

# [HRC46 | Civil society presents key takeaways from Human Rights Council](#)

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**16 organisations\* share reflections on the key outcomes of the 46th session of the UN Human Rights Council, as well as the missed opportunities to address key issues and situations including pushbacks and other human rights violations faced by migrants and refugees, and the human rights situations in Algeria, Cameroon, China, India, Kashmir and the Philippines. A shortened version was delivered at the Council. Full written version below.**



## Civil society participation

We welcome some important advances such as the possibility for NGOs to make video statements, which should be maintained and expanded after the pandemic for all discussions, including in general debates. We object to the removal of access details for online informal negotiations from Sched without explanation or justification, effectively restricting CSO access to negotiations and favoring CSOs based in Geneva or with existing contacts with diplomats. In addition, the lack of webcast archives in all UN languages, and the lack of accessibility measures such as closed captions and sign language interpretation for most HRC discussions all impede participation, accountability for States' positions and commitments, and ultimately for the Council's work. We are concerned by the renewal for another year of the 'efficiency' measures piloted in 2020, despite their negative impact on civil society participation in a year also impacted by the COVID-19 pandemic. We urge States to reinstate general debates in the June sessions, to preserve their open-ended nature, and maintain the option of video intervention also in general debates.

## Environmental justice

It's high time the Council responds to calls by States and civil society to recognize the **right of all to a safe, clean, healthy and sustainable environment**, and establish a **new mandate for a Special Rapporteur on human rights and climate change**.

We welcome the joint statement calling for the recognition of the **right of all to a safe, clean, healthy and sustainable environment** that was delivered by the Maldives, on behalf of Costa Rica, Morocco, Slovenia and Switzerland and supported by 55 States. We call on all States to seize this historic opportunity to support the core-group as they continue to work towards UN recognition so that everyone in the world, wherever they live, and without discrimination, has the right to live in a safe, clean and sustainable environment.

We welcome the joint statement that was delivered by Bangladesh, on behalf of 55 States, calling the Council to create a **new Special Rapporteur on human rights and climate change**. We believe this new mandate would be essential to supporting a stronger human rights-based approach to climate change, engaging in country visits, normative work and capacity-building, and further addressing the human rights impacts of climate responses, in order to support the most vulnerable. This mandate should be established without further delay.

## Racial Justice

Over 150 States [jointly welcomed](#) that the implementation of HRC *Resolution 43/1* will center victims and their families. We urge the Council to respond to the [High Commissioner's call](#) to address root causes of racism including the "legacies of enslavement, the transatlantic trade in enslaved Africans, and its context of colonialism". The Council must answer to the [demands of victims' families](#) and civil society's, and establish - at its next session - an independent inquiry to investigate systemic racism in law enforcement in the **United States** and a [thematic commission of inquiry](#) to investigate systemic racism in law enforcement **globally**, especially where it is related to legacies of colonialism and transatlantic slavery.

## Right to health

The resolution on ensuring **equitable, affordable, timely, and universal access by all countries to vaccines in response to the COVID-19** pandemic is a welcome move in highlighting the need for States not to have export and other restrictions on access to safe diagnostics, therapeutics, medicines, and vaccines, and essential health technologies, and their components, as well as equipment and encouraged States to use all flexibilities within TRIPs. However, a revised version of the resolution tabled was further weakened by the deletion of one paragraph on stockpiling of vaccines and the reference to ‘unequal allocation and distribution among countries’. The specific deletion highlights the collusion between rich States and big pharmaceuticals, their investment in furthering monopolistic intellectual property regimes resulting in grave human rights violations. The reluctance of States, predominantly WEOG States who continue to defend intellectual property regimes and States’ refusal to hold business enterprises accountable to human rights standards is very concerning during this Global crisis.

## Attempts to undermine HRC mandate

We regret that once again this Council has adopted a resolution, purportedly advancing ‘**mutual beneficial cooperation**’ which seeks to undermine and reinterpret both the principle of universality and its mandate. Technical assistance, dialogue and cooperation must be pursued with the goal of promoting and protecting human rights, not as an end in itself or as a means of facilitating inter-State relations. We reiterate our call on all States, and especially Council members, to consider country situations in an independent manner, based on objective human rights criteria supported by credible UN and civil society information. This is an essential part of the Council’s work; reliance on cooperation alone hobbles the Council’s ability to act to support the defenders and communities that look to it for justice.

## Country-specific resolutions

We welcome the new mandate for the High Commissioner focused on the human rights situation in **Belarus** in the context of the 2020 Presidential election. It is now essential for States to support the High Commissioner’s office, ensuring the resources and expertise are made available so that the mandate can be operationalised as quickly as possible.

We [welcome the renewal](#) of the mandate of the Special Rapporteur on **Iran**, and we urge Council to [consider further action](#) to hold Iranian authorities accountable, in view of the systematic impunity and lack of transparency surrounding violations of human rights in the country.

We welcome the call for additional resources for the Special Rapporteur on **Myanmar**, increased reporting by OHCHR as well as the work of the IIMM. Lack of international monitoring on, the imposition of martial law in Myanmar to prosecute civilians, including protesters, before military courts, the dangerous escalation of violence by the *Tatmadaw* and the widespread human rights violations amounting to crimes against humanity demand more efforts to ensure accountability.

We welcome the renewal and strengthening of the OHCHR’s monitoring and reporting mandate on **Nicaragua**, in a context of steady human rights deterioration marked by the Government’s refusal to cooperate constructively with the Office, over two years after its expulsion from the country. The adopted resolution lays out steps that Nicaragua should take to resume good faith cooperation and improve the situation ahead of this year’s national elections. It is also vital that this Council and its members continue to closely follow the situation in Nicaragua, and live up to the resolution’s commitments, by considering all available measures should the situation deteriorate by next year.

We welcome the increased monitoring and reporting on the situation of human rights in **Sri Lanka**. However, in light of the High Commissioner’s report on the rapidly deteriorating human rights situation and Sri Lanka’s incapacity and unwillingness to pursue accountability for crimes under international law, the Council should have urged States to seek other avenues to advance accountability, including through extraterritorial or universal jurisdiction.

While we welcome the extension of the mandate of the Commission on Human Rights in **South Sudan** (CHRSS), we regret the adoption of a competing resolution under the inadequate agenda item 10. This resolution sends a wrong signal as myriads of local-level conflicts and ongoing SGBV and other violations of fundamental rights continue to threaten the country's stability. We urge South Sudan to continue cooperating with the CHRSS and to demonstrate concrete progress on key benchmarks and indicators.

We welcome the [report](#) by the Commission of Inquiry on **Syria** on arbitrary imprisonment and detention and reiterate the recommendation to establish an [independent mechanism](#) "to locate the missing or their remains", and call on States to ensure the meaningful participation of victims and adopt a victim-centered approach, including by taking into consideration the [Truth and Justice Charter](#) of Syrian associations of survivors and families of disappeared when addressing arbitrary detention and enforced disappearance.

## Country-specific State statements

We welcome States' leadership and statements on human rights situations that merit the HRC's attention.

We welcome the joint statement on the situation in **Ethiopia's** Tigray region and urge all actors, including the Ethiopian Federal Government, to protect civilians and ensure unhindered humanitarian access. Those responsible for crimes under international law, including Ethiopian soldiers, members of armed militias and non-State groups, and Eritrean soldiers involved in Tigray, must be held criminally accountable. The HRC should mandate an independent investigation and reporting by the High Commissioner.

For the first time in seven years, States at the HRC have united to condemn the widespread human rights violations by **Egypt** and its misuse of counter-terrorism measures to imprison human rights defenders, LGBTI persons, journalists, politicians and lawyers and peaceful critics. We welcome the [cross-regional joint statement by 32 States](#) and we reiterate our [call supported by over 100 NGOs from across the world](#) on the HRC to establish a monitoring and reporting mechanism on the situation.

We welcome the joint statement by 45 States focused on the human rights situation in **Russia**, including the imprisonment of Alexi Navalny and the large number of arbitrary arrests of protestors across Russia. The statement rightly expresses concern for shrinking civil society space in Russia through recent legislative amendments and Russia using its "tools of State" to attack independent media and civil society.

In the context of mounting international recognition that **Israel imposes an apartheid regime over the Palestinian people**, we welcome [Namibia's call](#) for the "restoration of the UN Special Committee on Apartheid in order to ensure the implementation of the Apartheid Convention to the Palestinian situation."

## Human rights situations that merits the HRC's attention

The next session will receive a report on pushbacks from the Special Rapporteur on human rights of migrants. The Council must respond to the severity and scale of **pushbacks and other human rights violations faced by migrants and refugees** in transit and at borders and the ongoing suppression of solidarity, including by answering the High Commissioner's call for independent monitoring. The Council's silence feeds impunity, it must build on the momentum of the joint statement of over 90 States reaffirming their commitment to protection of the human rights of all migrants regardless of status.

While the OHCHR [expressed](#) deep concern about the deteriorating human rights situation and the ongoing [crackdown](#) on civil society in **Algeria**, and called for the immediate and unconditional [release](#) of arbitrarily detained individuals, the Council has remained largely silent. As authorities are increasingly arbitrarily and violently arresting protesters - at least 1,500 since the resumption of the [Hirak](#) pro-democracy movement on 13 February, we call on the Council to address the criminalisation of public freedoms, to protect peaceful protesters, activists and the media.

**Cameroon** is one of the human rights crises the Council has failed to address for too long. We condemn the acts of intimidation and reprisal exercised by the Cameroonian government in response to NGOs raising concerns, including DefendDefenders. This is unacceptable behavior by a Council member. The Council should consider collective action to address the gross human rights violations and abuses occurring in the country.

We echo the calls of many governments for the Council to step up its meaningful action to ensure that concerns raised by civil society, the UN Special Procedures and the OHCHR about the human rights situation in **China** be properly addressed, including through an independent international investigation. We also regret that a number of States have taken an unprincipled approach of voicing support to actions, such as those by the Chinese government, including in Xinjiang and Hong Kong, through their national and other joint statements.

We call for the Council's attention on the rapid deterioration of human rights in **India**. Violent crackdowns on recent farmers' protests, internet shutdowns in protest areas, sedition and criminal charges against journalists reporting on these protests, and criminalisation of human rights defenders signal an ongoing dangerous trend in restrictions of fundamental freedoms in India. We call on India to ensure fundamental freedoms and allow journalists, HRDs and civil society to continue their legitimate work without intimidation and fear of reprisals.

We once again regret the lack of Council's attention on the human rights crisis in **Kashmir**. Fundamental freedoms in the Indian-administered Kashmir remains severely curtailed since the revocation of the constitutional autonomy in August 2019. Raids in October and November 2020 on residences and offices of human rights defenders and civil society organisations by India's anti-terrorism authorities in a clear attempt at intimidation have further exacerbated the ongoing crisis. We call on the OHCHR to continue to monitor and regularly report to the Council on the situation in both Indian and Pakistani administered Kashmir, and on Indian and Pakistani authorities to give the OHCHR and independent observers unfettered access to the region.

Nearly six months since its adoption, the Council Resolution 45/33 on technical assistance to **the Philippines** has proven utterly insufficient to address the widespread human rights violations and persistent impunity. Killings in the war on drugs continue, and attacks on human rights defenders and activists have escalated. The killing of nine unarmed activists on 7 March 2021 clearly demonstrates that no amount of technical assistance will end the killings as long as the President and senior officials continue to incite violence and killings as official State policy. It is imperative that the Council sets up an international accountability mechanism to end the cycle of violence and impunity in the Philippines.

#### **Watch the statement:**

**\*The statement is endorsed by:** International Service for Human Rights; Franciscans International; Egyptian Initiative for Personal Rights (EIPR); International Commission of Jurists (ICJ); International Movement Against All Forms of Discrimination and Racism (IMADR); Asian Forum for Human Rights and Development (FORUM-ASIA); African Centre For Democracy And Human Rights Studies; International Federation for Human Rights Leagues (FIDH); MENA Rights Group; International Lesbian and Gay Association; Impact Iran; Ensemble contre la Peine de Mort (ECPM); Siamak Pourzand Foundation; Cairo Institute for Human Rights Studies (CIHRS); ARTICLE 19; CIVICUS: World Alliance for Citizen Participation.

Photo: Jean-Marc Ferré- UN Photo