

### 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

20-21 September 2022

#### Briefing by ECOSOC President

**H.E. Ms. Lachezara Stoeva**, President of the Economic and Social Council ECOSOC, in a video statement, briefed the Council on the discussions and key-messages from the 2022 high-level political forum on sustainable development (HLPF), that took place in July. It was the first time since 2019 that the HLPF convened in an in-person format, with this year's focus being "**Building back better from the COVID-19 while advancing the full implementation of the 2030 Agenda for Sustainable Development**". The forum reviewed 5 SDGs in depth (4, 5, 14, 15, and 17) while also taking into account the impact of the pandemic across all SDGs as well as their integrated, indivisible and interlinked nature. Against the backdrop of COVID-19 recovery, HLPF reflected on how recovery policies can reverse negative impacts on the SDGs and move countries towards realizing the vision of the 2030 Agenda. 44 countries presented their Voluntary National Reviews (VNRs). **SIDSs, LDCs, LLDCs and African countries** were at the centre of dialogues on ensuring equal access to vaccines and resources. HLPF expressed concern over the severe socio-economic consequences of the pandemic, deepening poverty and inequalities, causing setbacks in gender equality and exacerbating GBV and discrimination, highlighting the critical need of mobilizing domestic resources. **The Ministerial Declaration** was adopted as the outcome of the session ([E/HLS/2022/1](#)), reaffirming commitment to the full implementation of the 2030 Agenda and calling for strengthening international solidarity and cooperation in the context of the pandemic. It also highlighted that although **women have a key role in COVID-19 response**, they remain underrepresented in positions of leadership, and often inadequately addressed in response and recovery measures. The HLPF recognized the negative effects of **disruption of in-person learning**, disproportionately affecting women, girls, children and youth in vulnerable situations and persons with disabilities. **Member States** stressed that the systemic **mainstreaming of a gender perspective** in the implementation of the 2030 Agenda remains crucial, pledging to ensure full and equal enjoyment of all human rights and fundamental freedoms by all women and girls and recognizing violence against them a major impediment to achieving gender equality and empowerment. HLPF stressed urgency of decent working conditions for all, protecting labour rights, and achieving universal social protection. In the context of **SDG15** HLPF reaffirmed importance of protecting the **rights of indigenous peoples**. In conclusion, **Ms. Stoeva** expressed eagerness for continued collaboration towards the **mid-point assessment of the 2030 Agenda and the SDGs**, the HLPF meeting in July, and **SDG Summit** in September under the General Assembly.

#### 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:

- **Report of the High Commissioner on promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from the COVID-19 pandemic ([A/HRC/51/20](#)):** an overview of research activities and OHCHR's projects on economic, social and cultural rights, including efforts made to strengthen its capacity in this field and remaining gaps. The Office has enhanced engagement to combat inequalities in the context of the socioeconomic crisis due to the pandemic. Economic, social and cultural rights must be placed at the centre of COVID-19 recovery. The report emphasized the indivisibility, interconnectedness and interdependence of all human rights and highlights that amid growing demands for the Office to engage, the limited resources hinder its ability to increase work. Additional human and financial resources are needed in this regard.

- **Report of the Secretary General on the question of the death penalty (A/HRC/51/7):** steady progress has been made towards the universal abolition of the death penalty, including new ratifications of the Second Optional Protocol to the International Covenant on Civil and Political Rights. In addition, the overall trend of its decreased use in recent years is welcomed. However, there is growing concern over resumed or increased imposition and application of the death penalty in several countries after its suspensions partly due to COVID-19 related restrictions. States should adopt a moratorium on executions with a view to its abolition, and fully respect their obligations under IHRL. Pending abolition, retentionist States should impose the death penalty only for the “most serious crimes” and refrain from using it for crimes not involving intentional killing, such as drug-related offences or overly broad terrorism-related crimes. States should also comply with transparency requirements, and to provide disaggregated data on the use of the death penalty in order to facilitate a fully informed public debate on capital punishment and its impact on human rights.
- **Right to development – Report of the Secretary-General and the United Nations High Commissioner (A/HRC/51/22):** focuses on global challenges to the realization of this right and the efforts undertaken to overcome them in the context of the response to and the recovery from the COVID-19 pandemic; provides an analysis of the way in which the application of the right to development, its principles and norms would have contributed to preventing and/or easing various impacts of the pandemic and guiding the global response and recovery; addresses the international financial system, the vaccine roll-out and business model, and the green recovery. There is an urgency for strengthened international solidarity and global coordinated efforts to reverse the increasingly diverging paths of the COVID-19 recovery. Business enterprises must respect human rights wherever they operate; International Financial Institutions must support recovery efforts by ensuring that their programmes and loans enhance the fiscal space and capacities of States to deliver in the areas of health, social protection and other human rights; while States’ primary responsibility is to respect, protect and fulfil the right to development internally, internationally, and collectively.
- **Rights of indigenous peoples – Report of the United Nations High Commissioner for Human Rights (A/HRC/51/18):** indigenous peoples have been and continue to be severely affected by the COVID-19 pandemic, including in terms of their livelihoods, food security and well-being. The report covers OHCHR work in advocating for indigenous peoples effective and meaningful participation and leadership in COVID-19 response and mitigation strategies and recommends States to redouble their efforts to ensure the legal recognition of indigenous peoples’ collective ownership of land, territories and natural resources, to enhance the protection of indigenous defenders, and to take effective action to address persistent intersectional discriminations, ensuring that the free, prior and informed consent of indigenous peoples is obtained on all matters that could potentially affect them.
- **Oral update on the human rights implications of and good practices and key challenges in affordable, timely, equitable and universal access to and distribution of quality, safe, efficacious and affordable COVID-19 vaccines and the impact on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (pursuant to Resolution 49/25):** while the rollout of COVID-19 vaccines worldwide saved millions of lives and livelihoods, their distribution has been highly unequal. Communities and groups most at risk, including the millions of displaced persons, must be adequately engaged to ensure that vaccines reach them, to save lives and halt the pandemic. Furthermore, the civil society and communities must be engaged in the development of vaccine distribution protocols. Vaccine hesitancy is a global threat with the world witnessing the largest backslide in vaccinations in three decades, and disruptions of routine immunization of children may increase the risk of resurgence of diseases such as polio or measles. Universal and equitable access to vaccines, medicines and treatments is essential to better manage future threats in the shared interest of all.
- **Human rights implications of COVID-19 pandemic on young people – Report of the United Nations High Commissioner for Human Rights (A/HRC/51/19):** the study highlights systemic barriers to young people’s human rights, particularly education, employment and social security, health, and participation, in the face of the COVID-19 pandemic. Young people’s human rights have been negatively affected in manifold and intersecting ways, with significant socioeconomic and psychological consequences and growing inequalities. States should adopt a human rights-based approach to COVID-19 recovery, focused on building a sustainable and equitable future for all and

grounded in a new social contract. This approach must give an adequate place to the human rights of youth and be designed and implemented in partnership with youth.

- **Midterm progress report on the implementation of the fourth phase of the World Programme for Human Rights Education** – *Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/51/8)*: provides an overview of action taken at the national level in the context of the current phase of the World Programme for Human Rights Education, focused on youth; progress in the development of policies concerning human rights education in the formal and non-formal education system and human rights education initiatives, extending access particularly for youth in situations of exclusion and vulnerability. Facilitation of and support for the work of civil society, especially youth groups and youth-led organizations conducting human rights education to and peer-to-peer learning should be strengthened. Young people must be involved as key partners also in conducting human rights education for youth with and by youth.
- **Best practices, challenges and lessons learned concerning integrated approaches to the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development at the national level** – *Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/51/9)*: adopting an integrated approach to human rights and the implementation of the 2030 Agenda is not only a human rights imperative but also the smart thing to do. The report focuses on the role of integrated approaches in designing inclusive and transformative social protection; leveraging human rights to budget for the SDGs; a rights-based approach to debt management; and rights-based strategies for SDG financing and illustrates how human rights mechanisms help tackle root causes of inequalities and discrimination. Continued efforts are needed to include civil society more systematically in SDG policymaking and monitoring. Through examples of best practices, including of OHCHR's field-facing SURGE work, the report illustrates that investing in right-enhancing approaches delivers accelerated human rights and SDG progress.
- **Local government and human rights** – *Report of the United Nations High Commissioner for Human Rights (A/HRC/51/10)*: focuses on the opportunities and challenges local governments face in the promotion and protection of human rights, including in relation to the right to equality and non-discrimination; highlights promising interventions adopted including local laws and policies, action plans, institutions, targeted programmes and participatory budgeting; points to challenges faced by local governments in promoting and protecting human rights, such as lack of political will, capacity and resources; and identifies possible elements of principles guiding local and national governments in the protection and promotion of human rights. A much more systematic investment in meaningful, safe and inclusive participation by states and other relevant actors is called for.
- **Civil society space: COVID-19: the road to recovery and the essential role of civil society** – *Report of the United Nations High Commissioner for Human Rights (A/HRC/51/13)*: overview of key challenges that civil society faced during the COVID-19 pandemic and identifies best practices. Trends include obstacles to online access to information and decision-making during lockdowns; use of surveillance technologies that infringed on privacy and bans on assemblies; and criminalization of civil society actors, often in the context of "disinformation". Trust, dialogue and meaningful participation are particularly critical when shaping responses in health emergencies.
- **Good practices, lessons learned and challenges faced by States in preventing, mitigating and addressing the diversion of arms and unregulated or illicit arms transfers** – *Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/51/15)*: outlines the particular impact of arms transfers on the enjoyment of human rights by children and youth; highlights how diversion to unauthorized end users or for unlawful end use, as well as unregulated and illicit arms transfers, can result in a broad range of violations and abuses of the rights of children and youth; and identifies good practices, lessons learned and challenges faced by States in preventing, mitigating and addressing the diversion of arms and unregulated or illicit arms transfers. Businesses can play a significant role in preventing, mitigating and addressing diversion that has an impact on the enjoyment of the rights of children and youth.
- **Activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles)** – *Report of the Secretary-General*

([A/HRC/51/52](#)) (pursuant Resolution 45/22): contains information on the activities carried out from December 2020 to March 2022 by the Subcommittee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) in considering and reviewing applications of national human rights institutions for accreditation and reaccreditation.

- **National institutions for the promotion and protection of human rights** – *Report of the Secretary-General* ([A/HRC/51/51](#)): outlines OHCHR activities to support the establishment and strengthening of national human rights institutions (NHRIs) worldwide; support provided by UNDP and other United Nations agencies to NHRIs; cooperation between NHRIs and the international human rights system; and support provided to the Global Alliance of National Human Rights Institutions from August 2021 to July 2022.

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

**H.E. Zamir Akram, Chair-Rapporteur Working Group on the Right of Development:** The 22<sup>nd</sup> session was held from 22 to 26 November 2021 and the 23<sup>rd</sup> session from 16 to 20 May 2022, during which the UN High Commissioner for Human Rights and the Deputy High Commissioner reiterated the full support of the OHCHR for the WG and for the full realization of the right to development. They stressed the importance of effective international cooperation and good governance. During the meetings, States, international organizations, NHRIs and civil society organizations gave general statements. States noted the realization of the right to development being a priority. The current global circumstances require enhanced global cooperation and scaled-up investment. The WG discussed how a legally binding instrument might contribute to making the right to development a reality for all by creating conditions conducive to its realization. Several States stressed the need to enhance international cooperation to boost the operationalization of the right to development and stressed for the need of having a legally binding instrument. The WG discussed the persistent challenges to the right to development, notably in developing countries. Mr. Zamir regretted that several States did not participate constructively in the drafting process stating that the WG should not engage in an endless process of negotiating the draft convention.

### 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

**Ambassador Mxolisi Sizo Nkosi, Chair-Rapporteur of the Working Group on the activities of private military and security companies** ([A/HRC/51/40](#)): in its resolution 45/16, the HRC decided to extend 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). Ahead of the third session, the Chair-Rapporteur released a zero draft of an international regulatory framework on the regulation, monitoring and oversight over the activities of PMPSCs, which was the basis of negotiations during the third session. The revised draft instrument was cast in a format that could form the basis for both a legally and a non-legally binding outcome, with language options to reflect both approaches. The Chairmanship is working to prepare a second draft of the instrument based on the discussions and concrete suggestions presented at the third session of the IGWG, with the view to release it at the end of September 2022. A group of experts to advise on facilitating and advancing the work on the draft text during the intersessional period has been established. Informal intersessional consultations will be convened and based on inputs received the second draft will be updated. A revised second draft will be circulated before the fourth session from 17 to 21 April 2023, but no later than the beginning of March 2023.

Full recording of this meeting is available on the UN Web TV, [Part 1](#), [Part 2](#).