TO: Mr. Goro Onojima
A: Secretary of the Human Rights Council

31/3/2022

THROUGH:

S/C DE:

FROM: Johannes Huisman, Director
Programme Planning and Budget Division, OPPFB


I would be grateful if the text of the attached oral statement could be read and distributed prior to adoption of draft resolution A/HRC/49/L.20, entitled “Promotion and protection of human rights in Nicaragua”.

cc: Mr. Ramanathan
Mr. Fofana
Ms. Alirzaeva
Ms. Veaudour
ORAL STATEMENT BY THE SECRETARIAT IN CONNECTION WITH DRAFT RESOLUTION A/HRC/49/L.20 ENTITLED “PROMOTION AND PROTECTION OF HUMAN RIGHTS IN NICARAGUA”.

1. This statement is made in accordance with rule 153 of the Rules of procedure of the General Assembly.

2. Under the terms of operative paragraphs 14, 15, 16, 17, 18 and 20 of draft resolution A/HRC/49/L.20, the Human Rights Council would:

a) Decide to establish, for a period of one year, a Group of three Human Rights Experts on Nicaragua, to be appointed by the President of the Human Rights Council, with a mandate:

- To conduct thorough and independent investigations into all alleged human rights violations and abuses committed in Nicaragua since April 2018, including the possible gender dimensions of such violations and abuses as well as their structural root causes;

- To establish the facts and circumstances surrounding the alleged violations and abuses, to collect, consolidate, preserve and analyse information and evidence, and, where possible, to identify those responsible, and to make such information accessible and usable in support of ongoing and future accountability efforts;

- To make recommendations with a view of improving the human rights situation, to provide guidance on access to justice and accountability, as appropriate, and to ensure inhuman or degrading treatment or punishment a victim-centred approach, including by addressing the impact of multiple and intersectional forms of discrimination;

- To engage with all relevant stakeholders, including the Government of Nicaragua, the Office of the High Commissioner, international human rights organizations, relevant United Nations agencies, and civil society; with a view to exchanging information, as appropriate, and providing support for national, regional and international efforts to promote accountability for human rights violations and abuses in Nicaragua (para 14);

b) Request the Group of Human Rights Experts on Nicaragua to submit a written report to the Human Rights Council at its fifty-second session during an interactive dialogue (para 15);
c) Request the immediate operationalization of the mandate; and requests the Secretary-General to provide the Group of Human Rights Experts on Nicaragua with full administrative, technical and logistical support and the resources necessary to enable it to carry out its mandate (para 16);

d) Request the United Nations High Commissioner for Human Rights to strengthen monitoring and engagement including by preparing a comprehensive written report on the situation of human rights in Nicaragua containing a detailed assessment of the implementation of the recommendations made in her previous reports, as well as in United Nations Council mechanisms and Treaty Bodies, and to present it to the Council at its fifty-first session, to be followed by an interactive dialogue; and through the presentation of oral updates to the Human Rights Council before the end of 2022 and at its fiftieth and fifty-second sessions, to be followed by interactive dialogues (para 17);

e) Request the Office of the High Commissioner to strengthen their engagement by continuing analysing legislation related to civic and democratic space, judicial sector, and amnesties in the view of providing the necessary support to Nicaragua to fulfil its human rights obligations and commitments (para 18);

f) Request that the Office of the High Commissioner be provided with the resources necessary to continue to fulfil its technical cooperation and human rights monitoring and reporting mandates (para 20).

Group of Human Rights Experts

3. In order to implement the mandate contained in paragraphs 14, 15 and 16 of the draft resolution, the following activities and resources would be required in 2022 and 2023:

(a) General temporary assistance for the secretariat to support the work of the Group of Human Rights Experts on Nicaragua, based in Panama City, Panama, consisting of:

- One P-5 Senior Human Rights Officer (10 months: 1 June 2022 – 31 March 2023) to perform the functions of Coordinator; support the experts on substantive, operational and administrative procedures and ensure their implementation; manage the overall work of the secretariat, including by facilitating constructive internal work-flows, information sharing, accountability and performance management; facilitate the communication between the secretariat and the rest of OHCHR as required; ensure that the secretariat carries out its tasks in accordance with agreed strategic objectives and standard human rights investigation methodology, including gender
perspectives; supervise the development of the investigation plan, methodology and tools to analyse and preserve collected information and evidence; coordinate the investigating, preservation and reporting tasks of the secretariat members; oversee the development of plans to ensure that all required measures are taken to protect victims and witnesses and that effective referral pathways for survivors are used when possible; accompany experts in their field missions; act as the main interlocutor on operational and substantive matters with duty bearers, member states, UN agencies, media and other stakeholders; ensure the integration of a gender perspective, including in the investigation plan, interviewing of victims, evidence gathering and preservation, analysis and report writing; take ultimate responsibility for the quality and timely delivery of reports and preservation efforts; liaise with the security coordinator/UNDSS on aspects related to the security requirements and inform accordingly the experts and staff of the secretariat; manage the budget and finances of the secretariat and be responsible for regular operational, financial and administrative reporting to OHCHR and/or other UN entities as required; keep the Director of FOTCD, Chief of AECA Branch, and Chief of Americas Section, METS and ISU informed of the operational developments through monthly reports.

• One P-4 Investigator, Team Leader (10 months: 1 June 2022 – 31 March 2023) to manage the day-to-day operations of the investigation plan; serve as first reporting officer of the team of Human Rights Officers/Investigators and others; develop fact-finding information gathering and operational plans in accordance with standard OHCHR methodology, including on the integration of gender perspective; adapt methodologies and tools to collect and process all data; oversee, guide and conduct interviews and other evidence gathering activities (ensuring the proper recording of ‘informed consent’); oversee all investigation team’s inputs with a view to ensuring that the highest quality standards of investigation, analysis, verification, preservation, are upheld, and that the conclusions and recommendations incorporated in the final report are beyond reproach; develop and oversee plans to ensure that all appropriate and necessary measures are taken to protect victims and witnesses and that effective referral pathways are identified and communicated to survivors and others as appropriate; participate in, and organise, missions to sites of violations or other places as required; coordinate drafting of the internal analyses and contribute to the Team’s public reports; oversee the proper handling, secure storage and preservation of information and data in accordance with OHCHR methodology, procedures and tools adopted.

• One P-4 Gender Adviser/SGBV Investigator – Seconded by UN Women (10 months: 1 June 2022 – 31 March 2023) to advise the
Secretariat staff on the gender dimensions of human rights violations and abuses, including through gender analysis and training, ensuring integration of a gender perspective throughout the work; collect information pertaining to women’s human rights and gender issues directly related to the mandate; ensure proper documentation, collection, preservation of information, analysis and reporting, including on cases of sexual and gender-based violence and other gender-based human rights violations and abuses and that the gender-specific impact of violations is assessed, documented, analysed and reported by all members of the secretariat; conduct and/or assist the secretariat in interviewing and evidence gathering activities, ensuring that necessary measures of protection and confidentiality for witnesses and victims are gender-sensitive; recommend and advise on gender-sensitive referral pathways addressed to victims and survivors, in accordance with agreed methodology and strategy, as well as OHCHR’s methodology and with full respect for the ‘do no harm principle’; provide advice to the Secretariat staff on the integration of gender-sensitive information gathering methods including interviewing, security arrangements, witness and victim protection and safe information and data handling; participate in field missions for information gathering activities; contribute to the drafting and timely submission of analytical documents and of the final report, including gender-sensitive findings, legal analysis and recommendations and ensure that gender-sensitive language is used throughout; suggest gender-specific priority recommendations for the final report, including on sexual and gender-based violence, gender dimension of the conflict and women’s rights and participation.

- One P-4 Human Rights Officer (Analyst/Reporting) (10 months: 1 June 2022 – 31 March 2023) to review and analyse information collected and advise Secretariat staff on addressing gaps and following leads; ensure information collected corresponds to the required legal elements; coordinate closely with the Gender Adviser to ensure gender perspectives are integrated throughout the investigation, and during analysis and report drafting, including on the gendered impact of the violations; prepare analytical documents as required; coordinate the drafting of the report, and act as its lead drafter; ensure that information collected is properly documented, in accordance with standard OHCHR methodology in coordination with the Investigation Team Leader; assist in drawing analytical conclusions; propose the structure of reports and visualisation of the findings and conclusions; assist in developing actionable and gender-sensitive recommendation; contribute to the establishment and implementation of an evidence management system to ensure the eventual effective use of gathered information by separate and subsequent accountability bodies; carry out factual analysis of
the information gathered with a view to ensure its effective use by separate and subsequent accountability bodies, including identifying gaps and probable new lines of inquiry.

- **One P4 Media Officer (3 months: 1 January 2023 to 31 March 2023),** to: develop a gender-sensitive media and advocacy strategy for the Group of Experts in coordination with the Coordinator and members of the Secretariat ahead of the presentation of the report to the HRC; reply to media inquiries; accompany the Group of Experts during the presentation of the report to the HRC; undertake activities to promote major events relating to the mandate; and liaise with other relevant international and regional media.

- **One P-3 Human Rights Officer/Legal Officer (10 months: 1 June 2022 – 31 March 2023)** to: conduct extensive legal research and analysis on the body of information and evidence collected by the secretariat with a view of identifying alleged perpetrators; assess evidence for relevance and shareability in conformity with established OHCHR consent practices; prepare evidentiary material for disclosure with accountability bodies; draft legal documents on a variety of subjects; provide legal advice and support to the investigations and analysis by conducting relevant research; brief the investigators on the specific elements of violations and the types information and materials that may prove them according the investigation’s standard of proof.

- **One P-3 Human Rights Officer / Victim Support Officer (9 months: 1 July 2022 – 31 March 2023)** to advise on the establishment and implementation of adequate strategy and measures for the protection, security and support to victims and witnesses as well as other sources, with a particular attention to the application of gender-sensitive victim-centred approaches; follow-up on any protection issues that might emanate from cooperation with the investigation and inform the Coordinator; analyse legal, institutional and other obstacles to accountability in Nicaragua and formulate advocacy strategies with a focus on access to justice and redress, as well as recommendations to combat impunity; conduct information gathering activities, including interviews with victims and witnesses, and the collection and analysis and verification of violations and abuses committed against human rights defenders, journalists and political activists, as well as any sources of the investigation; develop procedures and provide advice on the implementation of the 'do no harm principle, including by making effective use of referral pathways and protection measures.

- **Two P-3 Human Rights Officers/Investigators (10 months: 1 June 2022 – 31 March 2023)** to research, collect and analyse information and documentation pertaining to human rights
violations and abuses as required by the mandate, and, under the guidance of the Chief of Investigations, propose information gathering methods and tools; conduct timely monitoring of trends and patterns of violations; conduct information gathering efforts, including through interviews with victims and witnesses, to gather information and verify allegations of violations of international human rights; employ monitoring and mapping tools, and assess the authenticity of collected materials and testimonies; identify alleged perpetrators based on OHCHR information gathering methods; participate in and organize missions to sites of violations or other places as required; ensure that all measures are taken for the protection of victims and witnesses who cooperate with the Commission; respect for the 'do no harm principle by making effective use of referral pathways and protection measures for survivors and witnesses; ensure that the information and documentation related to the investigation are protected, stored and preserved safely in accordance with procedures established; undertake preliminary analysis of information gathered and draft analytical documents, including a gender analysis; provide inputs for the reports and draft relevant sections as tasked; ensure that gender perspective and gender-sensitive approaches are integrated at all stages of the investigation, analysis and report drafting.

- **One P-3 Security Sector Adviser/Investigator (9 months: 1 July 2022 – 31 March 2023)** to analyse the situation of law enforcement forces; research and provide advice on security sector reform; analysis law enforcement practices; map relationship between security institutions and other state institutions; provide an assessment of the operating environment for security forces; analyse information and assist in the identification of alleged perpetrators; advise the investigation on law enforcement procedures and methods.

- **One P-3 Information and Evidence Officer (9 months: 1 July 2022 – 31 March 2023)** to perform information handling and custodial obligations by ensuring the sound collection, preservation, registration, digitization, and secure permanent storage of collected material and maintaining its chain of custody, provenance taxonomies, auditing, and authenticity; to manage data ingestion, processing, and indexing of registered material and populate review and analysis systems; to establish efficient procedures regarding the review of information collected; to analyse structures and purposes of collected data in order to advise staff on appropriate measures to extract relevant information while maintaining the forensic integrity of the information; to assist the secretariat in building and executing search queries to identify material of interest.
• One NO-A Administrative Officer (10 months: 1 June 2022 – 31 March 2023) to provide support in the management of all issues related to logistics, finance and human resources; provide overall administrative assistance to the Commissioners for all their travel; support the secretariat in the preparation, conduct and follow up of all field missions; support the planning and organization of investigative team meetings and high level meetings in Geneva and elsewhere.

(b) Travel of 3 Representatives (trips by the three Experts):

**2022**
- One trip of 5 working days to Geneva at the beginning of the assignment for briefings and meetings, including meetings with the High Commissioner for Human Rights, relevant country representation, relevant UN organizations and NGOs;
- One trip of 5 working days to Panama for briefing and meetings with the Secretariat and regional stakeholders;
- One trip of 5 working days to Costa Rica to conduct fact-finding through interviews and meetings with all concerned stakeholders, including the relevant authorities, United Nations and civil society representatives, victims and witnesses, refugees and migrants;
- One trip of 10 working days to USA (New York, Miami and Washington) to conduct meetings and interviews with all concerned stakeholders, including the United Nations and the Intra-American Commission on Human Rights;
- One trip of 5 working days to Nicaragua (if access to the country is granted) to conduct fact-finding through interviews and meetings with all concerned stakeholders, including the relevant authorities, United Nations and civil society representatives, victims and witnesses.

**2023**
- One trip of 5 working days to Panama for briefing and meetings with the Secretariat and regional stakeholders;
- One trip of 5 working days to Geneva to present the report at the HRC 52nd Session.

(c) Travel of staff:

**2022**
- One trip of 5 working days by two Secretariat staff to Geneva to accompany the 3 Experts at the beginning of the
assignment for briefings and meetings, including meetings with the High Commissioner for Human Rights, relevant country representation, relevant UN organizations and NGOs;

- One trip of 5 working days by four Secretariat staff to Costa Rica to accompany the 3 Experts and to conduct fact-finding mission through interviews and meetings with all concerned stakeholders, including the relevant authorities, United Nations and civil society representatives, victims and witnesses, refugees and migrants;

- One trip of 10 working days by two Secretariat staff to USA (New York, Miami, and Washington) to accompany the 3 Experts in meetings with all concerned stakeholders, including the United Nations and the Intra-American Commission on Human Rights;

- Five trips of 10 working days by four Secretariat staff to Costa Rica to conduct fact-finding mission through interviews and meetings with all concerned stakeholders, including the relevant authorities, United Nations and civil society representatives, victims and witnesses, refugees and migrants;

- Two trips of 10 working days by five Secretariat staff to Nicaragua (if access to the country is granted) conduct fact-finding mission through interviews and meetings with all concerned stakeholders, including the relevant authorities, United Nations and civil society representatives, victims and witnesses, refugees and migrants;

- One trip of 5 working days by five Secretariat staff to Nicaragua (if access to the country is granted) to accompany the 3 Experts and to conduct fact-finding through interviews and meetings with all concerned stakeholders, including the relevant authorities, United Nations and civil society representatives, victims and witnesses;

2023

- Two trips of 10 working days by four Secretariat staff to Costa Rica to conduct fact-finding mission through interviews and meetings with all concerned stakeholders, including the relevant authorities, United Nations and civil society representatives, victims and witnesses, refugees and migrants;

- One trip of 5 working days of two Secretariat staff to Geneva to accompany the 3 Experts to present the report at the 52nd Session of the Human Rights Council.

(d) General operating costs:

- Office space in Panama for the secretariat.
- Monthly charges of satellite phone.
- Miscellaneous services: security and alteration of premises.
- Rental of office equipment.
- Rental of vehicles, including driver and petrol for field visits and witness interview

(e) Furniture and equipment:

- Acquisition of office automation equipment (PCs, printers, screens), mobile phones and satellite phone.
- Acquisition of security and safety equipment.
- Miscellaneous for office equipment.

(f) Supplies and material:

- Office expendable supplies and emergency supply for food and water during official missions.

(g) Contractual services:

- Security anonymity software.
- SharePoint access for secretariat staff;

(h) Grants and contributions:

- Travel of witnesses and the related meeting expenses

(i) Conference services for the translation of the report to be presented at the 52nd session of the Human Rights Council.

4. The activities referred to above relate to section 2, General Assembly and Economic and Social Council affairs and conference management, section 24, Human rights, and section 29E, Administration, Geneva of the programme budget for the years 2022 and 2023.

5. The adoption of draft resolution A/HRC/49/L.20, paragraphs 14, 15 and 16, which relate to the Group of Human Rights Experts, would give rise to total requirements of $2,183,000 as follows:

(United States dollars)

<table>
<thead>
<tr>
<th>Budget section / Object of expenditure</th>
<th>Requirements</th>
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<tr>
<td></td>
<td>2022</td>
</tr>
<tr>
<td>Section 2, General Assembly and Economic and Social Council affairs and conference management</td>
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<tr>
<td>Documentation</td>
<td>-</td>
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<tr>
<td>Subtotal, section 2</td>
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</tr>
</tbody>
</table>
6. As reflected in the table above, requirements would arise as follows:

a. Additional requirements of $1,509,900 for 2022, for which additional spending authority would be sought in accordance with established budgetary procedures.

b. Requirements of $673,100 for 2023, which would be included in the proposed programme budget for 2023 for consideration of the General Assembly at its 77th session.

7. In order to implement the requests contained in the paragraphs 17, 18 and 20 of the draft resolution, the following activities and resources would be required in 2022 and 2023:

(a) General temporary assistance:

- One P-4 Human Rights Officer based in Panama City (12 months: 1 April 2022 - 31 March 2023) to coordinate monitoring and legal analysis activities and prepare the report and oral updates for the Human Rights Council, to monitor the restrictions to civil and political rights in a context of the widening of democratic and civic space; access to justice of victims of human rights and progress made to fight against impunity; the situation of economic, social and cultural rights, the situation of human rights defenders
and journalists and lawyers, the rights of women, indigenous and Afro descendent peoples; through the implementation of a remote fact-finding methodology (as there is no OHCHR presence in Nicaragua), which includes to conduct interviews and the collection and analysis of evidence and open source material; to organize and take part in regular missions to Nicaragua (if access to Nicaragua is granted) and/or neighbouring countries receiving important numbers of Nicaraguan refugees and migrants; to provide regular briefings to the High Commissioner, UN agencies, and other relevant partners; to coordinate and liaise with all relevant stakeholders; to prepare the oral updates for the fiftieth and fifty-second sessions of the Human Rights Council, as well as for an intersession briefing before the end of 2022; to prepare a comprehensive written report for the fifty-first session of the Human Rights; and to follow up on the implementation of the recommendations contained therein.

- One P-3 Human Rights Officer based in Geneva (12 months: 1 April 2022 – 31 March 2023) to provide regular briefings to the High Commissioner, UN agencies, and other relevant partners; to liaise with UN human rights bodies, the Human Rights Councils and its mechanisms, to coordinate and liaise with all headquarters-based relevant stakeholders; to support the preparation of oral updates for the fiftieth and fifty-second sessions of the Human Rights Council, and intersession before the end of 2022; to support the preparation of a comprehensive written report for the fifty-first session of the Human Rights; and to follow up on the implementation of the recommendations contained therein and, in coordination with the team in Panama, monitor the restrictions to civil and political rights in a context of the widening of democratic and civic space; access to justice of victims of human rights and progress made to fight against impunity; the situation of economic, social and cultural rights, the situation of human rights defenders and journalists and lawyers, the rights of women, indigenous and Afro descendent peoples; through the implementation of a remote fact-finding methodology (as there is no OHCHR presence in Nicaragua), which includes to conduct interviews and the collection and analysis of evidence and open source material; to organize and take part in regular missions to Nicaragua (if access to Nicaragua is granted) and/or neighbouring countries receiving important numbers of Nicaraguan refugees and migrants.

- One P-3 Legal Officer (new position) based in Panama City (10 months: 1 June 2022 – 31 March 2023) to conduct an in-depth analysis of legislation related to civic and democratic space, judicial sector, and amnesties in the view of making recommendations and providing the necessary support to Nicaragua to fulfil its human rights obligations and commitments; handles a range of legal issues on all areas of human rights, by providing advice and legal analysis on national and international law, legislative instruments, constitutional law, local legal protocols and local practices,
commentaries of Nicaragua; and identifies emerging legal problems, evaluates their impact and suggests adaptive actions. Conducts extensive legal research using multiple research sources, on the legal and human rights developments relevant to the country, interprets local laws and legal documents and provides analysis thereof, including issue-based or situational assessments of legislative, policy or implementation gaps. Participates in the elaboration of thematic and analytical documents, as well as prepares or assists with the preparation of legal documents and reports.

- Two P-3 Human Rights Officer (new positions) based in Panama City (10 months: 1 June 2022 – 31 March 2023) to monitor the restrictions to civil and political rights in a context of the widening of democratic and civic space; access to justice of victims of human rights and progress made to fight against impunity; the situation of economic, social and cultural rights, the situation of human rights defenders and journalists and lawyers, the rights of women, indigenous and Afro descendent peoples; through the implementation of a remote fact-finding methodology (as there is no OHCHR presence in Nicaragua), which includes to conduct interviews and the collection and analysis of evidence and open source material; to organize and take part in regular missions to Nicaragua (if access to Nicaragua is granted) and/or neighbouring countries receiving important numbers of Nicaraguan refugees and migrants; to provide regular briefings to the High Commissioner, UN agencies, and other relevant partners; to coordinate and liaise with all relevant stakeholders; and to provide support to the Legal Officer in analysing legislation related to civic and democratic space, judicial sector, and amnesties in the view of providing the necessary support to Nicaragua to fulfil its human rights obligations and commitments.

(b) Travel of staff:

- Five trips of 5 working days each (4 in 2022 and 1 in 2023) for 4 staff from Panama and 1 staff from Geneva to Nicaragua (if access to the country is granted) and/or other countries, to interview Nicaraguan refugees and migrants and collect information from intergovernmental, governmental and non-governmental organizations that assist them, necessary for the preparation of the oral updates and the written reports;

(c) General operating costs:

- Office space in Panama City.
- ICTs costs including communication charges.
- Miscellaneous services: security and alteration of premises.
- Rental of vehicles, including driver and petrol for field visits and witness interview.
(d) Furniture and equipment:

- Acquisition of office automation equipment (PCs, printers, screens), mobile phones.
- Acquisition of security and safety equipment.
- Miscellaneous for office equipment.

(e) Supplies and materials:

- Office expendable supplies and emergency supply for food and water during official missions.

(f) Grants and contributions:

- Travel of witnesses and related meeting expenses.

(g) Conference services for the translation reports of the report at the fifty-first session in 2022.

8. The activities referred to above relate to section 2, General Assembly and Economic and Social Council affairs and conference management, and section 24, Human rights, of the programme budget for the years 2022 and 2023.

9. The adoption of draft resolution A/HRC/49/L.20, paragraphs 17, 18 and 20, which relate to, strengthening OHCHR monitoring and reporting, would give rise to total requirements of $995,400 as follows:

(United States dollars)

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<th>Budget section / Object of expenditure</th>
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<td>2022</td>
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<td></td>
</tr>
<tr>
<td>Council affairs and conference management</td>
<td></td>
</tr>
<tr>
<td>Documentation</td>
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<td>Subtotal, section 2</td>
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<tr>
<td>Section 24, Human Rights</td>
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<td>Other Staff Costs (GTA)</td>
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<td>Travel of staff</td>
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<tr>
<td>General Operating Expenditures</td>
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<tr>
<td>Supplies and Materials</td>
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</tr>
<tr>
<td>Furniture and equipment</td>
<td>18 200</td>
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<tr>
<td>Grants and Contributions</td>
<td>24 500</td>
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<td>Subtotal, section 24</td>
<td>717 200</td>
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</tbody>
</table>
10. As reflected in the table above, requirements would arise as follows:

a) Additional requirements of $744,300 for 2022, for which additional spending authority would be sought in accordance with established budgetary procedures.

b) Requirements of $251,100 for 2023, which would be included in the proposed programme budget for 2023 for consideration of the General Assembly at its 77th session.

11. With regard to operative paragraph 20, the attention of the Human Rights Council is drawn to the provisions of section VI of General Assembly resolution 45/248B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 76/245 of 24 December 2021, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with the responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.