



# HUMAN RIGHTS COUNCIL - 48<sup>th</sup> SESSION

## ITEM 3: Briefing by ECOSOC President; presentation of Secretary General and High Commissioner's thematic reports, reports of the Working Group on the right to development and Working Group on private military security companies

### Briefing by ECOSOC President

**H.E. Mr. Collen Vixen Kelapile, President of the Economic and Social Council** briefed on the discussions and key-messages from the 2021 session of the [high-level political forum on sustainable development \(HLPF\)](#), that took place in **July 2021** and focused on the **sustainable and resilient and inclusive recovery from the COVID-19 pandemic**. Forum reviewed in-depth 9 SDGs (#1, #2, #3, #10, #12, #13, #16, #17) and their interlinkages. It also covered the targets of the SDGs with a 2020 timeline. HLPF expressed the great concern about the impacts of COVID-19 on SDGs and reflected on national experiences on this issue. HLPF reviewed approaches to invest in sustainable infrastructure, enhance financing the SDGs, mobilize science, technology and innovations and bridge the digital divide gap. Forum participants addressed **support to countries in special situations, including SIDSs, LDCs, LLDCs and African countries. 42 countries presented their voluntary national reviews (VNRs)**. Thematic review of the forum was based on Secretary-General's Sustainable Development Goals Progress Report. Forum received inputs from 68 UN System organs and bodies. Important **input from the HRC** greatly contributed to the discussions. **Forum resulted in a Ministerial Declaration (E/HLPF/2021/L.2) which was adopted by consensus**. Participants expressed commitment to international solidarity. **The Forum conveyed the strong message: ensuring equitable access to vaccine is a moral imperative, the only way to overcome the pandemic and a condition for sustainable and resilient recovery**. Secretary-General's called for a Global Vaccination Plan along with the similar interventions of the executive heads of the IMF, UNICEF, WHO and other organisations. Many speakers of the Forum stressed that climate change, biodiversity and the transition to a green economy remained top priorities. **While pandemic affects all the countries seriously, climate change remains the biggest challenge to achieve the SDGs. Strong emphasis during the Forum was put on gender equality as a sine qua non condition for recovery**. On behalf of the ECOSOC Bureau, **Mr. Collen Vixen Kelapile welcomed engagement of the HRC in promoting the role of human rights in the 2030 Agenda**. The HLPF and the HRC must work together to ensure that economic, social, and cultural rights are respected, and the 2030 Agenda is being implemented.

### Introduction of Secretary General's and High Commissioner's thematic reports

**Ms. Peggy Hicks, Director of the Thematic Engagement, Special Procedures and Right to Development Division of OHCHR:**

- **Oral Update on the human rights implications of the lack of affordable timely equitable and universal access and distribution of COVID-19 vaccines and the deepening inequalities between States (pursuant to Resolution 46/14):** distribution of vaccines is unbearably unequal: 73% of all doses have been administered in just 10 countries; high-income countries have administered 61 times more doses per inhabitant than low income countries. The short-sighted vaccine nationalism should be stopped. Vaccines must be considered a global public good. Holding on the vaccines that are not urgently needed elsewhere is inhumane. States should urgently support the Secretary-General call for a global vaccine plan to double vaccine production and ensure universal and equitable distribution of the vaccines using the COVAX facility as a platform. Steps should be taken to ensure supplied two COVAX for low- and low-to-middle-income countries to allow administration of primary vaccine series. Such efforts should take precedents over any widespread administration of booster doses. Making vaccination possible across the globe is a necessity to successfully fight the virus. New variants of virus emerging among non-vaccinated population create risks for everyone, States should consider this as their obligation flowing from the right to highest attainable standard of health for all. Beyond health consideration, the IMF report showed that access to vaccine is a principle fault line of the global recovery. Virus aggravated the pre-existing economic crisis

and deepened social inequalities, and structural and systemic discrimination. Delayed recovery fuel the intensified risk for women and children of GBV, family separation and distracted childhood. Relaxation of intellectual property barriers to reproduction of vaccines is needed to overcome some of the obstacles to universal access to vaccines.

- **Right to development** – *Annual Report of the Secretary-General and the United Nations High Commissioner for Human Rights (A/HRC/48/26)*: focuses on the response to and the recovery from the COVID-19 pandemic; contains overview of the impact of COVID-19 on the realization of the right to development, including access to vaccines and medicines, financial and technical support and support for a green recovery. As viruses do not respect borders, the response too must be transboundary and truly global with human rights at its core.

- **Thematic report on the effects of artificial intelligence on the enjoyment of the right to privacy** – *Report of the UN High Commissioner for Human Rights (A/HRC/48/31)*: analyses how the widespread use by States and businesses of artificial intelligence (AI), including profiling, automated decision-making and machine-learning technologies, affects the enjoyment of the right to privacy and associated rights. The High Commissioner highlights aspects of AI that facilitate interference in privacy and provides examples of impacts on the right to privacy and associated rights in four key sectors. It provides a set of recommendations for States and businesses regarding the design and implementation of safeguards to prevent and minimize harmful outcomes of AI.

- **Yearly supplement of the Secretary-General to the quinquennial report on capital punishment, focussing on the consequences of the lack of transparency in the application and imposition of the death penalty on the enjoyment of human rights (A/HRC/48/29)**: the SG reiterated his recommendation that States that continue to impose and implement death sentences should establish a moratorium on executions with a view to abolishing the death penalty. States were requested to systematically and publicly provide full, accurate and disaggregated data on death sentences, including data on individual sentences, the number of executions carried out and the method(s) of execution, and the number of death sentences reversed or commuted on appeal or in which amnesty or pardon has been granted.

- **Summary of reports of the two events: (1) one-day intersessional meeting with a dialogue on cooperation in strengthening capacities for the prevention of genocide, held on 10 February 2021 – Report of the High Commissioner for Human Rights (A/HRC/48/42), and (2) intersessional panel discussion on the fifteenth anniversary of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as enshrined in the 2005 World Summit Outcome, held on 11 May 2021 – Report of the Office of the High Commissioner for Human Rights (A/HRC/48/39)**: participants highlighted deterrent effect of accountability measures and other guarantees of non-recurrence; underscored the key-role of civic space in preventing atrocity crimes; highlighted the need to strengthen NHRIs, as well as the HRC and other UN human rights mechanisms, inclusion of atrocity crimes prevention where relevant in the HRC mandates; supported the further work of the Special Advisers of the Secretary-General on the Prevention of Genocide and on the Responsibility to Protect.

- **One-day intersessional seminar of the Human Rights Council on the contribution of development to the enjoyment of all human rights, held in May 2021 – Report of the Office of the High Commissioner for Human Rights (A/HRC/48/25)**: event explored multiple dimension of the strong link between development progress and human rights. Specific areas in which development could contribute to the realization of human rights were addressed, such as gender equality, eradication of poverty, digital connectivity, environmental protection, fighting climate change, debt relief, roads and infrastructure connectivity, science-based policies, and the disaggregation of data.

- **Rights of indigenous peoples** – *Report of the United Nations High Commissioner for Human Rights (A/HRC/48/30)*: focused on illustrative examples of the OHCHR activities and initiatives undertaken at country, regional and global levels that contribute to the realization of the rights of indigenous peoples. It also outlined recent developments within the UN human rights bodies and mechanisms pertaining to indigenous peoples. As evidenced in the reports of United Nations human rights mechanisms, the pandemic exacerbated the marginalization of indigenous communities in many countries. Report advocates for the meaningful participation and leadership of indigenous peoples in fighting pandemic.

- **Intersessional workshop on cultural rights and the protection of cultural heritage, held online in June 2021 – Report of the High Commissioner for Human Rights ([A/HRC/48/40](#)):** its purpose was to develop tools related to the dissemination of an approach to the protection, restoration and preservation of cultural heritage that promoted universal respect for cultural rights by all. The workshop focused on: (a) mainstreaming a human rights-based approach to cultural heritage, including tools; (b) cultural heritage in crisis; and (c) supporting the work of cultural rights defenders. States were recommended to carry out assessments of the national integration of the international legal framework for the protection of cultural rights and cultural heritage. The OHCHR and UNESCO, in collaboration with the Special Rapporteur in the field of cultural rights, should develop tools that enable States to conduct these assessments.

- **Study on the contribution of the Special Procedures in assisting States and other stakeholders in the prevention of human rights violations and abuses – Report of the Office of the United Nations High Commissioner for Human Rights ([A/HRC/48/21](#)):** illustrates in a non-exhaustive way how the various tools and activities of mandate holders can contribute to assisting States and other stakeholders in the prevention of human rights violations and abuses. Publishing of the report is delayed due to financial constraints; will be available shortly.

**Ms. Peggy Hicks also informed about a delayed submission of 9 reports**, that should have been presented at this or earlier sessions of the HRC (3 from last year and 6 for this year). These reports were delayed due to impact of COVID-19 pandemic and financial constraints. OHCHR will try to prepare these reports as soon as possible.

### **Presentation of the report of the working group on the right to development**

**H.E. Mr. Zamir Akram, Chair-Rapporteur, Working Group on the right to development (WG):** the HRC directed the WG to elaborate a legally binding instrument on the right to development. During the last session of the WG several States stressed that a legally binding instrument could ensure that the operationalization of the right to development become a priority in achieving the SDGs. A group of States was not in favour of elaborating a binding international legal standard on the right to development. The WG commenced the consideration of a draft convention on the right to development. The Secretariat issued a request for comments and textual suggestions on the draft convention. All of these, together with possible alternative language will be presented during the next session of the WG this November. Mr. Zamir Akram regretted that a number of States did not participate in the drafting process and reiterated his invitation to engage in the process in a collaborative and constructive spirit.

### **Presentation of the report of the Open-ended intergovernmental working group to elaborate the content of an international regulatory framework, without prejudging the nature thereof, relating to the activities of private military and security companies**

**Mr. Mxolisi Sizo Nkosi, Chair-Rapporteur of the Working Group on the activities of private military and security companies ([A/HRC/48/65](#)):** the HRC decided, in its resolution 45/16, to renew the mandate of the open-ended intergovernmental working group (IGWG) for a period of three years to continue elaboration of the content of an international regulatory framework to protect human rights and ensure accountability for violations and abuses relating to the activities of private military and private security companies (PMPSCs). During the second session IGWG made progress on elaborating regulatory framework on PMSCs. The inputs and the recommendations made before and during this session as well as the work done under the previous mandate will enable the Chair-Rapporteur to update and expand on the discussion document with the view to prepare and circulate a zero draft of a regulatory framework, without prejudging the nature thereof. He will then convene informal intersessional consultations on the basis of the zero draft and circulated a revised zero draft before the third session. This would give a new impetus to the process while ensuring that such zero draft would not prejudice the nature of the instrument.

Full recording of this meeting is available on the [UN Web TV](#).