

## [HRC42 | Civil society presents key takeaways from Human Rights Council](#)

27.09.2019

**Civil society organisations welcomed significant outcomes of the HRC's 42nd session, including reaffirming its condemnation of reprisals and extending its scrutiny over Yemen, Venezuela, Cambodia, Burundi, Myanmar, and Sudan. This session witnessed heightened scrutiny of Council members by shedding light on the situation in Saudi Arabia, but it missed an opportunity to ensure scrutiny over situations in China, Kashmir and Egypt.**



The 42nd session also advanced standards on several issues including the right to privacy, administration of justice and the death penalty, but failed to defend the mandate of the Special Rapporteur on counter-terrorism against attempts to dilute and distract its focus. The High Commissioner failed again to present the database on companies facilitating Israel's illegal settlements.

**Read the full statement delivered by ISHR on behalf of 13 NGOs to conclude the session below:**

The Council reaffirmed that **reprisals** can never be justified. Council members rejected attempts to weaken the text including deleting the references to the roles of the Assistant Secretary-General and the Human Rights Council Presidents. The resolution listed key trends such as the patterns of reprisals, increasing self-censorship, the use of national security arguments and counter-terrorism strategies by States as justification for blocking access to the UN, acknowledged the specific risks to individuals in vulnerable situations or belonging to marginalized groups, and called on the UN to implement gender-responsive policies to end reprisals. The Council called on States to combat impunity and to report back to it on how they are preventing reprisals, both online and offline. The Bahamas and the Maldives responded to this call [during the interactive dialogue](#) and we encourage more States to follow their good practice. We also encourage States to follow the good practice of Germany and Costa Rica in raising specific cases of reprisals. The Council also welcomed the role of the Assistant Secretary-General and invited the General Assembly to step up its efforts to address reprisals and ensure a coherent system-wide response.

We welcome the creation of a Fact-Finding Mission (FFM) on **Venezuela** as an important step towards accountability for the grave human rights violations documented by the High Commissioner. We urge Venezuela to cooperate with the FFM and to honor the commitments they have made during this session, including by allowing OHCHR unfettered access to all regions and detention centers and implementing their recommendations. Cooperation and constructive engagement and measures for international accountability and justice should be seen as complementary and mutually reinforcing.

We welcome the renewal and strengthening of the mandate of the Group of Eminent Experts on **Yemen**,

sending a clear message to parties to the conflict - and to victims - that accountability is at the center of the mandate, and providing a crucial and much-needed deterrent to further violations and abuses. States should support the recommendations made by the GEE in their recent report, including prohibiting the authorization of transfers of, and refraining from providing, arms that could be used in the conflict to such parties; and clarifying the GEE's role to collect and preserve evidence of abuses.

We welcome the renewal of the mandate of the Special Rapporteur on **Cambodia**, but regret that calls to strengthen the mandate of the OHCHR to monitor and report on the situation have been ignored. We regret that the resolution fails to accurately depict the continuing crackdowns on civil society and the severity and scale of recent attacks on the political opposition.

We welcome the renewal of the mandate of the Commission of Inquiry on **Burundi**. Its work is vital as the country heads towards elections in 2020. The Burundian Government should desist from denial and insults, and should cooperate with the Commission and other UN bodies and mechanisms.

We welcome that the EU and OIC have jointly presented a resolution on **Myanmar** requesting the High Commissioner to report on the implementation of the recommendations of the Fact-Finding Mission at HRC 45. However, the international community needs to take stronger action to ensure accountability for and cessation of grave international crimes, in particular by referring Myanmar to the ICC and imposing a global arms embargo - and by acting on the FFM's reports, including those on economic interests of the military and on sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts.

The joint EU/OIC resolution on Myanmar welcomes the FFM report on the military's economic interests, which identifies companies contributing to abuses. The High Commissioner, however, has still not transmitted the **database** of companies facilitating Israel's illegal settlements more than 2 and a half years after its mandated release. The High Commissioner pledged in March to fulfil the mandate "within the coming months". The ongoing unexplained and unprecedented delays have become a matter of credibility, for both the High Commissioner and the HRC. **Mr President**, we request that you confer with the High Commissioner and advise as soon as possible when this important Council mandate will be fulfilled.

'Cautious optimism' best defines our approach to **Sudan**. While this year's resolution, which welcomes the peaceful popular uprising, renews the Independent Expert's mandate, supports the opening of an OHCHR country office, and highlights the role and needs of civil society, is an improvement on 2018, significant challenges remain. Ensuring accountability for the perpetrators of grave human rights and humanitarian law violations should be a central priority for the new Government, and the Council should assist in this regard.

We regret the lack of Council action on **Kashmir** and urge the Council, as well as India and Pakistan, to act on all the recommendations in the report of the UN High Commissioner for Human Rights.

On **terrorism and human rights**, we are deeply disappointed that Mexico and other States have partially acquiesced in attempts by Egypt to dilute or distract the work of the Special Rapporteur on counter-terrorism away from its appropriate focus on human rights violations while countering terrorism and human rights of victims of terrorism. We regret that States have asked the Special Rapporteur to spend the limited time and resources of the mandate, to comment on the overbroad concept of the "effects" of terrorism, by which Egypt and some other States seem primarily to mean macroeconomic, industrial, and investment impacts, rather than the human rights of individual victims. The length to which States seem willing to put the existing Special Rapporteur's mandate at risk, in the name of protecting it, while failing even to incorporate stronger consensus text on human rights issues included in the most recent merged parallel resolution at the General Assembly, suggests that the merger of the previous Mexican and Egyptian thematic resolutions no longer holds any real promise of positive results for human rights.

We welcome the adoption of the resolution on the question of the **death penalty**, which is an important reflection of the movement towards the international abolition of this cruel punishment. Significantly, this resolution reiterates and affirms the position of international law that the abolition of the death penalty is an irrevocable commitment and that an absolute prohibition exists to guard against its reintroduction. We also welcome the acknowledgement of the 'most serious crimes' threshold that acts to restrict the death penalty, in States that have yet to abolish it, only to crimes of extreme gravity; this resolution plainly identifies that

criminal conduct that does not result directly and intentionally in death can never meet the threshold test and can never serve as a basis for the use of the death penalty. We are very pleased to acknowledge that the adoption of this resolution is complimentary to the General Assembly's resolution calling for an international moratorium on the death penalty and, together, they serve to illustrate the advancing global commitment to abolition.

We welcome the Council's renewed attention to the protection of the right to **privacy** in the digital age: fully integrating human rights into the design, development and deployment of Artificial Intelligence, machine learning technologies, automated decision-making, and biometric systems, is essential to safeguard not only the right to privacy, but also to freedom of expression, peaceful assembly, and association, and economic social and cultural rights.

On **human rights in the administration of justice**, we welcome the focus in this year's resolution on concrete measures to prevent and respond to violence, death and serious injury in situations of deprivation of liberty, which illustrates the potential of thematic resolutions to set out specific practical, legal and policy steps that can be drawn on by governments, civil society, and other stakeholders to have real positive impact at the national level.

We commend Australia for its [leadership](#) on **Saudi Arabia**, as well as the other States who stood up for women's rights activists and accountability. We urge more States to live up to their commitment to defend civil society and sign the statement in the coming 2 weeks.

We appreciate the attention paid by individual governments to the situation in **China**, including the dire situation facing Uyghurs and other Turkic Muslims; the crackdown on human rights defenders, including those working to draw attention to violations of economic, social and cultural rights; and the suppression of fundamental freedoms in Tibet. However, we deplore that the Council and many of its members have once again failed to take decisive action to ensure monitoring and reporting on the human rights situation in the country, especially Xinjiang, and press for access for the High Commissioner.

For five years since the last joint statement in March 2014, the Council has failed to hold **Egypt** accountable for continuing systematic and widespread gross human rights violations. In the latest crackdown on peaceful protests, reports indicate that more than 2000 people have been arrested in the past week. When will the Council break its silence and convene a Special Session to address the grave and deteriorating human rights situation in Egypt?

#### **Signatories:**

- International Service for Human Rights (ISHR)
- DefendDefenders (the East and Horn of Africa Human Rights Defenders Project)
- Commonwealth Human Rights Initiative (CHRI)
- CIVICUS: World Alliance for Citizen Participation
- Cairo Institute for Human Rights Studies
- Asian Legal Resource Centre
- Asian Forum for Human Rights and Development (FORUM-ASIA)
- International Commission of Jurists (ICJ)
- Amnesty International
- Association for Progressive Communications (APC)
- Human Rights Watch
- International Federation for Human Rights (FIDH)
- Physicians for Human Rights (PHR)

*Photo: Jean-Marc Ferré- UN Photo*