

Alert | GA 75th Session Third Committee

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This week, the UN General Assembly's principal human rights committee - the Third Committee - kicked off its deliberations. This year's session will run for seven weeks from 5 October to 20 November. The Committee will be chaired by Ambassador Katalin Bogyay of Hungary.



The Third Committee is a key moment in the year for UN member States to take action in support of the respect of human rights globally, through the negotiation and adoption of resolutions focused on thematic issues and country-specific situations. The Third Committee also brings together a wide array of Special Procedures mandate holders, including Special Rapporteurs, Independent Experts, and Chairs of Working Groups that are mandated by the Human Rights Council to report and advise on pressing human rights concerns.

This year's Third Committee is expected to consider approximately 60 resolutions on a range of topics. ISHR will be closely monitoring the work of the Third Committee as well as relevant developments in the plenary of the General Assembly and will report on key developments relevant to human rights defenders and civil society.

Due to Covid-19 restrictions, the Third Committee is operating in a hybrid fashion, with some sessions held in person and others virtually. All interactive dialogues with Special Procedures and UN officials will be held virtually, as will negotiations on resolutions (informals). However, general debates and voting on resolutions will take place in person.

Covid-19 restrictions will have a significant impact on civil society's ability to engage with States in both formal and informal settings. Given this, it is vitally important that States reach out to and engage with civil society and specifically invite NGOs to participate in informals held to negotiate Third Committee resolutions.

Formal meetings of the Third Committee can be watched live on the [UN Web TV](#). Follow us on Twitter at [@ISHRglobal](#) using #UNGA75 for the latest updates.

Resolutions

Through its resolutions, the Third Committee regularly considers specific thematic issues and country-specific situations, either annually or biennially. Though many topics are considered year after year, resolutions on issues not previously addressed can also be presented.

This year, due to the complexities of managing multiple consultations online, main sponsors of draft resolutions have been encouraged to streamline proposals, biennialise them or implement a 'technical' or 'procedural' rollover. They've also been encouraged to refrain from tabling new draft resolutions not previously negotiated. We are yet to have a good sense of how widely States will follow this advice or, critically, what impact such limitations will have on gaining human rights advances this year.

Finally, whilst all negotiations of resolutions will happen virtually, voting will be in person with explanations of position taking place in person or submitted in writing by the relevant State and included as part of the official record of the session. With restrictions in place, some missions may have smaller delegations working at the Committee and these, as well as traditionally smaller delegations, may find covering the various sessions challenging. It has yet to be seen how this might impact upon voted resolution outcomes, including on the participation of these delegations during the in-person voting of resolutions.

Thematic

- **Right to Privacy in the Digital Age** (Lead Sponsors: Mexico and Switzerland) - The Third Committee will consider a resolution on the right to privacy. In previous years this biennial resolution expressed concern that the right to privacy of those defending human rights can be undermined. ISHR hopes to see this

language maintained in the text, as well as strengthened language on surveillance technologies, encryption and internet shutdowns, as well as the gendered impact of privacy regulations.

- **Treaty bodies** (Lead Sponsor: Iceland) - The Third Committee will once again consider the biennial resolution on the 'Human rights treaty body system' at this session. [The last resolution on this topic](#) was adopted by consensus in 2018. The text of the resolution is not expected to change much. The resolution is significant because it recalls [resolution 68/268 on "Strengthening and enhancing the effective functioning of the human rights treaty body system"](#), encourages all stakeholders to continue their efforts for the full implementation of resolution 68/268, and reaffirms the formula contained in 68/268, which sets out how the allocation of meeting time and corresponding financial and human resources to the treaty bodies would be identified and requested by the Secretary-General. The negotiation of this resolution will take place in the context of the '[2020 review](#)' of 68/268, which was initiated earlier this year and co-facilitated by Switzerland and Morocco.
- **Extrajudicial, summary or arbitrary executions** (Lead Sponsor: Finland) - This year we'll see the return of the biennial resolution on extra-judicial killings which seeks to ensure the protection of the right to life of all persons. This resolution historically includes a paragraph referring to groups that are vulnerable to extrajudicial killings. This paragraph urges States to protect against and investigate killings committed for reasons related to their activities as human rights defenders, or because of discrimination, including on the basis of sexual orientation and gender identity. ISHR together with other NGOs will be advocating to ensure this language is maintained.
- **Death Penalty** (Lead Sponsor: Brazil) - The Third Committee will once again consider its biennial resolution on the death penalty. This resolution calls for States to establish a moratorium on executions, with a view to abolishing the death penalty. In the previous two negotiations, Singapore has successfully introduced a hostile amendment to the resolution reaffirming the sovereign right of all countries to develop their own legal systems. Other delegations together with civil society groups have objected to this amendment, emphasizing that sovereignty requires compliance with international human rights commitments and the emerging customary norm that considers the death penalty as running foul of the prohibition of torture and cruel, inhuman or degrading punishment.
- **Intensification of efforts to prevent and eliminate all forms of violence against women and girls** (Lead Sponsors: France and Netherlands) - The broad scope of this resolution is expected to pay much needed attention to the impacts of the COVID-19 pandemic on all forms of violence perpetrated against women, girls, adolescents and other marginalised groups. ISHR supports the inclusion of references to human rights defenders in the text and will be advocating alongside other NGOs to ensure this language is maintained and strengthened.
- **Human rights defenders** (various) - While there is no thematic resolution focused on human rights defenders this session, a number of resolutions include or are relevant to human rights defenders. ISHR will be advocating to ensure language referencing human rights defenders is both maintained and strengthened across these resolutions. These resolutions include the resolution on the situation of human rights in the Islamic Republic of Iran, Intensification of efforts to prevent and eliminate all forms of violence against women and girls, Right to Privacy in the Digital Age, Women and girls and the response to COVID-19 and Rights of Indigenous Peoples.

Country situations

For the 18th year, Canada will present a resolution on the Situation of human rights in the **Islamic Republic of Iran** spotlighting the continued dismal human rights situation and lack of progress over the last year. The European Union will again lead on a resolution on the **Democratic People's Republic of Korea**, similarly underlining the lack of human rights progress. Ukraine will again present a resolution condemning Russia's activities in **Crimea** (Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine). A resolution on the Situation of human rights of Rohingya Muslims and other minorities in **Myanmar** is again expected to be led by the Organisation of Islamic Cooperation (OIC). A resolution on the Situation of human rights in the **Syrian Arab Republic** will be led by the USA and Saudi Arabia.

On 6 October, Germany delivered a [joint statement on China](#) on behalf 39 States. A similar statement was delivered on behalf of 25 States last year. The statement addressed widespread human rights violations in Xinjiang, Hong Kong, and Tibet. The joint statement endorsed an [unprecedented appeal from 50 UN Independent Experts for the creation of a UN mechanism for monitoring human rights in China](#). A recent

[global civil society appeal from over 400 organizations echoed the experts' call.](#)

Other key issues

Some resolutions are expected to become battlegrounds regarding references to **gender and sexual and reproductive health and rights**, as has been the case in previous sessions of the Third Committee. While negotiations on some resolutions, including resolutions on Intensifying global efforts for the elimination of female genital mutilation and Intensification of efforts to end obstetric fistula may not be re-opened. Others that will be negotiated at this session include the resolution on Child, early and forced marriage, Intensification of efforts to prevent and eliminate all forms of violence against women and girls and Women and girls and the response to COVID-19.

The Third Committee will consider the **Human Rights Council Report** which lays out resolutions and decisions taken by the Council through the year, including those [just adopted and decided upon in Geneva this week](#). No challenge to any part of the report is expected.

Human Rights Council elections will take place on 13 October. ISHR is once again disappointed that this year all regions, save for the Asia Pacific region, have presented closed slates. In addition to this, the fourth candidate for the African region—Gabon—was only announced on 6 October, just one week before the election. [ISHR has published 'scorecards' for each of the States seeking membership](#). These provide a quick 'at-a-glance' objective comparison of the candidates, focusing on their cooperation with the Council, their support for civil society, their engagement with UN treaty bodies and Special Procedures, among others. Together with 18 other NGOs, ISHR has also issued a public call for Member States to [refrain from voting for any candidates who do not meet the membership criteria](#) of upholding high standards in the promotion and protection of human rights and cooperating with the UN human rights mechanisms.

The **Fifth Committee** will consider the UN's annual budget during its main session (October- December. In the meantime, the Advisory Committee on Administrative and Budgetary Question (ACABQ) [has published its report on the proposed programme budget for 2021](#). One concerning element is that the ACABQ has recommended that the Fifth Committee deny the majority of the Secretary-General's resource request for additional funding for the treaty bodies on the basis that it (1) doubts that OHCHR actually requires more staff in order to prevent backlogs of reports and communications to the treaty bodies from accumulating (when backlogs of communications have been a major problem for the treaty bodies since 2017, and as the treaty bodies' inability to meet during the pandemic has now resulted in major backlogs in both areas); and 2) that the Third Committee will be taking action on the matter of treaty body strengthening during its main session that may affect their resource needs (which ISHR understands to be incorrect). Delegations that support the work of the treaty bodies should advocate in the Fifth Committee for the full allocation requested by the Secretary-General.

Overview of Reports and Dialogues with UN Experts

The UN Special Procedures - Special Rapporteurs, independent experts, and working groups - will report to the Third Committee and hold virtual interactive 'dialogues' with member States. Several of this year's reports reflect concerns about increased attacks on human rights defenders and emphasise the critical importance of creating and maintaining space for civil society. Click here for a list and [schedule of dialogues](#).

- [Report of the Special Rapporteur on the situation of human rights defenders](#) (A/75/165): In her first report to the Third Committee, Mary Lawlor highlights that the global reaction to the pandemic has largely increased the threats to civic space and human rights defenders and often been characterized by 'declarations of states of emergency that are not compliant with human rights obligations and by abuse of constitutional powers.' Lawlor also sets out her priorities as mandate-holder which include focusing on those defenders most exposed to killings and other violent attacks, the most marginalized and vulnerable defenders such as women defenders, LGBTI defenders, and defenders working on the rights of migrants. Lawlor will also focus on reprisals against defenders cooperating with UN human rights mechanisms, the issue of impunity, the impact of businesses and financial institutions on defenders' work and strengthening existing mechanisms of protection. A presentation of the report and an interactive dialogue will be held on 19 October 2020.
- [Report of the Independent Expert on the promotion of a democratic and equitable international order](#)

(A/HRC/45/28): emphasises that effective participation by civil society is essential to the realization of people-centred sustainable development and strongly condemns acts of reprisal against critics and opponents of development projects including members of civil society organisations.

- [Report of the Special Rapporteur on the right to development](#) (A/75/167): In this report, the Special Rapporteur on the right to development, Saad Alfarargi, explores the international dimensions of financing for development policies and practices from the perspective of the right to development and notes that civil society organisations face severe barriers in participation and access to international negotiations and discussions for financing development.
- [Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment](#) (A/75/161): notes the grave risks that environmental defenders face in their work and emphasises on the need for protection for environmental defenders through effective and timely remedies.
- [Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#) (A/75/184): Clement N. Voule's report focuses on 'Celebrating women in activism and civil society: the enjoyment of the rights to freedom of peaceful assembly and of association by women and girls'. The report notes that women are at the forefront of today's most pressing global struggles and examines the gendered and intersectional barriers, reprisals and backlash faced by women to their full and equal enjoyment of the rights to freedom of peaceful assembly and of association. Voule provides recommendations to promote an enabling environment for the rights of women to assemble and associate. A presentation of the report and an interactive dialogue will be held on 19 October 2020.
- [Report of the Special Rapporteur on the rights of indigenous peoples](#) (A/75/185): The first report to the General Assembly of the new mandate holder, José Francisco Calí Tzay, summarizes the activities of the mandate since the last report of the previous mandate holder (A/74/149) and analyses the specific impacts on indigenous people of the COVID-19 pandemic, including harassment, attacks and killings of indigenous rights defenders. A presentation of the report and interactive dialogue will take place on 12 October 2020.
- [Report of the Special Rapporteur on violence against women, its causes and consequences](#) (A/75/144): In her report on the intersection between the COVID-19 pandemic and the pandemic of domestic violence, Dubravka Šimonović notes the increase in domestic violence against women due to lockdowns imposed by governments to control the virus. Šimonović finds that state responses have largely been gender-blind, including funding cuts to civil society organisations and women's organisations providing essential services such as crisis centres, helplines, shelters and safe accommodation. A presentation of the report and an interactive dialogue will be held on 9 October 2020.
- [Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity](#) (A/75/258): Victor Madrigal-Borloz discusses the impact of the coronavirus disease (COVID-19) pandemic on the human rights of lesbian, gay, bisexual and trans (LGBT) and gender-diverse persons including social exclusion and violence and the interaction with institutional drivers of stigma and discrimination. A presentation of the report and an interactive dialogue will be held on 29 October 2020.
- [Report of the Special Rapporteur on the promotion and the protection of the right to freedom of opinion and expression](#) (A/75/261): focused on the freedom of opinion and expression aspects of academic freedom, highlighting the special role played by academics and academic institutions in democratic society. The Special Rapporteur finds that threats to and restrictions on academic freedom limit the sharing of information and knowledge, an integral component of the right to freedom of expression. He reveals that academics and their institutions face social harassment and State repression for their research. The Special Rapporteur concludes with a set of recommendations to States, academic institutions, international organizations and civil society.
- [Report of the Special Rapporteur on the right to privacy](#) (A/75/147): proposes a preliminary evaluation of the privacy dimensions of the COVID-19 pandemic with a focus on two particular aspects: data protection and surveillance. Concerns arise when surveillance apparatus traditionally employed for State security purposes is proposed or hurriedly deployed for a public health purpose. Necessity, proportionality and safeguards in law consistent with international law must exist when such surveillance measures are applied.
- [The Report of the Special Rapporteur on Extrajudicial, summary or arbitrary executions](#): to be issued.
- [The Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance](#): to be issued.
- [Report of the Special Rapporteur in the field of cultural rights](#): to be issued.

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