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President: Ms. Khan(Fiji)

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Closure of the session

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The meeting was called to order at 10.05 a.m.

Agenda item 9: Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action (A/HRC/48/L.3/Rev.1)

Draft resolution A/HRC/48/L.3/Rev.1: From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

1. **Mr. Awoumou** (Cameroon), introducing the draft resolution on behalf of the Group of African States, said that the Group had done everything in its power to ensure that the Durban Declaration and Programme of Action adopted 20 years earlier at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was fully implemented. Under the draft resolution, the Council would request the Office of the United Nations High Commissioner for Human Rights (OHCHR) to launch a two-year comprehensive communications strategy to raise awareness about and mobilize global public support for racial equality. It would also highlight the importance of the International Convention on the Elimination of All Forms of Racial Discrimination as an instrument with which to combat the scourge of racism and would call on States parties that had not yet done so to consider withdrawing their reservations to article 4 of the Convention.
2. In addition, the Council would call on States to prohibit by law any advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence. The importance of combating systemic and structural racism could not be overstated. In that respect, the draft included a request to the Advisory Committee to prepare a study in which it examined patterns, policies and processes contributing to incidents of racial discrimination and made proposals to advance racial justice and equality.
3. **The President** said that one additional delegation had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$539,700.
4. **Ms. Imene-Chanduru** (Namibia), making a general statement before the voting, said that 20 years after the adoption of the Durban Declaration and Programme of Action, racism, racial discrimination, xenophobia and related intolerance were still pervasive. Every day brought with it a new reminder that more had to be done to eradicate those social evils. Systemic racism and past injustices were intertwined. The legacies of colonialism could not be addressed without formal acknowledgement of and reparations for past injustices. Her delegation was deeply troubled by the deliberate and malicious attempts to undermine the Durban Declaration and Programme of Action. The Council must resist those attempts and show, by adopting the draft resolution by consensus, that it would never accept anything less than the recognition that all human beings were born free and equal in dignity and rights, as stated in the Universal Declaration of Human Rights.
5. **Ms. Pua-Diezmos** (Philippines), making a general statement before the voting, said that, in view of the persistence of racism, racial discrimination, xenophobia and related intolerance, which had been aggravated by the coronavirus disease (COVID-19) pandemic, the presentation of the draft resolution was particularly timely. Her delegation welcomed in particular the concern expressed in the draft about the racism, racial discrimination, hate crimes and violence to which Asians and people of Asian descent had been subjected against the backdrop of the pandemic.
6. The elimination of the scourge of racism and related intolerance was still but a distant hope. The Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination, by providing a framework with which to help the human community overcome the worst of its impulses, brought the fulfilment of that hope closer. In addition, the draft resolution's emphasis on fostering synergy in the work of relevant bodies, platforms and mechanisms was encouraging. The comprehensive communications strategy called for in the draft would be vital for transforming mindsets and behaviour. Efforts to mainstream racial equity and diversity in United Nations institutions, including in the senior leadership of OHCHR, needed to be stepped up. Her delegation supported the draft resolution and called on the Council to adopt it by consensus.

Statements made in explanation of vote before the voting

7. **Mr. Manley** (United Kingdom), speaking also on behalf of Australia, which was not a member of the Council, said that Australia and the United Kingdom were committed to combating racism, racial discrimination, xenophobia and related intolerance. No form of discrimination could be tolerated. One of the most effective ways of fostering respect among different ethnic groups was to encourage States to uphold their human rights obligations.

8. Although the draft resolution reflected some of the proposals that his delegation had made, Australia and the United Kingdom still had a number of concerns about it. Its numerous references to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, for instance, were objectionable in view of the expressions of antisemitism for which the Conference had provided a platform. The reference to the 2009 Durban Review Conference was also objectionable. Some 40 States, including Australia and the United Kingdom, had stayed away from the recent high-level meeting held in New York to commemorate the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action. It was important for the Council to take due account of the reasons for that decision. Forging consensus on the means of combating racism would require a new approach. Action must be taken against all forms of racism, including antisemitism, a scourge that the United Nations had downplayed for far too long. The United Kingdom would not attend future iterations of the Durban Review Conference until its concerns about antisemitism were allayed. It called for a vote on the draft resolution and would vote against it.

9. **Ms. Stasch** (Germany) said that it was incumbent on every State to fight racism and its root causes. Racism and xenophobia were global problems that required global action. The international community, States and individuals must do more to combat them. In Germany, efforts to counter racism, antisemitism and xenophobia had been stepped up. Her Government had set up a committee to combat racism and right-wing extremism in 2020 and intended to set aside more than €1 billion for multi-year efforts to combat all forms of group hatred. The Criminal Code had been amended with a view to tackling online hate speech more effectively. The measures Germany had taken were intended to make it clear that discrimination had no place in German society.

10. The work of the mechanisms that had been set up to combat racism and racial discrimination should be reviewed to ensure that it had a real impact and to find ways of maximizing synergy among those mechanisms. Priority should be given to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Her delegation was concerned about the problematic context of the Durban process and the repeated misuse of that platform for the expression of antisemitic views. Moreover, not all of the resolutions referred to in the text had been adopted by consensus. Her delegation would therefore vote against the draft resolution.

11. **Ms. Tichy-Fisslberger** (Austria) said that Austria was one of the countries that, out of concern about antisemitism, had not attended the event held to commemorate the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action. The numerous references to the Durban process in the draft resolution meant that Austria could not support it. Her country's opposition to racism, racial discrimination, xenophobia and related forms of intolerance was nonetheless unwavering.

12. **Ms. Nenova** (Bulgaria) said that Bulgaria remained committed to fighting all forms of racism and xenophobia. It could not support the draft resolution because of concerns over antisemitism and would abstain from voting on it.

13. **Mr. Bálek** (Czechia) said that Czechia would vote against the draft resolution because the text contained many references to the Durban process, which had been used to incite hatred and intolerance. Czechia had not participated in the recent commemorative event held in New York. His country firmly rejected all forms of racism, xenophobia and discrimination on any grounds. Racial discrimination was prohibited in the Constitution, and every effort was made to ensure that the country fulfilled its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, which was the basis for any global call to combat racism, racial discrimination, xenophobia and related intolerance. Those phenomena were a significant obstacle to the realization of human rights.

They had to be countered with equal determination at all levels. All States should ratify the Convention and ensure that it was fully implemented. Only a common approach and joint action would make a world free of racism possible.

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

In favour:

Argentina, Armenia, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Fiji, Gabon, India, Indonesia, Libya, Malawi, Mauritania, Mexico, Namibia, Nepal, Pakistan, Philippines, Russian Federation, Senegal, Somalia, Sudan, Togo, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

Austria, Czechia, Denmark, France, Germany, Italy, Netherlands, Poland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining:

Bulgaria, Japan, Marshall Islands, Republic of Korea, Uruguay.

15. *Draft resolution [A/HRC/48/L.3/Rev.1](#) was adopted by 32 votes to 10, with 5 abstentions.*

16. **Mr. Awoumou** (Cameroon) said that the Group of African States found it deeply regrettable that the resolution had divided the Council. The scourge of racism could be eliminated only if everyone was united, as had occurred in relation to efforts to fight the pandemic. As the Secretary-General of the United Nations had said at the recent event to commemorate the anniversary of the adoption of the Durban Declaration and Programme of Action, it was necessary to stand together as one human family, rich in diversity, equal in dignity and rights, and united in solidarity. References to the Durban Declaration and Programme of Action, as well as its twentieth anniversary, had been included in the resolution because it was still a guiding instrument. A number of States continued to spread the false narrative that it was antisemitic; in reality, it even called for antisemitism to be made a crime and had had a positive impact since its adoption 20 years earlier.

17. **Mr. Quintanilla Román** (Cuba) said that his country, a firm supporter of the resolution that had just been adopted, had made combating racism at the national and international levels a priority. His delegation found it regrettable that some developed countries evidently lacked any determination whatsoever to fight the scourge of racism and racial discrimination. They were unwilling to move from rhetoric to concrete action. The proliferation of hate speech in developed countries and the popularity of political parties that had xenophobic platforms showed that the situation was even worse than it had been in 2001. The members of the Group of African States could count on his Government's continued support for the Group's efforts to win the broadest possible support for the resolution.

Agenda item 10: Technical assistance and capacity-building ([A/HRC/48/L.1](#), [A/HRC/48/L.2](#), [A/HRC/48/L.6](#), [A/HRC/48/L.15/Rev.1](#), [A/HRC/48/L.16](#), [A/HRC/48/L.20/Rev.1](#) and [A/HRC/48/L.25](#))

Draft resolution [A/HRC/48/L.1](#): Technical assistance and capacity-building in the field of human rights in the Central African Republic

18. **Mr. Awoumou** (Cameroon), introducing the draft resolution on behalf of the Group of African States, said that the text reflected the most recent developments in the Central African Republic. The Group welcomed the attitude of the Government of the Central African Republic, which, despite the crises it was dealing with, continued to cooperate with the Council and its mechanisms with a view to improving the human rights situation in the country and thus meeting the most pressing needs of its people. The chief aim of the draft resolution was to renew the mandate of the Independent Expert on the situation of human rights in the Central African Republic. As in previous years, the draft had been informed by the views expressed by the country's partners and emphasized the steps that would need to be taken in order to build a lasting peace. States members of the Council should continue to support the Central African Republic by adopting the draft resolution by consensus.

19. **The President** said that one additional delegation had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$15,400.

20. **Ms. Tichy-Fisslberger** (Austria), making a general statement before the decision on behalf of the States members of the European Union that were members of the Council, said that she welcomed the draft resolution. The Government of the Central African Republic cooperated effectively with the Independent Expert, whose mandate, as had been noted, would be renewed by the draft resolution. The Independent Expert's work, which included drawing the Council's attention to human rights violations in the country, was indispensable. As the situation in the country was still troubling, the Independent Expert's mandate should be renewed. Measures must be taken to put a swift end to the abuses committed by members of the country's armed forces, armed groups and other security forces. Combating the impunity enjoyed by the perpetrators of those abuses, and thus breaking the cycle of violence, was a priority. The European Union, which called on the Central African authorities to ensure that the Child Protection Code was enforced throughout the country, continued to support the efforts made by the Central African Republic to improve the situation in its territory.

21. *Draft resolution A/HRC/48/L.1 was adopted.*

Draft resolution A/HRC/48/L.2: Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

22. **Mr. Awoumou** (Cameroon), introducing the draft resolution, as orally revised, on behalf of the Group of African States, said that the text reflected recommendations made by OHCHR and the progress that the Democratic Republic of the Congo had made in the field of human rights. The Group welcomed the work done by the team of international experts on the situation in Kasai, together with the technical assistance provided by OHCHR to the judicial authorities of the Democratic Republic of the Congo, in particular in the area of forensic medicine. The Group supported the renewal of the team's mandate and was of the view that the mandate should be expanded to cover the situation not just in Kasai but also in the country as a whole. In addition, the Group welcomed the fact that the text included a request that the High Commissioner should provide the Government with technical assistance to support the ongoing development of transitional justice machinery in the country. He hoped that the Council would adopt the draft resolution by consensus.

23. **The President** said that six additional States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$4,018,100. She invited the State concerned by the draft resolution to make a statement.

24. **Mr. Ndaie Musenge** (Observer for the Democratic Republic of the Congo) said that his Government was grateful to the Group of African States for its traditional support, which had enabled the Council members to reach agreement on the wording of the draft resolution. The Democratic Republic of the Congo was also grateful for the support it had received from other countries and wished to assure OHCHR of its continued cooperation in respect of efforts to promote and protect the rights of the people of his country. He encouraged all Council members to lend their support to the draft resolution.

25. *Draft resolution A/HRC/48/L.2, as orally revised, was adopted.*

Draft resolution A/HRC/48/L.6: Technical assistance and capacity-building for Yemen in the field of human rights

26. **Mr. Gamaleldin** (Observer for Egypt), introducing the draft resolution on behalf of the Group of Arab States, said that there were three reasons for which technical assistance should be provided to Yemen. First, Yemen was a least developed country in extremely difficult circumstances that needed assistance from the Human Rights Council and the international community in order to meet its commitments in terms of human rights and development. Second, the putsch carried out by the Houthis in 2014 had led to a disastrous civil war that had destroyed the country's infrastructure. Efforts to end the coup d'état and bring peace to the country were crucial. Lastly, the Government of Yemen had been addressing human rights violations, but needed support from the Council in order to be able to ensure accountability and achieve peace and justice. In the informal consultations on the draft resolution, many delegations had made suggestions for improving the text. The draft

resolution was a follow-up to Council resolution 45/26, adopted one year previously. He hoped that the Council would respond to the needs of Yemen for technical assistance and would adopt the draft resolution by consensus.

27. **The President** said that five States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$316,000. She invited the State concerned by the draft resolution to make a statement.

28. **Mr. Majawar** (Observer for Yemen) said that, owing to the complex situation in his country, Yemen urgently needed the assistance and support of the Human Rights Council and the international community in order to fulfil its human rights obligations. The Government had always stood ready to cooperate with OHCHR, the Security Council and the Human Rights Council in guaranteeing human rights in Yemen and was committed to investigating all violations of human rights and of international humanitarian law and bringing the perpetrators to justice. The National Commission of Inquiry was continuing to work in an exemplary manner, and the support of the Human Rights Council was crucial for enabling it to carry out its mission. He hoped that the Council would adopt the draft resolution by consensus, in a sign of solidarity with his country.

29. *Draft resolution A/HRC/48/L.6 was adopted.*

Draft resolution A/HRC/48/L.15/Rev.1: Assistance to Somalia in the field of human rights

30. **Mr. Manley** (United Kingdom), introducing the draft resolution on behalf of the main sponsors, namely Somalia and his own delegation, said that the text, if adopted, would renew the mandate of the Independent Expert on the situation of human rights in Somalia. He commended Somalia for the progress it had made and for its wider cooperation with the international community in the field of human rights, particularly as it continued to recover from over 25 years of conflict. Somalia had faced a particularly challenging period over the previous year, as the delay in the electoral process and a political crisis had drawn attention away from other issues that were critical to peace and stability. Al-Shabaab continued to pose a significant security threat, while the COVID-19 pandemic, flooding, drought and locust swarms had exacerbated the need for humanitarian assistance. Under the draft resolution, the Council would welcome developments such as the steps taken to ensure women's participation in governance, but would also mention areas where progress was lacking, such as action to combat sexual and gender-based violence, violations of children's rights, attacks against the media and impunity. He hoped that the international community would continue to support Somalia in order to build a stable, peaceful and prosperous State and that the draft resolution would be adopted by consensus.

31. **The President** said that 33 States had joined the sponsors of the draft resolution. While the draft resolution had programme budget implications, the activities thereunder were considered perennial in nature and the related provisions had already been included under the programme budgets for the relevant years. Accordingly, no additional resources were required.

32. **Ms. Tichy-Fisslberger** (Austria), making a general statement before the decision on behalf of the States members of the European Union that were members of the Council, said that the European Union commended Somalia for its cooperation on the renewal of the mandate of the Independent Expert. The continued cooperation of Somalia with the Human Rights Council and its mechanisms attested to the Government's willingness to fully uphold its human rights obligations. At the same time, the European Union remained concerned about the increase in the number of reported cases of sexual and gender-based violence against women and children during the pandemic. It stood ready to support Somalia in efforts to build a peaceful, stable and democratic society and would join the consensus in support of the draft resolution.

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

34. **Ms. Salah** (Somalia) said that for the last five years her Government had worked to address major national development challenges, including in the human rights sector, and was currently preparing the second iteration of the Joint Programme on Human Rights, a comprehensive programme focused on the implementation of the State's human rights

obligations. Significant efforts had been made by the federal Government to prepare for the holding of national elections in the coming months. Somalia commended the engagement of the Independent Expert and welcomed the continuation of her close cooperation with the federal Government and other relevant authorities at the national and subnational levels. Somalia hoped that the Council would renew the Independent Expert's mandate in order to allow her to complete in-depth research that had been disrupted by restrictions related to the COVID-19 pandemic.

35. *Draft resolution A/HRC/48/L.15/Rev.1 was adopted.*

Draft resolution A/HRC/48/L.16: Advisory services and technical assistance for Cambodia

36. **Mr. Taguchi** (Japan), introducing the draft resolution, as orally revised, said that the objective of the text was to continue the support of the international community for the improvement of the human rights situation in Cambodia, including through a two-year extension of the mandate of the Special Rapporteur on the situation of human rights in Cambodia. While the country had made great strides in the 30 years that had passed since the signing of the Paris Peace Agreements of 1991, further efforts were still required in some areas. The international community must pay close attention to the situation in Cambodia in the run-up to the local elections in 2022 and the national elections in 2023, which, it was hoped, would be held with the participation of a wide range of political parties reflecting diverse views. The draft resolution included a call for a one-time oral update by the Special Rapporteur in anticipation of the upcoming elections, but that should not serve as a precedent for future resolutions, as the question of reporting would depend on the situation on the ground.

37. Japan welcomed the positive attitude of Cambodia towards working with the international community and looked forward to continuing a constructive bilateral dialogue. It hoped that Cambodia would continue to listen to various voices both within and outside the country and take positive steps in cooperation with the international community. As a technical cooperation instrument, the draft resolution was a means of furthering that end, and he hoped that it would be adopted by consensus.

38. **The President** said that two States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$8,200.

39. **Ms. Tichy-Fisslberger** (Austria), making a general statement before the decision on behalf of the States members of the European Union that were members of the Council, said that technical assistance helped to ensure that all human rights were respected, protected and fulfilled. Under the draft resolution, the Council would recognize areas of progress and also acknowledge a number of concerns that had been identified in the most recent report of the Special Rapporteur. The European Union would have preferred a text that reflected more accurately and factually the deteriorating human rights situation on the ground, particularly with regard to the rule of law and democracy in Cambodia, where the situation was of great concern. It strongly encouraged Cambodia to ensure full respect for and protection of all human rights and fundamental freedoms in a non-discriminatory way.

40. The 2022 and 2023 elections would serve as important milestones for the country. She encouraged the Government to guarantee that the elections were held with transparency and full respect for all civil and political rights, especially freedom of expression, association and assembly and the independence of the media. She also called on Cambodia to ensure that human rights defenders, independent trade unions and all other civil society actors could exercise their human rights without fear of harassment, arbitrary detention or reprisals. The European Union was pleased that the Government of Cambodia had expressed support for the extension of the mandate of the Special Rapporteur; it underlined the need for constructive engagement with the mandate holder and with the OHCHR office in Phnom Penh. The European Union supported the draft resolution and hoped it would be adopted by consensus.

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

42. **Mr. An** (Observer for Cambodia) said that over the last 30 years, Cambodia had accepted seven special rapporteurs and had welcomed the establishment of an OHCHR

office, which attested to the country's willingness to cooperate with the United Nations human rights mechanisms and to its resolute commitment to protecting all human rights in the country. At the interactive dialogue with the Special Rapporteur held during the current Council session, nearly all delegations had commended the ongoing and constructive engagement of Cambodia with the Special Rapporteur and OHCHR. Like other States, Cambodia took the view that the working methods of special rapporteurs should be objective, balanced, non-politicized and non-selective and should take into account the Government's perspective, national consensus and the importance of reliance on verifiable sources. Country mandates should be aimed at identifying gaps and providing guidance through technical cooperation and capacity-building, with a view to addressing the underlying causes of problems rather than their symptoms.

43. The main objective of the draft resolution under consideration was to renew the mandate of the Special Rapporteur on the situation of human rights in Cambodia for another two years. While his Government had agreed to that extension from the outset of negotiations, several of the draft's paragraphs were excessively politicized and partial; they had been crafted in a selective and unbalanced manner in order to convey a fallacious view of Cambodia that was unconnected to reality. The irrefutable fact was that Cambodia was peaceful and politically stable and was making notable progress with regard to a wide range of human rights. The Government continued to ensure the exercise of rights and fundamental freedoms guaranteed by the Constitution. However, it also had a duty to enforce the acknowledged limits on rights and to shield law-abiding citizens. To attack law enforcement as a crackdown on freedoms was to denigrate the rule of law and equal application of the law to all citizens, as established by the country's Constitution.

44. Although Cambodia did not warrant additional attention from the Council, his Government had taken the bold decision to accept a one-time oral update by the Special Rapporteur in 2022, without setting a precedent, in addition to the Special Rapporteur's annual report. In order to have a real impact, the programme budget implications should include support for a solid national technical assistance programme instead of solely funding pre-session documentation and the travel expenses of the Special Rapporteur and accompanying staff. Cambodia remained steadfast in its determination to promote and protect human rights under the Constitution and to pursue its irreversible democratic journey in accordance with the principle of pluralism and freedom of choice, including in the upcoming elections.

45. *Draft resolution A/HRC/48/L.16, as orally revised, was adopted.*

Draft resolution A/HRC/48/L.20/Rev.1: Enhancement of technical cooperation and capacity-building in the field of human rights

46. **Mr. Virabutr** (Observer for Thailand), introducing the draft resolution on behalf of the main sponsors, namely Brazil, Honduras, Indonesia, Morocco, Norway, Qatar, Singapore, Turkey and Thailand, said that the text focused on the empowerment of women and girls and provided for a panel discussion to be held on that topic during the Council's fiftieth session, in 2022, on the basis of a report to be prepared by OHCHR. With less than 10 years left in which to achieve the Sustainable Development Goals, it was important to be able to count on women and girls to contribute towards that end. The COVID-19 pandemic had held back progress in achieving gender equality and the empowerment of women and girls, and technical cooperation was the most constructive and effective way to help States fulfil their human rights obligations in a manner that generated an impact on the ground. The panel discussion on technical cooperation would provide an important forum for enabling all stakeholders to engage in genuine dialogue, identify challenges and share good practices in ensuring the enjoyment of human rights by all, in particular women and girls. He hoped that the Council would adopt the draft resolution by consensus.

47. **The President** said that 15 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$65,400.

48. **Ms. Pua-Diezmos** (Philippines), making a general statement before the decision, said that, as a firm believer in the initiative addressed by the draft resolution, the Philippines supported a number of United Nations voluntary trust funds that advanced the purposes of

technical cooperation and capacity-building to assist States in the implementation of their human rights obligations and voluntary commitments. Her Government's joint programme on human rights, a cohesive framework for technical cooperation between the Philippines and the United Nations, in partnership with the national human rights institution and stakeholders, provided a constructive model for practical engagement that focused on building national institutions and capacities. There was a desire among States to fully realize the potential of technical cooperation, but the pathways for doing so were largely undefined. She thus saw merit in the development of a facility through which States could submit requests for technical assistance and OHCHR and relevant United Nations agencies could consider such requests and provide a systematic and coordinated response. The United Nations system offered a wealth of templates for such a facility, which could also provide special procedure mandate holders with a means of pursuing their technical advisory role more actively at the request of States. Such a facility would depoliticize technical assistance by ensuring that access to resources did not require the trigger of political resolutions. Her delegation fully supported the draft resolution and would remain engaged in the related work of the Council.

49. **Ms. Khusanova** (Russian Federation), speaking in explanation of position before the decision, said that her delegation appreciated the sponsors' efforts to arrive at a text that could garner a consensus, but regretted that the draft resolution included a number of passages with incorrect formulations. For example, the fifth preambular paragraph referred to "all forms of violence against women and girls, online and offline", but not all forms of such violence could be committed online; the wording should instead refer to all forms of violence and use the formulation "including in digital contexts", in line with the wording of General Assembly resolution 75/161 on violence against women. The thirteenth preambular paragraph included language mechanically copied from a Council resolution in which it referred to women and girls with disabilities; the reference to participation in decision-making should apply only to women, not girls, who could not so participate without the assistance of parents or guardians, as provided in the Convention on the Rights of the Child. Her delegation could not agree with paragraph 5 of the draft resolution, in which paragraph 20 of the 2030 Agenda for Sustainable Development was redrafted, as such an approach was unacceptable. The Russian Federation would continue to give priority to the wording of the 2030 Agenda, which had been adopted by all States Members of the United Nations.

50. *Draft resolution A/HRC/48/L.20/Rev.1 was adopted.*

Draft resolution A/HRC/48/L.25: Technical assistance and capacity-building to improve human rights in Libya

51. **Mr. Eheth** (Cameroon), introducing the draft resolution on behalf of the Group of African States, said that the draft was sponsored by more than 80 States. The text was based on Council resolution 43/39, whereby a fact-finding mission had been dispatched to Libya to document human rights violations throughout the country. The Group recognized the importance of extending the mandate to enable the fact-finding mission to carry out its work, which had been delayed owing to the COVID-19 pandemic and the United Nations liquidity crisis. The State concerned fully supported the extension of the mandate as a means of further strengthening the rule of law and human rights. That was a clear sign that the State concerned took human rights seriously and had the political will to put a halt to impunity. The draft resolution also called for the United Nations to intensify its technical assistance and capacity-building to assist Libya in strengthening its national institutions to better protect and promote human rights. He called upon the Council to adopt the draft resolution by consensus.

52. **The President** said that 33 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$3,215,300.

53. **Ms. Tichy-Fisslberger** (Austria), making a general statement before the decision on behalf of the States members of the European Union that were members of the Council, said that improving the human rights situation in Libya remained a priority for the Council. She welcomed the efforts made and cooperation provided by the Libyan Government in that regard. At the same time, those efforts needed to be strengthened to improve a situation that was still worrisome in many respects. Under the draft resolution, the mandate of the fact-finding mission established through a previous consensual resolution would be renewed. The

European Union strongly supported the continuation of the mission's work, which remained highly relevant for the achievement of progress on human rights, national reconciliation and truth-finding, and for lasting peace and justice in Libya. It also welcomed the fact that the draft included a call for technical assistance and capacity-building and for the full implementation of the Geneva ceasefire agreement, including the full and immediate withdrawal of all mercenaries and foreign forces without delay.

54. Accountability for all violations of international human rights law and international humanitarian law remained key. The European Union commended and fully supported the work of the International Criminal Court in that respect. It would have preferred to renew the fact-finding mission's mandate for one full year instead of nine months, as provided in the draft resolution. Adequate funding, staff and time must be provided to allow the fact-finding mission to fulfil its mandate. The European Union also would have preferred a more balanced text that focused on the renewal of the fact-finding mission's mandate and did not include additional paragraphs on political issues that fell outside the mandate of the Council. Several European States had reopened their embassies in Tripoli, thus strengthening the work of those States with the Libyan authorities. She commended Libya for its continuing cooperation with the fact-finding mission. The Council, by extending the mandate, would underline its commitment to the human rights situation in Libya and to accountability in general. The European Union supported the draft resolution and was pleased to join in the consensus on its adoption.

55. **Ms. Del Colle** (Netherlands), making a general statement before the decision, said that the fact-finding mission's work contributed to accountability, the rule of law and respect for human rights and demonstrated the Council's solidarity with the countless victims of human rights violations in Libya. The mission had faced numerous challenges, including the travel restrictions imposed as a consequence of the COVID-19 pandemic, but had been able to gather a significant amount of information on human rights violations committed against a broad range of groups. Some of those violations might amount to war crimes or crimes against humanity. It was thus of the utmost importance to extend the mission's mandate for as long as necessary in order to ensure accountability. The Netherlands, as co-chair of the International Humanitarian Law and Human Rights Working Group of the International Follow-up Committee on Libya, stood ready to cooperate with the Libyan authorities on the follow-up to the mission's findings and recommendations in order to close the impunity gap.

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

57. **Mr. Baiou** (Libya) said that his Government had shown the political will to shoulder its responsibility to enhance human rights by requesting the establishment of a fact-finding mission. There had been engagement with the mission at the highest levels, including by the Ministers for Foreign Affairs, Justice and Internal Affairs, the President of the High Court, officials of the Ministry of Defence, the Military Prosecutor, the General Prosecutor and other public figures. The Government had ensured that the mission could hear complaints and witness testimonies and carry out field visits. Its commitment to human rights had led it to request the extension of the mission's mandate, since accountability for past human rights violations was a part of national reconciliation in the interests of peace and stability. The submission of the draft resolution under agenda item 10, on technical assistance and capacity-building, was significant, since cooperation, partnership and trust between national authorities and international mechanisms were the best means of enhancing human rights and fighting impunity. He hoped that the draft resolution would be adopted by consensus.

58. **Mr. Manley** (United Kingdom), speaking in explanation of position before the decision, said that he supported the fact-finding mission and its report, and commended the Libyan Government's support for the renewal of the mission's mandate. He welcomed the elements of the draft resolution that addressed human rights violations and the need for accountability. His Government had been unable to join the sponsors of the draft resolution owing to concerns over the language in paragraph 15, which referred to "the right of the Libyan State to manage its funds frozen abroad". United Nations Security Council resolutions had clearly and consistently affirmed that the frozen assets should, at a later stage, be made available to and for the benefit of the people of Libya. Notwithstanding that important point, his delegation would join the consensus on the draft resolution.

59. *Draft resolution [A/HRC/48/L.25](#) was adopted.*

60. **The President** invited delegations to make statements in explanation of vote or general statements on any of the draft resolutions considered under agenda item 10.

61. **Mr. Eheth** (Cameroon) said that the promotion and protection of human rights were indispensable to international peace and security. He took note of the political will expressed by the authorities and people of the Central African Republic and Libya to move in that direction by making use of technical assistance in the field of human rights. His delegation therefore welcomed the adoption by consensus of draft resolutions [A/HRC/48/L.1](#) and [A/HRC/48/L.25](#) concerning the Central African Republic and Libya, respectively.

62. **Ms. Pua-Diezmos** (Philippines) said that the six country-specific resolutions adopted under agenda item 10 reflected the Council's positive approach to human rights issues and the value it attached to collaboration with full respect for the role of States as duty bearers. That approach provided a template for efficient action within the budgetary constraints besetting OHCHR and the entire United Nations system. The resources allocated to those six consensual resolutions amounted to approximately \$8.5 million, as compared to the almost \$8 million that would have been allocated to one country-specific resolution submitted under agenda item 2, which the Council had rejected. In assessing future draft resolutions, the Council should, without compromising its high standards of scrutiny of human rights violations, consider the contributions to be made by duty bearers in building and strengthening institutions on the ground, the judicious and conscientious allocation of resources and the non-politicization of initiatives.

63. Her delegation had repeatedly expressed concern that approximately 90 per cent of the programme budget implications of country-specific resolutions represented staff and consultant salaries and travel costs. Notwithstanding her support for consensual initiatives under agenda item 10, she would appreciate efforts to direct more resources towards specific programmes that directly benefited the countries concerned. Further discussion was needed on how the Council secretariat could better configure programme and budget projections for resolutions under agenda item 10 to reflect the range of support that OHCHR could provide to States. The discussions at the current session had shown that States wished to optimize and leverage resources to support institution-building in the countries concerned, with their consent. Formulaic programme budget estimates did not meet that expectation. She recalled the Council's duty of stewardship over public resources amidst competing challenges, including challenges to the promotion of human rights. Public demands for greater accountability by the United Nations and multilateral institutions should be taken into account. The steps already taken towards greater transparency in relation to programme budget implications, including dialogue with the secretariat, should be sustained in the future.

Agenda item 1: Organizational and procedural matters (*continued*) ([A/HRC/48/2](#), [A/HRC/48/84](#) and [A/HRC/48/84/Add.1](#))

Election of members of the Human Rights Council Advisory Committee

64. **The President** drew attention to a note by the Secretary-General on the election of members of the Human Rights Council Advisory Committee ([A/HRC/48/84](#) and [A/HRC/48/84/Add.1](#)). Since the number of candidates from African States, Latin American and Caribbean States and Western European and other States was equal to the number of vacancies to be filled from each of those groups, she took it that the Council wished to elect the candidates by acclamation.

65. *It was so decided.*

66. *Mr. Viljoen (South Africa), Mr. Lindgren Alves (Brazil) and Mr. Tzevelekos (Greece) were elected members of the Human Rights Council Advisory Committee.*

67. **The President** drew attention to rule 94 of the rules of procedure of the General Assembly, which applied pursuant to paragraph 11 of General Assembly resolution 60/251, and invited the Council to elect by secret ballot one member from an Asia-Pacific State.

68. *At the invitation of the President, Ms. Bain (Bahamas) and Ms. Salah (Somalia), Vice-Presidents, acted as tellers.*

69. *A vote was taken by secret ballot.*

Number of ballot papers: 47

Invalid ballots: 2

Number of valid ballots: 45

Number of votes obtained:

Ms. Alamro (Saudi Arabia) 32

Mr. Emadi (Islamic Republic of Iran) 13

70. *Having obtained the largest number of votes, Ms. Alamro (Saudi Arabia) was elected a member of the Human Rights Council Advisory Committee.*

Appointment of special procedure mandate holders

71. **The President** said that three special procedure mandate holders were to be appointed at the current session. On the basis of the recommendations of the Consultative Group and following broad consultations, she had decided to propose the appointment of the candidates whose names were indicated in the letters circulated to delegations on 30 August 2021 and 17 September 2021. She took it that the Council wished to endorse those candidates and appoint them as special procedure mandate holders.

72. *It was so decided.*

Extraordinary modalities for the thirty-ninth session of the Working Group on the Universal Periodic Review

73. **The President** said that, given the ongoing need for measures to address the COVID-19 pandemic, the Bureau had agreed that the Working Group on the Universal Periodic Review should, at its thirty-ninth session, follow the same extraordinary modalities that had been applied during the forty-eighth session of the Council. She took it that the Council wished to approve those modalities for the thirty-ninth session of the Working Group on the Universal Periodic Review.

74. *It was so decided.*

Report of the session

75. **Mr. Bekkers** (Netherlands), Vice-President and Rapporteur, said that an advance unedited version of the draft report of the Human Rights Council on its forty-eighth session (A/HRC/48/2) had been circulated. The structure of the report reflected the 10 items on the Council's agenda. The secretariat would finalize the report after the session and circulate it for comments. The text of the resolutions adopted by the Council would be made available in due course.

76. Despite the need for extraordinary meeting modalities due to the ongoing public health situation, the Council continued to fulfil its responsibility to uphold human rights, thereby serving as an example to other United Nations intergovernmental bodies. During the session, the Council had held a number of interactive dialogues with the High Commissioner, special procedure mandate holders and expert mechanisms, two commissions of inquiry, two fact-finding missions and other investigative mechanisms. The Council had also discussed a wide range of topics during six panel discussions and had adopted 25 resolutions and one statement by the President. It had adopted the outcomes of the universal periodic review in respect of 14 countries and had appointed three special procedure mandate holders.

77. **The President** said she took it that the Council wished to adopt the report ad referendum, on the understanding that the Vice-President and Rapporteur would finalize it with the assistance of the secretariat.

78. *It was so decided.*

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

79. **Mr. Ahmed** (Observer for Maldives), speaking on behalf of an informal group of small island developing States, said that draft resolutions [A/HRC/48/L.23/Rev.1](#), on the human right to a clean, healthy and sustainable environment, and [A/HRC/48/L.27](#), on the mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, could potentially have a real-world impact within a much larger movement towards change. As more than 155 States had recognized the right to a healthy environment, draft resolution [A/HRC/48/L.23/Rev.1](#) and future iterations of it would serve as a reminder of their commitments and the ongoing challenge of realizing that right. The mechanism established in draft resolution [A/HRC/48/L.27](#) also held much promise. The accelerated pace of climate change in recent years had made it imperative to ensure a sustained and coordinated focus on that issue in the Council. Small island developing States and civil society had played a key role in the adoption of the two resolutions. Ideally, the momentum gained at the current session would be maintained at the upcoming Conference of the Parties to the United Nations Framework Convention on Climate Change.

80. **Mr. Teo** (Observer for Singapore) said it was disappointing that draft resolution [A/HRC/48/L.17/Rev.1](#) on the question of the death penalty reflected only one perspective on that complex issue, despite the existence of diverse viewpoints. Under international law, there was no consensus for or against the use of the death penalty when it was applied in line with States' international obligations. States had the sovereign right to determine their own criminal justice systems and establish legal penalties in accordance with their respective obligations, and the use of the death penalty was not a de facto violation of human rights. He regretted that the various amendments that had been proposed had not been adopted by the Council. The right to life referred to in the resolution must be interpreted in accordance with States' international and regional human rights obligations. Derogation from due process and the rule of law was never permitted, even during a state of emergency. Furthermore, there was no international consensus on what constituted the most serious crimes, and attempts to define them unilaterally were not constructive.

81. **Ms. Picone** (Observer for Vanuatu), speaking via video link, said that draft resolutions [A/HRC/48/L.23/Rev.1](#) and [A/HRC/48/L.27](#) were of enormous value to the international community. As a small island developing State, Vanuatu attached great importance to policies aimed at protecting the natural environment and promoting sustainable development. The effects of climate change were real and visible, and were adversely affecting the enjoyment and the protection of human rights all over the world. Given that the resolutions were the product of long-standing advocacy on the part of civil society, they had the potential to promote greater cooperation between States, civil society and United Nations mechanisms in identifying concrete solutions to the problems of climate change and environmental degradation.

82. **Mr. Soliman** (Observer for Egypt), speaking via video link, said that Egypt was pleased to be one of the sponsors of draft resolution [A/HRC/48/L.26/Rev.1](#) on the human rights implications of the COVID-19 pandemic for young people. With regard to draft resolution [A/HRC/48/L.20/Rev.1](#) on enhancement of technical cooperation and capacity-building in the field of human rights, his delegation wished to stress the importance of taking into account the age restrictions set by national laws for girls' full participation in political life and decision-making processes. Regarding draft resolution [A/HRC/48/L.17/Rev.1](#), Egypt reconfirmed its persistent objection to any attempt to impose a moratorium on the use of the death penalty or the abolition of the death penalty, which would contravene international law, and it wished to dissociate itself from that resolution. As to draft resolution [A/HRC/48/L.7/Rev.1](#) on child, early and forced marriage in times of crisis, including the COVID-19 pandemic, Egypt wished to dissociate itself from the third, seventeenth, eighteenth and twentieth preambular paragraphs and from paragraphs 1, 3 (c) and (d), 4 (a) and 6.

83. **Ms. Burumdoyal** (Observer for Mauritius) said that, although most African countries had gained independence, remnants of colonialism still existed on the African continent and were detrimental to the human rights of the peoples concerned. In the specific case of Mauritius, the International Court of Justice had determined, in its advisory opinion of 25

February 2019 on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, that the Archipelago was and always had been an integral part of the territory of Mauritius. It had also found that the unlawful excision of the Archipelago from Mauritius prior to independence was contrary to the right to self-determination of the people of Mauritius. The time was ripe for the Council to hold a panel discussion on the negative impact of the legacies of colonialism on human rights and to discuss ways and means of moving forward. That had been the impetus behind her delegation's sponsorship of draft resolution [A/HRC/48/L.8](#). The panel's members should include renowned international lawyers with extensive experience in the field of human rights.

84. **Ms. Smith** (Observer for Norway), speaking via video link, said that Norway had been one of the sponsors of draft resolution [A/HRC/48/L.23/Rev.1](#) because the text confirmed the numerous linkages that existed between human rights and the environment and sent a strong signal to all States to step up their efforts to protect the environment, reduce emissions and choose sustainable solutions, while ensuring the protection and promotion of human rights. A clean, healthy and sustainable environment was the foundation of human life, and its protection was a precondition for the enjoyment of human rights by current and future generations. However, the political recognition of the right to a clean, healthy and sustainable environment produced no legal effects and the resolution did not constitute a legal instrument.

85. **Mr. Missaoui** (Observer for Tunisia), speaking via video link, said that Tunisia had been one of the sponsors of draft resolution [A/HRC/48/L.26/Rev.1](#). In view of the indivisibility of human rights, his Government supported the promotion of all such rights, including economic, political, cultural and social rights. He welcomed the adoption of resolutions on the human rights of older persons, the human right to a clean, healthy and sustainable environment, equal participation in political and public affairs and the right to privacy in the digital age.

86. **Ms. Jadfelt** (Observer for Sweden), speaking via video link, said that she welcomed draft resolution [A/HRC/48/L.23/Rev.1](#), which highlighted the important link between the environment and the promotion and protection of human rights. Sweden attached great importance to the issues raised in the resolution and had sponsored it in order to signal its wish to participate, both within the Council and with other relevant actors, in consultations and negotiations on the realization of the right addressed in the resolution. However, the resolution's adoption as a political recognition of a right to a clean, healthy and sustainable environment produced no legal effects and could not be invoked as a legal ground, since the legal meaning and possible effects of such a right had not yet been thoroughly examined and negotiated.

87. **Mr. Alwasil** (Observer for Saudi Arabia), speaking via video link, said that the Council had rejected draft resolution [A/HRC/48/L.11](#) on the situation of human rights in Yemen in response to legitimate, fair and reasonable demands, supported by a majority of Council members from various regions of the world, for the termination of the mandate of the Group of Eminent International and Regional Experts on Yemen, whose reports disregarded international initiatives and resolutions concerning Yemen, including Security Council resolution 2216 (2015), and which had misused its mandate by deriving most of the information in its reports from NGOs sympathetic to the insurgent Houthi militias. That had led to confusion among the international community and had widened the schism between segments of the Yemeni population, bolstering and legitimizing the position of the insurgent militias and diverting attention away from gross violations of human rights by portraying the Yemeni crisis as a conflict between opposing parties rather than as a coup d'état in which Houthi militias had seized power by force.

88. The existence of two draft resolutions on Yemen under two separate agenda items at the current session reflected the polarization of the Council's members and in no way served the Yemeni people. The solution was to seek international consensus based on the relevant Security Council resolutions and to support the efforts of the Special Envoy of the Secretary-General for Yemen.

89. **Ms. Szücs** (Observer for Hungary), speaking via video link, said that Hungary was proud to have sponsored draft resolution [A/HRC/48/L.4/Rev.1](#) on equal participation in

political and public affairs because the resolution reaffirmed that the will of the people was the basis of the authority of government. Hungary was committed to upholding the rights set out in the resolution and had recently extended the right to vote to persons under guardianship who met certain objective criteria as determined by the courts. It was her delegation's firm conviction that an assessment of disability should be made only on the basis of an individualized, unbiased expert opinion, and that only such an assessment could justify any restriction of participation in political and public affairs.

90. **Ms. Al Abtan** (Observer for Iraq), speaking via video link, said that Iraq had made proposals concerning draft resolution [A/HRC/48/L.7/Rev.1](#), in particular on the need to ensure respect for cultural differences, but they had not been taken into account in the text of the resolution, which was consequently unbalanced. Her delegation had reservations regarding paragraphs 1, 4 (c), 6, 7 and 16 and requested that its comments should be reflected in the report of the Council on its forty-eighth session.

91. **Mr. Lauber** (Observer for Switzerland), speaking via video link, said that his delegation welcomed the adoption of draft resolutions [A/HRC/48/L.7/Rev.1](#), [A/HRC/48/L.17/Rev.1](#) and [A/HRC/48/L.23/Rev.1](#). It had also supported the adoption of draft resolution [A/HRC/48/L.24/Rev.1](#), even though its view was that a fact-finding mechanism would have been the most suitable means of examining allegations of violations of international law by all parties to and participants in the Afghanistan conflict. With regard to draft resolution [A/HRC/48/L.25](#), his delegation supported the extension of the mandate of the fact-finding mission in Libya but regretted that it was only for nine months. Ensuring accountability and ending impunity were of utmost importance and were preconditions for transitional justice and national reconciliation.

92. It was regrettable that the Council had not adopted draft resolution [A/HRC/48/L.11](#) and thus had not renewed the mandate of the Group of Eminent International and Regional Experts on Yemen, whose work was essential, especially in view of the numerous violations committed by all parties. His delegation welcomed the conciseness of draft resolution [A/HRC/48/L.10](#) on the situation of human rights in the Syrian Arab Republic and wished to stress the importance of strengthening the general applicability of the text by ensuring that violations of international law committed by all parties to the conflict were taken into account. As to draft resolution [A/HRC/48/L.16](#) on advisory services and technical assistance for Cambodia, his delegation welcomed the extension of the mandate of the Special Rapporteur on the situation of human rights in Cambodia but lamented the fact that the resolution did not give a complete picture of the situation on the ground. Lastly, Switzerland welcomed the withdrawal of draft resolution [A/HRC/48/L.14](#), entitled "Realizing a better life for everyone", since its justification and connection to human rights were unclear.

The discussion covered in the summary record was suspended at 12.45 p.m. and resumed at 1 p.m.

Closure of the session

93. After the customary exchange of courtesies, **the President** declared the forty-eighth session of the Human Rights Council closed.

The meeting rose at 1.05 p.m.