



General Assembly

Distr.: General
12 April 2022

Original: English

Human Rights Council

Advisory Committee

Twenty-seventh session

21–25 February 2022

Agenda item 5

Report of the Advisory Committee on its twenty-seventh session

Report of the Advisory Committee on its twenty-seventh session

Rapporteur: Buhm-Suk Baek



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I. Action taken by the Advisory Committee at its twenty-seventh session

27/1. The 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 Human Rights Council 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,

1. *Designates* the Advisory Committee members Buhm-Suk Baek, Milena Costas Trascasas, Ajai Malhotra, Javier Palummo, Elizabeth Salmón; Patrycja Sasnal, Vassilis Tzevelekos and Frans Viljoen as members of the drafting group;

2. *Notes* that the drafting group elected Ms. Costas Trascasas as Chair and Ms. Sasnal 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 external experts, 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 task of the drafting group;

5. *Decides* to seek input through a note verbale in which it requests 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 United Nations Environment Programme, United Nations regional economic commissions and other relevant United Nations agencies, funds and programmes within their respective mandates, national human rights institutions, civil society, the private sector, the technical community and academic institutions, to submit information by 29 April 2022;

6. *Also decides* to entrust the drafting group the task of exploring the possibility of convening before its twenty-eighth session an intersessional seminar on the impact of new technologies for climate protection on the enjoyment of human rights, with the participation and involvement of specialists in the field;

7. *Requests* the drafting group to submit an outline of the report to the Advisory Committee at its twenty-eighth session, taking into account the replies received pursuant to the above-mentioned note verbale;

8. *Encourages* stakeholders to contribute to the work already under way.

*4th meeting
25 February 2022*

[Adopted as orally revised without a vote.]

27/2. 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 Human Rights Council 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 Human Rights Council in its resolution 47/21, and to present the study to the Human Rights Council at its fifty-fourth session,

1. *Designates* the Advisory Committee members Nurah Alamro, Buhm-Suk Baek, Nadia Amal Bernoussi, Lazhari Bouzid, Milena Costas Trascasas, José Augusto Lindgren Alves, Xinsheng Liu; Ajai Malhotra; Javier Palummo, Elizabeth Salmón, Dheerujlall Seetulsingh, Catherine Van de Heyning and Frans Viljoen as members of the drafting group;
2. *Notes* that the drafting group elected Ms. Van de Heyning as Chair and Mr. Viljoen 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 the representatives of relevant United Nations mechanisms in the discussion and the very rich exchange of views, and notes that the discussion provided valuable input that will assist the task of the drafting group;
5. *Decides* to entrust the drafting group the task of exploring the possibility of convening before its twenty-eighth session an intersessional seminar on the advancement of racial justice and equality, with the participation and involvement of specialists in the field;
6. *Requests* the drafting group to submit a preliminary draft of the report to the Advisory Committee at its twenty-eighth session;
7. *Encourages* stakeholders to contribute to the work already under way.

*4th meeting
25 February 2022*

[Adopted as orally revised without a vote.]

27/3. Review of methods of work

The Human Rights Council Advisory Committee,

Recalling paragraph 82 of the annex to Human Rights Council resolution 5/1 of 18 June 2007 and paragraph 35 of Council resolution 16/21 of 25 March 2011,

Recalling also its closed meeting of 24 February 2022 with the Human Rights Council Bureau and regional and political group coordinators, and its closed meeting on the same day to review its methods of work,

1. *Decides* to hold virtual consultations in the intersessional period, with:
 - (a) Groups of Member States, in collaboration with the regional coordinators for the Human Rights Council;
 - (b) Non-governmental organizations and civil society;
2. *Also decides* that, at its subsequent plenary meeting, the Chair of the Committee will inform the plenary of the main issues discussed at the said intersessional meetings;
3. *Further decides* to designate the following Committee members:
 - (a) Catherine Van de Heyning, as focal point for increasing the visibility of the Committee's work on social media;
 - (b) Milena Costas Trascasas, as focal point for enhancing the Committee's engagement with non-governmental organizations and civil society;
 - (c) Dheerujlall Seetulsingh, as focal point for enhancing the Committee's engagement with national human rights institutions;
 - (d) Vassilis Tzevelekos as focal point for the Committee's network of Academic Friends.

4th meeting
25 February 2022

[Adopted without a vote.]

27/4. Research proposals

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 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) Protection of academic freedom and free flow of research: lessons learned from the pandemic;

(b) Assessing human rights implications of neurotechnologies: towards the recognition of neurorights;

(c) New and emerging digital technologies in the military domain and human rights;

(d) The pandemic and its impact on gender equality: lessons for the future;

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

4th meeting
25 February 2022

[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-seventh session from 21 to 25 February 2022 at the United Nations Office at Geneva and via the Zoom platform. The Chair of the twenty-sixth session, Ajai Malhotra, opened the session.

2. At the 1st meeting, on 21 February 2022, the President of the Human Rights Council, Federico Villegas, made an opening statement.

3. 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.

4. Also at the same meeting, participants observed a minute of silence in memory of victims of human rights violations around the world.

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:¹ Nurah Alamro (Saudi Arabia, 2024); Buhm-Suk Baek (Republic of Korea, 2023); Nadia Amal Bernoussi (Morocco, 2023); Lazhari Bouzid (Algeria, 2022); Milena Costas Trascasas (Spain, 2022); Iurii Alexandrovich Kolesnikov (Russian Federation, 2022); José Augusto Lindgren Alves (Brazil, 2024); Xinsheng Liu (China, 2022); Ajai Malhotra (India, 2023); Itsuko Nakai (Japan, 2022); Javier Palummo (Uruguay, 2022); Elizabeth Salmón (Peru, 2023); Patrycja Sasnal (Poland, 2023); Dheerujlall Seetulsingh (Mauritius, 2023); Vassilis Tzevelekos (Greece, 2024); Catherine Van de Heyning (Belgium, 2023); and Frans Viljoen (South Africa, 2024).

C. Attendance

6. The session was attended by members of the Advisory Committee and observers for States Members of the United Nations, and by representatives of intergovernmental organizations and non-governmental organizations.

7. All members of the Advisory Committee participated in the session, with the exception of Elizabeth Salmón, Iurii Alexandrovich Kolesnikov, José Augusto Lindgren Alves and Itsuko Nakai.

D. Meetings

8. At its twenty-seventh session, the Advisory Committee held four plenary meetings and 12 closed meetings. The Committee also exchanged views with members of the Human Rights Council Bureau, and regional and political group coordinators.

E. Election of officers

9. 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 first meeting of the twenty-seventh session, held on 21 February 2022:

Chair:	Patrycja Sasnal
Vice-Chairs:	Dheerujlall Seetulsingh
	Javier Palummo
	Catherine Van de Heyning
Rapporteur:	Buhm-Suk Baek

F. Adoption of the agenda

10. At its 1st meeting, on 21 February 2022, the Advisory Committee adopted its agenda as revised to include a new subparagraph 4 (c) on the appointment of members to the Working Group on Communications (A/HRC/AC/27/1).²

G. Organization of work

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

¹ The year in which the term of membership expires is shown in parentheses. One seat for the African States is vacant following the resignation of Mona Omar (Egypt) in January 2022.

² For the list of documents issued for the twenty-seventh session, see annex I.

III. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions

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

12. At its 2nd meeting, on 21 February 2022, 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, the following panellists made presentations to the Committee: the Head of the European Union Research Division at the German Institute for International and Security Affairs, Oliver Geden; research fellow at the Institute of the Environment and Sustainability, UCLA, Holly Buck; and the Co-Director of the Institute for Carbon Removal Law and Policy at the School of International Service, American University, William Burns. During the ensuing discussion, statements were made by a member of the Committee, representatives of observer States, and representatives of non-governmental organizations (see annex II).

13. At its 4th meeting, on 25 February 2022, the Chair of the drafting group on the impact of new technologies for climate protection on the enjoyment of human rights, Ms. Costas Trascasas, introduced a draft text (A/HRC/AC/27/L.1) with an oral revision of paragraph 7. The draft text, as orally revised, was adopted without a vote (for the text as adopted, see sect. I, action 27/1, above).

B. Advancement of racial justice and equality

14. At its 3rd meeting, on 22 February 2022, 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, the following panellists made presentations to the Committee: the Chair-Rapporteur of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and Permanent Representative of Rwanda, Marie Chantal Rwakazina; the Chair of the international independent expert mechanism on racial justice and equality in law enforcement, Yvonne Mokgoro; the Vice-Chair of the Committee on the Elimination of Racial Discrimination, Verene Albertha Shepherd; and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Tendayi Achiume. During the ensuing discussion, statements were made by members of the Committee, representatives of observer States, and representatives of non-governmental organizations (see annex II).

15. On 23 February 2022, in a closed meeting, the Chair of the Working Group of Experts on People of African Descent, Dominique Day, and the Chief of the Rule of Law, Equality and Non-Discrimination Branch of OHCHR briefed the drafting group on advancement of racial justice and equality.

16. At its 4th meeting, on 25 February 2022, the Chair of the drafting group on advancement of racial justice and equality, Ms. Van de Heyning, introduced a draft text (A/HRC/AC/27/L.2) with an oral revision of paragraphs 5 and 6. The draft text, as orally revised, was adopted without a vote (for the text as adopted, see sect. I, action 27/2, above).

IV. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007, and of section III of the annex to Council resolution 16/21 of 25 March 2011

A. Review of methods of work

17. On 24 February 2022, in a closed meeting, the Advisory Committee held a discussion on its methods of work. The Committee discussed issues relating to raising awareness about and increasing the visibility of its work, its engagement with non-governmental

organizations, national human rights institutions and academic friends of the Committee, and its interaction with thematic special procedures of the Human Rights Council.

18. In that context, the Committee decided that the Chair would send a letter to the Chair of the Coordination Committee of Special Procedures on behalf of the Advisory Committee pertaining to the issue of strengthening interaction with special procedure mandate holders. The Committee also decided to hold virtual consultations in the intersessional period with groups of Member States, in collaboration with the Regional Coordinators for the Human Rights Council, and non-governmental organizations and civil society. The Chair of the Advisory Committee will inform the plenary of main issues discussed at intersessional meetings that have been held since the previous plenary meeting. Furthermore, the Committee designated four of its members as focal points in relation to social media, non-governmental organizations and civil society, national human rights institutions and the network of Academic Friends. The Committee also discussed other possibilities for improving the visibility of its work, including seeking public contributions to its draft reports and circulating its final reports to respondents.

19. At its 4th meeting, on 25 February 2022, the Chair of the Advisory Committee introduced a draft text (A/HRC/AC/27/L.3). The draft text was adopted without a vote (for the text as adopted, see sect. I, action 27/3, above).

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

20. On 24 and 25 February 2022, in closed meetings, 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 4th meeting, on 25 February 2022, 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):

- Protection of academic freedom and free flow of research: lessons learned from the pandemic
- Assessing human rights implications of neurotechnologies; towards the recognition of neurorights
- New and emerging digital technologies in the military domain and human rights
- The pandemic and its impact on gender equality: lessons for the future

22. Also at the same meeting, during the ensuing discussion, statements were made by members of the Advisory Committee, a representative of an observer State and a representative of a non-governmental organization (see annex II).

23. At the same meeting, the Chair of the Advisory Committee introduced a draft text (A/HRC/AC/27/L.4). The draft text was adopted without a vote (for the text as adopted, see sect. I, action 27/4, above).

C. Appointment of members of the Working Group on Communications

24. In accordance with paragraphs 91 to 93 of the annex to Human Rights Council resolution 5/1, the Advisory Committee appoints five of its members, one from each regional group, with due consideration to gender balance, to constitute the Working Group on Communications. In the event of a vacancy, the Advisory Committee is to appoint an independent and highly qualified expert from the same regional group. Since there is a need for independent expertise and continuity with regard to the examination and assessment of the communications received, the independent and highly qualified experts of the Working Group are appointed for three years. Their mandate is renewable once only.

25. The members of the Working Group on Communications were last appointed by the Advisory Committee at its seventeenth, twenty-first, twenty-third and twenty-sixth sessions, and in the intersessional period in 2020.³

26. In view of the fact that the Working Group had one vacancy in the African Group since Mona Omar resigned from the Advisory Committee in January 2022, the Committee took note, at its 4th meeting, on 25 February 2022, of the appointment, in the intersessional period through a silence procedure, of Mr. Bouzid as a new member of the Working Group to replace the outgoing member.

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

27. At the 4th meeting, on 25 February 2022, the Rapporteur of the Advisory Committee presented the draft report on the twenty-seventh session. The Committee adopted the draft report ad referendum and entrusted the Rapporteur with its finalization.

28. At the same meeting, the Rapporteur made closing remarks. Statements were also made by members of the Committee and a representative of a non-governmental organization (see annex II).

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

³ See A/HRC/AC/17/2, para. 26; A/HRC/AC/21/2, paras. 22–24; A/HRC/AC/23/2, paras. 25–27; A/HRC/AC/25/2, paras. 22–24; and A/HRC/AC/26/2, paras. 23–26.

Annex I

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

Documents issued in the general series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/AC/27/1	2	Provisional agenda and annotations
A/HRC/AC/27/2	4	Report of the Advisory Committee on its twenty-seventh session

Documents issued in the limited series (actions)

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/AC/27/L.1	3 (d)	Impact of new technologies for climate protection
A/HRC/AC/27/L.2	3 (e)	Advancement of racial justice and equality
A/HRC/AC/27/L.3	4 (a)	Review of methods of work
A/HRC/AC/27/L.4	4 (b)	Research proposals

Documents issued in the non-governmental organizations series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/AC/26/NGO/1	3 (e)	Written statement submitted by Maat for Peace, Development and Human Rights Association, a non-governmental organization with special consultative status
A/HRC/AC/26/NGO/2	3 (d)	Written statement submitted by Maat for Peace, Development and Human Rights Association, a non-governmental organization with special consultative status

Annex II

List of speakers

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Speakers</i>
1. Election of officers	1st meeting 21 February 2022	Members: Lazhari Bouzid, Xinsheng Liu, Ajai Malhotra, Patrycja Sasnal, Milena Costas Trascasas
2. Adoption of the agenda and organization of work	1st meeting 21 February 2022	Observer States: Bolivia (Plurinational State of), Cuba, Venezuela (Bolivarian Republic of) Non-governmental organizations: International Human Rights Council, iuventum e.V.
3. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions		
(d) The impact of new technologies for climate protection on the enjoyment of human rights	2nd meeting 21 February 2022	Panellists: Oliver Geden (Head, European Union Research Division, German Institute for International and Security Affairs), Holly Buck (Research fellow, Institute of the Environment and Sustainability, UCLA), William Burns (Co-Director of the Institute for Carbon Removal Law and Policy, School of International Service, American University) Members: Ajai Malhotra Observer States: Cuba, India (video statement), Panama, Venezuela (Bolivarian Republic of) Non-governmental organizations: Action Group on Erosion, Technology and Concentration ETC Group, Center for International Environmental Law (CIEL), Heinrich Böll Foundation, iuventum e.V., Maat for Peace, Development and Human Rights Association

(e) Advancement of racial justice and equality	3rd meeting 22 February 2022	<p>Panellists: Marie Chantal Rwakazina (Permanent Representative of Rwanda and Chair-Rapporteur of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action), Yvonne Mokgoro (Chair of the international independent expert mechanism on racial justice & equality in law enforcement), Verene Albertha Shepherd (Vice-Chairperson of the Committee on the Elimination of Racial Discrimination), Tendayi Achiume (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance)</p> <p>Members: Nadia Amal Bernoussi, Lazhari Bouzid, Xinsheng Liu, Dheerujlall Seetulsingh, Frans Viljoen (Rapporteur)</p> <p>Observer States: Côte d'Ivoire (on behalf of the African Group), China (video statement), Cuba, India (video statement), Panama, Saudi Arabia, South Africa, Venezuela (Bolivarian Republic of)</p> <p>Non-governmental organizations: Maat for Peace, Development and Human Rights Association, Noble Institution for Environmental Peace</p>
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	4th meeting 25 February 2022	<p>Members: Buhm-Suk Baek, Nadia Amal Bernoussi, Milena Costas Trascasas, Javier Palummo, Catherine Van de Heyning</p> <p>Observer States: Panama</p> <p>Non-governmental organizations: Maat for Peace, Development and Human Rights Association</p>
(b) Agenda and annual programme of work, including new priorities		
5. Report of the Advisory Committee on its twenty-seventh session	4th meeting 25 February 2022	<p>Members: Buhm-Suk Baek, Nadia Amal Bernoussi, Lazhari Bouzid, Milena Costas Trascasas, Ajai Malhotra, Javier Palummo, Patrycja Sasnal, Dheerujlall Seetulsingh, Vassilis Tzevelekos, Catherine Van de Heyning, Frans Viljoen</p> <p>Non-governmental organizations: iuventum e.V</p>

Annex III

Research proposals

I. Protection of academic freedom and free flow of research: lessons learned from the pandemic

A. The challenge: transparent, trustworthy and high-level research

1. The coronavirus disease (COVID-19) disease pandemic has reminded the world of the importance of research and scientific progress. Public policies and actual lives directly depend on the advice of researchers on how to quell the pandemic, prevent the spread of the virus and treat patients. Policymakers depended on the advice of medical scholars, virologists, behavioural scientists and other experts. Today we witness the triumph of our current level of scientific knowledge with vaccines to the virus being globally developed, tested and injected within less than a year from the outbreak. Several breakthroughs in medicine and therapy for the virus have in the meantime been published. Without forgetting to commemorate the many lives lost and its impact on our daily lives, the pandemic has shown the importance of high-level, trustworthy and transparent academic research. Fundamental human rights, in particular the right to life, are better served when societies invest in academic research. The pandemic might be on top of our minds, but future challenges such as climate change will depend on humankind's ability to overcome these crises through behavioural change and technological solutions developed from evidence-based science.

2. High-level research does not, however, happen by accident. It has certain prerequisites, 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 fear of being silenced or persecuted, and a global community in which knowledge can be shared freely and policymakers are open to evidence-based advice. While the pandemic has encouraged academic cooperation on research into a remedy to the virus and cooperation among countries and researchers, it has also resulted in researchers being intimidated into silence and threatened, or their results being held back from the general public and the research community. This results in and is even compounded by deliberate misinformation about the virus, its spread and remedies. Conspiracy theories undermine the global effort to save lives and to restore the normal functioning of society, and has limited to an extreme extent human rights protection. Moreover, researchers have been obstructed as they pursue cooperation and seek potentially vital counsel, while remedies and information have been withheld from the public because of censorship, restrictive national rules on the exchange of information (such as the sharing of scientific information, biological data or data on genetic sequencing relevant to the virus) or copyright regulations.

3. Despite the increasing yet limited attempts to address this critical human rights issue that surfaced with the COVID-19 pandemic, no formal efforts have yet been made to document inequalities in academic freedom and to address them from a policy perspective. Specifically, there has been:

- (a) Limited published evidence on inequalities in academic freedom;
- (b) No published national and/or regional plans or policy to address such inequalities, if shown to exist;
- (c) No clear understanding of how States would address academic freedom inequalities if requested to do so.

B. Human rights framework

4. Academic freedom is protected under article 19 of the International Covenant on Civil and Political Rights, namely under the right to freedom of expression, including freedom to seek, receive and impart information and ideas of all kinds. As such, academic freedom entails not only an individual right for researchers to express their ideas and results but also for the general public to be informed of the current state of research. 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. The question is therefore to what extent academic freedom can or may be limited for public order or health reasons in times of crises, such as to prevent conflicting advice to the general public, to prevent the dissemination of misinformation based on botched science, or other reasons.

5. Certain regional and national courts, as well as scholars, have developed their own approach to academic freedom and distinguished three levels of required protection: protection of the individual researcher to conduct research and to impart information, and to work with other researchers; the autonomy and protection of academic and other research institutions as safe harbours for academic research; positive obligations upon authorities to enable and encourage education and research, thereby enabling a vibrant research community.

6. 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 under other international treaties, such as the Universal Declaration of Human Rights, regional human rights documents, and constitutions.

7. Academic freedom has already been the topic of mandates of the special procedures of the Human Rights Council, in particular that of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. In his recent report on academic freedom and the freedom of opinion and expression,⁴ the Special Rapporteur reported on how academics and their institutions face social harassment and State repression for their research (A/75/261). He focused on States' limitations and interventions on academic freedom, including restrictions in the legal framework, censorship of research and the undermining of the independence of academic institutions.

C. Objective of the research proposal

8. The proposal is aimed at providing important insights into the protection of academic freedom and freedom of expression by:

- (a) Examining the current state of protection of academic freedom and freedom of expression on the basis of the experience of the COVID-19 pandemic, drawing lessons on how to ensure high-level, transparent and trustworthy scientific information;
- (b) Making recommendations on addressing the gaps in protection of academic freedom and freedom of expression, and on how to strengthen academic research further from a human rights perspective;
- (c) Describing prerequisite conditions for autonomous and independent research, institutional autonomy of research institutions and the free flow of research results;
- (d) Considering the challenge that misinformation on science poses to human rights, and making recommendations for potential action in this field.

⁴ A/75/261.

II. Assessing the human rights impact of neurotechnology: towards the recognition of neurorights

A. Introduction

9. Neurotechnology is any technology that records or interferes with brain activity, especially devices that interface the brain with electronic systems, computers and devices to measure and analyse brain activity. More specifically, such devices or instruments allow for a connection with the central nervous system of the person for reading, registering or modifying brain activity and the information coming from it.

10. Most applications use brain computer interfaces based on neural data”, that is, information obtained from the activity of neurons that contains a representation of brain activity. They have multiple uses, some of which are already on the market:

- Portable accessories, such as wireless headphones and helmets, that decode brain waves to carry out daily activities, games, entertainment and allow remote control of smartphones.
- Devices aimed at electrically stimulating or modulating brain activity through the implantation of electrodes. They are often used to treat certain diseases, such as Parkinson or dementia. Low-cost applications designed to optimize brain performance in a variety of cognitive tasks are readily available for purchase on the Internet.

11. In coming years, neurotechnology will help to improve cognitive capacities by connecting the brain directly to digital networks. This will require not only the systematic collection of neural data but also more importantly the decoding of thoughts deriving from the neural activity of the person. The benefits that such an advance might bring should not, however, obscure the risk that they pose. Neurotechnology allows a far greater degree of access to and manipulation of neural processes than psychoactive drugs and hypnotic induction; furthermore, the lack of regulation of its use poses an unprecedented threat to mental freedom and integrity and, as a result, to the ability of individuals to govern freely their own behavior.

12. In his recent report to the General Assembly, the Special Rapporteur on freedom of religion or belief referred to the concerns that digital technology, neuroscience and cognitive psychology developments posed, with the potential to “enable access to the very content of our thoughts and affect how we think, feel and behave”. He noted that, despite their nascent nature, the advancing design and increasingly widespread use of these technologies raised pertinent questions for policymakers, among others, about how to protect *forum internum* rights, including freedom of thought.⁵

13. The continued and unregulated development of neurotechnology thus not only threatens the individual’s control over his/her own neurocognitive dimension but also challenges the very notion of the human being. Indeed, such a technology has the potential to alter the functioning of our societies.⁶

B. A new challenge for human rights

14. From a human rights perspective, developments in neurotechnology may require not only the reconceptualization of certain human rights in order to identify the applicable

⁵ A/76/380, para. 6.

⁶ The current developments are being driven by a number of large global neuroscience initiatives, including the United States-based Brain Research through Advancing Innovative Neurotechnologies (BRAIN) initiative, the Human Brain Project (HBP) in Europe, and other coordinated research projects being implemented around the world, including in China, Japan, the Republic of Korea, Australia and Canada.

standards but also the recognition of a new generation of rights.⁷ The use of such technology today engages a number of human rights, such as the right to life and to physical or mental integrity, the right to privacy, the freedom of thought and opinion and the prohibition of torture and other inhuman or degrading treatment, among others. At the same time, the challenges posed by the technology may require the introduction of new rights – “neuro-rights” – to protect individual mental integrity and identity, such as the rights to cognitive freedom, to mental privacy, to mental integrity and to psychologic continuity.⁸

C. National legislation

15. In September 2021, the Parliament of Chile passed new legislation aimed at ensuring the protection of mental integrity and indemnity by the Constitution. The law contends that science and technology should be at the service of humanity, and must be developed with respect for life and physical and mental integrity. It therefore provides for requirements, conditions and restrictions with regard to the use of neurotechnology.⁹ Other States (for example Spain and Colombia) are now considering the adoption of similar legislation to introduce or to protect the data obtained from the brain (i.e., neuro-data).

16. States should therefore develop and adopt a new legal framework to regulate the development and use of neurotechnology, together with ethical codes for companies that make use of it.¹⁰ They should also collaborate with private companies, industries, scientists and financiers to determine governance and accountability mechanisms. States should, lastly, launch awareness-raising campaigns to inform the general public about existing and future developments, and explain possible dangers and abuses. Until the risks involved are addressed, the practical benefits of this new technology cannot be effectively attained.¹¹

D. Objective of the research proposal

17. The study proposed will involve a cross-cutting analysis to identify the main human rights challenges posed by advances in neurotechnology. The existing international human rights framework will be assessed to identify the most relevant principles and standards, as well as possible gaps. The need to introduce new rights or standards in this area will also be examined.

18. The study will build on the report of the Advisory Committee on the impact of new technologies on human rights, and will incorporate relevant information and inputs from the existing work of relevant special procedures and treaty bodies. The analysis will also contribute to the updating of certain general comments, such as Human Rights Committee general comment No. 16 (1988) on the right to privacy. The study, as a thoughtful overview of the main issues at stake, will allow Member States to assess whether there is a need to undertake coordinated action to regulate this fundamental issue, and the benefits deriving therefrom.

⁷ An initiative being particularly strengthened by the Neurorights Foundation, which analyses how technologies should be used for the good of humanity. See Avi Asher-Schapiro, “‘This is not science fiction’, say scientists pushing for ‘neuro-rights’”, Reuters, 4 December 2020.

⁸ See in particular Marcello Ienca and Roberto Andorono, “Towards New Human Rights in the Age of Neuroscience and Neurotechnology”, *Life Sciences, Society and Policy*, vol. 13, No. 5 (2017).

⁹ The new law offers special protection for brain activity and the information derived from it. It also contains provisions regarding the sense of reversibility that neurological intervention must have. The law does not, however, prohibit the use of these techniques, as long as they are permitted by law, and their use has free and informed prior consent of those concerned, aware that it will be irrevocable.

¹⁰ See in this regard the ‘Recommendation of the Council on Responsible Innovation in Neurotechnology’, OECD Legal Instruments, 2022.

¹¹ See also <https://plum-conch-dwsc.squarespace.com/policypage>.

III. New and emerging digital technologies in the military domain and human rights

A. General approach

19. In recent decades, human rights bodies have had an increasing interest in regulating the use of new and emerging digital technologies developed for military purposes. It is essential to have a comprehensive understanding of the characteristics of such technologies if the said bodies are to keep pace with current and expected developments affecting human rights.¹²

20. Consequently, the legal and human rights implications of new and emerging digital technologies developed for military purposes and used in scenarios other than for armed conflict should be investigated. To this purpose, it is important to analyse the legal bases for their use, in addition to identifying the mechanisms and institutions that should regulate them.

21. In many cases, these technologies are not in themselves illegal. In other cases, however, a careful analysis of applicable standards could actually lead to considering their prohibition.¹³ In all cases, a set of clear and public principles that frame their use, particularly in view of new developments and the multiplication of actors (including non-State actors) that acquire them, must be defined.¹⁴

22. These technologies can facilitate activities that may involve human rights violations, and hinder proper investigation of situations as a result of being applied in settings that do not ensure transparency in their use.

23. In the framework of the present proposal, the regulatory implications of the use of surveillance technologies and of the various remote-controlled weapons systems for military purposes (such as unmanned aircraft, armed drones, remote-operated semi-autonomous weapons, and fully autonomous weapons) would be studied. The complex challenges posed by the use of these technologies from the perspective of international human rights law, particularly in relation to the right to life, have been pointed out on several occasions.¹⁵

24. The scenarios for the use of these new technologies to be considered will include law enforcement operations, monitoring and securing border spaces, and the fight against organized crime and terrorism. The possibility of employing such technologies in these scenarios may involve specific human rights risks that will be specifically addressed.

B. Objective of the research proposal

25. The purpose of the study will be to examine the challenges posed by the use of new and emerging digital technologies developed for military purposes and used in scenarios other than armed conflict, and to analyse the compatibility of such practices with applicable standards of international human rights law. In short, the study will openly address the challenges that these new and emerging digital technologies pose for international human rights law.

C. Timeline

26. The Human Rights Council could consider adopting a resolution on the present proposal at its forty-ninth or fiftieth session. The Advisory Committee could therefore submit

¹² See A/HRC/44/38.

¹³ See A/71/372.

¹⁴ A/HRC/34/61

¹⁵ See A/65/321, A/68/382, A/68/389, A/71/372, A/75/590, A/HRC/23/47, A/HRC/25/59, A/HRC/26/36, A/HRC/28/38, A/HRC/34/61 and A/HRC/44/38. Regarding the role of the United Nations in addressing emerging technologies in the area of lethal autonomous weapons systems, see www.un.org/en/un-chronicle/role-united-nations-addressing-emerging-technologies-area-lethal-autonomous-weapons.

the report to the Council for consideration at its fifty-sixth or fifty-seventh session. The proposed timeline would allow the Committee to discuss the topic and prepare the report during its twenty-eighth, twenty-ninth, thirtieth and thirty-first sessions.

IV. The pandemic and its impact on gender equality: lessons for the future

27. Gender inequality is a major obstacle to sustainable development, economic growth and poverty reduction. In the 2030 Agenda for Sustainable Development, gender equality is therefore recognized as essential for the achievement of the Sustainable Development Goals, in particular Goal 5, which aims to achieve gender equality, empower all women and girls in an integrated approach, eliminate all forms of violence and ensure the effective participation of women in decision-making.

A. Taking stock

28. Every crisis – be it war, conflict, upheaval, economic, social or sanitary – is felt more by vulnerable populations: migrants, people with special needs, children, youth, people in vulnerable situations. It is in this sense that women suffer the compounded impact of the socioeconomic, political and sanitary upheavals, otherwise known as the “double punishment” regime.

B. Impacts of the pandemic

29. The coronavirus disease (COVID-19) pandemic has affected all individuals equally, regardless of gender or economic status, though its fallout and impacts have been unequal. The pandemic has deepened inequalities and exposed social, territorial and gender divides. Moreover, while attacks on civil and political rights through limitations on freedom of movement are generally denounced, the pandemic has also affected people’s access to economic, social and cultural rights, and that of women in particular. Lockdowns have led to a surge in domestic violence, disrupted the work-life balance, and posed a challenge to women’s economic independence, forcing them to make difficult choices by turning to unpaid work.

C. Root causes

30. The root causes of the above-mentioned situations include shortfalls in essential public services; inequality in access to health care, education (the least educated are the least informed, for example, girls living in rural settings), housing, employment (the closure of day-care centres has increased women’s workloads, and informal jobs or jobs in services – the sectors most affected by the lockdowns – more precarious); and the digital divide (lack of access to computers or Internet connections makes remote work next to impossible). Recent studies, such as those by the Committee on the Elimination of Discrimination against Women and the Council of Europe, have shown that women have been disproportionately affected by the pandemic.

D. Positive effects

31. The pandemic has witnessed, on the other hand, the development of social safety nets and significant and ingenious acts of solidarity (best practices can be identified in several countries where authorities have become an agent of local development at the service of citizens). In many cases the welfare state has been strengthened and the social contract renewed in what is to be hoped a sustainable way.

E. Predictability, sustainable development and shared governance

32. The principle of predictability implies that, in the event of another sanitary crisis, all human resources can be relied upon without exception – resources that should be involved in an equal manner in the decision-making process, whose legal status should be revised accordingly and their empowerment encouraged. To be effective, any governance or public action or public policy must be implemented by an inclusive, shared, mixed, balanced and gendered decision-making centre.

33. Gender equality is much more than a counter-discrimination; it is a vision of a modern and fair society that responds to a democratic logic, a criterion of development and a lever for growth and economic performance.

F. Objective of the research proposal

34. In the light of the disproportionate negative impact that the COVID-19 pandemic has had in terms of gender inequality, infringement of economic, social and cultural rights and the risk of future new waves of pandemics, a broader and more thorough examination of this issue could be undertaken by the Advisory Committee.

35. The Advisory Committee could conduct an exploratory study to identify the main measures taken by States, international organizations and non-governmental organizations to address the pandemic, with regard to access to economic, social and cultural rights, and gender inequality. The study will identify lessons learned and good practices in the management of the pandemic, with a gender equality approach, taking into account the challenges of the 2030 Agenda. The Committee would submit the study in a report to the Human Rights Council for its consideration, within a proposed timeline.
