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|  |  | A/HRC/AC/29/2 |
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**Human Rights Council**

**Advisory Committee**

**Twenty-ninth session**

20–24 February 2023

Agenda item 5

**Report of the Advisory Committee on its twenty-ninth session**

 Report of the Advisory Committee
on its twenty-ninth session[[1]](#footnote-2)\*

*Rapporteur*: Vasilka **Sancin**

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 I. Action taken by the Advisory Committee at its twenty‑ninth session

 29/1. Advancement of racial justice and equality

 *The Human Rights Council Advisory Committee*,

*Recalling* Human Rights Council resolution 48/18 of 11 October 2021, in which the Council requested 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, which should be firmly anchored in the fulfilment of the 2030 Agenda for Sustainable Development and the attainment of its Goals, in consultation where possible with the Office of the United Nations High Commissioner for Human Rights and the international independent expert mechanism to advance racial justice and equality in the context of law enforcement established by the Council in its resolution 47/21 of 13 July 2021, and to present the study to the Council at its fifty-fourth session;

*Recalling also* that, at its twenty-seventh session, the Advisory Committee established a drafting group, currently comprising Nurah Alamro, Noor Al-Jehani, Buhm-Suk Baek, Nadia Amal Bernoussi, Milena Costas Trascasas, Jewel Major, Ajai Malhotra, Javier Palummo, Vasilka Sancin, Dheerujlall Seetulsingh, Catherine Van de Heyning (Chair) and Frans Viljoen (Rapporteur);

1. *Takes note* of the draft report on patterns, policies and processes contributing to incidents of racial discrimination and on proposals for advancing racial justice and equality, submitted by the drafting group to the Advisory Committee at its present session;[[2]](#footnote-3)

2. *Notes* that the drafting group and the full Advisory Committee held meetings to discuss the topic, and takes note of the views expressed thereon by Member States and other stakeholders;

3. *Welcomes* the input received from Member States and other stakeholders in response to the note verbale and questionnaire circulated after the twenty-eighth session of the Advisory Committee;

4. *Requests* the drafting group to finalize the report in the light of the discussion held by the Advisory Committee at its present session;

5. *Decides* to submit the report to the Human Rights Council at its fifty-fourth session, after having circulated it electronically to all members of the Advisory Committee for approval.

 *6th meeting
24 February 2023*

[Adopted as orally revised without a vote.]

 29/2. Impact of new technologies for climate protection on the enjoyment of human rights

 *The Human Rights Council Advisory Committee*,

*Recalling* Human Rights Council resolution 48/14 of 8 October 2021, in which the Council requested the Advisory Committee to conduct a study and to prepare a report, in close cooperation with the Special Rapporteur on the promotion and protection of human rights in the context of climate change, on the impact of new technologies for climate protection on the enjoyment of human rights, and to submit the report to the Council at its fifty-fourth session,

*Recalling also* that, at its twenty-seventh session, the Advisory Committee established a drafting group, currently comprising Buhm-Suk Baek, Rabah Boudache, Milena Costas Trascasas (Chair), Ajai Malhotra, Javier Palummo, Vasilka Sancin, Patrycja Sasnal (Rapporteur), Vassilis Tzevelekos and Frans Viljoen,

1. *Takes note* of the draft report on the impact of new technologies for climate protection on the enjoyment of human rights submitted by the drafting group to the Advisory Committee at its present session;[[3]](#footnote-4)

2. *Notes* that the drafting group and the full Advisory Committee held meetings to discuss the topic, and takes note of the views expressed thereon by Member States and other stakeholders, including representatives of Indigenous Peoples;

3. *Requests* the drafting group to continue its work with a view to revising and approving the draft report in the intersessional period in the light of the discussions held by the Advisory Committee at its current session;

4. *Also requests* the drafting group to finalize the report in the light of the discussions held by the Advisory Committee at its present session and during a virtual meeting to be held during the intersessional period;

5. *Decides* to submit the report to the Human Rights Council at its fifty-fourth session, after having circulated it electronically to all members of the Advisory Committee for approval.

*6th meeting
24 February 2023*

[Adopted as orally revised without a vote.]

 29/3. Neurotechnology and human rights

 *The Human Rights Council Advisory Committee*,

*Recalling* Human Rights Council resolution 51/3 of 6 October 2022, in which the Council requested the Human Rights Council Advisory Committee to prepare a study in an accessible format, including an easy-to-read version, on the impact, opportunities and challenges of neurotechnology with regard to the promotion and protection of all human rights, including recommendations on how human rights opportunities, challenges and gaps arising from neurotechnology could be addressed by the Human Rights Council and its special procedures and subsidiary bodies in a coherent, holistic, inclusive and action-oriented manner, and to present the study to the Council at its fifty-seventh session,

*Recalling also* that the Human Rights Council, in that same resolution, also requested the Advisory Committee, when preparing the above-mentioned study, to seek the views and inputs from, and to take into account the relevant work already done by, stakeholders, including Member States, international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Human Rights Council, the treaty bodies, other relevant United Nations agencies, funds and programmes within their respective mandates, national human rights institutions, civil society, the private sector, medical and technical communities, academic institutions and other relevant stakeholders,

1. *Designates* the Advisory Committee members Nurah Alamro, Noor Al-Jehani, Buhm-Suk Baek, Milena Costas Trascasas, Jewel Major, Ajai Malhotra, Vasilka Sancin, Patrycja Sasnal, Dheerujlall Seetulsingh, Vassilis Tzevelekos, Catherine Van de Heyning, Frans Viljoen and Yue Zhang as members of the drafting group;

2. *Notes* that the drafting group elected Vassilis Tzevelekos as Chair and Milena Costas Trascasas as Rapporteur;

3. *Also notes* that the drafting group and the full Advisory Committee held meetings to discuss the topic;

4. *Welcomes* the active participation of panellists, Member States and civil society organizations in the discussion and the very rich exchange of views, and notes that the discussion provided valuable input that will assist the drafting group in its work;

5. *Decides* to seek the views of and inputs from stakeholders, including Member States, international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Human Rights Council, the treaty bodies, other relevant United Nations agencies, funds and programmes within their respective mandates, national human rights institutions, civil society, the private sector, medical and technical communities, academic institutions and other relevant stakeholders;

6. *Requests* the drafting group to submit a preliminary draft of the report to the Advisory Committee at its thirtieth session, taking into account the discussions held at the current session;

7. *Encourages* stakeholders to continue to contribute to the work already under way.

*6th meeting
24 February 2023*

[Adopted as orally revised without a vote.]

 29/4. Human rights implications of new and emerging technologies in the military domain

 *The Human Rights Council Advisory Committee*,

*Recalling* Human Rights Council resolution 51/22 of 7 October 2022, in which the Council requested the Advisory Committee to prepare a study examining the human rights implications of new and emerging technologies in the military domain, while taking into account ongoing discussions within the United Nations system, and to present the study to the Council at its sixtieth session,

*Recalling also* that the Human Rights Council, in that same resolution, also requested the Advisory Committee to seek the views of and inputs from, and to take into account relevant work already done by, stakeholders, including States, United Nations agencies, entities, funds and programmes within their respective mandates, international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Council, the treaty bodies, national human rights institutions, civil society, the private sector, academic institutions, multi-stakeholder initiatives and other relevant stakeholders, when preparing the above-mentioned study,

1. *Designates* the Advisory Committee members Buhm-Suk Baek, Nadia Amal Bernoussi, Aldo de Campos Costa, Milena Costas Trascasas, Jewel Major, Ajai Malhotra, Javier Palummo, Vasilka Sancin, Vassilis Tzevelekos, Catherine Van de Heyning, Frans Viljoen and Yue Zhang as members of the drafting group;

2. *Notes* that the drafting group elected Buhm-Suk Baek as Chair and Javier Palummo as Rapporteur;

3. *Also notes* that the drafting group and the full Advisory Committee held meetings to discuss the topic;

4. *Welcomes* the participation of panellists in the discussion and notes that the discussion provided valuable input that will assist the drafting group in its work;

5. *Requests* the drafting group to prepare a draft questionnaire to seek the views of and inputs from stakeholders, including States, United Nations agencies, entities, funds and programmes within their respective mandates, international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Human Rights Council, the treaty bodies, national human rights institutions, civil society, the private sector, academic institutions, multi-stakeholder initiatives and other relevant stakeholders, to be considered by the Advisory Committee at its thirtieth session and be sent thereafter;

6. *Also requests* the drafting group to submit an outline of the report to the Advisory Committee at its thirtieth session, taking into account the discussions held at the current session;

7. *Encourages* stakeholders to continue to contribute to the work already under way.

*6th meeting
24 February 2023*

[Adopted as orally revised without a vote.]

 29/5. Research proposals and reflection paper

 *The Human Rights Council Advisory Committee*,

*Recalling* paragraph 77 of the annex to Human Rights Council resolution 5/1 of 18 June 2007 and Council resolution 16/21 of 25 March 2011,

*Having considered* the research proposals and a reflection paper presented by members of the Advisory Committee at its current session in the context of its discussions on new priorities and potential research proposals to be submitted to the Human Rights Council for its consideration,

1. *Decides* to submit for consideration of and approval by the Human Rights Council the following research proposals:

(a) Rights of the child and climate change;

(b) A human rights-based approach to addressing gendered cyberviolence;

(c)The protection of academic freedom and free flow of research;[[4]](#footnote-5)

2. *Also decides* to include, pursuant to rule 17 of the Advisory Committee’s rules of procedure, the concept notes for the aforementioned research proposals in the annex to its report on its twenty-ninth session;

3. *Requests* Buhm-Suk Baek to prepare, on the basis of his reflection paper and taking into account the discussions held at the current session, a research proposal on the theme “Right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law”, for consideration at its thirtieth session.

*6th meeting
24 February 2023*

 [Adopted without a vote.]

 II. Adoption of the agenda and organization of work

 A. Opening and duration of the session

1. The Human Rights Council Advisory Committee, established pursuant to Human Rights Council resolution 5/1 of 18 June 2007, held its twenty-ninth session from 20 to 24 February 2023 at the United Nations Office at Geneva. The Chair of the twenty-eighth session, Patrycja Sasnal, opened the session.

2. At the 1st meeting, on 20 February 2023, participants observed a minute of silence in memory of victims of human rights violations around the world.

3. At the same meeting, the President of the Human Rights Council, Václav Bálek, made an opening statement (via video message).

4. Also at the same meeting, the Chief of the Human Rights Council Branch of the Office of the United Nations High Commissioner for Human Rights (OHCHR) made a statement on behalf of the Secretary-General.

 B. Composition of the Advisory Committee

5. The current composition of the Advisory Committee and the term of membership of each expert are as follows:[[5]](#footnote-6) Nurah Alamro (Saudi Arabia, 2024); Noor Al-Jehani (Qatar, 2025); Buhm-Suk Baek (Republic of Korea, 2023); Nadia Amal Bernoussi (Morocco, 2023); Rabah Boudache (Algeria, 2025); Aldo de Campos Costa (Brazil, 2024); Milena Costas Trascasas (Spain, 2025); Sebastião Da Silva Isata (Angola, 2025); Jewel Major (Bahamas, 2023); Ajai Malhotra (India, 2023); Javier Palummo (Uruguay, 2025); Vasilka Sancin (Slovenia, 2025); Patrycja Sasnal (Poland, 2023); Dheerujlall Seetulsingh (Mauritius, 2023); Vassilis Tzevelekos (Greece, 2024); Catherine Van de Heyning (Belgium, 2023); Frans Viljoen (South Africa, 2024); and Yue Zhang (China, 2025).

 C. Attendance

6. The session was attended by all members of the Advisory Committee, with the exception of Sebastião Da Silva Isata, who was excused. Also in attendance were States members and observer States of the United Nations, panellists, observers for United Nations entities, specialized agencies and related organizations, non-governmental organizations, and representatives from Indigenous Peoples.

 D. Meetings

7. At its twenty-ninth session, the Advisory Committee held six plenary meetings and 14 closed meetings. The Committee exchanged views with members of the Human Rights Council Bureau, regional coordinators and non-governmental organizations.

 E. Election of officers

8. In accordance with rule 103 of the rules of procedure of the General Assembly and rule 5 of the rules of procedure of the Advisory Committee, the following officers were elected by acclamation at the 1st meeting of the twenty-ninth session, held on 20 February 2023:

Chair: Milena Costas Trascasas

Vice-Chairs: Nadia Amal Bernoussi

 Buhm-Suk Baek

 Javier Palummo

Rapporteur: Vasilka Sancin

 F. Adoption of the agenda

9. At its 1st meeting, on 20 February 2023, the Advisory Committee adopted its agenda (A/HRC/AC/29/1).[[6]](#footnote-7)

 G. Organization of work

10. Also at its 1st meeting, the Advisory Committee adopted the draft programme of work prepared by the secretariat.

 III. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions and currently under consideration by the Committee

 A. Impact of new technologies for climate protection on the enjoyment of human rights

11. At its 1st and 2nd meetings, on 20 February 2023, the Advisory Committee held, pursuant to Human Rights Council resolution 48/14, a discussion on the impact of new technologies for climate protection on the enjoyment of human rights. In that context, statements were made by members of the Committee, representatives of States Members of the United Nations, representatives of non-governmental organizations and representatives of Indigenous Peoples (see annex II).

12. At its 6th meeting, on 24 February 2023, the Rapporteur of the drafting group, Ms. Sasnal, introduced a draft text (A/HRC/AC/29/L.2) with oral revisions to paragraphs 3, 4 and 5. The draft text was adopted as orally revised, without a vote (for the text as adopted, see sect. I, action 29/2, above).

 B. Advancement of racial justice and equality

13. At its 2nd meeting, on 20 February 2023, the Advisory Committee held, pursuant to Human Rights Council resolution 48/18, a discussion on patterns, policies and processes contributing to incidents of racial discrimination and proposals to advance racial justice and equality, which should be firmly anchored in the fulfilment of the 2030 Agenda for Sustainable Development and the attainment of its Goals. In that context, statements were made by members of the Committee and representatives of States members of the United Nations (see annex II).

14. At its 6th meeting, on 24 February 2023, the Rapporteur of the drafting group, Mr. Viljoen, introduced a draft text (A/HRC/AC/29/L.1) with oral revisions to paragraph 4, and the addition of a paragraph 5. The draft text was adopted as orally revised, without a vote (for the text as adopted, see sect. I, action 29/1, above).

 C. Neurotechnology and human rights

15. At its 3rd meeting, on 21 February 2023, the Advisory Committee held, pursuant to Human Rights Council resolution 51/3, a discussion on the impact, opportunities and challenges of neurotechnology with regard to the promotion and protection of all human rights, including recommendations on how human rights opportunities, challenges and gaps arising from neurotechnology could be addressed by the Human Rights Council and its special procedures and subsidiary bodies in a coherent, holistic, inclusive and action-oriented manner. In that context, a number of panellists made presentations to the Committee: Olivier Oullier, Co-founder and Chairman of the board of Inclusive Brains; Susie Alegre, international human rights barrister and Associate at Doughty Street Chambers; and Andrea Lavazza, Senior Research Fellow in neuroethics at the International University Centre. A representative of the Thematic Engagement, Special Procedures and Right to Development Division of OHCHR also gave a presentation on the work of the Office on this topic. During the ensuing discussion, statements were made by members of the Committee, representatives of States Members of the United Nations, and an observer for the United Nations Educational, Scientific and Cultural Organization (see annex II).

16. At its 6th meeting, on 24 February 2023, the Rapporteur of the drafting group, Ms. Costas Trascasas, introduced a draft text (A/HRC/AC/29/L.3) with oral revisions to paragraphs 5 and 6. The draft text was adopted as orally revised, without a vote (for the text as adopted, see sect. I, action 29/3, above).

 D. Human rights implications of new and emerging technologies in the military domain

17. At its 4th meeting, on 21 February 2023, the Advisory Committee held, pursuant to Human Rights Council resolution 51/3, a discussion on the human rights implications of new and emerging technologies in the military domain, while taking into account ongoing discussions within the United Nations system. In that context, a number of panellists made presentations to the Committee: Cecile Aptel, Deputy Director of the United Nations Institute for Disarmament Research; Yahli Shereshevsky, Senior Lecturer at the University of Haifa; and Thompson Chengeta, Associate Professor at Liverpool John Moores University. A representative of the Rule of Law and Democracy Section of the Rule of Law, Equality and Non-Discrimination Branch of OHCHR also gave a presentation on the work of the Office on this topic. During the ensuing discussion, statements were made by members of the Committee, a representative of States Members of the United Nations, and an observer for a United Nations entity, the Office for Disarmament Affairs (see annex II).

18. At its 6th meeting, on 24 February 2023, the Rapporteur of the drafting group, Mr. Palummo, introduced a draft text (A/HRC/AC/29/L.4) with oral revisions to paragraphs 1 and 4. The draft text was adopted as orally revised, without a vote (for the text as adopted, see sect. I, action 29/4, above).

 IV. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 and of section III of the annex to Council resolution 16/21

 A. Review of methods of work

19. On 23 February 2023, in a closed meeting, and at its 5th meeting, on 24 February 2023, the Advisory Committee held discussions on its methods of work. The Committee discussed issues relating to raising awareness and increasing visibility of its work, its engagement with non-governmental organizations, and its interaction with academic friends of the Committee. The Committee agreed to continue discussions on its methods of work at its thirtieth session.

 B. Agenda and annual programme of work, including new priorities

20. On 23 February 2023, in a closed meeting, the Advisory Committee held discussions on new priorities, reflection papers and potential research proposals it could make to the Human Rights Council.

21. At its 5th meeting on 24 February 2023, the Advisory Committee held a discussion on the following research proposals presented by its members and decided to submit them to the Human Rights Council for its consideration and approval (see annex III):

* Rights of the child and climate change
* A human rights-based approach to addressing gendered cyberviolence
* The protection of academic freedom and free flow of research

22. At the same meeting, the Advisory Committee also considered a reflection paper, presented by one of its members, on “the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law”. The Committee decided to request Mr. Baek to prepare a research proposal on the same theme, on the basis of the reflection paper and the discussions held during its twenty-ninth session.

23. At its 6th meeting, on 24 February 2023, the Chair introduced a draft text (A/HRC/AC/29/L.5).[[7]](#footnote-8) The draft text was adopted without a vote (for the text as adopted, see sect. I, action 29/5, above).

 V. Report of the Advisory Committee on its twenty-ninth session

24. At its 6th meeting, on 24 February 2023, the Rapporteur of the Advisory Committee presented the draft report on the twenty-ninth session. The Committee adopted the draft report ad referendum and entrusted the Rapporteur with its finalization.

25. At the same meeting, the Rapporteur made closing remarks. Statements were also made by members of the Advisory Committee (see annex II).

26. Also at the same meeting, the Chair made final remarks and declared the twenty-ninth session of the Advisory Committee closed.

Annex I

 Documents issued for the twenty-ninth session of the Advisory Committee

 Documents issued in the general series

| *Symbol* | *Agenda item* |  |
| --- | --- | --- |
| A/HRC/AC/29/1 | 2 | Provisional agenda and annotations  |
| A/HRC/AC/29/2 | 5 | Report of the Advisory Committee on its twenty-ninth session |

 Documents issued in the limited series (actions)

| *Symbol* | *Agenda item* |  |
| --- | --- | --- |
| A/HRC/AC/29/L.1 | 3 (e) | Advancement of racial justice and equality |
| A/HRC/AC/29/L.2 | 3 (d) | Impact of new technologies for climate protection |
| A/HRC/AC/29/L.3 | 3 (f) | Neurotechnology and human rights |
| A/HRC/AC/29/L.4 | 3 (g) | Human rights implications of new and emerging technologies in the military domain |

Annex II

 List of speakers

| *Agenda item* | *Meeting and date* | *Speakers* |
| --- | --- | --- |
|  |  |  |
| 1. Election of officers | 1st meeting 20 February 2023 | Members: Milena Costas Trascasas, Jewel Major, Ajai Malhotra, Patrycja Sasnal, Dheerujlall Seetulsingh, Catherine Van de Heyning |
| 2. Adoption of the agenda and organization of work | 1st meeting 20 February 2023 | States members and observer States of the United Nations: Angola, Bolivia (Plurinational State of), Cuba |
| 3. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions and currently under consideration by the Committee |  |  |

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| (d) The impact of new technologies for climate protection on the enjoyment of human rights | 1st and 2nd meetings 20 February 2023 | Members: Nadia Amal Bernoussi, Ajai Malhotra, Vasilka Sancin, Patrycja Sasnal (Rapporteur), Dheerujlall Seetulsingh, Vassilis TzevelekosStates members and observer States of the United Nations: India, Mexico, PanamaNon-governmental organizations: FIAN International e.V., Action Group on Erosion, Technology and Concentration ETC Group, Center for International Environmental Law (CIEL), Earthjustice, Friends World Committee for ConsultationsIndigenous Peoples: Karmen Ramirez Boscan (Waayu Indigenous community, Colombia), Tupac Enrique (Tonatierra network), Adelaine Ahmasuk (Indigenous Environmental Network). |
| (e) Advancement of racial justice and equality | 2nd meeting20 February 2023 | Members: Buhm-Suk Baek, Nadia Amal Bernoussi, Ajai Malhotra, Dheerujlall Seetulsingh, Catherine Van de Heyning, Frans Jacobus Viljoen (Rapporteur)States members and observer States of the United Nations: India, Malawi, Russian Federation, South Africa, Venezuela (Bolivarian Republic of) |
| (f) Neurotechnology and human rights | 3rd meeting21 February 2023 | Panellists: Olivier Oullier (co-founder and chairman of the board of Inclusive Brains), Susie Alegre (international human rights barrister, Associate at Doughty Street Chambers), Andrea Lavazza (Senior Research Fellow in neuroethics at the International University Centre)Members: Nurah Alamro, Buhm-Suk Baek, Nadia Amal Bernoussi, Vasilka Sancin, Dheerujlall Seetulsingh, Vassilis Tzevelekos, Catherine Van de Heyning, Frans Jacobus ViljoenStates members and Observer States of the United Nations: Greece, IsraelObserver for United Nations entities, specialized agencies and related organizations: United Nations Educational, Scientific and Cultural Organization (UNESCO) (video statement)Non-governmental organizations: International Disability Alliance |
| (g) Human rights implications of new and emerging technologies in the military domain | 4th meeting21 February 2023 | Panellists: Cecile Aptel (Deputy Director of the United Nations Institute for Disarmament Research), Yahli Shereshevsky (Senior Lecturer at the University of Haifa), Thompson Chengeta (Associate Professor at Liverpool John Moores University)Members: Buhm-Suk Baek, Javier Palummo (Rapporteur), Vasilka Sancin, Catherine Van de Heyning, Frans Jacobus ViljoenStates members and observer States of the United Nations: PanamaObserver for United Nations entities, specialized agencies and related organizations: Office for Disarmament Affairs |

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| 4. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 and of section III of the annex to Council resolution 16/21 |  |  |
| (a) Review of methods of work | 5th meeting24 February 2023 | Members: Nurah Alamro, Noor Al-Jehani, Nadia Amal Bernoussi, Aldo de Campos Costa, Milena Costas Trascasas, Ajai Malhotra, Javier Palummo, Vasilka Sancin, Patrycja Sasnal, Dheerujlall Seetulsingh, Vassilis Tzevelekos, Catherine Van de Heyning, Frans Jacobus Viljoen, Yue Zhang |
| (b) Agenda and annual programme of work, including new priorities | 5th meeting24 February 2023 | Members: Buhm-Suk Baek, Nadia Amal Bernoussi, Ajai Malhotra, Patrycja Sasnal, Dheerujlall Seetulsingh, Vassilis Tzevelekos, Catherine Van de Heyning, Yue Zhang  |

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| 5. Report of the Advisory Committee on its twenty-ninth session | 6th meeting24 February 2023 | Members: Buhm-Suk Baek, Nadia Amal Bernoussi, Aldo de Campos Costa, Jewel Major, Javier Palummo, Patrycja Sasnal, Vassilis Tzevelekos, Yue Zhang |

Annex III

 Research proposals

 I. Rights of the child and climate change

 A. General context

1. Climate change is more than an ecological problem. It affects not only the climate, but also the people and the living conditions of everyone, especially children. Climate change and environmental degradation jeopardizes the rights of every child, as it is clearly creating “a water crisis, a health crisis, an education crisis, a protection crisis and a participation crisis”.[[8]](#footnote-9) This is shown by the United Nations Children’s Fund (UNICEF) Children’s Climate Risk Index for 2021, according to which around 1 billion children – almost half of the world’s children – live in countries at a very high risk to the effects of climate change.

2. Climate disruption exacerbates extreme poverty, increases inequality and the vulnerability of children, and hinders the realization of their rights under the Convention on the Rights of the Child by depriving them of food, adequate shelter, water, care and protection. In particular, the climate crisis threatens to reverse 25 years of progress in child health and in the reduction of child mortality. States parties to the Convention on the Rights of the Child have committed to respect, promote and protect the civil, economic, social and cultural rights of children.[[9]](#footnote-10) The Convention may therefore be violated when States parties fail to take, whenever possible, all adequate measures to address climate change.

 B. Objectives

 1. Clarifying concepts

3. Define related terms and make the link between environment, climate change, ecology and sustainable development (Sustainable Development Goal 13).

2. Identifying the threats caused by climate change

4. Threats caused by climate change may be direct or indirect.

5. Direct threats (such as dramatic weather shocks, droughts, fires, desertification, cyclones, land degradation, floods or global warming): while 1 billion children worldwide live in high-risk countries, 80 million of them are exposed to at least six of these disasters, shocks or forms of climatic or environmental stresssimultaneously, making some regions of the world even more precarious and dangerous for children, which drastically reduces their potential for the future. In addition, all very high-risk countries are characterized by their fragile context and poor basic social services.

6. Indirect threats to children’s rights, including the right to health: famine; vector-borne diseases (malaria, dengue) due to water supply and sanitation problems; indirect threats to the right to bodily integrity (in some regions, surge in female genital mutilation and early marriages following years of drought/poverty); to the right to housing (displacement of families); to the right to education, when schools are destroyed or families can no longer afford to send their children to school because of the financial consequences of climate change. In the face of all these threats, the respect of the rights of the child, as enshrined in article 4 of the Convention on the Rights of the Child, cannot be guaranteed.

 3. Denouncing climate injustice

7. The countries most affected by climate change are among those that have contributed the least to the climate crisis. Conversely, while the 10 highest emitting countries account for almost 70 per cent of all greenhouse gases, according to the UNICEF Children’s Climate Risk Index (see para. 1 above) only one of them is considered to be at very high risk. Governments and businesses must take urgent action to address the root causes of climate change and reduce their greenhouse gas emissions, in line with the commitments made in the Paris Agreement, to combat this crisis in children’s rights.

 4. Demonstrating the internationalization and judicialization of the issue

8. Four developments demonstrate how climate change is being considered under the law: a complaint, a resolution, court cases and the “greening of constitutions”.

**A complaint**

9*.* In 2019, 16 petitioners aged 8 to 17 years from 12 different countries filed a complaint with the Committee on the Rights of the Child alleging the violation of children’s rights in relation to the lack of action on the climate crisis. Among the petitioners was Greta Thunberg, a youth Swedish climate activist who built her name by founding the student movement “Fridays for Future”.[[10]](#footnote-11)

**A resolution**

10.In its resolution 48/13, the Human Rights Council recognized the right to a clean, healthy and sustainable environment as a human right.

**Rising number of climate-related complaints**

11. Citizens are taking action in national courts.

**The greening of constitutions**

12. There is a growing movement of integration of the right to a healthy environment into constitutions as a fundamental right, as seen in the constitutions of Algeria, France, Morocco and Tunisia.

 C. Conclusions

13. The Human Rights Council could consider adopting a thematic resolution providing for a mandate to the Advisory Committee to develop a study on the rights of the child and climate change. The Advisory Committee stands ready and has the necessary expertise to prepare such a report and to submit it to the Council upon its request.

 D. Timeline

14. The Human Rights Council could consider adopting a resolution on the present proposal during a regular session in 2023. The Advisory Committee would thereby be able to submit its report to the Council for consideration at its sixtieth session.

 II. A human rights-based approach to addressing gendered cyberviolence

1. Summary

1. Gendered online violence is on the rise. New technologies enable users to attack the physical, sexual and psychological integrity of others online, and to control victims by means of online surveillance, extorsion and harassment. As cyberspace is not limited to national boundaries and technology develops rapidly, States struggle to address cyberviolence and victims are often left without remedy.

2. The Advisory Committee therefore proposes a study on gendered cyberviolence, including the definition of the relevant human rights framework, highlighting the challenges posed and good practices adopted, culminating in recommendations on how to tackle cyberviolence and to provide redress to victims.

1. Cyberviolence: a topical grave threat to the protection of human rights

3. The digitalization of society has revolutionized the manner in which we communicate, interact and develop ourselves. Year after year the volume of online created data increases, as does the time each and every one of us spends on the Internet, in particular on social media and communication applications. Notwithstanding the many benefits of digital technologies, the emergence of cyberviolence has been the downside of the digitalization and datafication of society.[[11]](#footnote-12)

4. Cyberviolence has been defined as “the use of computer systems to cause, facilitate, or threaten violence against individuals that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering and may include the exploitation of the individual’s circumstance, characteristics or vulnerabilities”.[[12]](#footnote-13) One form of cyberviolence that has drawn particular attention and research in recent years is image-based sexual abuse, whereby intimate images of persons are created by means of denuding technology, obtained through pressure, extortion, deception or hacking, or are disseminated without consent. In other cases, individuals may face online harm from cyberflashing, “doxing” campaigns or other forms of online harassment, trolling, online surveillance or gendered hate speech.

5. It has been noted in research that cyberviolence has a particular gendered angle in that perpetrators target the physical, psychological or sexual integrity of persons based on their gender and/or sexual orientation, and/or their intimate partner relation with the offender. Research has found that individuals may be particularly victimized by cyberviolence on the basis of their gender, age or sexuality. Research also indicates that the prevalence of cyberviolence victimhood is higher among Indigenous Peoples.

6. Online attacks result in serious personal psychological, physical or emotional suffering. They also have an impact on professional opportunities, or the economic and social situation of targeted persons or groups. Cyberviolence also results in digital disconnection and discourages online discussion by those persons and groups who fear being targeted, resulting in a less diverse digital arena. Moreover, certain forms of gendered cyberviolence, such as online surveillance, harassment and stalking, are closely connected to physical intimate-partner violence. Therefore, cyberviolence not only undermines the protection of privacy of victims, but also the protection of their personal and sexual integrity, equality and non-discrimination, the right to dignity, freedom of expression and information, the rights of the child, and the protection against inhuman and degrading treatment. Moreover, it undermines equal access to the Internet, as set out by the Sustainable Development Goals.

1. Relevance and scope of the study

7. The Human Rights Council has already called upon States to develop preventive measures and remedies for violations and abuses regarding the right to privacy in the digital age that may affect individuals, in particular where it affects women, children and marginalized groups.[[13]](#footnote-14) Further, the Committee on the Elimination of Discrimination against Women, in its general recommendation No. 35 (2017), took into account the issue of gender-based violence against women on social media services and platforms. In 2018, the Special Rapporteur on violence against women and girls, its causes and consequences reported on online violence against women and girls from a human rights perspective.[[14]](#footnote-15) Given the latest developments and research in this area, follow-up is necessary, expanding previous reports to new insights into technology, redress and vulnerability so they are taken into account from a consent-based approach.

8. Regional bodies are highlighting that action against gendered cyberviolence is urgent. In October 2021, the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence adopted its first general recommendation, on the digital dimension of violence against women committed online and facilitated by technology. On 8 March 2022, the European Commission adopted a proposal for a directive on combating violence against women and domestic violence, including several forms of digital violence, including non-consensual dissemination of intimate pictures, online harassment and stalking.[[15]](#footnote-16) In the case *Volodina v. Russia*, the European Court of Human Rights recognized gendered online violence against women as a violation of the right of privacy under the European Convention on Human Rights.[[16]](#footnote-17)

9. Several States are taking action against these forms of gendered cyberviolence by introducing concrete legislation tackling these issues and introducing remedies for victims. These laws have often been drawn in follow-up to concrete cases where women had fallen victim to particularly intense forms of cyberviolence and resulted from public outcry for action; for example, in Mexico, the law against the non-consensual dissemination of intimate images is often referred to as the “Olimpia law”, after Olimpia Coral, who suffered abuse and harassment when an ex-boyfriend posted sexual images online, and successfully advocated for legislation criminalizing such behaviour.

10. In many States, however, such offences are not yet recognized or criminalized, victims are not taken seriously or are even subjected again to victimization when reporting violations of their physical, sexual or psychological integrity and privacy. Perpetrators are often not prosecuted or their behaviour addressed. Moreover, victims are not provided with accessible legal remedies or psychological or other care to address such issues.

11. In order to tackle cyberviolence, cooperation with the digital industry is indispensable. Several of the major tech companies have taken action on (certain forms) of cyberviolence, while best practices exist in cooperating with non-governmental organizations and/or State authorities to tackle gendered cyberviolence. Nonetheless, many actors either do not cooperate at all, remain passive or act only upon explicit reports of victims, in this way requesting victims to continue to monitor abuses against them. Often victims who report abuses are met with technical or administrative hurdles or, as a result, are harassed and exposed, which results in even more abuse. Furthermore, technology is being increasingly developed and disseminated that enables gendered cyberviolence owing to the lack of standards in development, follow-up and standardization.

12. In conclusion, gendered cyberviolence is a topical and crucial theme to be addressed from a human rights perspective by the United Nations, in particular to consider the extent to which current standards are sufficient, to make recommendations for all stakeholders to tackle gendered cyberviolence and to discern good practices – both public and private – to address this serious threat to the right to privacy in the digital area.

1. Objective and general outlines of the study

13. The aim of the study will be:

(a) To concretize the concept of gendered cyberviolence within the framework of the international human rights legal framework, including by developing a better understanding of the gendered aspect of cyberviolence;

(b) To examine the current human rights framework applicable to gendered cyberviolence, taking into account a consent-based approach and protection against discrimination, including the rights of the child and the rights of Indigenous Peoples;

(c) To provide an overview of current initiatives by United Nations bodies, States, regional organizations, civil society and the private sector to tackle cyberviolence;

(d) To identify gaps in protection against gendered cyberviolence, and to outline the current challenges and threats for the international community, regional actors and States, as well as for industry and other stakeholders;

(e) To highlight good practices around the globe in tackling cyberviolence with regard to legal standards, remedies, treatment and care, technological solutions, and public and private initiatives;

(f) To make recommendations for the Human Rights Council.

1. Methodology

14. The methodology for the research will be based on evidence-based academic research standards and an inclusive working method to ensure the participation of several actors. Concretely, the report will be drafted on the basis of:

* + - * A literature study on the human rights legal framework, international, regional and national documents, and academic literature on cyberviolence
			* An invitation to United Nations entities and mechanisms (such as the special procedures of the Human Rights Council and OHCHR) and other stakeholders relevant to the topic of gendered cyberviolence during the sessions of the Advisory Committee to gather other points of view and mainstream the report with other efforts to tackle gendered violence and discrimination
			* A questionnaire on the approach to cyberviolence, to better understand the national and regional perspective, and the identification of good practices; the questionnaire will be sent to States, non-governmental organizations that are accredited with the Economic and Social Council and relevant to the specific topic of gendered violence, but also non-accredited non-governmental organizations, regional bodies, industry and other relevant stakeholders
			* The holding of regional online meetings with stakeholders to gain further input on ways to address cyberviolence and to improve redress for victims

15. The report will draw upon the previous report of the Advisory Committee submitted to the Human Rights Council on emerging digital technologies and human rights (A/HRC/47/52).

 F. Timeline

16. The Human Rights Council could consider adopting a resolution on the present proposal during a session in 2023. In this way, the Advisory Committee could submit the report to the Council for consideration at its sixtieth session.

 III. Protection of academic freedom and free flow of research

1. Relevance of the study: transparent, trustworthy and high-level research for human rights protection

1. Global challenges, such as the coronavirus disease (COVID-19) pandemic and climate change, remind the world of the importance of sound research and scientific progress. The pandemic showed how public policies and actual lives directly depended on the advice of researchers with regard to quelling the pandemic, preventing the spread of the virus and treating patients. Policymakers relied on the advice of medical scholars, virologists, behavioural scientists and other experts. Without forgetting to commemorate the many lives lost during the pandemic and its impact on our daily lives, the pandemic has shown the importance of high-level, trustworthy and transparent academic research. The same is true for the fight against climate change and other global challenges to humankind. As such, fundamental human rights, in particular the right to life, are better served with societies investing in academic research.

2. High-level research does not, however, come about by accident. It requires certain perquisites, such as high-quality and open-access education, a fostering environment for research, transparency to be able to share findings, the freedom to publish results from research without the fear of being silenced or persecuted, a global community in which knowledge can be shared freely and policymakers open to evidence-based advice. Whereas the pandemic has encouraged academic cooperation on research to develop a remedy to the virus and cooperation among countries and researchers, it has also resulted in researchers being silenced and threatened or results being held back from the general public or research community. For example, *Nature* magazine reported that 81 per cent of 321 scientists who had frequently discussed COVID-19 in the media indicated that they had been subject to at least occasional personal attacks.[[17]](#footnote-18) Another authoritative magazine, *Science*, found that one in two researchers surveyed had reported at least one kind of harassment during their career.[[18]](#footnote-19)

3. In addition to facing personal threats and harassment, researchers encounter hurdles to research in the form of censorship, restrictive national rules on exchanging information (with regard to, for example, the sharing of scientific information, biological data or data on genetic sequences relevant to the virus) and copyright regulations. These limitations result in the limited and unequal dissemination of academic research, whereby certain findings are withheld from researchers in certain regions.[[19]](#footnote-20) Institutions and researchers with less funding are increasing cut off from ongoing research in other parts of the world as research initiatives increasingly disappear behind pay walls, or because of lack of proper access to information and communications technology. This undermines human rights and the pursuit of the Sustainable Development Goals. As the Special Rapporteur in the field of cultural rights has pointed out, benefits and applications resulting from scientific progress should be shared, particularly with developing countries, communities living in poverty and groups with special needs and vulnerabilities.[[20]](#footnote-21) Moreover, women, ethnic minorities and Indigenous Peoples encounter even more hurdles.

4. Studies conducted by United Nations bodies and the special procedures of the Human Rights Council have addressed the importance of the freedom of academic research.[[21]](#footnote-22) The COVID 19 pandemic and the challenges posed by climate change have highlighted the importance of global academic freedom, cooperation and transparency. This adds a new layer to the human rights analysis of freedom of protection within the framework of the Sustainable Development Goals. In general, analysis of unequal academic freedom and its impact on the Goals has been limited. Furthermore, no national and/or regional plans or policy to address such inequalities, if they have been shown to exist have been published, while there is no clear understanding of how States would even address academic freedom inequalities if requested to do so.

1. Scope of the study: current human rights framework

5. Academic freedom is protected under article 19 of the International Covenant on Civil and Political Rights, namely under the right to freedom to seek, receive and impart information and ideas of all kinds. Academic freedom entails an individual right for both researchers, namely to express their ideas and results, and the general public, namely the right to be informed of the current state of research. In addition, article 27 of the Universal Declaration of Human Rights provides for the right to the protection of the moral and material interests resulting from any scientific production of which a person is the author.

6. These rights can, however, be limited to protect national security, public order, public health or morals if based on a legal norm, for a legitimate reason and proportionate. As such, the question is to what extent academic freedom can or may be limited for public order or health reasons in times of crisis so as to prevent conflicting advice to the general public, head off misinformation based on botched science or other reasons.

7. Several regional and national courts as well as scholars have developed an approach to academic freedom that comprises three levels of required protection: the protection of the individual researcher to research and impart information, as well as to associate with other researchers; the autonomy and protection of academic and other research institutions as a safe haven for academic research; and positive obligations on authorities to enable and encourage education and research enabling a vibrant research community.

8. In addition to academic freedom based on the freedom of expression and information, other rights are relevant, such as the right to association, the right to education, the protection of health and the right to life, and the right to development. These rights, including the right to academic freedom, are further protected in other international treaties, such as the Universal Declaration of Human Rights, and regional human rights documents, as well as national constitutions. Of particular importance is article 15 of the International Covenant on Economic, Social and Cultural Rights, which requires States to ensure the development and the diffusion of science, as well as the development of international contacts and cooperation in the scientific field.

9. Academic freedom has already been relevant to mandates of special procedures, in particular the mandate of Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion. In his report to the General Assembly at its seventy-fifth session, the Special Rapporteur pointed out that academics and their institutions faced social harassment and State repression for their research.[[22]](#footnote-23) The mandate holder focused on States’ limitations to and interventions on academic freedom, including restrictions in the legal framework, censorship of research and the undermining of the independence of academic institutions, and recalled the important role of States in refraining from infringements on academic freedom.

10. Today, the international community, United Nations entities, States and civil society all have a role in ensuring that academic freedom, in particular the positive obligations on States to enhance academic freedom and the development of free flow of academic research and academic cooperation within the framework of the Sustainable Development Goals. The study proposed would take into particular account the lessons learned during the COVID-19 pandemic, including the perspective from a gendered angle and the lived experiences of cultural and ethnic minorities, as well as of Indigenous Peoples.

1. Objective of the research

11. The present research proposal will generate important insights that will prove valuable to the efforts for protecting academic freedom and freedom of academic research. It will aim:

(a) To scrutinize the legal framework and the challenges to the protection of academic freedom and free flow of academic research, and to draw lessons from the pandemic on how to ensure accessible, transparent and trustworthy science;

(b) To outline the relations and prerequisites for autonomous and independent research, ensuring institutional autonomy of research institutions and free flow of research results;

(c) To consider the challenge that deliberate dissemination of scientific misinformation poses to human rights, and to make recommendations with regard to potential action in this field;

(d) To identify good practices in the protection of academic freedom and the free flow of academic research;

(e) To make a set of recommendations for the Human Rights Council on gaps in the protection of academic freedom and the free flow of academic research, and on how to strengthen academic research further from a human rights perspective, within the framework of the Sustainable Development Goals.

1. Methodology

12. The present research proposal in particular intends to engage with international and regional bodies researching academic freedom and the free flow of academic research, those organizations and bodies that represent universities, such as the International Network of Universities, including bodies representing young scholars, and other stakeholders.

13. The report will be drafted on the basis of a study of literature on the human rights legal framework, international, regional and national documents, and academic literature on academic freedom and the free flow of research, taking into particular account literature on the challenges faced during pandemics and research into climate change. A map of the challenges and prerequisites for the protection of academic freedom and free flow of research will then be drawn. United Nations entities (such as the special procedures of the Human Rights Council and OHCHR) and other stakeholders will be invited during the sessions of the Advisory Committee to provide other points of view in order to deepen insights into challenges and prequisites, and to find good practices.

14. Several questionnaires on academic freedom and the free flow of academic research will be tailored to specific target groups, including States, relevant non-government organizations accredited with the Ecomomic and Social Council, regional bodies, academic institutions and researchers, and other relevant stakeholders. Regional online meetings will also be organized with stakeholders in order to gather further input on the challenges to academic freedom and the free flow of research, in particular to ensure greater engagement of vulnerable groups.

1. Timeline

14. The Human Rights Council could consider adopting a resolution on the present proposal at a session in 2023. In this way the Advisory Committee could submit the report to the Council for consideration at its sixtieth session.

1. \* Annexes I and II to the present report are circulated in the language of submission only. [↑](#footnote-ref-2)
2. Available at https://www.ohchr.org/en/hr-bodies/hrc/advisory-committee/session29/index. [↑](#footnote-ref-3)
3. Available at https://www.ohchr.org/en/hr-bodies/hrc/advisory-committee/session29/index. [↑](#footnote-ref-4)
4. At its twenty-seventh session, the Advisory Committee submitted a previous version of the research proposal to the Human Rights Council; see A/HRC/AC/27/2, annex III. [↑](#footnote-ref-5)
5. The year in which the term of membership expires is shown in parentheses. [↑](#footnote-ref-6)
6. For the list of documents issued for the twenty-ninth session, see annex I. [↑](#footnote-ref-7)
7. Circulated after the deadline for processing by the United Nations Conference Services. [↑](#footnote-ref-8)
8. UNICEF, “The climate crisis is a child rights crisis”, 2021 (www.unicef.org/media/105376/file/UNICEF-climate-crisis-child-rights-crisis.pdf), p. 9. [↑](#footnote-ref-9)
9. In particular and indirectly the right to health (art. 24) and the right to education (art. 29). [↑](#footnote-ref-10)
10. UNICEF, “16 children, including Greta Thunberg, file landmark complaint to the United Nations Committee on the Rights of the Child", press release, 23 September 2019. [↑](#footnote-ref-11)
11. See A/HRC/47/52. [↑](#footnote-ref-12)
12. Council of Europe, “Mapping study on cyberviolence”, Cybercrime Convention Committee, Strasbourg, 9 July 2018. [↑](#footnote-ref-13)
13. Human Rights Council resolution 34/7. See also A/HRC/39/29. [↑](#footnote-ref-14)
14. See A/HRC/38/47. [↑](#footnote-ref-15)
15. Proposal for a directive of the European Parliament and of the Council on combating violence against women and domestic violence, COM/2022/105. [↑](#footnote-ref-16)
16. European Court of Human Rights, 14 September 2021, No. 40419/91, *Volodina v. Russia No. 2*. [↑](#footnote-ref-17)
17. Bianca Nogrady, “‘I hope you die’: how the COVID pandemic unleashed attacks on scientists”, *Nature*, vol. 598, No. 7880 (October 2021). [↑](#footnote-ref-18)
18. Cathleen O’Grady, “In the line of fire”, *Science*, vol. 375, No. 6587 (March 2022). [↑](#footnote-ref-19)
19. See United Nations Educational, Scientific and Cultural Organization (UNESCO) brief on the right to science and COVID-19, 2022. [↑](#footnote-ref-20)
20. See A/HRC/46/34. [↑](#footnote-ref-21)
21. See for example A/75/261. [↑](#footnote-ref-22)
22. Ibid. [↑](#footnote-ref-23)