

12. **Ms. Pregellio** (Observer for Australia), introducing the draft resolution, as orally revised, said that her Government had always been a strong advocate for the work of national human rights institutions, which empowered individuals to understand and exercise their human rights and played a pivotal role in ensuring transparency and accountability. In the light of the forthcoming thirtieth anniversary of the adoption of the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), she wished to acknowledge the many States in all regions that had established or were strengthening their own national human rights institutions, in line with those Principles.

13. The draft resolution recognized the important role that such institutions had in addressing the human rights consequences of climate change, which was one of the greatest global challenges. Climate change had both direct and indirect effects on the realization of human rights, especially in developing countries, in particular small island developing States, least developed countries and landlocked developing countries. In that connection, national human rights institutions could play an important part by monitoring, reporting to and advising government bodies and other stakeholders on human rights in relation to climate change, in accordance with the principles of non-discrimination, participation, access to justice and accountability. Those efforts received vital support from the Global Alliance of National Human Rights Institutions (GANHRI) and OHCHR.

14. The text included a request to the Secretary-General to submit to the Human Rights Council, at its fifty-seventh session, a report on the implementation of the draft resolution, containing examples of best practices among national human rights institutions, and a report on the activities of GANHRI in accrediting national institutions in compliance with the Paris Principles. The draft had been revised in response to the input received and the concerns raised; she therefore hoped that it would be adopted by consensus.

15. **Mr. Eremin** (Observer for the Russian Federation), introducing the proposed amendment contained in document [A/HRC/51/L.48](#), said that the text of the draft resolution was not well balanced and used concepts and language that did not enjoy broad agreement or support. That was unfortunate, as the subject matter was extremely important. Although the sponsors sought the adoption of the text by consensus, they had introduced a proliferation of contradictory elements for which there was no legal foundation. His delegation was particularly concerned about the focus on climate-related issues, which were not directly related either to the subject of human rights or to the work of national human rights institutions. His delegation had consistently called for a division of labour among international organizations and among United Nations entities, but there seemed to be a deliberate attempt to blur the scope of the United Nations Framework Convention on Climate Change and to assign the Human Rights Council a role that was not a core part of its mandate. The text, for example, did not acknowledge that the impact of climate change on human rights was just one area of the activities of national human rights institutions.

16. The amendment proposed by his delegation ([A/HRC/51/L.48](#)), which concerned the twenty-eighth preambular paragraph, addressed just one of the ambiguities in the draft resolution. His delegation appreciated the sponsors' willingness to take account of that concern and had thus withdrawn the proposed amendment. Nonetheless, for the reasons he had given, his delegation wished to dissociate itself from the seventh, twenty-first, twenty-second and twenty-fourth to twenty-seventh preambular paragraphs and from paragraphs 8 (i) and (j).

17. **The President** announced that 16 States had joined the sponsors of the draft resolution, which had no programme budget implications.

General statements made before the decision

18. **Mr. Kelly** (United States of America) said that his Government recognized the invaluable role of national human rights institutions and was pleased to be one of the sponsors of the draft resolution, which included language about the role of such institutions in strengthening participation by civil society, indigenous peoples and persons belonging to minority groups. The United States supported the inclusion of language recognizing the impact of climate change on human rights, requesting OHCHR to enhance its work in that area and acknowledging that sudden and slow-onset disasters could directly and indirectly affect the full and effective enjoyment of human rights. His delegation also appreciated the recognition in the text that the impact of climate change could be compounded by multiple and intersecting forms of discrimination.

19. The United States strongly supported the participation of indigenous peoples in matters affecting their rights, just as it recognized the importance of free, prior and informed consent before the adoption and implementation of legislative or administrative measures that could affect them. Those were mutually reinforcing but distinct ways in which the rights and interests of indigenous peoples were respected. Even though private actors had no human

rights obligations under international law, the United States recognized that, under the Guiding Principles on Business and Human Rights, business entities had a responsibility to respect human rights regardless of whether or not they had made specific commitments to do so.

20. **Mr. Simas Magalhães** (Brazil) said that, while he supported the draft resolution, he regretted the fact that the text did not fully accommodate his country's concerns regarding language about climate issues. Specifically, Brazil dissociated itself from the seventh preambular paragraph because it could not support the revision that altered the wording of Human Rights Council resolution 50/9 of 7 July 2022 by removing the reference to the objectives and principles of the Paris Agreement. It was vitally important to preserve the climate change agreements reached under the umbrella of the United Nations Framework Convention on Climate Change, particularly the principle of common but differentiated responsibilities.

21. **Ms. Pujani** (India) said that national human rights institutions played a critical role in promoting and protecting human rights in a democratic polity. Her own country's National Human Rights Commission, which was accredited with A status, had served millions of citizens over the three decades of its existence. The draft resolution focused on the work of national human rights institutions in the context of climate change, which was unquestionably a serious global challenge. However, her delegation was concerned that such institutions lacked the necessary expertise to monitor, report to and advise government bodies on the design and implementation of mitigation and adaptation policies, as called for in the draft resolution. Excessive thematic attention to climate change detracted from the primary objective of the text by burdening national human rights institutions with other responsibilities.

22. Her delegation was grateful that one of its proposals had been incorporated as the seventh preambular paragraph, although it was disappointed that the proposal had been abridged and that there was no mention of the principles of equity, common but differentiated responsibilities or respective capabilities, which were the cornerstones of climate change discussions and were part of the Paris Agreement and the United Nations Framework Convention on Climate Change. The Conference of the Parties to the latter treaty was the main multilateral forum for addressing climate change, with a near universal membership, and its work should not be duplicated in the Council. Although the text in its current form lacked balance, her delegation would not block the consensus. However, it dissociated itself from all the preambular and operative paragraphs that referred to climate change, namely the seventh, twenty-first to twenty-fourth, twenty-sixth and twenty-eighth preambular paragraphs and paragraphs 8 (i) and (j).

23. **Mr. Lazdauskas** (Lithuania) said that his delegation supported the draft resolution, which reaffirmed the importance of national human rights institutions in the context of climate change. Regrettably, the adverse effects of climate change and its impact on human rights were being felt with ever-increasing frequency. National human rights institutions that were compliant with the Paris Principles could significantly contribute to human rights-centred climate change mitigation by monitoring, reporting to and advising government bodies and other stakeholders. Moreover, increased technical cooperation and capacity-building activities, as well as the report to be prepared by the Secretary-General on the draft resolution's implementation, could reinforce concerted global action towards tackling climate change and bolster progress towards the Sustainable Development Goals.

24. **Ms. Xie Zhangwei** (China) said that her delegation had joined the consensus on almost all of the Council's previous resolutions on national human rights institutions. However, the draft resolution currently before the Council included several new elements relating to climate change, about which her delegation had some misgivings. Although she understood the sponsors' intention to draw greater attention to the issue of climate change, she was concerned that the text authorized national human rights institutions to monitor climate change policies, ignored the principle of common but differentiated responsibilities and included the controversial concept of "human rights defenders". For those reasons, China dissociated itself from the consensus.

25. *Draft resolution A/HRC/51/L.16/Rev.1, as orally revised, was adopted.*

Agenda item 9: Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action (A/HRC/51/L.28/Rev.1)

Draft resolution A/HRC/51/L.28/Rev.1: From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

26. **Mr. Kouame** (Côte d'Ivoire), introducing the draft resolution on behalf of the Group of African States, said that the text drew upon the outcomes and recommendations of the follow-up mechanisms of the Durban Declaration and Programme of Action. Its purpose was to ensure that the fight against racism was transformed from theory into practical action. The consensus achieved in 2019 on resolution 42/29, which dealt with the same subject, had been broken in 2021 by parties that were vehemently opposed to the full implementation of the Durban Declaration and Programme of Action. The African States appreciated the importance of consensus but believed that the text should not be watered down. The draft resolution offered an important opportunity for the international community to reaffirm its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, and to encourage all States to join that fight, which affected billions of people around the world. The African States could not allow the text to be derailed by a small group of States that would prefer to see the most important anti-racism document produced by the United Nations in the previous 25 years defamed and set aside. Every attempt had been made to accommodate the different views and concerns of States and civil society without weakening the text. He invited all delegations to join the sponsors in supporting human equality and dignity by adopting the draft resolution by consensus.

27. **The President** announced that seven States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$772,300.

General statements made before the voting

28. **Ms. Taylor** (United States of America) said that the International Convention on the Elimination of All Forms of Racial Discrimination provided comprehensive protection to address all forms of racial discrimination. She wished to underscore her Government's support for the Committee on the Elimination of Racial Discrimination, the Human Rights Council and, in particular, the Council's special procedures in their efforts to confront racism and advance racial justice. In 2021, the United States had issued a standing invitation to all thematic special procedure mandate holders and had welcomed the observations made by the Special Rapporteur on minority issues following his visit to the country.

29. The Government had continued to take action in a range of areas and promoted a whole-of-government approach to equity, as outlined recently in Executive Order No. 13985 on advancing racial equity and support for underserved communities, which sought, inter alia, to address systemic disparities in health care, narrow the racial wealth gap, address the disproportionate impacts of climate change and environmental crises, combat hate-based violence and expand voting access. In addition, the United States had strongly supported the establishment of the Permanent Forum of People of African Descent and the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement.

30. However, her delegation could not support the draft resolution. The United States and others had long-standing concerns about the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban; the 2009 Durban Review Conference; and the Durban Declaration and Programme of Action, as it considered particular elements either to be antisemitic or to single out the State of Israel. In addition, her delegation could not support calls for the full implementation of the Durban Declaration and Programme of Action, in the light of its endorsement of overly broad restrictions on freedom of expression. For those reasons, her delegation requested a vote on the draft resolution and would vote against it. The United States remained profoundly committed to advancing racial equity and justice; eliminating racism, racial discrimination, xenophobia and related intolerance; and upholding the rights of peoples and communities that were oppressed on grounds of their race or ethnicity. Comprehensively addressing the multidimensional legacies of systemic racism and racial discrimination and promoting racial justice were core pillars of

her Government's domestic and foreign policy. She hoped that all sides could find common ground and shared language and could move forward together.

31. **Mr. Ding Yang** (China) said that the elimination of all forms of racism and the equal enjoyment of dignity and rights by all were in keeping with the spirit of the Charter of the United Nations. China continued to advocate the strengthening of dialogue and exchanges between different races and cultures, the elimination of arrogance and prejudice based on race, colour and language, respect for the right to development for all and the eradication of situations that were breeding grounds for racism, such as poverty, marginalization, social exclusion and economic disparity. The Durban Declaration and Programme of Action was the blueprint for the global fight against racism. China would continue to implement it in a tireless effort to eliminate racism and build a world of equality for all. It welcomed the draft resolution, which would give new impetus to the global fight against racism.

32. **Mr. Mika** (Namibia) said his delegation regretted that a vote had been requested on such an important draft resolution, which enjoined States and all relevant stakeholders to take urgent measures to combat, prevent and eradicate the centuries-old pandemics of racism and racial discrimination. It was quite telling that the colonial masters of the past who had been involved in the slave trade and the commission of horrendous crimes against humanity were currently standing in the way of the consensual adoption of the draft resolution and the international community's efforts to ensure that every person, irrespective of race, was treated equally. It must be asked whether the unwarranted attacks on the Durban Declaration and Programme of Action were simply a means to conceal the true intention of some of those States, which was to avoid comprehensively addressing and eliminating racism within their communities. Not coincidentally, the same group of States opposed the majority of the Council's initiatives to address racism, including the elaboration of standards complementary to those set out in the International Convention on the Elimination of All Forms of Racial Discrimination. Council members must not be dissuaded by those who had shown since time immemorial that they were unwilling to recognize that all persons were born equal in dignity and rights, as proclaimed by the Universal Declaration of Human Rights. He called on all members to vote in favour of the draft resolution.

33. **Ms. Macdonal Alvarez** (Plurinational State of Bolivia) said that the fight against racism and all forms of discrimination was a priority for her Government. All States that were part of the multilateral system that brought together the nations of the world must redouble their efforts to combat structural and systemic racism by addressing the historical legacy of domination, exploitation and exclusion. There was a need, therefore, to promote the Durban Declaration and Programme of Action, which was essential *inter alia* for eliminating contemporary forms of racism and racial discrimination that affected the collective and individual rights of indigenous and Afrodescendent peoples. Her delegation regretted that the draft resolution could not be adopted by consensus and called on all delegations to vote in favour of it.

Statements made in explanation of vote before the voting

34. **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 protection and promotion of human rights for all without discrimination on any ground. Universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination were imperative. The Convention was the cornerstone of the fight against racism.

35. The European Union had several concerns about the draft resolution. It appreciated the fact that the tenure of the members of the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action was now limited to four years. However, it was still not convinced that the Group provided any added value in respect of the implementation of the Durban Declaration and Programme of Action. A better approach would have been to dismantle the Group and reallocate the corresponding budgetary resources. Furthermore, the European Union had agreed to the request by the Ad Hoc Committee on the Elaboration of Complementary Standards for additional guidance by a group of legal experts but remained of the opinion that the Convention was a living document that effectively tackled contemporary forms of racism and racial discrimination. It

would welcome a discussion on how to enhance the effectiveness of the different mechanisms to ensure the full and effective implementation of the Durban Declaration and Programme of Action.

36. Impact on the ground was not achieved on the basis of the number of mechanisms or the number of meetings that were held in Geneva; rather, it was made possible by States' active participation and their use of conclusions and recommendations as a basis for defining policies. Continuous requests for additional resources could not be granted unless there was also a willingness to evaluate results. For those reasons, the European Union could not support the draft resolution.

37. **Mr. Bonnafont** (France) said that his Government was fully engaged in the fight against all forms of discrimination on grounds of origin, sex, sexual orientation, nationality, disability, age, religion or beliefs. Racism, xenophobia and antisemitism were morally unacceptable, undermined social cohesion and were contrary to republican values. Combating those scourges was among the highest domestic and international priorities of France. Individuals had rights by virtue of their humanity, not by virtue of belonging to a particular group, as confirmed by the principles of indivisibility and universality set forth in the Universal Declaration of Human Rights.

38. His delegation regretted that the draft resolution did not focus more on the International Convention on the Elimination of All Forms of Racial Discrimination, which remained the universal cornerstone for preventing, combating and eliminating racism. Instead, the draft placed emphasis on the Durban Declaration and Programme of Action, which was not based on a universal approach to combating racism and discrimination. His delegation would therefore vote against the draft resolution.

39. **Ms. Stasch** (Germany) said that racism and xenophobia were global problems requiring global collective action. The fight against racism, racial discrimination and xenophobia at the national and international levels was a high priority for Germany, given its unique historical responsibility. While the Government had stepped up efforts to combat racial discrimination domestically, more needed to be done. The draft resolution contained references to some resolutions that did not enjoy consensus because of the highly problematic context of the Durban process and the repeated misuse of the platform to express antisemitic views. For that reason, Germany would vote against the draft resolution, just as it had voted against similar draft resolutions in the past.

40. **Ms. Kauppi** (Finland) said that the International Convention on the Elimination of All Forms of Racial Discrimination was clear: there was no justification for racial discrimination. Her Government was fully committed to the fight against racism, racial discrimination, xenophobia and related intolerance in all its forms. However, there were elements of the draft resolution that it could not fully support, for the reasons explained in the statement made on behalf of the European Union. Her delegation would therefore abstain from voting on the draft resolution.

41. **Ms. French** (United Kingdom) said that the United Kingdom remained resolute in its determination to combat all forms of racism, racial discrimination, xenophobia and related intolerance, whether at home or abroad. Discrimination of any kind had no place in society and her Government would continue to treat all forms of discrimination with equal seriousness. Nevertheless, her delegation had a number of concerns over the text of the draft resolution. It did not agree with the inclusion of multiple references to the Durban Conference, given the concerns expressed over the years regarding antisemitism in that connection, nor could it accept the positive language regarding the high-level meeting of the General Assembly held in September 2021 in commemoration of the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action and the political declaration adopted at that meeting. It took issue with the claims made in the draft resolution that States were required to make reparations for the slave trade and colonialism, which had caused great suffering to many but had not at the time been violations of international law. Moreover, such claims diverted attention from the pressing challenge of tackling contemporary racism and global inequality. The importance of the fight against racism required the international community to seek a new approach to combating the scourge of

modern-day racism. The draft resolution did not offer that kind of new approach, around which consensus could be achieved. For that reason, her delegation would vote against it.

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

In favour:

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

Against:

Czechia, France, Germany, Montenegro, Netherlands, Poland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Finland, Japan, Lithuania, Luxembourg, Marshall Islands, Republic of Korea.

43. *Draft resolution A/HRC/51/L.28/Rev.1 was adopted by 32 votes to 9, with 6 abstentions.*

44. **The President** invited delegations to make statements in explanation of vote or general statements on the draft resolution considered under agenda item 9.

45. **Mr. Tummers** (Netherlands) said that over the years the Netherlands had been critical of the Durban process. The misuse of the platform to express antisemitic sentiments and the one-sided attention that the Durban Declaration and Programme of Action gave to Israel continued to be problematic. His delegation's vote against the resolution, however, did not detract from the firm commitment of the Netherlands to combating racism, xenophobia and discrimination on all grounds both at home and abroad. The Kingdom of the Netherlands had its own problems with combating discrimination and racism. In September 2022, the national coordinator on discrimination and racism had presented the country's first national action plan with concrete proposals to tackle discrimination and racism. His delegation recognized the importance of initiatives in the Council dedicated to the fight against racism. However, given the sensitivity surrounding the Durban process, it had been unable to embrace the resolution in its current form.

Agenda item 10: Technical assistance and capacity-building ([A/HRC/51/L.11](#), [A/HRC/51/L.15/Rev.1](#), [A/HRC/51/L.24/Rev.1](#), [A/HRC/51/L.34](#) as orally revised, [A/HRC/51/L.35/Rev.1](#), [A/HRC/51/L.36](#) and [A/HRC/51/L.38](#) as orally revised)

Draft resolution [A/HRC/51/L.11](#): Promoting international cooperation to support national mechanisms for implementation, reporting and follow-up

46. **Mr. Scappini Ricciardi** (Paraguay), introducing the draft resolution on behalf of the main sponsors, namely Brazil and his own delegation, said that the main objective of the draft was to promote the work carried out by national mechanisms for implementation, reporting and follow-up, to enable them to serve as key instruments for the further implementation of human rights obligations and recommendations. The text was based on the recommendations of the OHCHR report on regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up ([A/HRC/50/64](#)). It included a request to OHCHR to organize two intersessional seminars to continue the exchange of experiences and good practices related to the establishment and development of such mechanisms. He trusted that the draft resolution would be adopted by consensus, as had the three previous draft resolutions on the subject.

47. **Mr. Da Silva Nunes** (Brazil), continuing the introduction of the draft resolution, said that Brazil attached much importance to the crucial role played by technical assistance and capacity-building in fostering peer-to-peer exchanges of good practices and experiences in the field of human rights. It was convinced of the need to establish and enhance national mechanisms for the implementation of human rights. In that regard, on 29 September 2022,

Brazil had signed a cooperation agreement with Paraguay for the implementation of a Brazilian human rights follow-up system based on the successful experience of Paraguay with its Recommendations Monitoring System (SIMORE).

48. The implementation of human rights commitments required an inclusive and multi-stakeholder approach. The Brazilian parliamentary observatory on the universal periodic review was a good example of how various stakeholders could work towards monitoring the implementation of recommendations made within that process. Effective national human rights follow-up systems not only provided the basis for information-sharing on the fulfilment of international commitments and recommendations; they could also help countries to translate the work of regional and international human rights mechanisms into concrete policies and measures through innovative and participatory processes at the local and national levels.

49. **The President** announced that 20 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$819,100.

50. **Mr. Ballinas Valdés** (Mexico), making a general statement before the decision, said that national mechanisms for the follow-up of human rights recommendations were a fundamental tool for the effective implementation of those recommendations. His delegation welcomed the approach adopted in the draft resolution, which promoted the exchange of good practices and capacity-building for the establishment or strengthening of national follow-up mechanisms. It also welcomed the calls for the holding of two intersessional seminars and the development of a virtual knowledge hub that would bring together States, experts and other relevant stakeholders. Also important was the fact that the draft resolution encouraged and recognized the constructive role of national human rights institutions, civil society and other stakeholders in strengthening national mechanisms. For those reasons, his delegation called upon the members to adopt the draft resolution by consensus.

51. **Mr. Bichler** (Luxembourg), making a general statement before the decision, said that the strengthening of international cooperation in the area of human rights was essential for the full achievement of the purposes and principles of the United Nations, particularly the effective promotion and protection of all human rights. His delegation welcomed the recognition given in the draft resolution to the constructive role and contribution of all branches of State, as well as of national human rights institutions, civil society, academia and other relevant stakeholders, in the strengthening of national mechanisms for implementation, reporting and follow-up. The intersessional seminars and virtual knowledge hub called for in the draft resolution would produce specific recommendations with a view to better promoting and protecting human rights throughout the world. For those reasons, Luxembourg supported the draft resolution and invited members to join the consensus.

52. *Draft resolution [A/HRC/51/L.11](#) was adopted.*

Draft resolution [A/HRC/51/L.15/Rev.1](#): Enhancement of technical cooperation and capacity-building in the field of human rights

53. **Ms. Srimaitreephithak** (Observer for Thailand), introducing the draft resolution on behalf of the main sponsors, namely Brazil, Honduras, Indonesia, Morocco, Norway, Qatar, Singapore, Türkiye and her own delegation, said that the text focused on the need to take stock of the Council's mandate to promote technical cooperation and capacity-building in the field of human rights. It provided for a half-day intersessional meeting on that topic to be held prior to the Council's fifty-third session and included a request to the United Nations High Commissioner for Human Rights to present, at that session, a report recommending the way forward to improve technical cooperation and capacity-building, to be followed by an interactive dialogue. Technical cooperation must be tailored to each country's needs and priorities and must be based on consultations and the consent of the State concerned. Her delegation trusted that the Council would adopt the draft resolution by consensus, as in previous years, which would reaffirm the Council's long-standing determination to strengthen technical cooperation and capacity-building in the field of human rights.

54. **The President** announced that 16 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$114,900.

55. **Ms. Billingsley** (United States of America), making a general statement before the decision, said that the United States strongly supported the enhancement of technical cooperation and capacity-building in the field of human rights, with a view to protecting and promoting respect for such rights. Her delegation referred the Council to the statement it had made at the 42nd meeting on all the draft resolutions considered under agenda item 3, which had been posted on the website of the Permanent Mission of the United States.

56. **Mr. Bichler** (Luxembourg), making a general statement before the decision, said that his Government was strongly committed to the Council's mission to promote technical cooperation and capacity-building, which must be provided in consultation with the States concerned. At the Council's forty-ninth session, his delegation had joined others in calling for a discussion on agenda item 10 to be held in order to identify best practices and explore ways forward. It therefore appreciated the proposal to hold a half-day intersessional meeting on the theme "Technical cooperation and capacity-building in the Human Rights Council: taking stock of the past for a better discharge of this mission in the future". Technical cooperation was not always the most appropriate tool, particularly in situations that required an urgent response by the Council. His delegation was convinced, however, that technical cooperation could help to strengthen the capacity for human rights protection wherever States demonstrated the necessary political will. It therefore called on members to adopt the draft resolution by consensus.

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

Draft resolution A/HRC/51/L.24/Rev.1: Technical assistance and capacity-building to address the human rights implications of the nuclear legacy in the Marshall Islands

58. **Mr. Daunivalu** (Observer for Fiji), introducing the draft resolution on behalf of the main sponsors, namely the Marshall Islands, Nauru, Samoa, Vanuatu and his own delegation, said that the Pacific Island countries stood in solidarity with the Marshall Islands in attaching priority to action to address the nuclear legacy in the Pacific. The draft resolution shed light on the nuclear weapons testing that had taken place in the Marshall Islands between 1946 and 1958 and the impact of such testing on the country's land and people. The aim of the initiative was to seek the assistance of OHCHR to address the human rights implications of the nuclear legacy, which must not be forgotten. Under the draft resolution, OHCHR would help build the capacity of the National Nuclear Commission to advance its nuclear justice strategy, which was anchored in the experiences of the Marshallese, and to build the capacity of the Government in its pursuit of transitional justice.

59. **The President** announced that nine States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$902,300.

General statements made before the decision

60. **Mr. Lanwi** (Marshall Islands) said that the draft resolution reflected the lived reality of the people of the Marshall Islands. The nuclear legacy and its impact on people's everyday lives, human rights, health and environment were very personal to the Marshallese. The informal consultations had shown that many in the international community were unaware of the extent of the suffering caused by the 67 known nuclear tests carried out on the islands. While living under United Nations trusteeship, the population had been misled, the territory abused and the power to object to the tests taken away.

61. Some members of the Council claimed that the matter had been resolved. The people of the Marshall Islands, who were still suffering, contested that view. The Council had a mandate to stand up for the human rights of all persons. As it was not a court of law, members should refrain from adopting a legalistic approach to settlements. The issue before the Council was straightforward and unambiguous. The Council was being asked to consider the dire human rights situation of a people whose only land had been pulverized, leaving behind nuclear waste, and to provide the technical assistance needed to overcome the barriers to the full enjoyment of their human rights.

62. The people of the Marshall Islands needed to find a way forward to a better future, as they had suffered for far too long. The Permanent Representative of the Marshall Islands to the United Nations Office and other international organizations in Geneva had just lost her

fourth immediate family member to cancer, a disease unknown in the Marshall Islands prior to the nuclear tests. Her losses represented a drop in the sea of human rights challenges arising from the nuclear legacy. He implored the Council to stand with the people of the Marshall Islands and to adopt the draft resolution by consensus.

63. **Ms. Stasch** (Germany) said that the issue addressed in the draft resolution was new to the Council but clearly relevant. Her delegation particularly welcomed the reference to the right to a clean, healthy and sustainable environment and considered the realization of that right a priority. As the term of the Marshall Islands as a member of the Council was coming to an end, she wished to congratulate the delegation for its contribution to the establishment of the mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change and its principled approach to human rights, including with respect to the situations in specific countries.

64. **Ms. Pujani** (India) said that the issues arising from nuclear testing in the Marshall Islands, including its impact on the enjoyment of human rights, were complex and grave. Her delegation appreciated the fact that the main sponsors were requesting technical assistance and capacity-building without politicizing those issues. However, it was not convinced that OHCHR had the requisite expertise to address serious cross-cutting nuclear, environmental and health matters, such as the provision of technical assistance and capacity-building to the National Nuclear Commission. Nonetheless, given the gravity of the matter, her delegation would join the consensus on the draft resolution.

65. **Ms. Xie Zhangwei** (China) said that the distressing situation described by the representative of the Marshall Islands showed that the nuclear weapons tests conducted in that country had caused irreparable and irreversible harm to the local environment and to the lives, health and safety of the people. The country that had carried out the tests should take concrete measures to assume and seriously address its responsibility. It should also ratify the Protocols to the South Pacific Nuclear Free Zone Treaty without delay, effectively fulfil its obligations under the Protocols, cease all irresponsible acts in the nuclear field and refrain from putting the South Pacific region back under the ominous shadow of nuclear proliferation.

Statements made in explanation of position before the decision

66. **Ms. Taylor** (United States of America) said that the United States was grateful to the people of the Marshall Islands for their enduring friendship. The American people remembered well the history of nuclear testing in the Marshall Islands. While acknowledging the hardships experienced by the people of the Marshall Islands, her delegation nonetheless noted that aspects of the draft resolution concerned matters that had been settled bilaterally through binding international agreements. Moreover, given that the Council did not have the technical expertise requested in the draft resolution, her delegation's view was that neither the Council nor OHCHR was the appropriate entity to provide it.

67. The United States had accepted and acted on its responsibility to the people of the Marshall Islands concerning nuclear testing. Upon the entry into force of the Compact of Free Association between the United States and the Marshall Islands and Federated States of Micronesia and related agreements in 1986, all past, current and future claims relating to the nuclear legacy had been settled. Under the Compact, the Marshall Islands had expressly taken responsibility for controlling the use of areas in the Marshall Islands affected by the nuclear programme and providing health care to its people. Given that the obligation to protect the rights referred to in the draft resolution rested with the Marshall Islands, her delegation dissociated itself from paragraphs 9 and 11. The United States also disagreed with some of the factual and legal assertions made in the draft resolution, including statements about environmental and health outcomes and the right to life. Since her delegation understood article 6 of the International Covenant on Civil and Political Rights to refer to the arbitrary deprivation of life by State actors and not loss of life resulting from natural or social phenomena, it dissociated itself from the thirteenth, fourteenth and eighteenth preambular paragraphs and paragraph 9. Lastly, it reiterated its disagreement with the conclusions issued by previous Special Rapporteurs, as described in the eleventh and twelfth preambular paragraphs. A more detailed explanation of her delegation's position would be published in the *Digest of United States Practice in International Law*.

68. **Mr. Ahmad** (Pakistan) said that his Government reaffirmed its solidarity with the Marshall Islands and recognized the gravity of the environmental and health challenges faced by its people. The draft resolution highlighted the multifaceted human rights impact of nuclear testing in the Marshall Islands, including technical aspects relating to environmental contamination and health hazards. However, considering the cross-cutting nature of those issues, the Council was not an appropriate forum in which to address the sufferings of the people of the Marshall Islands. Moreover, OHCHR did not possess the requisite skill set to provide technical guidance on matters related to nuclear radiation, environmental degradation, health challenges or transitional justice. Accordingly, options for assistance should be explored with the relevant technical agencies. His delegation also encouraged active bilateral engagement between the parties concerned to address the remaining issues. Notwithstanding those concerns, since the Marshall Islands was a main sponsor of the draft resolution, his delegation was willing to join the consensus, in line with its principled position that country-specific engagement should take place only with the consent of the State concerned.

69. **Mr. Manley** (United Kingdom) said that his delegation fully recognized the seriousness of the challenges faced by the Marshall Islands as a result of the nuclear testing carried out between 1946 and 1958, commended the efforts made by the Governments of the Marshall Islands and the United States to address those challenges and welcomed the ongoing bilateral discussions between the two Governments. However, it was regrettably obliged to dissociate itself from paragraphs 4, 5 and 11 of the draft resolution. As stated in its explanations of vote in respect of Human Rights Council resolution 48/13 and General Assembly resolution 76/300, his delegation considered that there was no international consensus on the legal basis of the human right to a clean, healthy and sustainable environment. By extension, it did not accept the connection made in the draft resolution between the testing of nuclear weapons and the impact on such a right. Its willingness to join the consensus on the draft resolution should not be misinterpreted as agreement with any expansion of the recognition of that right. Furthermore, it was not persuaded that OHCHR was the appropriate body to advise the National Nuclear Commission on such matters, as called for in paragraph 11 of the draft resolution. Notwithstanding those concerns, his delegation would join the consensus.

70. *Draft resolution [A/HRC/51/L.24/Rev.1](#) was adopted.*

Draft resolution [A/HRC/51/L.34](#), as orally revised: Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

71. **Mr. Adjoumani** (Côte d'Ivoire), introducing the draft resolution, as orally revised, on behalf of the Group of African States, said that the text reflected recommendations made by OHCHR and the progress made by the Democratic Republic of the Congo in the field of human rights. The Group welcomed the work of the team of international experts and the significant technical assistance provided by OHCHR to the country's judicial authorities, particularly in the area of forensic medicine. The Group supported the renewal, for one year, of the mandate of the team of international experts, the scope of which had been expanded to cover the entire national territory.

72. Under the draft resolution, the Council would request the High Commissioner to provide the Government with technical assistance to support the process of developing the transitional justice machinery through the establishment of a national commission on transitional justice and reconciliation. He was grateful to the delegation of the Democratic Republic of the Congo for its constructive contribution during the negotiations and invited the members of the Council to express their solidarity with the State concerned by adopting the draft resolution by consensus.

73. **The President** announced that eight States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$4,424,200. He invited the State concerned by the draft resolution to make a statement.

74. **Mr. Empole Losoko Efambe** (Observer for the Democratic Republic of the Congo) said that the draft resolution followed on logically from previous Council resolutions on the same subject. His Government endorsed the renewal of the mandate of the team of

international experts to support the implementation of the national strategy on transitional justice and echoed the requests made in the draft for technical assistance and capacity-building in the area of forensic medicine and for the provision of additional experts in transitional justice. The draft resolution highlighted the progress made in the area of human rights, especially with regard to combating impunity and strengthening and reforming the justice system.

75. During the negotiations on the text, some delegations had raised concerns about the security situation, the illicit exploitation of natural resources, hate speech and the state of siege. His Government was making every effort to address those concerns through legislative and political initiatives at the national and international levels. For example, a bill on racism, tribalism and xenophobia was currently before Parliament. At the regional level, the Government was participating in the Luanda and Nairobi peace processes. Unfortunately, the Government's efforts were undermined by the aggression of neighbouring countries, notably Rwanda, which funded, organized and armed the Mouvement du 23 mars (M23) terrorist group, in complete violation of the sanctions regime under which the provision of arms to non-State actors was prohibited. The international community's silence in the face of such violations had prevented any action from being taken in response to the report on the mapping exercise to document the most serious human rights violations committed in the Democratic Republic of the Congo between 1993 and 2003.

76. The human rights violations committed by armed groups in the provinces of Ituri and North Kivu were not due to the state of siege. On the contrary, the President had decreed the state of siege with a view to ending the armed conflict in the east of the country, which had been ongoing for over 20 years, and combating human rights violations such as those recorded in the most recent report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) ([S/2022/709](#)). Without peace, neither social progress nor the full enjoyment of human rights and freedoms were possible. It was essential to condemn and effectively combat the illegal exploitation of natural resources that was at the root of the ongoing armed conflict in the east of the country. He welcomed the cooperation between his Government and OHCHR, MONUSCO and the team of international experts and assured all international partners of the Government's commitment to respect for human rights.

77. **Ms. Peters** (United States of America), speaking in explanation of position before the decision, said that her delegation remained deeply concerned about the human rights situation in the Democratic Republic of the Congo and was pleased to join the consensus on the draft resolution. It applauded the condemnation of armed groups that committed human rights abuses against civilian and other populations. However, describing any support given to armed groups as necessarily violating State obligations under international human rights law was not accurate, particularly where the support was not connected to human rights abuses. While her delegation shared the sponsors' concern about the increase in hate speech, it stressed that all efforts to combat hate speech must be carried out in accordance with respect for human rights, particularly freedom of expression.

78. Her delegation understood the concerns about arbitrary detention expressed in the fourteenth preambular paragraph to refer to detentions presided over or reviewed by judicial authorities which were believed to lack any basis under law, to be contrary to law or to involve such a lack of procedural protection as to be considered arbitrary. Contrary to the wording of the paragraph, detentions were not in all circumstances an exception to the principle of respect for human rights and fundamental freedoms but were permitted as long as they were carried out in accordance with international human rights obligations and other applicable laws. Lastly, the references in paragraph 2 to specific attacks and to "occupation" did not correspond to any determination made under applicable international law, including international humanitarian law.

79. *Draft resolution [A/HRC/51/L.34](#), as orally revised, was adopted.*

Draft resolution A/HRC/51/L.35/Rev.1: Technical assistance and capacity-building in the field of human rights in the Central African Republic

80. **Mr. Adjoumani** (Côte d'Ivoire), introducing the draft resolution on behalf of the Group of African States, said that the text reflected recommendations made by OHCHR and the progress made by the Central African Republic in the field of human rights. The Group welcomed the national authorities' cooperation with the Independent Expert on the situation of human rights in the Central African Republic and urged the international community to provide the necessary technical assistance for the consolidation of national institutions with a mandate to promote social cohesion, human rights, the rule of law and good economic, financial and social governance and to combat impunity. The Group recalled that technical assistance and capacity-building should be provided at the request of the State concerned, taking into account its specific needs and with respect for the principles of non-interference in domestic affairs and non-politicization of the Council's debates. He was grateful to the delegation of the Central African Republic for its constructive contribution during the negotiations and invited the members of the Council to express their solidarity with the State concerned by adopting the draft resolution by consensus.

81. **The President** announced that seven States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$483,400.

82. **Mr. Bonnafont** (France), making a general statement before the decision, said that the Central African Republic continued to face many challenges despite the signing of the Political Agreement for Peace and Reconciliation in 2019. Violations of human rights and international humanitarian law were continuously increasing. In 2021, one reported incident of sexual or gender-based violence had occurred every hour, which was why particular emphasis had been placed in the draft resolution on combating impunity for such violence, including by monitoring incidents and ensuring prosecution, punishment and support for victims.

83. Given the continuing exploitation of children as combatants, human shields, domestic workers and sex slaves, his delegation welcomed the proposal that the next annual report of the Independent Expert on the situation of human rights in the Central African Republic should place special emphasis on the situation of children in the country. While the humanitarian situation was worsening and food insecurity was increasing, conflict was affecting the activities of humanitarian and medical personnel. Since, according to the Office for the Coordination of Humanitarian Affairs, the Central African Republic was one of the most dangerous countries in the world for humanitarian actors, the draft resolution contained a call for all parties to facilitate complete, safe and unhindered access for humanitarian aid.

84. His Government called for all parties to observe a ceasefire and to respect international humanitarian law, which was an essential condition for the provision of support to the national armed forces by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic. It denounced the involvement of mercenaries from the Russian Wagner Group in acts that could constitute war crimes and crimes against humanity. In that context, it was essential for the Council to renew the mandate of the Independent Expert and to continue to monitor the situation. The Independent Expert's submission of his next report to the General Assembly would facilitate the Expert's difficult task of helping to identify sustainable political solutions and implement coordinated actions to end the conflict and ensure long-term peace and development in the Central African Republic.

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

86. **Mr. N'gbeng-Mokoue** (Observer for the Central African Republic) said that his Government wished to reaffirm its willingness to continue cooperation with the Independent Expert and supported the renewal of the mandate for one year. The Government and people of the Central African Republic were grateful to the international community for its support in their pursuit of long-lasting peace.

87. **Ms. Peters** (United States of America), speaking in explanation of position before the decision, said that the United States remained deeply concerned about the human rights situation in the Central African Republic and was pleased to join the consensus on the draft

resolution. As the text was non-binding, it did not reflect any legal determinations under international humanitarian law or international human rights law, including in its references to actions as violations of international humanitarian law or violations or abuses of human rights. In particular, not all the acts identified in paragraph 1 constituted violations of international humanitarian law or international human rights law as such.

88. Her delegation interpreted paragraph 5 to mean that those engaged in the activities described therein risked the imposition of sanctions by the Security Council only when they met the designation criteria under the Central African Republic sanctions regime. Lastly, while her delegation strongly supported the use of measures to protect individuals from abuses committed by non-State actors and urged all actors to respect human rights and the principle of non-refoulement, it noted that non-State actors did not generally bear obligations under international human rights law or international refugee law.

89. *Draft resolution A/HRC/51/L.35/Rev.1 was adopted.*

Draft resolution A/HRC/51/L.36: Assistance to Somalia in the field of human rights

90. **Mr. Manley** (United Kingdom), introducing the draft resolution on behalf of the main sponsors, namely Somalia and his own delegation, said that its purpose was to renew the mandate of the Independent Expert on the situation of human rights in Somalia. The Government of Somalia was to be commended for the recent progress made and its wider cooperation with the international community in the field of human rights, particularly as it was recovering from over 25 years of appalling conflict. His delegation encouraged the country's leaders to work together on issues of urgent national importance, such as tackling Al-Shabaab, responding to the devastating drought, maintaining fiscal stability and pursuing constitutional reform.

91. The United Kingdom stood ready to support the Government's efforts to deliver on its ambitious agenda and realize its vision of a country at peace. His delegation welcomed the peaceful conclusion of national elections and the historic appointment of the country's first female deputy speaker of Parliament. However, it remained concerned at a lack of progress on human rights; some of the key remaining challenges were highlighted in the draft resolution. It nonetheless commended Somalia for its continued cooperation with the Independent Expert and with a range of international mechanisms, including the Council, in facing up to those challenges, thus demonstrating a clear willingness to improve the human rights situation and move towards deeper engagement with OHCHR and other human rights experts. The United Kingdom would always be ready to help. He invited the members of the Council to continue to support Somalia by adopting the draft resolution.

92. **The President** announced that 12 States had joined the sponsors of the draft resolution. As the activities provided for in the draft resolution were perennial in nature, no additional resources were required.

93. **Mr. Bálek** (Czechia), making a general statement on behalf of the European Union, said that the European Union remained concerned about a number of developments in Somalia, including grave violations of children's rights and an increase in reported cases of sexual and gender-based violence. However, it wished to commend the Government of Somalia for its cooperation with the Council and its openness to recognizing the many remaining challenges, which attested to its willingness to take steps towards fully upholding its human rights obligations. The European Union believed that such interaction with the Council and its mechanisms helped to strengthen democratic institutions and the rule of law, respect for human rights for all, truly sustainable development and long-lasting peace and security. The European Union stood ready to continue to support Somalia in its efforts to build a peaceful, stable, inclusive and democratic country.

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

95. **Ms. Salah** (Somalia) said that her Government was grateful to all the delegations that had shown a keen interest in the situation of human rights in Somalia through their active participation in the consultation process. The recommendations contained in the draft resolution would be implemented with the utmost consideration by the federal Government,

bearing in mind its capacity and their compatibility with Somali cultural and religious values and national legal frameworks.

96. *Draft resolution A/HRC/51/L.36 was adopted.*

Draft resolution A/HRC/51/L.38, as orally revised: Technical assistance and capacity-building for Yemen in the field of human rights

97. **Ms. Asfour** (Observer for the State of Palestine), introducing the draft resolution, as orally revised, on behalf of the Group of Arab States, said that Yemen was in particular need of technical assistance in the field of human rights because it was one of the world's least developed countries and much of its infrastructure had been destroyed by war. In addition, the Government had made considerable progress in its investigations into human rights violations and required further assistance to ensure justice for victims. As reflected in the draft resolution, the efforts of the Special Envoy of the Secretary-General for Yemen were to be welcomed. However, the Group was disappointed that the Special Envoy had not succeeded in extending the truce that had been in place between 1 April and 2 October 2022, despite the Government's acceptance of the proposals in that regard. She urged the members of the Council to support Yemen by adopting the draft resolution by consensus.

98. **The President** announced that one State had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$301,100.

General statements made before the decision

99. **Mr. Zhang** Yao (China) said that his Government supported the sovereignty, independence, unity and territorial integrity of Yemen, the role of the United Nations as the main channel for balanced and impartial negotiations, and the work of the Presidential Leadership Council. It hoped that all parties to the conflict would maintain the momentum of dialogue and reconciliation, agree upon a permanent ceasefire and a sustainable political solution, and restore peace, stability and normalcy to the country as soon as possible and that the international community would increase the provision of technical assistance and capacity-building to Yemen and play a positive role in protecting human rights in the country.

100. **Ms. Taylor** (United States of America) said that the United States welcomed the Yemeni Government's leadership in achieving the truce and its support for the expanded truce proposal presented by the United Nations. The truce had drastically reduced civilian casualties and benefited the Yemeni people. Its reinstatement would put Yemen on the path to a durable peace that could facilitate justice and accountability. Her delegation supported the demand in paragraph 13 that all parties to the conflict should continue inter-Yemeni negotiations and allow humanitarian access; it understood the call to "cease all military operations" as referring to the cessation of hostilities.

101. The United States remained deeply concerned about the ongoing reports of serious human rights violations and abuses. The Council and OHCHR should engage openly and frankly with Yemeni national human rights institutions to increase their effectiveness. Yemeni and international human rights groups had voiced concerns about the lack of impartiality of the National Commission of Inquiry, including fears of retaliation against those who reported violations and the prioritization of politics over accurate human rights investigations and documentation. Moreover, Yemen was mentioned in the most recent annual report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/51/47), which dealt with the issue of reprisals for such cooperation. Regular, credible reporting and open dialogue in the Council about ongoing challenges regarding the situation of human rights in Yemen were required.

102. During the informal consultations on the draft resolution, her delegation had engaged constructively with the main sponsors and other key stakeholders, offering several proposals aimed at bolstering technical assistance and capacity-building, while allowing the Council to discuss progress and challenges for human rights in Yemen. Although the proposals had enjoyed cross-regional support, even including the support of the National Commission of Inquiry, they had not been incorporated by the main sponsors. Her delegation was disappointed by the opposition of some members to renewed independent reporting on abuses

and violations and to dialogue with independent civil society groups, human rights defenders and members of national human rights institutions.

103. The Council's desire to operate by consensus and avoid the submission of competing draft resolutions was increasingly leading to weakened texts that did not meet the highest standards. Her delegation urged the Government of Yemen, with the advice and assistance of OHCHR, to take measures to protect civilians and end impunity for violations of human rights and international humanitarian law. It called on the Council to support further progress, without artificial or political limitations, towards the protection of human rights in Yemen.

104. **Mr. Manley** (United Kingdom) said his delegation fully agreed that the human rights situation in Yemen should stay on the Council's agenda. His Government continued to support the Yemeni people affected by the conflict, including by providing £88 million in humanitarian assistance in 2022. However, technical assistance and capacity-building, while important, should be accompanied by independent human rights monitoring and reporting. In that regard, it was disappointing that the sponsors had decided not to include a call for such a report or debate in the draft resolution, as suggested by his and many other delegations.

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

106. **Mr. Al-Foqumi** (Observer for Yemen) said that the circumstances faced by his country had compelled it to turn to the Council for assistance in fulfilling its human rights obligations. His Government had always stood ready to work with OHCHR and the Council. The National Commission of Inquiry had been successfully investigating violations of human rights and international humanitarian law and ensuring that the perpetrators were brought to justice; it needed the Council's assistance to continue those efforts. While the Government had accepted the Special Envoy's proposal to extend the truce, the Houthis had rejected it. His Government called on the Council to compel the Houthis to accept a truce to ensure stability and protect human rights. The main sponsors, including his own delegation, had considered all amendments proposed during the consultations. However, in line with the Council's usual practice, proposals that fell under other agenda items had been rejected. He hoped that the draft resolution would be adopted by consensus.

107. **Mr. Bálek** (Czechia), speaking in explanation of position before the decision on behalf of the States members of the European Union that were members of the Council, said that those States were profoundly disappointed with the draft resolution. While they continued to support technical assistance and capacity-building for the National Commission of Inquiry, that alone would be insufficient to address one of the worst humanitarian and human rights crises in the world. The suffering of the people of Yemen warranted the Council's full attention, independent and impartial monitoring of ongoing human rights violations and abuses, and full accountability for the sake of victims and survivors.

108. During the negotiations, States members of the European Union had made constructive proposals to strengthen the draft resolution, which had been consistent with the spirit of the text and had enjoyed wide cross-regional support. However, the main sponsors had rejected them without providing convincing explanations. While the States members of the European Union that were members of the Council would join the consensus on the provision of technical assistance, they considered that the Council had failed the people of Yemen. Lastly, deeply disappointed by the failure to extend the truce, they called on the Houthis to show a genuine commitment to peace, moderate their demands and engage constructively with the Special Envoy.

109. *Draft resolution [A/HRC/51/L.38](#), as orally revised, was adopted.*

Agenda item 1: Organizational and procedural matters (continued) ([A/HRC/51/2](#), [A/HRC/51/67](#) and [A/HRC/51/67/Add.1](#))

Election of members of the Human Rights Council Advisory Committee

110. **The President** drew attention to a note by the Secretary-General on the election of members of the Human Rights Council Advisory Committee ([A/HRC/51/67](#) and [A/HRC/51/67/Add.1](#)). He invited the Council to elect seven members to replace those whose terms had expired on 30 September 2022, one member to fill a vacancy arising from the

resignation of Ms. Salmón (Peru) for a term expiring on 30 September 2023 and one member to fill a vacancy arising from the death of Mr. Lindgren Alves (Brazil) for a term expiring on 30 September 2024. Since the number of candidates from African States, Asia-Pacific States, Eastern European States, Latin American and Caribbean States and Western European and other States was equal to the number of vacancies to be filled from each of those groups, he took it that the Council wished to elect the candidates by acclamation.

111. *It was so decided.*

112. *Ms. Al-Malki Al-Jehani (Qatar), Mr. Boudache (Algeria), Mr. de Campos Costa (Brazil), Ms. Costas Trascasas (Spain), Mr. Da Silva Isata (Angola), Ms. Major (Bahamas), Mr. Palummo (Uruguay), Ms. Sancin (Slovenia) and Mr. Zhang Yue (China) were elected members of the Human Rights Council Advisory Committee by acclamation.*

Selection and appointment of mandate holders

113. **The President** said that four special procedure mandate holders were to be appointed at the current session. On the basis of the recommendations of the Consultative Group and following broad consultations, he had decided to propose the appointment of the candidates whose names were indicated in the letters circulated to delegations on 9 September and 4 October 2022. He took it that the Council wished to endorse those candidates and appoint them as special procedure mandate holders.

114. *It was so decided.*

Report on the fifty-first session

115. **Mr. Lapasov** (Uzbekistan), Vice-President and Rapporteur, said that an advance unedited version of the draft report of the Human Rights Council on its fifty-first session (A/HRC/51/2) had been circulated. The structure of the report reflected the 10 items on the Council's agenda. The secretariat would finalize the report after the session and circulate it for comments. During the session, the Council had completed its ambitious and extensive programme of work, holding 28 interactive dialogues with special procedure mandate holders and investigative mechanisms, 3 interactive dialogues with the acting High Commissioner, 4 enhanced interactive dialogues and 9 general debates, as well as adopting resolutions and decisions covering a wide range of issues.

116. **The President** said he took it that the Council wished to adopt the report ad referendum, on the understanding that it would be finalized with the assistance of the secretariat.

117. *It was so decided.*

Statements by observer delegations on the resolutions and decisions considered at the session

118. **The President** said that, unfortunately, the Council had already used up its allotted meeting time for the session and would thus be unable to hear statements by observer delegations, which were nonetheless invited to submit their comments in writing.

Closure of the session

119. After the customary exchange of courtesies, **the President** declared the fifty-first session of the Human Rights Council closed.

The meeting rose at 7.15 p.m.