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Summary record of the 55th meeting*

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President: Mr. Bálek (Czechia)

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

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The meeting was called to order at 2 p.m.

Agenda item 2: Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General
([A/HRC/52/L.27](#), [A/HRC/52/L.38](#) as orally revised and [A/HRC/52/L.43](#))

Draft resolution [A/HRC/52/L.27](#): Advancing human rights in South Sudan

1. **Mr. Manley** (United Kingdom), introducing the draft resolution on behalf of the main sponsors, namely Albania, Norway, the United States of America and his own delegation, said that the situation in South Sudan remained dire, as human rights violations and abuses continued to be committed with impunity by all actors in all parts of the country. In addition, the transitional justice institutions that would guarantee accountability for past violations and abuses had not yet been established. It was therefore clear that the mandate of the Commission on Human Rights in South Sudan to monitor and investigate human rights violations remained necessary. The Commission's work directly supported efforts to achieve lasting peace in South Sudan, based on respect for the rule of law, accountability for past atrocities and the full enjoyment of human rights.
2. It was regrettable that, once again, it had not been possible to achieve consensus with South Sudan on the extension of the mandate. The United Kingdom noted the position of South Sudan and deeply appreciated the Government's full and continued cooperation with the Commission in Juba. His delegation would support draft resolution [A/HRC/52/L.36](#) on technical assistance and capacity-building for South Sudan, since those elements, combined with strong and continued human rights scrutiny, were mutually reinforcing pillars of the comprehensive human rights response that was needed in South Sudan.
3. The United Kingdom urged the Council to adopt draft resolution [A/HRC/52/L.27](#). If the draft was adopted, his delegation hoped to continue its discussions with the delegation of South Sudan on whether and how consensus could be achieved in 2024.
4. **The President** announced that five States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

General statements made before the voting

5. **Ms. Stasch** (Germany) said that her delegation would have preferred a single draft resolution on the situation of human rights in South Sudan and wished to reiterate its call for all delegations to work together to put forward a draft resolution covering one comprehensive mandate that encompassed technical cooperation, human rights monitoring and reporting and the collection and preservation of evidence.
6. It was important to ensure that the Council dealt appropriately with the human rights crisis in South Sudan. Her delegation had taken note of the worrying reports of the United Nations High Commissioner for Human Rights and the Commission on Human Rights in South Sudan and applauded the Commission's valuable contribution to the promotion and protection of human rights and to accountability. Germany wished to stress the importance of extending the Commission's mandate for one year.
7. **Mr. Hassan** (Sudan) said that South Sudan deserved the support of the international community in addressing its political, economic, social and security challenges, as well as recognition of its cooperation with human rights mechanisms and its progress in implementing the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan. The most recent report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on technical assistance and capacity-building for South Sudan ([A/HRC/52/82](#)) clearly reflected a decrease in the number of civilians affected by violence, and remarkable steps had been taken in the areas of legislation and transitional justice.
8. The consent of the State concerned was critical for ensuring the proper implementation of any mandate established by the Council. South Sudan had repeatedly indicated its willingness to show flexibility in order to achieve consensus on a single

resolution, to be adopted under agenda item 10, that would address the country's needs and focus on technical assistance and capacity-building. The delegation of the Sudan would vote against draft resolution [A/HRC/52/L.27](#) and called upon all members of the Council to do the same.

9. **Mr. Adjoumani** (Côte d'Ivoire), speaking on behalf of the Group of African States, said that the Group wished to reaffirm its solidarity with the Government of South Sudan and its commitment to supporting the Government's position. It also wished to commend the Government's strong political will and the progress that had been made in the implementation of the Revitalized Agreement, which remained the only means of achieving sustainable peace in the country. The Government's recent signing of core regional and international human rights treaties, the extension of the transitional period to 2025 and the decision to hold general elections by 2024, in line with the road map to a peaceful and democratic end to the transitional period, were encouraging steps towards the further implementation of the Agreement. Such national efforts should be supported by the Council, including through the provision of technical assistance and capacity-building to help build momentum towards achieving sustainable peace and promoting human rights in South Sudan.

10. Human rights must be promoted and protected in a spirit of constructive and respectful dialogue, through cooperation between States and with all relevant stakeholders, and taking the views of the State concerned into account. The Group had spared no effort to reach consensus on a single draft resolution and regretted that the Council would once again be presented with two separate draft resolutions. It continued to hope that the main sponsors would reconsider their approach going forward.

11. The Commission on Human Rights in South Sudan should support constructive dialogue with the Government of South Sudan on promoting respect for the universal protection of human rights. The international community should provide all necessary support for processes concerning transitional justice, accountability and reconciliation and for cooperation with South Sudan, the Intergovernmental Authority on Development and the African Union.

12. **Mr. Idris** (Eritrea) said that cooperation, technical assistance and capacity-building were important for improving the situation of human rights anywhere and should always be undertaken with the consent of the State concerned. South Sudan faced the dual challenge of development and post-conflict transition, which qualified it for technical assistance and capacity-building measures.

13. The report of OHCHR and the related resolutions should acknowledge the changes that had taken place in the country. His delegation wished to stress the importance of continuing to collaborate with the institutions created pursuant to the Revitalized Agreement to achieve political stability in South Sudan. The draft resolution was not consistent with that aim: by attempting to renew the mandate of the Commission on Human Rights in South Sudan, it failed to reflect the progress that had been made by the Revitalized Transitional Government of National Unity. Eritrea would vote against the draft resolution.

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

15. **Mr. Waja** (Observer for South Sudan) said that South Sudan was fully committed to the implementation of the Revitalized Agreement and the road map to a peaceful and democratic end to the transitional period, which had been endorsed by all parties in August 2022. It objected to the extension of the mandate of the Commission on Human Rights in South Sudan under item 2 of the Council's agenda and the expansion of the mandate to include participation in monitoring the implementation of the Revitalized Agreement. The African Union was solely responsible for such monitoring, as set out in chapter V of the Agreement. The draft resolution was a clear attempt to strip the African Union of its mandate in that regard.

16. The United Kingdom and the other members of the troika on South Sudan had not fulfilled the promise they had made in 2021 to consider the situation in South Sudan only under agenda item 10. The delegation of the United Kingdom had previously stated that it had a long-term plan for South Sudan. The human rights situation in his country was not the

concern of the United Kingdom and was being politicized. South Sudan called on the members of the Council to vote against the draft resolution.

17. **Mr. Nkosi** (South Africa), speaking in explanation of vote before the voting, said that South Africa wished to commend the Government of South Sudan for facilitating the work of the Commission on Human Rights in South Sudan in spite of its divergent views on the matter. South Africa was encouraged by the progress that had been made in the implementation of the Revitalized Agreement. It particularly welcomed the express commitment of all parties to implementing the remaining provisions during the extended transition period and the efforts that were being made to address conflict-related sexual violence and to strengthen accountability for sexual crimes and gender-based violence, thereby sending an important message to victims. South Africa placed human rights at the very centre of its foreign policy and believed that it was critical for South Sudan to expedite the implementation of the transitional justice institutions envisaged under chapter V of the Revitalized Agreement with a view to fighting the culture of impunity and promoting lasting peace, justice and reconciliation in the country.

18. Notwithstanding the gains that had been made, challenges remained, including intercommunal violence and armed clashes in some parts of the country, which could undermine the progress that had been made. South Africa urged South Sudan to continue to engage constructively with the processes and mechanisms put in place by the Intergovernmental Authority on Development, the African Union and the United Nations, which should complement those established under the Revitalized Agreement. South Africa would continue to engage directly with and provide support to the Government, including as part of the African Union High-level Ad Hoc Committee for South Sudan, to silence the guns and promote sustainable peace. It would also continue to facilitate dialogue and mediation between the relevant political players. His delegation would therefore abstain from voting on the draft resolution.

19. *At the request of the representative of the Sudan, a recorded vote was taken.*

In favour:

Argentina, Belgium, Chile, Costa Rica, Czechia, Finland, France, Georgia, Germany, Honduras, Lithuania, Luxembourg, Mexico, Montenegro, Paraguay, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against:

Algeria, Bolivia (Plurinational State of), China, Côte d'Ivoire, Cuba, Eritrea, Senegal, Somalia, Sudan.

Abstaining:

Bangladesh, Benin, Cameroon, Gabon, Gambia, India, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Morocco, Nepal, Pakistan, Qatar, South Africa, United Arab Emirates, Uzbekistan, Viet Nam.

20. *Draft resolution [A/HRC/52/L.27](#) was adopted by 19 votes to 9, with 19 abstentions.*

Draft resolution [A/HRC/52/L.38](#), as orally revised: Promotion and protection of human rights in Nicaragua

21. **Mr. Espinosa Cañizares** (Observer for Ecuador), introducing the draft resolution, as orally revised, on behalf of the main sponsors, namely Brazil, Canada, Chile, Colombia, Costa Rica, Paraguay, Peru and his own delegation, said that since the adoption of Council resolution 49/3 on Nicaragua, the human rights situation in the country had continued to deteriorate. Among the serious human rights violations that had occurred, the Government's recent actions involving deportation and arbitrary revocation of citizenship were of particular concern. Other concerns included democratic backsliding and the erosion of the rule of law, the human rights situation of Indigenous Peoples and Afro-Nicaraguans and the growing restrictions imposed on civic space.

22. The main sponsors had adopted a constructive and balanced approach to the matter and remained open to engaging in dialogue with the Government of Nicaragua with a view to supporting it in its cooperation with the international human rights protection system. The

draft resolution would renew the reporting mandate of the High Commissioner and extend by two years the mandate of the Group of Human Rights Experts on Nicaragua. The two mandates were complementary. The draft resolution included language urging the Government of Nicaragua to respect civil and political rights, repeal or amend legislation that restricted human rights, cease the use of arbitrary arrests and detention, combat impunity, ensure accountability and guarantee access to justice and reparations for the victims. The draft also included a call to the Government to cooperate with OHCHR, the treaty bodies and the Council and its mechanisms, including the Group of Human Rights Experts on Nicaragua.

23. The international community and the Council must continue to pay special attention to the human rights situation in Nicaragua using all available tools. His delegation encouraged all members to vote in favour of the draft resolution.

24. **The President** announced that nine States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

General statements made before the voting

25. **Mr. Maisuradze** (Georgia) said that the draft resolution was well balanced and objectively reflected the reality on the ground. The Nicaraguan authorities refused to engage with international and regional human rights mechanisms, in particular OHCHR, the Group of Human Rights Experts on Nicaragua and the Council's special procedures, all of which had demonstrated their willingness to cooperate. In its most recent report ([A/HRC/52/63](#)), the Group of Human Rights Experts documented a wide array of systemic violations of civil and political rights, including arbitrary detention, restrictions on the rights to freedom of thought, conscience and religion, harassment of religious leaders and arbitrary revocation of nationality.

26. His delegation welcomed the call made by the Assistant Secretary-General for Human Rights for the Council to promote all measures conducive to reversing the current crisis and to continue to support the work of OHCHR in order to advance accountability for human rights violations committed in Nicaragua.

27. **Ms. Duncan Villalobos** (Costa Rica) said that, since 2018, there had been a breakdown in the rule of law in Nicaragua, and serious and systemic violations of fundamental rights had been committed there. Those violations had worsened: democratic institutions and civic space had disappeared. Her Government was very concerned about the safety of victims and their families, including Indigenous persons and Afro-Nicaraguans.

28. One of the main aims of the draft resolution was to reflect the worsening conditions, including the continued backsliding of democracy, the lack of separation of powers and the multifaceted impact on the enjoyment of civil, political, economic, social and cultural rights. The text also reflected the information gathered by the Group of Human Rights Experts on Nicaragua attesting to the perpetration of physical, psychological and sexual torture, extrajudicial killings and reprisals against victims' families. The situation had reached new levels of repression and violence, as thousands of people had been arbitrarily pushed into exile or had become stateless, in contravention of international human rights law.

29. Her Government urged Nicaragua to fulfil its international human rights obligations and to cooperate with the Group of Human Rights Experts, OHCHR and the treaty bodies. Her delegation called upon the members of the Council to honour the victims by voting in favour of the draft resolution.

30. **Ms. Kauppi** (Finland), speaking on behalf of the States members of the European Union that were members of the Council, said that in the light of the recent appalling developments, particularly the forcible displacement of persons arbitrarily deprived of their Nicaraguan nationality, the Council should continue to spotlight the situation in Nicaragua. The European Union particularly welcomed the proposal to renew the mandates of both OHCHR and the Group of Human Rights Experts on Nicaragua for another two years and to investigate human rights violations and abuses committed since April 2018. It firmly supported the Group of Experts, which performed its mandate with independence, objectivity, impartiality and professionalism, and echoed the profound alarm expressed in the

draft resolution with regard to the Group's finding that there were reasonable grounds to believe that crimes against humanity had been committed in Nicaragua.

31. The European Union reaffirmed its steadfast commitment to the Nicaraguan people, including the most vulnerable, and to defending democracy, the rule of law and human rights. It lamented the authorities' systematic refusal to resolve the current political crisis through genuine dialogue with the opposition, international human rights mechanisms, the international community and countries in the region. It reiterated its call for the Government of Nicaragua to release all remaining political prisoners immediately and unconditionally. There could be no peace and sustainable development without human rights, justice and accountability. The States members of the European Union that were members of the Council would vote in favour of the draft resolution.

32. **Ms. Taylor** (United States of America) said that the United States strongly supported the two-year extension of the mandate of the Group of Human Rights Experts on Nicaragua and looked forward to continuing to work with the international community to support individuals, both inside Nicaragua and in exile, who were striving for democratic change in the country.

33. On 9 February 2023, the United States had welcomed 222 political prisoners, including members of the political opposition, journalists, human rights defenders, religious actors, civil society representatives and students, many of whom had been imprisoned by the Government of Nicaragua for exercising their fundamental freedoms. The individuals had all left the country voluntarily and consented to travel. While her delegation welcomed the release of the prisoners, the Government's subsequent characterization of the releases as deportation and its decision to strip the individuals of their Nicaraguan citizenship had been both egregious and deplorable and represented a backward step for the Nicaraguan people that took them further away from the democracy that they deserved.

34. The prisoners' release had not resolved the underlying concerns about the deterioration of the human rights situation and the rule of law in Nicaragua. Regime violence, harsh prison conditions, disregard for the right of peaceful assembly and unjust sentences for peaceful protesters demonstrated the extent to which the Government of Nicaragua oppressed and intimidated peaceful individuals who sought freedom and dignity. The United States stood with the Nicaraguan people and their calls for the restoration of civil liberties and democracy.

35. **Ms. Fuentes Julio** (Chile) said that, as one of the main sponsors, her delegation reaffirmed its conviction that the deterioration of the human rights situation in Nicaragua warranted the Council's attention. The information provided at the current session in the High Commissioner's oral update on the situation of human rights in Nicaragua and the report of the Group of Human Rights Experts was highly alarming. Both OHCHR and the Group of Human Rights Experts had documented the continued shrinking of civic and democratic space and the continued commission, by the Government of Nicaragua, of serious and systematic human rights violations against the Nicaraguan people. In the light of those findings, the draft resolution included language calling on the Nicaraguan authorities to cease their human rights violations, positively consider the recommendations made by various multilateral human rights mechanisms and re-establish channels of cooperation. It included a request to the High Commissioner to strengthen monitoring and seek cooperation with the authorities of Nicaragua. It also provided for the renewal of the mandate of the Group of Human Rights Experts for two years, in recognition of its important work in independently investigating and documenting serious human rights violations in a victim-centred and gender-sensitive manner. The adoption of the draft resolution would enable the Council to closely monitor the situation in Nicaragua, support victims and, through dialogue and cooperation, help to promote measures to reverse the severe political and human rights crisis in the country. Her delegation called on other States members of the Council to vote in favour of the draft resolution.

36. **Mr. Scappini Ricciardi** (Paraguay) said that the situation in Nicaragua was serious. Without the protection of the rule of law, Nicaraguans who expressed or advocated positions that were in any way dissenting were suffering. The findings of OHCHR and the Group of Human Rights Experts spoke for themselves. The most recent violations, namely arbitrary

deprivation of nationality and forced deportation, were a throwback to an earlier time in history. The Government of Paraguay, convinced that dialogue was the only way of finding a solution to end the crisis, fully supported initiatives to foster dialogue and encouraged actors with the capacity to influence the situation to do the same. The sustained and systematic perpetration of flagrant human rights violations must stop while the process of dialogue was under way. Regrettably, the Government of Nicaragua did not seem open to genuine dialogue. It had decided that there should be no United Nations or inter-American human rights mechanisms in the country, thereby cutting victims adrift. The draft resolution provided for specific measures to ensure accountability and provide redress. To give hope to victims, his delegation encouraged others to vote in favour of the draft resolution.

37. **Ms. Filipenko** (Ukraine) said that her delegation firmly condemned the refusal of the Government of Nicaragua to cooperate with international human rights mechanisms and reiterated its concerns regarding the total closure of civic and democratic space in the country. The gross human rights violations perpetrated by the Nicaraguan authorities were part of a wider pattern of disregard for the fundamental norms and principles of international law. Her Government urged Nicaragua to return to the fold of international law and take specific measures to demonstrate its commitment to the rule of law, democracy, human rights and cooperation with human rights mechanisms. Her delegation strongly supported the draft resolution, would vote in favour of it and called on other States members of the Council to do the same.

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

39. **Ms. Morales Urbina** (Observer for Nicaragua), speaking via video link, said that, once again, OHCHR had allowed offensive reports on her country to be presented to the Council in an unfair, inaccurate and inconsistent manner. The Government of Nicaragua rejected outright all one-sided draft resolutions that failed to recognize its efforts to sustain the process of structural change that was furthering the enjoyment of human rights and sustainable development in the country. Reports such as those presented to the Council were intended only to subject Nicaragua to the interventionist policies of the great imperial Powers. Draft resolutions based on media disinformation and hate campaigns that were presented to the Council with the aim of imposing sanctions and blockades were totally unacceptable and must be rejected in the strongest possible terms. They ran counter to the basic principles of human rights, international law and the peaceful relations that should exist between States. Indeed, such draft resolutions constituted unilateral acts of aggression, their sole aim being to undermine the sovereignty and independence of Nicaragua. In all its actions, the Council should apply the principles of non-intervention and equal treatment of all States. The Government of Nicaragua did not accept any draft resolution or report that was based on distorted information from hostile sources; such texts lacked objectivity and betrayed a clear political and interventionist bias. Guided by the dignity and sense of nationhood of the Nicaraguan people, the Government would continue its tireless efforts to uphold the fundamental rights of all Nicaraguans, implement public policies to protect the lives, health, education and well-being of the Nicaraguan people and ensure sovereignty, self-determination, peace and human rights.

Statements made in explanation of vote before the voting

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

41. **Mr. Pecsteen de Buytswerve** (Belgium) said that his delegation strongly supported the draft resolution. As had been noted in the High Commissioner's oral update on the situation of human rights in Nicaragua, tensions had only increased in recent months. The media had been silenced, and human rights defenders, journalists, members of the clergy and others seen as political opponents had been arrested, harassed and intimidated. Tens of thousands of Nicaraguans had sought asylum in other countries in the region. Despite the serious human rights violations and abuses that had taken place in Nicaragua, as documented in the report of the Group of Human Rights Experts, the Nicaraguan Government had refused either to engage with human rights treaty bodies or to cooperate with OHCHR, the Group of Human Rights Experts and the inter-American human rights system. The adoption of the draft resolution, which would extend the mandates of OHCHR and the Group of Human

Rights Experts for two years, was therefore essential. His delegation called on the States members of the Council to show their strong support for the human rights of the Nicaraguan people by voting in favour of the draft resolution.

42. **Mr. Villegas** (Argentina) said that, for nearly five years, the Council had been noting the deep social and political crisis in Nicaragua and its severe impact on the human rights of the Nicaraguan people. The recommendations made by OHCHR had yet to be implemented, and accountability had yet to be ensured for the human rights violations that had taken place. Since 2018, there had been an alarming deterioration of the human rights situation. Successive OHCHR reports had documented, inter alia, systematic violations of basic due process guarantees, arbitrary detentions, bans preventing Nicaraguans from returning to their country, the harassment of human rights defenders, journalists, lawyers and political opponents, the revocation of the legal personality of over 3,000 civil society organizations and the closure of over 20 media outlets. More recently, the Nicaraguan authorities had deported political prisoners, revoked their citizenship and confiscated their property, in violation of their fundamental rights and international law. The Government of Argentina was also concerned at the report of the Group of Human Rights Experts on Nicaragua, which set out the Group's findings of serious human rights violations and abuses. Particularly alarming was the finding that there were reasonable grounds to believe that those violations and abuses had been perpetrated in a widespread and systematic manner for political reasons and that they amounted to evidence of crimes against humanity.

43. The Government of Argentina once again urged the Government of Nicaragua to immediately restore civil rights and the rule of law, launch an inclusive national dialogue with a view to finding a peaceful and democratic solution to the multidimensional crisis facing the country and fully cooperate with OHCHR and its mechanisms, including the Group of Human Rights Experts and the human rights treaty bodies. The extension of the mutually reinforcing mandates of OHCHR and the Group of Human Rights Experts was therefore essential as a means of preventing further human rights violations in the country. His delegation would vote in favour of the draft resolution.

44. **Mr. Manley** (United Kingdom) said that his delegation would vote in favour of the draft resolution. Both OHCHR and the Group of Human Rights Experts on Nicaragua had highlighted the continued deterioration of the human rights situation in the country. In its report, the Group of Experts had raised concerns about the participation of high-ranking State officials, including the President and Vice-President of Nicaragua, and non-State actors in exceptionally serious and systematic human rights violations and abuses. The Government of the United Kingdom, deeply concerned at the Nicaraguan authorities' failure to cooperate with international human rights bodies, considered that the Council had a duty to keep the ongoing human rights crisis in Nicaragua under review and fully supported the renewal of the mandates of OHCHR and the Group of Human Rights Experts in that regard. The draft resolution was a much-needed component of the international community's efforts to discourage the Government of Nicaragua from committing further violations and abuses and, crucially, to hold those responsible to account. His delegation urged other States members of the Council to vote in favour of the draft resolution.

45. **Mr. Quintanilla Román** (Cuba) said that his delegation opposed the draft resolution and would vote against it. Regrettably, the Council continued to legitimize punitive draft resolutions against States that did not submit to the interests of the developed Powers. In addressing the human rights situation in Nicaragua, it ignored the efforts made by certain States to undermine the sovereignty and self-determination of the Nicaraguan people, in open violation of the Charter of the United Nations and international law. Such States sought to isolate Nicaragua politically and economically with a view to creating the social instability that would finally allow them to take subversive action and bring about regime change. The same strategy had been employed openly and systematically against his own country and others in the region that had chosen a progressive path of social justice. Neither the impact of the unilateral coercive measures unfairly taken against Nicaragua on the enjoyment of human rights nor the Nicaraguan Government's major accomplishments in the area of economic, social and cultural rights had been mentioned in the draft resolution. The Government of Cuba fully supported the Government and people of Nicaragua in their firm decision to preserve peace and the progress that they had achieved with regard to social and

economic issues, security and national unity and rejected the interventionist policy that was being promoted to undermine the country's sovereignty, self-determination and constitutional order. His delegation called for a vote on the draft resolution.

46. **Mr. Jiang** Han (China) said that his Government had always opposed the politicization of human rights issues, the use of human rights as a pretext for interference in the internal affairs of States and the establishment of country-specific mechanisms, calling instead for an approach based on constructive dialogue and cooperation. China respected the sovereignty, independence and territorial integrity of Nicaragua and the right of the Nicaraguan people to independently determine their own future. The draft resolution did not objectively reflect the human rights situation in Nicaragua, the Nicaraguan Government's efforts and achievements in promoting and protecting human rights or the severe impact of unilateral coercive measures on human rights and on the country's socioeconomic development. Despite strong opposition from Nicaragua itself, the draft resolution provided for the renewal of the mandate of the country-specific mechanism. His delegation supported the request for a vote and urged other delegations to join it in voting against the draft resolution.

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

In favour:

Argentina, Belgium, Chile, Costa Rica, Czechia, Finland, France, Gambia, Georgia, Germany, Lithuania, Luxembourg, Malawi, Mexico, Montenegro, Morocco, Paraguay, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against:

Algeria, China, Cuba, Eritrea, Viet Nam.

Abstaining:

Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, Côte d'Ivoire, Gabon, Honduras, India, Kazakhstan, Kyrgyzstan, Malaysia, Maldives, Nepal, Pakistan, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan.

48. *Draft resolution [A/HRC/52/L.38](#), as orally revised, was adopted by 21 votes to 5, with 21 abstentions.*

Draft resolution [A/HRC/52/L.43](#): Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice

49. **Mr. Hashmi** (Pakistan), introducing the draft resolution on behalf of the States Members of the United Nations that were members of the Organization of Islamic Cooperation, except Albania and Cameroon, said that the text had been submitted under agenda item 2 with a view to securing the Council's unanimous support for an initiative aimed at holding Israel accountable for its egregious human rights violations and breaches of international law. The preamble recalled principles of international human rights and humanitarian law, reaffirming the principle of the inadmissibility of the acquisition of territory by force and deploring the widespread violations of the human rights of Palestinian civilians. It expressed concern at the fragmentation of the Occupied Palestinian Territory and at the dire situation in the Gaza Strip and stressed the need to end the prolonged blockade immediately. The operative part of the draft resolution called on Israel to withdraw from the Occupied Palestinian Territory and stressed the need for credible, timely and comprehensive accountability measures. It reaffirmed that no State should recognize as lawful any situation that had been created by a serious breach of international law; called for full cooperation by Israel with international human rights mechanisms; demanded the cessation of all illegal actions; urged all States to refrain from transferring arms to the occupying Power when they assessed that such arms might be used to commit serious human rights violations; and urged Member States to provide emergency assistance, including humanitarian relief and development assistance, to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip. His delegation hoped that the draft resolution would be adopted by consensus.

50. **The President** announced that 13 States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

51. **Mr. Bonnafont** (France), making a general statement before the voting, said that tensions in Israel and the Palestinian territories had caused many civilian casualties in recent weeks, and the situation was deteriorating in an alarming manner. France strongly condemned the recent terrorist attacks against Israelis and the murderous violence perpetrated by settlers against Palestinians. His country's unwavering commitment to the security of Israel was well known. Both Israelis and Palestinians had the right to live in peace and security as citizens whose rights and freedoms were fully recognized. The Government of France recalled the international obligations of Israel, including the need to protect Palestinian civilians in the Occupied Palestinian Territory and to respect the principle of proportionality in the use of force. In accordance with the statement made by the President of the Security Council on 20 February 2023 ([S/PRST/2023/1](#)), his Government called on all stakeholders to refrain from any action that perpetuated the cycle of violence. France reiterated its condemnation of the illegal settlement policy. Restoring the political will for a two-State solution that allowed Israel and Palestine to live side by side in peace and security was a matter of urgency. There was no other way to bring just and lasting peace to Israelis and Palestinians. His Government called on the Palestinian Authority to uphold fundamental freedoms, since robust democratic institutions were necessary for the creation of a viable Palestinian State. For all those reasons, his delegation would vote in favour of the draft resolution.

52. **Ms. Taylor** (United States of America), making a general statement before the voting, said that the United States believed that Israelis and Palestinians deserved equal measures of freedom, dignity, security and prosperity. There was an urgent need for Israelis and Palestinians to take steps to restore calm, which was important in its own right and also as a means to advance towards a negotiated two-State solution. The draft resolutions submitted at the current session did not serve that goal. While her delegation appreciated the efforts made to consolidate draft resolutions and avoid submitting them under agenda item 7, those efforts, to date, had fallen short of adequately addressing the disproportionate attention that the Council paid to the Israel-Palestine conflict compared to other situations of concern. Her Government was disappointed that States members of the Council continued to single out Israel and was dismayed by the many repetitive and one-sided draft resolutions that were submitted year after year. During the informal consultations on the draft resolution, which had been held separately from those on the draft resolutions submitted under other agenda items, her delegation had expressed several concerns with the text and had reiterated its objection to the open-ended and exceptionally broad mandate of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, established in May 2021. All other country-specific mandates established by the Council required regular reauthorization. The draft resolution under consideration and similar draft resolutions on accountability submitted under agenda item 2 were the appropriate mechanism for reviewing the Commission's work and ensuring that it operated in accordance with the Council's normal procedures, which included regular review and mandate reauthorization. The Commission had contributed to a problematic, one-sided and biased approach to the conflict through its open-ended and vaguely defined operations. Her delegation called for a vote on the draft resolution, would vote against it and urged other member States to do the same.

53. **The President** invited the States concerned by the draft resolution to make statements.

54. **Ms. Eilon Shahar** (Observer for Israel) said that the draft resolution under consideration was the 100th to target Israel since the Council's establishment. For the 100th time, the Council was failing Israeli victims of Palestinian terrorism, telling the victims of human rights abuses perpetrated by the Palestinian Authority that their rights did not matter, letting those living under Hamas in Gaza know that the Council did not care, ignoring her country's requests for a fair and transparent approach to accountability, and attacking and singling out Israel.

55. In 2023, Israelis going about their daily lives had been murdered by Palestinian terrorists who had been encouraged, praised and even financially rewarded by the Palestinian

Authority. In areas controlled by the Palestinian Authority, Palestinians had been tortured; sexual and gender-based violence was taking place; LGBTIQ+ Palestinians had been forced to flee their homes, often seeking refuge in Israel; and Palestinians had been attacked and killed for taking to the streets to call for an end to corruption. In Gaza, Palestinian residents lived under the brutal control of Hamas, an extremist terrorist organization, which had continued to wage a campaign of repression, practise torture on a widespread scale, attack freedom of expression, use the death penalty and treat Palestinians as human shields.

56. Given the situation on the ground, which had been ignored in 99 previous resolutions, the Council should instead be telling victims – of Palestinian terrorists, the Palestinian Authority and Hamas – that their rights did in fact matter. It should stop giving the Palestinian Authority and Hamas a way of denying their accountability and promoting impunity for their own crimes. For the 100th time, the delegation of Israel called on the States members of the Council to vote against a one-sided draft resolution that promoted a politicized agenda and ignored the reality and the rights of many.

57. **Mr. Khraishi** (Observer for the State of Palestine) said that, at the Council's current session, all parties had advocated an international order based on human rights. Prerequisites for achieving that goal were accountability and justice, both of which had been rejected by the occupying Power for some 65 years. They had also been rejected by the United States, whose delegation had called on Council members to vote against the draft resolution because the United States wanted justice and accountability all over the world except in respect of Palestine and Israel. Such logic was distorted and would only contribute to the spread of lawlessness. Either genuine efforts would be made to ensure respect for international human rights law, international law in general and accountability worldwide, with no exceptions, or the Council's time would continue to be wasted by parties that pretended to be protectors of the law and defenders of human rights.

58. A representative of the occupying Power had recently referred to civil society institutions. Yet, as Council members well knew, the previous Israeli Government had regularly branded some Palestinian civil society organizations as terrorist organizations. It was not that representative's place to lecture his Government about civil protest. Palestine supported civil protest, and any mistakes that were made were addressed by the Government. In light of the events currently unfolding in Israel, that country's representative should think twice before making such allegations on behalf of a gang led by Mr. Netanyahu and a group of thugs and killers, such as Mr. Smotrich and Mr. Ben-Gvir, whom the Israeli authorities had rewarded by allowing them to form their own militia.

59. Recalling also that a group of United Nations special rapporteurs had recently made comments on the situation, he called on those members who were interested in human rights and accountability to vote in favour of the draft resolution.

60. **Mr. Jiang Han** (China), speaking in explanation of vote before the voting, said that the continued expansion of settlements in the Occupied Palestinian Territory in recent years had seriously undermined the basic human rights of the Palestinian people. China had always firmly supported the restoration of that people's legitimate national rights and the establishment of a fully sovereign and independent Palestinian State based on the 1967 borders, with East Jerusalem as its capital. His delegation urged Israel to investigate violations of the human rights of the Palestinian people, hold the perpetrators to account and provide compensation to the victims, and called on Council members to vote in favour of the draft resolution.

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

In favour:

Algeria, Argentina, Bangladesh, Belgium, Benin, Bolivia (Plurinational State of), Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Finland, France, Gabon, Gambia, Germany, Honduras, Kazakhstan, Kyrgyzstan, Lithuania, Luxembourg, Malaysia, Maldives, Mexico, Montenegro, Morocco, Pakistan, Paraguay, Qatar, Romania, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan, Viet Nam.

Against:

Malawi, United States of America.

Abstaining:

Cameroon, Czechia, Georgia, India, Nepal, Ukraine, United Kingdom of Great Britain and Northern Ireland.

62. *Draft resolution [A/HRC/52/L.43](#) was adopted by 38 votes to 2, with 7 abstentions.*

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

64. **Mr. Chemakh** (Algeria) said that his delegation encouraged constructive international dialogue and cooperation to strengthen human rights while respecting the sovereignty of States and the independence of their decisions. It also encouraged technical assistance and capacity-building as constructive means of promoting and protecting human rights everywhere.

65. He was grateful to the delegations that had submitted draft resolution [A/HRC/52/L.27](#) on advancing human rights in South Sudan, under agenda item 2. His delegation recognized the efforts that had been made by the Group of African States to formulate a unified resolution that was acceptable to the country concerned. The Revitalized Agreement needed the support of the international community if it was to hold fast; a resolution not accepted by the country concerned could hamper peace efforts. His delegation understood the challenges facing South Sudan, which required technical assistance in order to consolidate its citizens' rights. In his delegation's view, draft resolution [A/HRC/52/L.36](#), submitted under agenda item 10 by the Group of African States, was a better means of meeting those challenges.

66. **Mr. Jiang Han** (China), referring to draft resolution [A/HRC/52/L.27](#), said that China consistently advocated constructive dialogue and cooperation on human rights issues and opposed politicization and public pressure in that regard. The main sponsors had ignored the progress made by South Sudan on human rights protection and the opinions of African countries, and had forced through a resolution to extend the mandate of the country-specific mechanism. Such politicization of human rights would only obstruct dialogue and cooperation. It was for those reasons that China had voted against the resolution.

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

([A/HRC/52/L.1](#), [A/HRC/52/L.2](#), [A/HRC/52/L.4](#), [A/HRC/52/L.5/Rev.1](#), [A/HRC/52/L.6](#), [A/HRC/52/L.8](#), [A/HRC/52/L.10](#), [A/HRC/52/L.11](#), [A/HRC/52/L.15](#), [A/HRC/52/L.18](#), [A/HRC/52/L.20](#), [A/HRC/52/L.21](#), [A/HRC/52/L.24](#), [A/HRC/52/L.25](#), [A/HRC/52/L.26](#), [A/HRC/52/L.29](#), [A/HRC/52/L.34](#), [A/HRC/52/L.37](#) and [A/HRC/52/L.39](#) as orally revised)

Draft resolution [A/HRC/52/L.1](#): Mandate of Special Rapporteur on the situation of human rights defenders

67. **Ms. Enersen** (Observer for Norway), introducing the draft resolution, said that the renewal of the mandate of the Special Rapporteur on the situation of human rights defenders coincided with the seventy-fifth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Declaration on Human Rights Defenders, an instrument that had for the first time recognized the right to defend human rights and the right to be protected while doing so. The work of human rights defenders, including women human rights defenders, remained as relevant as ever. Her Government believed that human rights defenders were a resource, contributing as they did to the promotion and protection of human rights, gender equality, peace and inclusive and sustainable development. Yet many of them continued to be at risk of violence, threats and harassment due to the nature of their work. The fact that they were often subjected to reprisals for working with international organizations was unacceptable.

68. The Special Rapporteur's mandate was not only vital for the protection of human rights defenders, but was also a means of demonstrating the international community's recognition of the value of their work. The terms of the mandate were unchanged and the draft contained only minor technical updates; the terms set out in Human Rights Council

resolution 16/5 provided the necessary relevance, effectiveness and competence. She encouraged Council members to adopt the draft resolution by consensus.

69. **The President** said that 17 States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

General statements made before the decision

70. **Ms. Kauppi** (Finland), speaking on behalf of the States members of the European Union that were members of the Council, said that the European Union had always been a staunch supporter of civil society and of human rights defenders and remained committed to creating and maintaining a safe and enabling environment for human rights defenders to carry out their work, both online and offline. Human rights defenders played a pivotal role in the protection and promotion of human rights in all regions of the globe, often putting themselves at great personal risk to do so, and the draft resolution was of critical importance. She commended Norway on its constructive approach in putting forward a technical update to resolution 43/16 and on its extensive outreach to all States. The European Union called on Council members to adopt the draft resolution by consensus.

71. **Ms. Duncan Villalobos** (Costa Rica) said that the mandate under consideration was one of the most important special procedures ever established by the Human Rights Council. It was a practical means of strengthening the protection of human rights defenders and, given the increase in reprisals, threats, smear campaigns, raids on their premises and general surveillance, in violation of their right to privacy, its renewal was a matter of priority. The original mandate had proved its value not only to human rights defenders, including children and women, and defenders of environmental human rights, but also to States, which had benefited from the work of successive mandate holders, who had helped them to better understand the threats faced by human rights defenders and advised them on the best ways to tackle the challenges.

72. Much of the progress achieved since the adoption of the Universal Declaration of Human Rights was due to the courageous actions of individuals in protecting and promoting human rights. Creating a safe and enabling environment for human rights defenders was an investment, one that promoted the universality and the progressive realization of human rights. Costa Rica called on all States once again to join together in support of the draft resolution.

73. **Ms. Fuentes Julio** (Chile) said that the work of the Special Rapporteur had been decisive in advancing the rights of human rights defenders and bringing to light violations against them. The renewal of the Special Rapporteur's mandate would signal the international community's support for the protection of human rights and for the freedom of expression, association and peaceful assembly essential to a democratic society.

74. The draft resolution included language recognizing the role played by civil society organizations, the importance of legislative frameworks in protecting the work of human rights defenders and the importance of cooperation with the mandate holder. Her delegation wished to draw attention to the emphasis placed on the role of women human rights defenders, whose work should be not only protected but welcomed and promoted. Women human rights defenders played a key role in promoting gender equality, combating sexual and gender-based violence and defending the rights of marginalized communities. The international community should recognize and support that work in order to ensure that it could be pursued without harassment, threats or persecution. Her delegation encouraged the Council members to adopt the draft resolution by consensus.

75. **Ms. Taylor** (United States of America) said that, despite their positive contribution to the promotion and protection of human rights and fundamental freedoms for all, human rights defenders continued to face restrictions on their own fundamental freedoms, remained the target of threats and attacks, and could even be killed simply for doing their job.

76. The renewal of the Special Rapporteur's mandate marked a collective recognition that human rights defenders must be protected. The United States underscored its concern about the environments in which they operated and about the frequent misuse of legislation on national security and terrorism in order to target, endanger and discredit human rights

defenders and their work. It was important to take practical action to push back against new legislative attempts to stifle their voices. The international community must continue to spotlight the situation of human rights defenders and to empower and support them in their work, especially when they came under threat, whether online or offline. The United States stood firmly with human rights defenders around the globe, who courageously risked their own and their families' lives in pursuit of a freer world.

77. **Mr. Staniulis** (Lithuania) said that human rights defenders played an even more crucial role and incurred even greater risks in conflict and post-conflict situations. Lithuania hosted many human rights journalists and activists, mainly from Russia and Belarus, who had fled from repression in their own countries, and provided them with opportunities to continue their work from abroad. As the Council had a role to play in supporting human rights defenders around the world, his delegation encouraged members to adopt the draft resolution by consensus.

78. **Mr. Jiang Han** (China) said that the lack of a clear definition of human rights defenders at the international level, negotiated and agreed through the intergovernmental process, made it easy for organizations with ulterior motives to abuse the concept, thereby undermining genuine efforts to promote and protect human rights. All people should enjoy human rights and fundamental freedoms; the law should be observed and applied equally and human rights defenders should not be treated as a special group that enjoyed special privileges. Those who violated the law and committed crimes should not be seen as so-called human rights defenders.

79. The draft resolution contained a number of controversial elements. Countries held differing views on the issue of human rights defenders. Accordingly, further discussion was required in order to address the concerns of all parties. For those reasons, China would not join the consensus on the draft resolution.

80. *Draft resolution A/HRC/52/L.1 was adopted.*

Draft resolution A/HRC/52/L.2: Mandate of Special Rapporteur on minority issues

81. **Ms. Schweitzer** (Observer for Austria), introducing the draft resolution on behalf of the main sponsors, namely Mexico, Slovenia and her own delegation, said that the thirtieth anniversary, in 2022, of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities had provided an opportunity to review the progress made and consider implementation challenges. The purpose of the draft resolution was to continue the Council's strong engagement with the topic. Her delegation was particularly glad to see that there was once again strong cross-regional support for the mandate.

82. **The President** said that 12 States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

83. *Draft resolution A/HRC/52/L.2 was adopted.*

Draft resolution A/HRC/52/L.4: Freedom of religion or belief

84. **Ms. Jardfelt** (Observer for Sweden), introducing the draft resolution on behalf of the European Union, said that the right to freedom of thought, conscience, religion or belief applied to all persons equally everywhere, in accordance with the principles of equality, non-discrimination and universality. The freedom to exercise that right contributed directly to democracy, development, the rule of law, peace and stability. Violations could exacerbate intolerance and were often early indicators of potential violence and conflicts.

85. Hate speech was on the rise in social media and elsewhere, and recent incidents of religious intolerance in various countries were visible consequences of populism in hate speech targeting persons belonging to religious and other minorities. States needed to pay closer attention to that worrying trend, since they bore the primary responsibility for the protection of all individuals.

86. The promotion and protection of the right to freedom of religion or belief remained a key priority for the European Union. In its view, the focus should be on the implementation

of the Council's previous resolutions and commitments, and the draft resolution therefore contained only minor technical changes to the text. The European Union was particularly grateful to the Organization of Islamic Cooperation (OIC) for its constructive engagement in the negotiations, which reflected the close relationship between the draft resolution under consideration and draft resolution [A/HRC/52/L.30](#) on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief.

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

88. *Draft resolution [A/HRC/52/L.4](#) was adopted.*

Draft resolution [A/HRC/52/L.5/Rev.1](#): Torture and other cruel, inhuman or degrading treatment or punishment: mandate of the Special Rapporteur

89. **Mr. Madsen** (Observer for Denmark), introducing the draft resolution, said that its purpose was to maintain the robust framework that had allowed the Special Rapporteur to pursue the crucial efforts that had characterized the mandate since its creation 38 years previously. The few adjustments that had been made to the text were intended principally to align it with General Assembly resolution 77/209 on torture and other cruel, inhuman or degrading treatment or punishment, adopted in 2022, and with Human Rights Council resolution 46/15 on the roles and responsibilities of police and other law enforcement officials in that regard, adopted in 2021. The draft resolution also drew attention to the fortieth anniversary of the mandate and the fortieth anniversary of the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which would fall in 2025 and 2024 respectively. He hoped that the Council would maintain its long-standing tradition of adopting such resolutions by consensus.

90. **The President** said that five States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

General statements made before the decision

91. **Ms. Fuentes Julio** (Chile) said that the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment continued to play a fundamental role in the eradication of practices amounting to torture. Her delegation welcomed the inclusion in the draft of language encouraging States that had not yet done so to consider signing, ratifying or acceding to the Convention against Torture and the mention of Indigenous Peoples as a group that should be involved in discussions on the prevention of torture. Her delegation strongly supported the gender perspective reflected in the draft and the differentiated approach taken to the types of discrimination that could increase an individual's risk of being a victim of torture or other cruel, inhuman or degrading treatment. The Special Rapporteur must be given sufficient resources to carry out his or her work. Chile was sponsoring the draft resolution because of the importance it attached to multilateral efforts to combat torture, a matter with which, for historical reasons, it was all too familiar.

92. **Mr. Staniulis** (Lithuania) said that his Government firmly supported the absolute prohibition of torture and ill-treatment and was committed to efforts to fully eradicate those practices. Regrettably, various reports by United Nations human rights mechanisms indicated that the use of torture was still widespread, including in the context of the Russian war of aggression against Ukraine. His delegation appreciated the inclusion in the draft of references to survivors, Indigenous Peoples, sexual and gender-based violence and the upcoming anniversaries of the mandate of Special Rapporteur and the adoption of the Convention against Torture.

93. *Draft resolution [A/HRC/52/L.5/Rev.1](#) was adopted.*

Draft resolution [A/HRC/52/L.6](#): Promoting human rights and the Sustainable Development Goals through transparent, accountable and efficient public service delivery

94. **Mr. Mardaliyev** (Observer for Azerbaijan), introducing the draft resolution on behalf of the main sponsors, namely Ecuador, Georgia, Kenya, Malaysia, Thailand, Türkiye and his

own delegation, said that the draft drew on resolution 37/7, which the Council had adopted on the same topic in 2018; the joint statement by the delegations of Australia, Azerbaijan and Malaysia on the importance of human rights awareness in the public service towards effective implementation of measures to combat the coronavirus disease (COVID-19), delivered at the Council's forty-sixth session; and the outcomes of a panel discussion held at the Council's fiftieth session to celebrate United Nations Public Service Day. The draft resolution highlighted the importance of transparent, accountable and efficient delivery of public services for the promotion and protection of all human rights and the implementation of the 2030 Agenda for Sustainable Development. The draft touched on the role of digital technologies in preventing and combating corruption and noted the need to ensure the inclusion of vulnerable groups, such as women and girls, persons with disabilities and those residing in remote areas. States with effective public service delivery models were encouraged to share their best practices with other States, and OHCHR was asked to prepare a report on the role of public service delivery in the promotion and protection of human rights and the achievement of the Sustainable Development Goals.

95. **The President** announced that 42 States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

General statements made before the decision

96. **Ms. Kauppi** (Finland), speaking on behalf of the States members of the European Union that were members of the Council, said that the COVID-19 pandemic had highlighted the importance of professional, accountable, transparent and accessible public services, which played an important role in the promotion and protection of human rights. It was important that the draft resolution should complement and not duplicate other Human Rights Council initiatives, particularly those addressing the role of good governance in the promotion and protection of human rights. The constructive and inclusive informal consultations had resulted in a stronger and more balanced text that included important elements addressing digitization, gender equality, access to information, persons in vulnerable situations and the role of civil society.

97. *Draft resolution [A/HRC/52/L.6](#) was adopted.*

Draft resolution [A/HRC/52/L.8](#): Freedom of opinion and expression: mandate of Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

98. **Ms. Norton** (Observer for Canada), introducing the draft resolution on behalf of the Kingdom of the Netherlands and her own delegation, said that the draft would extend the mandate of Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression for three years. For 30 years, the mandate holders had been making significant efforts to promote and protect the right of all individuals to freedom of opinion and expression, a fundamental human right enshrined in international and regional human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

99. **Mr. Tummers** (Observer for the Kingdom of the Netherlands), continuing the introduction of the draft resolution, said that freedom of expression was essential in any democratic society. People who were able to express themselves freely and safely, both online and offline, and exchange ideas and information drove innovation and creativity and, most importantly, held Governments to account to ensure that their policies benefited everyone. By extending the mandate of Special Rapporteur, the Council would send a strong message that the international community was committed to protecting that fundamental freedom. Technological innovation led both to new opportunities and to new challenges. The mandate holder promoted and protected freedom of opinion and expression and also provided States with advice on technical cooperation. The mandate remained as necessary and relevant as it had been at the time of its creation in 1993.

100. **The President** announced that 11 States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

General statements made before the decision

101. **Ms. Rodzli** (Malaysia) said that Malaysia remained committed to upholding the right to freedom of opinion and expression, as provided for in its Constitution and in relevant international human rights instruments, including the Universal Declaration of Human Rights. In recent years, there had been a regrettable rise in hate speech seeking to denigrate, insult or marginalize individuals or groups based on their ethnicity, religion or beliefs. Malaysia deplored the trend towards the incitement of hatred and the spread of irresponsible narratives, which caused devastating harm to the individuals and communities targeted and restricted their ability to fully enjoy their human rights. The Human Rights Council had consistently held that the exercise of the right to freedom of opinion and expression carried with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights. To ensure that the right was not abused for purposes of hate speech and incitement, her Government called upon the Council and its mechanisms, including the special procedure mandate holders, to explore effective measures to promote freedom of opinion and expression while ensuring democratic accountability and responsibility, in line with international standards. The rights articulated in the Universal Declaration of Human Rights in its entirety, including in articles 29 and 30, should be upheld.

102. **Mr. Staniulis** (Lithuania) said that his delegation strongly supported the draft resolution. The right to freedom of opinion and expression was fundamental in building democratic societies and promoting human rights, but it was being challenged by growing restrictions on free media, both online and offline, Internet shutdowns and the intimidation of journalists and media workers. Furthermore, the right was often abused for the purpose of deliberately spreading disinformation and false narratives in order to destabilize societies and even set the stage for military action, as in the case of the Russian war of aggression against Ukraine. Lithuania valued the work done thus far by the Special Rapporteur. It was crucial that the Council should extend the mandate.

103. **Mr. Scappini Ricciardi** (Paraguay) said that the right to freedom of opinion and expression was a fundamental and inalienable one, inherent to all people, which allowed individuals and groups to enjoy other human rights and liberties and was indispensable to the very existence of a democratic society. The holders of the mandate created by the Council to promote and protect that right had called attention to the challenges that the digital age posed for the media and highlighted the importance of ensuring that measures to counter disinformation, propaganda and incitement were grounded in human rights. They had also identified non-discrimination and inclusion as key elements for the protection and enjoyment of that right and had made specific recommendations on the creation of safe digital spaces that would allow women to enjoy that right on an equal footing. His Government had consistently supported the work of the special procedure mandate holders, who played a key role in monitoring, promoting and raising awareness of specific human rights worldwide.

104. *Draft resolution [A/HRC/52/L.8](#) was adopted.*

Draft resolution [A/HRC/52/L.10](#): Adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination in this context

105. **Ms. Kauppi** (Finland), introducing the draft resolution on behalf of the main sponsors, namely Brazil, Germany, Namibia and her own delegation, said that the draft was a procedural text that would extend for a further three years the mandate of Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in that context. Since the mandate's establishment in 2000, its holders had significantly contributed to a broad interpretation of the right to adequate housing, a crucial economic, social and cultural right that entailed more than just walls and a roof. It was the right of each person to live in a decent home, in security, peace and dignity. That right was firmly anchored in the human rights agenda. Mandate holders had identified factors impinging on its enjoyment, such as discrimination, racism and climate

change, and played a significant role in promoting measures at the national, regional and international levels to safeguard the right to adequate housing for all, without discrimination.

106. **The President** announced that 21 States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

General statements made before the decision

107. **Ms. Taylor** (United States of America) said that the United States strongly supported the draft resolution and its message regarding the importance of adequate housing for all. The right to adequate housing was a component of the right to an adequate standard of living, which was recognized in the International Covenant on Economic, Social and Cultural Rights and gave rise to obligations for the States that were parties to that instrument. Her delegation supported the message in the draft that the protection of other human rights could have an impact on individuals' ability to obtain adequate housing. In particular, measures to combat discrimination and ensure equal treatment and protection under the law were crucial for ensuring access to adequate housing for all.

108. **Ms. Filipenko** (Ukraine) said that the draft resolution had special relevance to the situation in Ukraine. The Russian aggression against Ukraine had led to the massive destruction of civilian housing and vital infrastructure. Russian forces continued their deliberate shelling of residential areas of Ukrainian cities. Since February 2022, over 63,000 residential buildings in Ukraine had been damaged or destroyed by the Russian military forces. The cities of Mariupol, Volnovakha, Rubizhne, Popasna and Lyman had been levelled to the ground by Russian missiles and bombs. Millions in Ukraine had been left without housing following the brutal destruction or unlawful occupation of their homes; however, they retained an unwavering resolve to rebuild their homes and restore their rights. Her delegation hoped that the draft, which extended the mandate of Special Rapporteur, would contribute to joint efforts to hold Russia accountable for the violation of Ukrainians' right to an adequate standard of living.

109. *Draft resolution [A/HRC/52/L.10](#) was adopted.*

Draft resolution [A/HRC/52/L.11](#): Question of the realization in all countries of economic, social and cultural rights

110. **Mr. Macieira** (Observer for Portugal), introducing the draft resolution, said that it was an update of the resolution on the same topic submitted by Portugal in 2021 and contained a renewed commitment to economic, social and cultural rights, with a specific focus on social protection. The draft included language noting the report of the Secretary-General ([A/HRC/49/28](#)) on the continuing impacts of the COVID-19 pandemic on economic, social and cultural rights and on a human rights-based approach towards building and financing inclusive public policies and services. The draft also reflected concerns about flaws in social protection systems that had become evident during the pandemic and subsequent crises. It therefore called for the strengthening of such systems and the fulfilment of the right to social security by all States, without discrimination and with account being taken of women's unequal share of unpaid care and domestic work.

111. Under the draft resolution, the Council would request the High Commissioner to convene a panel discussion, at the Council's fifty-fifth session, on challenges and good practices to strengthen the fulfilment of the right to social security and would request the Secretary-General to prepare a report on the same matter. Finally, OHCHR would be asked to prepare a practical information note compiling best practices on social protection with regard to human rights.

112. **The President** announced that 21 States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

General statements made before the decision

113. **Ms. Li Xiaomei** (China) said that her Government had always maintained that the Council and other human rights institutions should pay equal attention to all categories of human rights. Multilateral human rights bodies had long underemphasized economic, social and cultural rights and the right to development. The COVID-19 pandemic had further exposed and exacerbated inequalities within and among countries. Her delegation called on the international community to scale up investment in economic, social and cultural rights and the right to development and hoped that OHCHR and other agencies would launch substantive initiatives to promote and implement those rights.

114. China had put in place the world's largest social security system and was willing to share its experiences and the good practices that it had developed. While her delegation would join the consensus on the draft resolution, it regretted that the text did not reflect the root causes of the problem, such as inequality between countries and illegal unilateral coercive measures that prevented countries from realizing economic, social and cultural rights. Her delegation hoped that the sponsors would listen to the views of all parties and further improve the text in the future so as to reflect more comprehensively the work of the Council in the field of economic, social and cultural rights.

115. **Ms. Fuentes Julio** (Chile) said that the delegation of Portugal had submitted a unifying text that reflected States' main concerns regarding the topic. Like all human rights, economic, social and cultural rights were intrinsic, inalienable, universal, interdependent and indivisible. Their full realization should be a priority for the international community. Her delegation welcomed the fact that the draft resolution addressed social protection in the context of the full realization of economic, social and cultural rights, an especially pertinent approach in light of the structural inequalities and shortcomings in social protection systems that had been revealed worldwide following the COVID-19 pandemic. The draft also referred to the role played by international financial institutions, which were central to implementing economic, social and cultural rights. Her Government supported the call to design social protection systems that promoted women's economic security and welcomed the recognition of the role played by women and girls in promoting peaceful, just and inclusive societies and in enhancing economic growth, productivity and sustainable development. Her delegation hoped that the note on best practices to be prepared by OHCHR would serve as a road map for the continued promotion of those rights internationally.

116. **Ms. Taylor** (United States of America) said that her delegation was pleased to be one of the sponsors of the draft resolution. Upholding the vision of the Universal Declaration of Human Rights meant continuing to advance economic, social and cultural rights; the United States was committed to enabling people around the world to enjoy those rights. Her delegation wished to clarify one important point with regard to the draft resolution, namely that the United States respected the authority, the independent mandates and the rules of important institutions outside the United Nations system when it came to promoting international monetary and financial stability, encouraging robust trade and raising worldwide living standards, and welcomed the efforts of Member States to ensure that actions taken at the United Nations did not influence important independent forums such as the World Trade Organization, the International Monetary Fund (IMF) and the Organisation for Economic Co-operation and Development (OECD). Where United Nations resolutions referred to independent institutions, her delegation preferred neutral language that noted or acknowledged their function.

117. Economic, social and cultural rights were critically important and indivisible from civil and political rights. It was essential to ensure that members of marginalized groups, such as women, children, young people, older persons, LGBTQI+ persons, persons with disabilities, persons belonging to racial and ethnic minority groups and Indigenous persons were considered in all efforts to protect and realize economic, social and cultural rights and to create a more equal and prosperous world for all.

118. **Mr. Staniulis** (Lithuania) said that his Government fully supported the Council's renewed commitment to economic, social and cultural rights and its specific focus on social protection. Access to social security must be provided without discrimination, taking due account of women's unequal share of unpaid care and domestic work. His delegation wished

to highlight the role that the international financial institutions had played in supporting States' efforts to recover from the COVID-19 pandemic through their collaborative engagement in international assistance and cooperation, thereby contributing to the realization of economic, social and cultural rights. His delegation invited all members of the Council to join the consensus on the draft resolution.

119. *Draft resolution A/HRC/52/L.11 was adopted.*

Draft resolution A/HRC/52/L.15: Mental health and human rights

120. **Mr. Macieira** (Observer for Portugal), introducing the draft resolution on behalf of the main sponsors, namely Brazil and his own delegation, said that its main purpose was to reiterate that States had an obligation to end stigma, discrimination and violence in the context of mental health and to promote respect for and the protection and realization of the human rights of persons with psychosocial disabilities in line with the Convention on the Rights of Persons with Disabilities. The draft resolution would be an important tool for raising awareness of the obligation of States to protect the dignity, individual autonomy and full and effective participation and inclusion in society of persons with psychosocial disabilities and current or potential users of mental health services. It reiterated the importance of free and informed consent, calling for an end to the use of coercion in mental health settings, and reflected resolution WHA74.7 of the World Health Organization (WHO) World Health Assembly, which highlighted the negative consequences of the COVID-19 pandemic for society, public health, human rights and the economy. The draft resolution was aligned with the WHO QualityRights initiative and the guidelines on deinstitutionalization, including in emergencies, of the Committee on the Rights of Persons with Disabilities. It summarized the outcomes of the 2021 consultation organized by the High Commissioner on ways to harmonize laws, policies and practices relating to mental health with the Convention on the Rights of Persons with Disabilities, and included a request to the High Commissioner to organize a new consultation and submit a report on challenges and best practices at the local, national and regional levels.

121. **The President** said that 22 States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

122. **Ms. Méndez Escobar** (Mexico), making a general statement before the decision, said that her delegation appreciated the main sponsors' openness to addressing the concerns raised by various delegations during the negotiations, in particular with regard to the need to use terms and concepts that reflected the social and human rights model of mental health and psychosocial disability established under the Convention on the Rights of Persons with Disabilities, leaving the medical model behind. Her delegation welcomed the fact that, through the draft resolution, the Council called on States to adopt the measures necessary to ensure that all persons with psychosocial disabilities were recognized as persons before the law. It was also necessary to train mental health professionals, members of civil society and other key actors, such as public servants, in order to strengthen their knowledge and skills in line with the Convention on the Rights of Persons with Disabilities. To that end, the work of the Committee on the Rights of Persons with Disabilities, including its recent guidelines on deinstitutionalization, would be of central importance. Her delegation called on all States to support the draft resolution.

123. **Ms. Billingsley** (United States of America), speaking in explanation of position before the decision, said that her delegation wished to reiterate that references to health-related human rights and the equal rights of persons with disabilities did not alter the current state of conventional or customary international law or imply that States must implement obligations under human rights instruments to which they were not parties. Her delegation understood abbreviated references to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the right of all persons with disabilities to be included in the community and have choices on an equal basis with others to be shorthand for the more accurate and widely accepted terms used in the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities.

124. Each State party to the International Covenant on Economic, Social and Cultural Rights undertook to take steps to progressively achieve the full realization of the rights recognized therein. States parties had recourse to a wide array of policies and actions in promoting progressive realization; the Council should not attempt, through the draft resolution, to define the content of the rights enshrined in the Covenant, including under article 12, or to suggest that specific steps were required of States parties to progressively achieve the full realization of those rights. Moreover, she wished to note that there was no internationally agreed-upon understanding of the terms “human rights-based approach”, “human rights model” or “human rights-based global agenda”.

125. Her delegation remained concerned about the lack of precision and clarity of certain provisions in the draft resolution, in particular paragraph 5, and was of the view that the draft resolution would benefit greatly from further refinement in the future, to ensure that it delivered a comprehensive and accurate message. Her delegation supported the definition of the term “people-centred” as established in the 2030 Agenda for Sustainable Development and welcomed the fact that the term was used in that sense in the thirty-eighth preambular paragraph and paragraph 6 of the draft resolution. Lastly, her delegation wished to reiterate that human rights, in all contexts, belonged to individuals, not to groups. More detailed information on her Government’s position in that regard could be found in her delegation’s statement providing points of clarification on Council resolutions, which would be posted in full on the website of the Permanent Mission.

126. *Draft resolution A/HRC/52/L.15 was adopted.*

Draft resolution A/HRC/52/L.18: The negative impact of unilateral coercive measures on the enjoyment of human rights

127. **Mr. Seyfullayev** (Observer for Azerbaijan), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, said that the text was based on Human Rights Council resolution 49/6. It reaffirmed the principles of the sovereign equality of States and non-intervention and non-interference in the internal affairs of States and highlighted the negative impact of unilateral coercive measures on human rights, the right to development, the realization of the Sustainable Development Goals, international relations and international solidarity, trade, investment and cooperation. The draft also included language referring to the human rights impact of secondary sanctions and overcompliance, noting the activities of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights and requesting OHCHR to organize, at the Council’s fifty-fourth session, a biennial panel discussion on the impact of unilateral coercive measures and overcompliance on the right to development and the achievement of the Sustainable Development Goals, bearing in mind the continuing impact of such measures on the populations of least developed and developing countries.

128. **The President** announced that one State had joined the sponsors of the draft resolution, which had no programme budget implications.

129. **Mr. Idris** (Eritrea), making a general statement before the voting, said that unilateral sanctions were brutal and inhumane by their very nature. They collectively punished entire populations and undermined socioeconomic progress in the targeted countries. The global Powers that gave lip service to the rules-based international order used unilateral sanctions as a form of warfare, in order to bully and intimidate nations that pursued independent national policies and programmes for the benefit of their peoples. Eritrea had been continually targeted by such sanctions in recent decades as part of efforts to blackmail and intimidate its Government. In a move that demonstrated its assertiveness and power to make independent choices, the African Union, at its thirty-sixth Summit, held on 18 and 19 February 2023, had reiterated its strong condemnation of the imposition of unilateral sanctions on three of its member States, namely Eritrea, South Sudan and Zimbabwe, and had called for those sanctions to be lifted immediately. The submission of draft resolution [A/HRC/52/L.18](#) was therefore timely and appropriate. His delegation would vote in favour of the draft resolution.

Statements made in explanation of vote before the voting

130. **Ms. Kauppi** (Finland), speaking on behalf of the States members of the European Union that were members of the Council, said that, as part of the common foreign and security policy of the European Union, restrictive measures were an essential tool for promoting peace, democracy and respect for human rights, international law and the rule of law. All restrictive measures imposed by the European Union were introduced and implemented in accordance with international law and were preventive and proportionate, targeted at specific policies or activities and imposed on the individuals or entities responsible for them. The European Union reviewed its restrictive measures at regular intervals. The draft resolution highlighted the use of restrictive measures in humanitarian settings; however, the restrictive measures imposed by the European Union were not meant to impede the provision of humanitarian assistance. In fact, the European Union provided for exceptions in order to safeguard the timely delivery of humanitarian assistance; for example, after the recent devastating earthquake in Türkiye and Syria, it had rapidly adopted additional temporary exemptions to allow humanitarian operators to continue their work. For those reasons, her delegation called for a vote on the draft resolution. The States members of the European Union that were members of the Council would vote against it.

131. **Ms. Duncan Villalobos** (Costa Rica) said that, in keeping with her country's long-standing tradition of defending and promoting human rights and international law, her delegation rejected the imposition of unilateral and extraterritorial measures by any State against another State, through political, economic, military or other means, which were not authorized by the competent international bodies in accordance with the Charter of the United Nations. Her country reiterated its long-standing position that international inclusion, dialogue and cooperation should be prioritized as the most effective tools for promoting friendly relations among States and their peoples. The only way to achieve development was through full respect for the rule of law, with strong democratic institutions, the separation of powers and an environment that fostered accountability and ensured the effective protection and promotion of the human rights of all.

132. The imposition of unilateral coercive measures did not relieve States of their international obligation to provide their citizens with basic individual guarantees. Her delegation called on all States to reflect on how best to do away with such unilateral policies, which hindered the well-being of populations, especially the most vulnerable. Her delegation would vote in favour of the draft resolution.

133. **Ms. Taylor** (United States of America) said that the draft resolution inappropriately contested the ability of States to determine their economic relations and protect legitimate national interests. Worldwide, sanctions were used to deter abuses and promote accountability for human rights violations, corruption and actions that undermined democracy. Economic sanctions were a legitimate way to achieve foreign policy, national security and other national and international objectives. The United States used sanctions in a manner consistent with international law, including the Charter of the United Nations, and had taken concrete action to minimize their unintended consequences. For example, the United States, together with Ireland, had proposed Security Council resolution 2664 (2022), a landmark resolution that established a humanitarian exemption to asset freezes across United Nations sanctions programmes, thereby facilitating the delivery of humanitarian aid while ensuring that such aid was not diverted or abused by malicious actors. Ensuring that sanctions were properly targeted was essential to the achievement of their intended purpose; however, her Government emphatically rejected the premise, apparently supported by some States, that the effects of sanctions on those responsible for human rights violations were more important than the violations themselves. For those reasons, her delegation would vote against the draft resolution.

134. **Mr. Ballinas Valdés** (Mexico) said that his delegation was opposed to the use of unilateral coercive measures, which was contrary to the basic principles of international law, including the Charter of the United Nations and General Assembly resolution 2625 (XXV) concerning friendly relations and cooperation among States. However, his delegation regretted the focus of the draft resolution, which failed to take account of concerns that had been raised on various occasions. In particular, it was opposed to the reference to the right to development as an integral part of human rights. That assertion could be interpreted to mean

that development was a prerequisite for compliance with States' human rights obligations under international law, a view that Mexico did not share. Moreover, the draft resolution included language welcoming the efforts of the open-ended Working Group on the Right to Development, which was currently seeking to develop a legally binding international instrument on the right to development, an initiative that his Government did not support.

135. Mexico did not consider the Human Rights Council to be the appropriate forum for addressing the consequences of failures to comply with international law such as those that might arise when unilateral coercive measures were applied in a manner contrary to established norms. In addition, the draft resolution contained references to new concepts, the meaning and implications of which had not been clarified, such as the concept of "overcompliance" with unilateral coercive measures. Lastly, as previously made clear in its statement on resolution 49/6 ([A/HRC/49/SR.55](#)), his delegation saw no need to call for the Special Rapporteur on the negative impact of unilateral coercive measures to study the possibility of establishing a dedicated monitoring and follow-up mechanism and believed that such a request would go beyond the mandate established for that special procedure. Mexico would therefore abstain from voting on the draft resolution.

136. **Mr. Bonnafont** (France) said that any coercive measures imposed must be proportionate to the objective pursued and must be applied in a manner respectful of international law, fundamental freedoms and human rights, in particular the right to an effective remedy. Sanctions were not intrinsically unlawful and were just one of the tools used by States to pursue the common goals of protecting human rights, consolidating democracy and the rule of law, preserving peace, preventing conflicts and strengthening international security. The coercive measures imposed by France in conjunction with the European Union were fully in keeping with international law. Such sanctions never targeted a population as such, but rather targeted policies or specific activities, the means of performing those activities and the persons responsible for them. His Government endeavoured to ensure that coercive measures had minimal impact on those who bore no responsibility for the policies and actions that gave rise to their adoption, notably by guaranteeing that the delivery of humanitarian aid and the provision of medical equipment and resources essential to fighting public health crises were unaffected.

137. While the Council continued to note, in almost every interactive dialogue, that serious human rights violations and abuses were being committed in far too many places around the world, often with total impunity, France refused to stand idly by. In response to the serious human rights violations committed by the Iranian authorities in repressing the movement sparked by the death of Mahsa Amini, the European Union had imposed sanctions against those responsible, targeting 78 individuals and 27 entities. Those measures would not affect the Iranian people or the Iranian economy. In response to the war of aggression launched by Russia against Ukraine, the European Union had imposed massive and unprecedented sanctions, in addition to the measures already imposed on Russia since the 2014 annexation of Crimea and the failure to implement the Minsk agreements. Those sanctions included targeted individual sanctions, visa measures and economic sanctions, including export and import restrictions that excluded consumer products and products related to health, pharmaceuticals, food and agriculture, precisely in order not to harm the Russian population.

138. His delegation could not support a draft resolution that equated sanctions aimed at protecting and promoting human rights and fighting impunity with unilateral coercive measures, nor could it support a mandate based on the principle that the imposition of sanctions should give rise to an obligation of accountability or reparations, without due regard for the reasons for which such sanctions had been adopted.

139. **Ms. Li Xiaomei** (China) said that, like many other countries, China was deeply concerned that some States continued to recklessly impose unilateral coercive measures on other States, with total disregard for the principles of the Charter of the United Nations and international law. Unilateral coercive measures disrupted international economic, scientific and technological cooperation, exacerbated the current global food, energy and financial crises, undermined the ability of sanctioned States to develop their economies and improve the living standards of their populations and seriously jeopardized their people's basic human rights, including their rights to life, health, development and education, thereby aggravating the suffering of the people of developing countries and even, in some cases, giving rise to

humanitarian disasters. The States concerned should immediately end the imposition of illegal unilateral coercive measures and stop violating the human rights of the peoples of other countries. The Council's efficacy on the issue of unilateral coercive measures would be an important test of its principles of universality, objectivity, impartiality, non-selectivity and non-politicization. For those reasons, her delegation was in favour of the draft resolution and called on all members of the Council to support it.

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

In favour:

Algeria, Argentina, Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Morocco, Nepal, Pakistan, Paraguay, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan, Viet Nam.

Against:

Belgium, Czechia, Finland, France, Georgia, Germany, Lithuania, Luxembourg, Montenegro, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Mexico.

141. *Draft resolution [A/HRC/52/L.18](#) was adopted by 33 votes to 13, with 1 abstention.*

The meeting was suspended at 5.05 p.m. and resumed at 5.20 p.m.

Draft resolution [A/HRC/52/L.20](#): Promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development

142. **Mr. Bichler** (Luxembourg), introducing the draft resolution on behalf of the main sponsors, namely Azerbaijan, Brazil, Canada, Chile, Ecuador, Fiji, Portugal, Rwanda, Sierra Leone, Thailand, Uruguay and his own delegation, said that the text underlined the mutually reinforcing relationship between human rights and the Sustainable Development Goals. Similar resolutions had been adopted in 2018 and 2020. The draft resolution reaffirmed all the Sustainable Development Goals and underlined the importance of coherent action by the United Nations to implement the 2030 Agenda. The work of the Human Rights Council was deeply relevant in that regard. Furthermore, the work undertaken in other forums on the implementation of the 2030 Agenda was important for the work of the Human Rights Council.

143. **Ms. Fuentes Julio** (Chile), continuing the introduction of the draft resolution, said that it fully reflected the interlinked global crises that had had a devastating impact on the realization of the 2030 Agenda and was intended to help restore a sustainable development agenda that fully recognized human rights and left no one behind. The draft had the full support of the High Commissioner. With a view to strengthening the delivery of the Sustainable Development Goals in a manner that respected, protected and fulfilled human rights, the draft resolution aimed at enhancing the capacities of OHCHR to support Member States with relevant technical cooperation and capacity-building. It would also enable the Council to continue the indispensable dialogue among States, United Nations entities, civil society, academia and other stakeholders on the matter through intersessional meetings. The main sponsors hoped that the draft resolution, which reflected their shared commitment to the implementation of the 2030 Agenda, would be adopted by consensus.

144. **The President** said that 31 States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

145. He drew attention to the proposed amendment contained in document [A/HRC/52/L.46](#), which had been submitted by the Russian Federation but had not been sponsored by any member of the Council. According to rule 69 (3) of the rules of procedure of the functional commissions of the Economic and Social Council, which were applicable to the Human Rights Council pursuant to General Assembly resolution 60/251, the Council could take action on a proposal submitted by an observer delegation if it was requested to do

so by at least one member of the Council. As no member had made such a request with regard to the proposed amendment, he took it that the Council wished to take no action on it.

146. *It was so decided.*

General statements made before the decision

147. **Mr. Pecsteen de Buytswerve** (Belgium) said that the draft resolution reaffirmed the Council's determination to leave no one behind and highlighted two specific goals aimed at combating discrimination and inequalities, namely Sustainable Development Goals 5 and 16. As reaffirmed by the Secretary-General in his 2020 Call to Action for Human Rights and his 2021 report entitled "Our Common Agenda", human rights permeated the 2030 Agenda for Sustainable Development.

148. The draft resolution focused on the universality and indivisibility of all economic, social, cultural, civil and political rights. Their full realization required broad and sustained engagement with States, civil society and other stakeholders and was intrinsically linked to the 2030 Agenda, which provided a road map, fresh impetus and new tools to eradicate poverty and improve the quality of people's lives, including through the exercise of the full range of rights. Its goals and targets corresponded overwhelmingly to existing human rights commitments. For that very reason, a gender-responsive and multi-resource approach should be taken to the implementation of the 2030 Agenda.

149. Action to strengthen the work of OHCHR through the allocation of increased resources was of key importance for ensuring that strategies and policies to implement the 2030 Agenda were human rights-based. Belgium therefore fully supported the draft resolution and urged the Council to adopt it by consensus.

150. **Ms. Taylor** (United States of America) said that her Government was committed to partnering with fellow Member States, local communities, non-governmental organizations (NGOs) and the private sector to achieve the goals set out in the 2030 Agenda. The United States had introduced new programmes such as the Climate Finance Plus programme and the Sustainable Banking Alliance, which provided billions of dollars to support developing countries in advancing sustainable and green financial markets. A Climate Gender Equity Fund and an Indigenous People's Finance Access Facility had been announced in 2022 to ensure that no one was left behind in the race to meet the 2030 Agenda.

151. The United States was committed to acting on the Sustainable Development Goals at home and abroad. As subnational leaders had important experience to share on how to make the Goals a reality, it encouraged increased commitment to subnational diplomacy as a means of achieving the 2030 Agenda.

152. *Draft resolution [A/HRC/52/L.20](#) was adopted.*

Draft resolution [A/HRC/52/L.21](#): Cooperation with regional human rights organizations

153. **Mr. Pecsteen de Buytswerve** (Belgium), introducing the draft resolution on behalf of the main sponsors, namely Armenia, Mexico, Senegal, Thailand and his own delegation, said that the Vienna Declaration and Programme of Action highlighted the fundamental role played by regional human rights organizations in the protection and promotion of human rights and underscored the importance of their cooperation with the United Nations. The draft resolution, which was the eighth such text to have been submitted to the Council, provided an opportunity for States to renew their commitment to the cooperation recommended by that landmark instrument, adopted 30 years previously.

154. The draft resolution provided a set of tools for supporting and promoting sound cooperation between the United Nations and diverse regional human rights organizations. It included a request for a workshop to be organized by OHCHR on the right to a clean, healthy and sustainable environment, in which all regional organizations would be invited to participate. The regular meetings of the network of focal points in regional organizations would be maintained, as well as the programme offering staff members of regional organizations the opportunity to familiarize themselves with United Nations activities in Geneva. Such tools should enable those organizations to cooperate and engage in dialogue, exchanging views and sharing good practices with a view to upgrading their protection of

human rights. The main sponsors hoped that the draft resolution would be adopted by consensus.

155. **The President** said that 18 States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

156. **Mr. Wagne** (Senegal), making a general statement before the decision, said that regional human rights organizations played a crucial role in the promotion and protection of human rights throughout the world. Their ability to adapt initiatives to each region's specific needs and to collaborate closely with their member States enabled them to make a significant contribution to the promotion of human rights. Their role was enshrined in the Vienna Declaration and Programme of Action, which encouraged the establishment and strengthening of such mechanisms and stressed the importance of their cooperation with United Nations human rights activities. The draft resolution was intended to support and encourage cooperation between the United Nations and regional human rights organizations, as well as interregional exchanges on topical subjects. His delegation therefore urged the members of the Council to adopt the draft resolution by consensus.

157. **Mr. Staniulis** (Lithuania), making a general statement before the decision, said that, as stated in the Vienna Declaration and Programme of Action, regional human rights organizations played a fundamental role in promoting and protecting human rights. The draft resolution was intended to strengthen cooperation between the United Nations and various regional human rights bodies, including through annual exchanges and meetings of focal points. His delegation believed that the tools provided by the draft resolution could positively contribute to capacity-building and better synchronization between the United Nations and regional human rights bodies, and would help to improve the promotion and protection of human rights on the ground. His delegation also welcomed the request in the draft resolution for a workshop to be organized for a broad range of different stakeholders on the role of regional organizations in relation to the right to a clean, healthy and sustainable environment, a topic that was increasingly relevant and required a more common understanding. The updating of the title and related components of the draft resolution improved its clarity and relevance to current developments. He encouraged the Council to adopt it by consensus.

158. **Mr. Birnbaum** (United States of America), speaking in explanation of position before the decision, said that his Government supported the goal of establishing regional and subregional arrangements for the promotion and protection of human rights. In addition, it believed in the development of a human right to a clean, healthy and sustainable environment in a manner consistent with international human rights law. However, there was no shared view as yet on the basis for such a right or its scope: it had not yet been established as a matter of customary international law, was not yet provided for in treaty law, and had no legal relationship with existing international law. Accordingly, any workshop focusing on the role of regional organizations should focus solely on their role in developing that right in a manner consistent with international human rights law.

159. *Draft resolution [A/HRC/52/L.21](#) was adopted.*

Draft resolution [A/HRC/52/L.24](#): The right to food

160. **Mr. Quintanilla Román** (Cuba), introducing the draft resolution, said that the text was consistent with previous resolutions on the same subject but had been updated to reflect the current complex circumstances. It underscored the importance of international cooperation and solidarity to resolve common problems, addressed financing for development, highlighted the role of the Food and Agriculture Organization of the United Nations (FAO) as a governmental forum for the adoption of key technical decisions on agriculture and food, and drew attention to the importance of nutrition.

161. His delegation was grateful to the more than 60 States that had sponsored the draft resolution. In addition, the contributions made and the interest shown by civil society organizations demonstrated the importance of receiving objective, constructive input from such organizations. The outcome of the informal consultations and bilateral exchanges held was an updated, balanced, inclusive and action-oriented text. His delegation therefore trusted that the draft resolution would be adopted by consensus, thereby highlighting the need for a

united approach to the right to food and to the implementation of Sustainable Development Goal 2.

162. **The President** said that 40 States had joined the sponsors of the draft resolution, which had no programme budget implications.

General statements made before the decision

163. **Ms. Kauppi** (Finland), speaking on behalf of the States members of the European Union that were members of the Council, said that the European Union appreciated the inclusion of several of its proposals in the draft resolution. The European Union remained steadfast in its commitment to the full realization of the right to adequate food. Such a commitment was particularly crucial in the light of the challenges presented by the Russian war of aggression against Ukraine, which had drastically worsened the global food crisis, and by armed conflicts, the climate crisis and gender inequality. Those critical issues were adequately addressed in the final text of the draft resolution, which employed clear references and adhered to agreed-upon multilateral concepts. Language adopted by the Human Rights Council must be based on respect for human rights, in line with international human rights law and global commitments, and must recognize that human rights belonged to individuals and were universal, indivisible, interrelated, interdependent and mutually reinforcing. The European Union would join the consensus on the draft resolution.

164. **Mr. Bonnafont** (France) said that his country was fully mobilized for access to food for all. Its action under the School Meals Coalition launched by the World Food Programme ensured that every child had access to at least one nutritious meal each day. The right of access to quality food had been seriously jeopardized in recent months. The COVID-19 pandemic, climate change and armed conflicts had exacerbated food insecurity. The most recent report of the Special Rapporteur on the right to food ([A/HRC/52/40](#)) highlighted the negative impact of wars on the right to food. That causal link was also recognized in the draft resolution.

165. The Russian aggression against Ukraine had produced negative repercussions throughout the world for more than a year. By restricting maritime exports, Russia sought to exploit the vulnerability of third countries to fluctuations in exchange rates or grain supplies. There had been a united response, including donations of Ukrainian cereals through Grain from Ukraine, and the French “Sauvetage des récoltes” (Save the Harvest) and Food and Agriculture Resilience Mission (FARM) initiatives, which had led to massive deliveries of wheat, especially to Somalia in December 2022 and, in the near future, to Yemen. France welcomed the Black Sea Grain Initiative, negotiated by the United Nations and Türkiye, which had led to the resumption of Ukrainian grain exports via the Black Sea and supported the stabilization of food prices throughout the world. As the draft resolution promoted the strengthening of multilateral cooperation mechanisms that would help to guarantee the global right to food, his delegation hoped that it would be adopted by consensus.

166. **Ms. Billingsley** (United States of America), speaking in explanation of position before the decision, said that, in the face of unprecedented levels of food insecurity in the world, her Government had committed more than \$9 billion in life-saving assistance for 2023. It had been joined by over 100 other countries in launching a road map for global food security and had convened a Global Food Security Summit in September 2022.

167. The draft resolution rightly acknowledged the hardships faced by millions of people, but contained language that was inappropriate for a resolution on human rights. Her Government was not alone in its view that sanctions were an important, appropriate and effective diplomatic tool for responding to malign activity and a legitimate way of achieving foreign policy, national security and other national and international objectives. It therefore dissociated itself from the wording of the eleventh preambular paragraph. While it recognized the right of everyone to an adequate standard of living, including food security, it understood that the draft resolution did not alter the current state of conventional or customary international law or imply that States must implement obligations under human rights instruments to which they were not parties. The United States was not a party to the International Covenant on Economic, Social and Cultural Rights, and the rights contained therein were thus not justiciable in its courts. In its view, the draft resolution did not suggest

that States had any extraterritorial obligations arising from a right to food. Her Government's position was further addressed in its general statement providing points of clarification on Council resolutions, which would be posted on the website of the Permanent Mission.

168. Language pertaining to trade that was adopted by the General Assembly or the Economic and Social Council had no relevance for her Government's trade policy or commitments or for the agenda of, or negotiations in, the World Trade Organization (WTO). That included calls to adopt approaches that could undermine incentives for innovation, such as technology transfer that was not both voluntary and on mutually agreed terms.

169. Her Government understood that distinct approaches could be adopted in promoting access to food and recognized the importance of adherence to international human rights and humanitarian law in ensuring food security. However, it did not understand references to international humanitarian law and its terms of art in the draft resolution as supplanting States' existing obligations, including those related to the use of starvation as a weapon of war and the obligation to refrain from attacking, destroying, removing or rendering useless objects that were indispensable to the survival of the civilian population.

170. *Draft resolution A/HRC/52/L.24 was adopted.*

Draft resolution A/HRC/52/L.25: Mandate of Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

171. **Mr. Quintanilla Román** (Cuba), introducing the draft resolution, said that the text included language recognizing the work of the Independent Expert and extending the mandate for a further three years. His delegation regretted that some countries still did not recognize the connection between foreign debt and the full enjoyment of human rights. Millions of people, even in developed countries, were unable to fully enjoy their economic, social and cultural rights owing to the consequences of austerity policies necessitated by high indebtedness. He called on the members of the Council to adopt the draft resolution by consensus.

172. **The President** announced that 14 States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

Statements made in explanation of vote before the voting

173. **Mr. Ballinas Valdés** (Mexico) said that, in his Government's view, any implication that compliance with human rights obligations was conditional on the availability of economic resources, notably those that were used for the payment of foreign debt, should be avoided. The draft resolution provided that the Independent Expert should report to the Council and the General Assembly "annually", rather than "regularly" as in previous resolutions, which would mean that significant resources would be devoted to an issue that did not enjoy consensus. He encouraged the sponsors of the draft resolution to work towards compromise solutions in the future. His delegation would abstain from voting on the draft resolution.

174. **Mr. Manley** (United Kingdom) said that his Government fully recognized the damaging effect of foreign debt on States' capacity to provide public services. It had helped to champion major debt relief initiatives, to which it had provided over £2 billion, in addition to the £150 million it had contributed to the IMF Catastrophe Containment and Relief Trust early in the COVID-19 pandemic and the more than \$964 million given in debt relief to 225 IMF member countries.

175. The Council should remain focused on fulfilling its mandate; the draft resolution fell outside the scope of that mandate, and the discussion of foreign debt duplicated the discussions taking place in other forums. For those reasons, his delegation requested a vote on the draft resolution and would vote against it.

176. **Ms. Kauppi** (Finland), speaking on behalf of the States members of the European Union that were members of the Council, said that the European Union remained concerned about the growing indebtedness of many poor and middle-income countries hit by the

COVID-19 pandemic and rising energy and food prices, as those factors could limit their ability to protect the rights of their populations. The European Union remained fully engaged in the specialized bodies that had competence to address debt issues, such as the United Nations Conference on Trade and Development (UNCTAD), the Group of 20, the Paris Club of Industrial Country Creditors and the Bretton Woods institutions. While it agreed that foreign debt had a negative impact on the full enjoyment of all human rights, it considered that the Council was not the appropriate forum in which to discuss that issue. It considered, furthermore, that the draft resolution might be used as a basis for calling into question the primary responsibility of States to promote and protect human rights. The European Union would thus not support the draft resolution, but remained committed to a constructive approach to the issue in all appropriate forums.

177. **Ms. Taylor** (United States of America) said that debt relief continued to form an essential part of the United States foreign aid programme. The Government had long advocated debt forgiveness programmes and grant programmes that avoided adding to the debt burden of developing nations. However, her delegation disagreed with the draft resolution's underlying premise that foreign debt was a serious impediment to the realization of all human rights. Moreover, the text failed to distinguish between human rights and fundamental freedoms, which should be respected and protected under any circumstances, and economic, social and cultural rights, which were to be progressively realized. It implied that Governments could use their foreign debt burden as a pretext for failing to live up to their human rights obligations.

178. Debt-related issues fell outside the scope of the Council's mandate and expertise and were already being discussed in the appropriate forums. While the United States remained one of the most generous development donors and was fully aware of the challenges posed by the debt burden, her delegation would vote against the draft resolution.

179. **Mr. Bonnafont** (France) said that his country had long played a major role in addressing debt-related issues fairly and from a position of solidarity, but considered that the Council was not the most appropriate forum for dealing with debt as such. It was also concerned that the content of the draft resolution could be used as a pretext for failing to respect certain human rights. His delegation would thus not support the draft resolution.

180. France acknowledged that overindebtedness could have a negative impact on the full realization of economic and social rights, in particular. It was fully prepared to help developing and vulnerable countries find new solutions, including in the context of the summit meeting to be held in Paris in June 2023 to consider a new financial pact to facilitate funding for climate resilience and energy transition in emerging and developing countries.

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

In favour:

Algeria, Argentina, Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Nepal, Pakistan, Paraguay, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan, Viet Nam.

Against:

Czechia, France, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Belgium, Finland, Georgia, Germany, Lithuania, Luxembourg, Mexico, Montenegro, Morocco, Romania.

182. *Draft resolution [A/HRC/52/L.25](#) was adopted by 32 votes to 5, with 10 abstentions.*

Draft resolution [A/HRC/52/L.26](#): Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity

183. **Mr. Quintanilla Román** (Cuba), introducing the draft resolution, said that the promotion and protection of cultural diversity were crucial for guaranteeing full respect for

cultural rights. Far from weakening universal values, cultural diversity was their main source of richness and strength. He trusted that, like previous similar resolutions, the draft resolution would be adopted by consensus.

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

185. **Ms. Taylor** (United States of America), speaking in explanation of position before the decision, said that her country supported the promotion of cultural diversity, pluralism, tolerance, cooperation and dialogue among people from all cultures, as President Biden had demonstrated on his first day in office by issuing an executive order on advancing racial equity. However, while the advancement of diversity, equity and inclusion was key for all healthy democracies, there was a risk that the concept of cultural diversity, particularly when articulated in a human rights context, could be misused. The promotion of cultural diversity should not be used to limit the scope of human rights, legitimize abuses or infringe on individuals' enjoyment of those rights; rather, cultural diversity and international human rights could be mutually reinforcing concepts, improving the situation for all.

186. The draft resolution raised the concept of cultural diversity to the level of an essential objective, thus misrepresenting its relationship with international human rights law and failing to reflect potential concerns about its misuse. According to the Universal Declaration of Human Rights and other international human rights instruments, the full realization of economic, social and cultural rights was to be achieved over time and in line with a State's available resources. Furthermore, in addition to the right to share in scientific advancement, there was a right to the protection of the moral and material interests resulting from any scientific, literary or artistic production. Intellectual property rights reflected the fact that those rights were important and must be respected. She hoped that, when the next draft resolution on the topic came before the Council, there would be a meaningful and open dialogue on the text.

187. *Draft resolution A/HRC/52/L.26 was adopted.*

Draft resolution A/HRC/52/L.29: Commemoration of the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action

188. **Ms. Le Thi Tuyet Mai** (Viet Nam), introducing the draft resolution on behalf of the main sponsors, namely Austria, Bangladesh, Belgium, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica, Fiji, India, Panama, Romania, South Africa, Spain and her own delegation, said that the importance and impact of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, which were clearly reflected in the development and operation of the legal framework, institutions, dialogue and cooperation at all levels for the promotion and protection of human rights, could not be overemphasized. However, the noble goal of full realization and effective enjoyment of human rights for all, without discrimination of any kind, remained far off. The draft resolution therefore called for renewed joint efforts towards the progressive realization of the content of those documents through dialogue, cooperation, mutual respect and understanding.

189. Under the draft resolution, the Council would request the High Commissioner to implement a programme of commemorative activities, including a high-level event in December 2023, and to submit a report on the year's activities to the Council at its fifty-sixth session. The adoption of the draft resolution would send a clear message and help to enhance the efforts of States and all other stakeholders to use the potential of human rights to build a more equal, just and prosperous world for all. She called on the Council members to adopt the draft resolution by consensus.

190. **The President** announced that 54 States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

General statements made before the decision

191. **Ms. Taylor** (United States of America) said that the draft resolution was a welcome reminder of the universal values enshrined in the two Declarations. Those principles were not shaped by any single country, region or ideology, but had been discussed, debated and meticulously laid out by experts from many countries, each of whom had contributed ideas and perspectives. Decades after their adoption, the two documents were as relevant as ever for upholding the international legal order, which had contributed to peace, prosperity and freedom for so many, and was now under increasing challenge. Her delegation would join the consensus on the draft resolution.

192. **Mr. Manley** (United Kingdom) said he appreciated the efforts that the main sponsors had made to accommodate many of the points raised by his delegation. The anniversaries of the two Declarations, now codified in international law, presented an opportunity to reflect not only on the progress made since their adoption, but also on what remained to be done. The main challenge to their realization was the concerted effort seen in some parts of the world to roll back the progress that had been made towards achieving gender equality, as women and girls were stripped of their most basic human rights, subjected to violence and intimidation and even forbidden to attend school or university. In his delegation's view, the reference, in the preamble of the draft resolution, to girls' full, equal and meaningful participation should not have been qualified by the phrase "in accordance with their age and maturity". Notwithstanding that concern, his delegation was one of the sponsors and would join the consensus.

193. **Ms. Li Xiaomei** (China) said that the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action had had a profound impact on the development of human rights in the world, but their purposes still needed to be achieved, through the commitment of all countries on the basis of the joint statement made by China on behalf of nearly 80 countries at the 47th meeting of the Council's current session. Her delegation appreciated the balanced language of the draft resolution, which emphasized the equal importance of all human rights and the fact that the consideration of human rights issues should ensure universality, objectivity and non-selectivity, with dialogue and cooperation based on mutual respect and understanding. China would promote the effective implementation of the two Declarations and would play an active part in the planned commemorative activities.

194. **Mr. Quintanilla Román** (Cuba) said that his Government was committed to the purposes and principles enshrined in the two Declarations. The commemorative events would present an opportunity for States to renew their commitments to guarantee the enjoyment of universal, indivisible, interdependent and inalienable human rights for all. His delegation would join the consensus on the draft resolution.

195. *Draft resolution [A/HRC/52/L.29](#) was adopted.*

Draft resolution [A/HRC/52/L.34](#): Human rights of migrants: mandate of Special Rapporteur on the human rights of migrants

196. **Mr. Ballinas Valdés** (Mexico), introducing the draft resolution, said that ever since the mandate's establishment more than twenty years previously, the Special Rapporteur had served as an important means by which the Council could encourage progress in the promotion and protection of the human rights of migrants. Migrants, particularly the most vulnerable, continued to face restrictions on their human rights in countries of origin, transit and destination. As long as migration was not a choice and was not safe, orderly and regular for all, the work of the Special Rapporteur would remain relevant. The draft resolution included a number of changes to reflect recent developments in the language concerning relevant concepts. He encouraged all Council members to support the draft resolution.

197. **The President** announced that 15 States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

198. *Draft resolution [A/HRC/52/L.34](#) was adopted.*

Draft resolution [A/HRC/52/L.37](#): The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation

199. **Mr. Adjoumani** (Côte d'Ivoire), introducing the draft resolution on behalf of the Group of African States, said that flows of funds of illicit origin deprived countries of the resources they required for the realization of human rights, in particular the right to development. According to the UNCTAD study *Economic Development in Africa Report 2020: Tackling Illicit Financial Flows for Sustainable Development in Africa*, the continent lost about \$89 billion annually to illicit capital flight. That dangerous phenomenon threatened the stability of States, undermined the values of democracy and the rule of law and jeopardized social, economic and political development. It was therefore urgent for assets of illicit origin, particularly those derived from corruption, to be returned to the countries of origin in accordance with the principles of the United Nations Convention against Corruption.

200. The draft resolution included references to the intersessional seminar held on the topic on 8 February 2022 and to the report of the Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights, on a non-binding set of practical guidelines for efficient asset recovery ([A/HRC/52/45](#)). It also included a request to the High Commissioner to organize, before the fifty-fifth session of the Council, a one-day intersessional expert meeting on the obstacles to the repatriation of funds of illicit origin to the countries of origin and their impact on the enjoyment of human rights, with the participation of States, the Human Rights Council Advisory Committee and other stakeholders.

201. **The President** said that three States had joined the sponsors of the draft resolution, the programme budget implications of which had been published on the Council's extranet.

202. **Ms. Taylor** (United States of America), making a general statement before the voting, said that the United States regretted that the Council had chosen again to make pronouncements in highly technical areas, including asset recovery, illicit finance, tax revenue generation, sovereign debt, arms control and organized crime, that lay outside the appropriate scope of that body. The United States strongly supported efforts to combat illicit finance, including corruption. However, the Council was not the forum for such discussions. Her delegation therefore requested a vote and would vote against the draft resolution.

203. The international framework for asset recovery was outlined in, among other instruments, the United Nations Convention against Corruption, which included entire chapters that prescribed the measures States parties must adopt to detect, identify, trace, freeze or seize and confiscate proceeds of crime. Unfortunately the draft resolution did not reflect the valuable progress made over the previous 20 years by relevant experts in the Conference of the States Parties to the Convention and its Open-ended Intergovernmental Working Group on Asset Recovery on developing good practices, promoting implementation of the Convention and effective asset recovery and setting common goals through recommendations and resolutions. The text referred to the report of the Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights, but that report did not contribute constructively to the literature on asset recovery and return. Other studies, such as those of the Stolen Asset Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime (UNODC), covered the complex technical aspects of asset recovery in a manner more in line with the Convention and international consensus.

204. Her delegation had worked with many other delegations to depoliticize and encourage asset recovery, including through the Financial Action Task Force. The draft resolution ignored the effective work already under way in the Task Force and other international forums, including OECD and the International Conferences on Financing for Development. While there could be cases where illicit finance and other crimes intersected with taxation issues, they did not warrant reform of the global taxation system. To the extent that such reform was warranted for other reasons, it should continue to be handled by the OECD/Group of 20 Inclusive Framework on Base Erosion and Profit Shifting rather than through a duplicative United Nations project.

Statements made in explanation of vote before the voting

205. **Ms. Kauppi** (Finland), speaking on behalf of the States members of the European Union that were members of the Council, said that the European Union was committed to combating corruption and to increasing international cooperation for the return of proceeds of crime, in accordance with the United Nations Convention against Corruption. It had engaged actively in all negotiations on the topic in the Second Committee, which had resulted in consensus documents that, regrettably, had not been used as a basis for the discussions on the draft resolution under consideration.

206. The European Union remained concerned that the draft resolution did not make proper use of existing instruments. It did not help to enhance the Council's efficiency, as the General Assembly and the Open-ended Intergovernmental Working Group on Asset Recovery already covered the subject. The discussions would benefit from a more balanced approach, giving due weight to the root causes of corruption, embezzlement of public funds and transnational organized crime, adhering to the principles of transparency and accountability and helping to build mutual trust, which was key to improved international cooperation on asset recovery. For those reasons, the members of the European Union that were members of the Council would vote against the draft resolution.

207. **Ms. Méndez Escobar** (Mexico) said that her delegation would abstain from voting on the draft resolution, which referred to the proposal to create a public global asset registry and addressed issues related to financial flows, tax evasion, money-laundering and asset recovery that went beyond the Council's mandate. It was important not to duplicate the efforts being made by the Open-ended Intergovernmental Working Group on Asset Recovery, UNODC and the World Bank.

208. The request made in the draft resolution for OHCHR to organize an intersessional expert meeting and submit a report on the meeting would require the allocation of significant resources to an issue that was outside the bounds of international human rights obligations and thus did not enjoy consensus. Furthermore, her delegation reiterated its view that any implication that compliance with human rights obligations was conditional on the availability of economic resources should be avoided. Her delegation therefore encouraged the sponsors to work towards compromise solutions in the future.

209. **Mr. Bonnafont** (France) said that France had long been committed to fighting corruption and strengthening international cooperation for the repatriation of funds of illicit origin, in accordance with the United Nations Convention against Corruption. Corruption and tax evasion were a major obstacle to development. By diverting wealth, discouraging investors, seizing natural resources and reducing State resources, corruption and tax evasion had multiple negative effects on economic activity, undermined the legitimacy of the State and hindered the realization of economic, social and cultural rights.

210. France fully engaged with the specialized bodies with the competence to deal with the issue of illicit funds and tax evasion, such as the Group of 20, the Paris Club, IMF and the World Bank. However, the Council was not the appropriate forum for deciding on those issues. France had also actively participated in negotiations on the subject in the Second Committee and in the work of the Open-ended Intergovernmental Working Group on Asset Recovery. Those efforts had resulted in consensus documents that, unfortunately, had not been used by the sponsors of the draft resolution. His delegation would therefore vote against it.

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

In favour:

Algeria, Argentina, Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Morocco, Nepal, Pakistan, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan, Viet Nam.

Against:

Belgium, Czechia, Finland, France, Georgia, Germany, Lithuania, Luxembourg, Montenegro, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Mexico, Paraguay.

212. Draft resolution [A/HRC/52/L.37](#) was adopted by 32 votes to 13, with 2 abstentions.

Draft resolution [A/HRC/52/L.39](#), as orally revised: Human rights, democracy and the rule of law

213. **Mr. Rusu** (Romania), introducing the draft resolution, as orally revised, on behalf of the main sponsors, namely Morocco, Norway, Peru, the Republic of Korea, Tunisia and his own delegation, said that the text focused on the fifth session of the Forum on Human Rights, Democracy and the Rule of Law, to be held in 2024 on the theme “Democracy and climate change: focusing on solutions”. His delegation attached great importance to the link between human rights, democracy and the rule of law and to the way in which those themes could better frame the debates on major current challenges such as climate change. The Forum provided the necessary space for dialogue on the topic. During the negotiation of the draft resolution, it had been understood that delegations’ views on the linkages between human rights and climate change varied widely. The main sponsors had made every effort to accommodate all views in the current draft, including through an oral revision, and trusted that it would be adopted without a vote.

General statements made before the decision

214. **Ms. Kauppi** (Finland), speaking on behalf of the States members of the European Union that were members of the Council, said that the proposed theme of the fifth session of the Forum on Human Rights, Democracy and the Rule of Law was highly relevant, as climate change was an unprecedented existential challenge that affected the full enjoyment of human rights, both directly and indirectly. Discussions on the topic were necessary and timely. While the Council was not the appropriate forum for substantive negotiations on climate change, it had a responsibility to discuss how members could contribute to inclusive and informed decision-making processes and to resilient democracies while helping the international community make the adjustments needed to tackle climate change impacts. The European Union supported the draft resolution, as it encapsulated the existing challenges in that respect.

215. **Ms. Pujani** (India) said that the subject of the draft resolution under consideration was of universal significance, with its emphasis on the interlinkages between democracy, human rights and the rule of law. As the world’s largest democracy, India attached paramount importance to the theme of democracy and climate change.

216. The grave global challenge posed by climate change was a key concern for India. Her Government had been a leader in bringing together international coalitions such as the International Solar Alliance and the Coalition for Disaster-Resilient Infrastructure and in assisting other countries in addressing the challenge of climate change, including through the India-United Nations Development Partnership Fund.

217. The Conference of the Parties to the United Nations Framework Convention on Climate Change was the main multilateral forum for addressing climate change. Any duplication in the Council should be avoided. Throughout the negotiations on the draft resolution, her delegation and a number of developing-country delegations had stressed the importance of reaffirming the foundational principles of equity and common but differentiated responsibilities and respective capabilities in the text. As noted in the very first OHCHR report on human rights and climate change, issued in 2009 ([A/HRC/10/61](#)), there was no dichotomy between the principle of common but differentiated responsibilities and respective capabilities, on the one hand, and the promotion and protection of human rights, on the other. Therefore, any resolution in which the Council sought to discuss climate change substantively must acknowledge the fundamental principles of equity and common but differentiated responsibilities and respective capabilities and must make due reference to the

primacy of specialized forums with the necessary expertise on the issue, such as the Conference of the Parties.

218. **Ms. Taylor** (United States of America) said that the draft resolution's focus on human rights, democracy and the rule of law was important and timely, particularly in light of the recently held second Summit for Democracy. The United States would join the consensus on the draft resolution on the understanding that the text, including its references to climate change, did not create rights or obligations under international law, change the current state of conventional or customary international law or change the body of international law applicable to any particular situation referred to in the draft. Her delegation regretted that, in the negotiations on the draft resolution, much time had been spent debating concepts that were outside the Council's collective expertise and were properly the subject of climate negotiations.

219. While her delegation would have welcomed a more substantive discussion of the intersection between the rule of law and climate change, that opportunity had been missed. The draft resolution selectively highlighted one aspect of the Paris Agreement, and a proposed simple reference to the goals of that Agreement had been rejected. Her delegation must therefore dissociate itself from the fourth preambular paragraph, which was not germane to the draft resolution or the human rights addressed therein. Also of concern was the fact that the fifteenth preambular paragraph conflated the binding obligations under article 25 of the International Covenant on Civil and Political Rights with conflicting and non-binding language from the Universal Declaration of Human Rights.

220. **Mr. Staniulis** (Lithuania) said that human rights, democracy and the rule of law were the main prerequisites for stable and well-functioning societies. They were the only effective remedies for democratic backsliding and authoritarian tendencies that could lead to international armed conflicts, as was the case of the war of aggression being waged by Russia against Ukraine. It was important to recommit to fundamental values and engage in effective multilateralism, founded on a rules-based international order and respect for human rights, democracy and the rule of law. Lithuania was actively involved in various initiatives in that regard, including the organization of the Future of Democracy Forum.

221. Climate change had implications for the effective enjoyment of human rights. However, discussions on that topic in the Council should be strictly limited to the human rights dimension. His delegation looked forward to engaging in constructive discussions on democracy and climate change and supported the choice of that theme for the fifth session of the Forum on Human Rights, Democracy and the Rule of Law, to be held in 2024.

222. **Mr. Hasnain** (Pakistan) said that his delegation recognized the mutually reinforcing linkages between human rights, democracy and the rule of law. Climate change was an existential issue for Pakistan; while it contributed a tiny share of global carbon emissions, it was among the countries most affected by climate disasters.

223. During the negotiations on the draft resolution, his delegation had stressed that any discussion of the effects of climate change on human rights must reflect a holistic approach that was within the parameters of the Paris Agreement, the United Nations Framework Convention on Climate Change and the commitments adopted by the Conference of the Parties. His delegation noted with disappointment the deliberate efforts by some States to oppose the inclusion of the universally accepted principle of common but differentiated responsibilities and respective capabilities, and climate justice. Common but differentiated responsibilities and climate justice were democratic principles demanding fair and equitable treatment of climate-vulnerable countries.

224. The first version of the draft had been quite unbalanced and had incorporated the views of only a few States. His delegation would have preferred to have a more inclusive and transparent negotiation process. Nevertheless, it acknowledged that the main sponsors had addressed its chief concerns, as was evident from the inclusion of the fourth and fifth preambular paragraphs and key changes in the title of the theme for the forthcoming session of the Forum on Human Rights, Democracy and the Rule of Law. His delegation looked forward to contributing to the work of the Forum at its fifth session and would join the consensus on the draft resolution.

225. **The President** announced that Costa Rica had withdrawn its sponsorship of the draft resolution, which had no programme budget implications.

226. **Ms. Duncan Villalobos** (Costa Rica), speaking in explanation of position before the decision, said that there was an intrinsic relationship between human rights, democracy and the rule of law. The draft resolution encouraged education, awareness-raising, training, participation and public access to information on environmental issues to promote more environmentally responsible behaviour, and called for the implementation of democratic mechanisms and decision-making processes that included women, girls and groups in vulnerable situations. The main sponsors had chosen to highlight the importance of strong democratic institutions, a robust institutional framework and a human rights approach to efforts to combat the negative impact of climate change. The link between human rights and climate change was clear: the rights to housing, work, health, food and self-determination, among others, were increasingly affected by climate change.

227. Her delegation nonetheless regretted that, despite the main sponsors' good intentions, they had faced pressure to incorporate language that did not apply to human rights, namely the principle of common but differentiated responsibilities. Costa Rica supported that principle in the context of the Paris Agreement but firmly rejected any attempt to apply it to States' human rights obligations. The reference to that principle in the text should not create a precedent in the Council or in any other forum where human rights were discussed. Nevertheless, Costa Rica supported the spirit of the draft resolution and would not oppose its adoption by consensus.

228. *Draft resolution [A/HRC/52/L.39](#), as orally revised, was adopted.*

The meeting rose at 7 p.m.