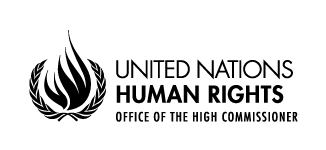
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**Human Rights Council Advisory Committee**

**Twenty-ninth session**

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**Opening remarks by**

**Mr. Eric Tistounet**

**Chief**

**Human Rights Council Branch**

**Office of the United Nations High Commissioner for Human Rights**

Monday, 20 February 2023

Palais des Nations, room XX

Mr President of the Human Rights Council,

Distinguished Chair and Members of the Advisory Committee,

Excellencies,

Ladies and Gentlemen,

It is my pleasure to address you all at the opening of the twenty-ninth session of the Advisory Committee.

To the new members of the Committee, I welcome you and look forward to your contributions to this important body of the Human Rights Council. And to our returning members, I welcome you back - it is great to see the Advisory Committee at its full strength.

The President has provided you with an overview of recent and upcoming activities of the Council. As per established practice, I will focus my remarks on recent developments within the Office of the High Commissioner for Human Rights, and more widely in the United Nations, that may be of relevance to the Advisory Committee’s priorities.

Since the Committee last met in August, our new High Commissioner for Human Rights, Mr Volker Türk, began his tenure, on 17 October 2022. And, as the President has just shared, the fifty-first session of the Council brought not only new members to this Committee, but also new mandates.

As with a lot of the Committee’s work, these topics are focused on new and emerging issues that are yet to be fully investigated through a human rights lens. The High Commissioner, in an address to the Council in December 2022[[1]](#footnote-2), cited **neurotechnology** and **technology in the military domain** as new and complex human rights challenges. He said addressing these sorts of issues, “requires creativity, innovation and a contemporary understanding of the legal framework, and of concepts of justice in light of current and future challenges”. I hope this framing provides the drafting groups for these studies with a useful starting point.

Regarding the mandate on **new and emerging technologies in the military domain**, at this session you will form a drafting group and start your consideration of the topic. At the outset, it is important to recognize the “complementary and mutually reinforcing” nature of international human rights law and international humanitarian law. This is explicitly referenced in the mandating resolution, as is the need to consider ongoing discussions on the matter within the United Nations system.

From a humanitarian perspective, the UN Office for Disarmament Affairs has led some of this work, in the context of the Convention on Certain Conventional Weapons (CCW). Within the CCW, a Group of Governmental Experts have been considering emerging technologies in lethal autonomous weapons systems or LAWS. In 2019, parties to the CCW adopted eleven guiding principles on LAWS.[[2]](#footnote-3)

Another relevant technology used in the military domain, is artificial intelligence. Indeed, the High Commissioner in a speech in December 2022,[[3]](#footnote-4) cited the “use of AI in the military domain” as a rapidly evolving technology that needs to be addressed. The militarization of artificial intelligence was also discussed in a 2019 Office for Disarmament Affairs report[[4]](#footnote-5). The 2021 High Commissioner report on the right to privacy in the digital age (A/HRC/48/31) analyzes the use of artificial intelligence by States and businesses, including in the context of national security. The High Commissioner recommended human rights due diligence be observed throughout the life cycle of AI.

Linked to AI is the use of algorithm-based programming, which, as mentioned in the mandating resolution, can target groups in a manner that can aggravate structural discrimination and inequalities. This has been explored in the context of racial discrimination, in a report by the Special Rapporteur on contemporary forms of racism (A/HRC/44/57) and in General Recommendation 36 of the Committee for the Elimination of Racial Discrimination (CERD/C/GC/36).

Where private military and security companies are using such technologies, it is incumbent upon them to consider the application of the Guiding Principles of Business and Human Rights. Of relevance also is the Council’s open-ended intergovernmental working group that is developing a draft instrument regulating the activities of private military and security companies. A revised draft of this instrument was made available in October 2022.

Finally, may I draw your attention to the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions, and a 2020 report regarding targeted killings through armed drones (A/HRC/47/33).

Distinguished members,

Turning to the study on **neurotechnology**. At this session, you will constitute a drafting group and outline your initial thoughts on the topic. As cited in the mandating resolution for this study, the UN Secretary-General’s 2021 report, ‘Our Common Agenda’[[5]](#footnote-6), called for “updating or clarifying the application of human rights frameworks and standards to address frontier issues … including in neurotechnology”.

Regarding recent developments, I would draw your attention to the work of the United Nations Educational, Scientific and Cultural Organization (UNESCO), which has led international discussions and is developing a road map for a governance framework for neurotechnology.

In January 2023, UNESCO published a report titled ‘The risks and challenges of neurotechnologies for human rights’[[6]](#footnote-7), which summarizes some neurotechnologies and the need for governance through international human rights frameworks and national legislation. The report highlights risks in relation to freedom of thought, the right to privacy from the collection of brain data, and the potential for wider societal impact. Also raised, was the need for engagement with those directly affected, which could include medical patients and persons living with disabilities using assistive neurotechnologies.

This work follows an earlier 2021 UNESCO report on the ethical issues of neurotechnology[[7]](#footnote-8), which was written by the UNESCO International Bioethics Committee. The Committee said special attention needed to be given to children given their developmental risks.

Excellencies,

Distinguished members,

Turning now to the mandate on **new technologies for climate protection,** where at this session, the Committee will consider a draft report ahead of its submission to the Council at its fifty-fourth session in September.

Since the Committee last met, two significant United Nations conferences have been held - the Climate Change Conference COP27 in Sharm-El-Sheikh in November, and the Biodiversity Conference COP15 in Montreal in December.

In an open letter regarding COP27[[8]](#footnote-9), the High Commissioner highlighted the need for “rights-based climate action”, which was not only a “legal obligation” but also “good policy”. He highlighted the need for free and meaningful participation in climate decision-making. The COP27 cover decision[[9]](#footnote-10) included, for the first time, the right to a clean, healthy and sustainable environment, following in the steps of the General Assembly and Human Rights Council resolutions. The COP27 decision also called on State parties to “halt and reverse forest cover and carbon loss” and encourage “nature-based solutions”.

At the Biodiversity COP, the post-2020 Global Biodiversity Framework was adopted, setting a goal to value nature, and conserve 30% of the world’s land and 30% of the ocean by 2030. These outcomes will shape how States view new technologies for climate protection in the context of their potential use on large areas of land and sea.

Such technologies are also heavily linked to the use of carbon markets and carbon credits – mechanisms primarily used by businesses to take climate action. In November 2022, a UN High-Level Expert Group published recommendations[[10]](#footnote-11) for businesses, which included the need for credibility in carbon markets that are built on a “rights-based approach, which fully respects, protects and takes into account the rights of Indigenous Peoples and local communities.” At the World Economic Forum in Davos last month, the Secretary-General called on all corporate leaders to follow these guidelines.

Finally, may I highlight the new General Comment 26, issued in January 2023, by the Committee on Economic, Social and Cultural Rights (E/C.12/GC/26). The General Comment, which focuses on land, raises concerns of climate mitigation measures like “carbon sequestration through massive reforestation or protection of existing forests”. The Committee recommends States avoid such mitigation policies where it leads to a “different form of land grabbing”, especially where it affects vulnerable populations, such as peasants or Indigenous Peoples.

Ladies and Gentlemen,

Let me now speak to the Committee’s mandate on the **advancement of racial justice and equality.** At this session, the Committee will consider a draft report ahead of its submission to the Council at its fifty-fourth session in September.

The President has shared some of the work of relevant mechanisms from the last Council session. May I also add, the High Commissioner’s report on the rights of people of African descent in the context of law enforcement (A/HRC/51/53), which lists examples of measures taken to recognize and address racism. Also of importance is the report on ‘climate justice and racial justice’ by the Special Rapporteur on contemporary forms of racism (A/77/2990).

In December 2022, the Permanent Forum on People of African Descent held its inaugural session. The High Commissioner raised the need for disaggregated data and highlighted his four-point ‘Agenda towards Transformative Change for Racial Justice and Equality’[[11]](#footnote-12) as a blueprint for action. The thematic discussion included a focus on systemic racism, climate justice, reparatory justice, equality, and the drafting of a declaration on the human rights of people of African descent. Participants raised the need for inclusive decision-making, disaggregated data, and the importance of cultural rights and freedom of religion.

Finally, let me share the new OHCHR guidance on developing anti-discrimination legislation,[[12]](#footnote-13) published in December 2022. The practical guidance presents the essential elements of anti-discrimination law, including the obligation to adopt positive action and equality measures. The guidance also considers groups exposed to racial discrimination, highlighting the issue of State denial of systemic racial discrimination, and circumstances where marginalized groups are blamed for their own exclusion.

Distinguished Members,

Before I conclude, allow me to briefly provide some information regarding the **rights of persons with disabilities.** By mandate,the Advisory Committee is encouraged to integrate the perspective of persons with disabilities in your work and recommendations. In September 2022, the Committee on the Rights of Persons with Disability published General Comment No 8 (CRPD/C/GC/8) on the right to work and employment. The General Comment clarifies State party obligations regarding Article 27 on the right to work of the Convention on the Rights of Persons with Disability.

Ladies and Gentlemen,

I hope my remarks have provided some context of the relevant work within our Office and the United Nations. Let me conclude here by assuring you of the full support of the Secretariat for your activities. I wish you well on your deliberations during the session.

Thank you.

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1. Organizational Session for the 17th cycle of the Human Rights Council, 9 December 2022 [↑](#footnote-ref-2)
2. CCW, 2019 Meeting of the High Contracting Parties to the CCW ([CCW/MSP/2019/9-Annex III](https://undocs.org/CCW/MSP/2019/9)) [↑](#footnote-ref-3)
3. UN High Commissioner for Human Rights, ‘Taking stock on the realization of human rights globally – crises, challenges, success stories’, 19 December 2022, [link](https://www.ohchr.org/en/speeches/2022/12/taking-stock-realization-human-rights-globally). [↑](#footnote-ref-4)
4. UN Office for Disarmament Affairs, ‘The Militarization of Artificial Intelligence’ (2019), [link](https://front.un-arm.org/wp-content/uploads/2020/06/Stanley-Stimson-UNODA-2020-TheMilitarization-ArtificialIntelligence.pdf) [↑](#footnote-ref-5)
5. UN Secretary-General, ‘Our Common Agenda’ (2021), [link](https://www.un.org/en/content/common-agenda-report/) [↑](#footnote-ref-6)
6. UNESCO, ‘The risks and challenges of neurotechnologies for human rights’ (2023), [link](https://unesdoc.unesco.org/ark:/48223/pf0000384185) [↑](#footnote-ref-7)
7. UNESCO International Bioethics Committee, ‘Report of the International Bioethics Committee of UNESCO (IBC) on the ethical issues of neurotechnology’ (2021), [link](https://unesdoc.unesco.org/ark:/48223/pf0000378724) [↑](#footnote-ref-8)
8. UN High Commissioner for Human Rights, ‘Open letter to UNFCCC COP27’, 2 November 2022, [link](https://www.ohchr.org/sites/default/files/2022-11/2022-11-02-HC-Open-Letter-to-UNFCCC-COP27.pdf) [↑](#footnote-ref-9)
9. UNFCCC, ‘Sharm el-Sheikh Implementation Plan’ (2022), [link](https://unfccc.int/documents/624444) [↑](#footnote-ref-10)
10. UN High-Level Expert Group on Net-Zero Commitments of Non-State Entities, ‘Integrity Matters: Net Zero Commitments by Businesses, Financial Institutions, Cities and Regions’ (2022), [link](https://www.un.org/sites/un2.un.org/files/high-level_expert_group_n7b.pdf) [↑](#footnote-ref-11)
11. UN High Commissioner for Human Rights, ‘Agenda towards transformative change for racial justice and equality’ (2021), [link](https://www.ohchr.org/en/racism/agenda-towards-transformative-change-racial-justice-and-equality) [↑](#footnote-ref-12)
12. OHCHR, ‘Protecting Minority Rights - A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation’ (2022), [link](https://www.ohchr.org/sites/default/files/documents/publications/2022-11-28/OHCHR_ERT_Protecting_Minority%20Rights_Practical_Guide_web.pdf) [↑](#footnote-ref-13)