

## HRC52 NGO joint end of session statement

This is a joint statement.<sup>1</sup>

That this Council has chosen to blatantly ignore the findings of the Fact Finding Mission (FFM) on **Libya** and end its mandate at a time when crimes against humanity are being perpetrated, with no sign of abating, is shocking. That it is set to replace it with a capacity-building resolution, with no ongoing monitoring and investigative component, is shameful. It sends a message to abusive militias and armed groups that they can continue to perpetrate crimes under international law without fear of consequences. These crimes include arbitrary detention, murder, rape, enslavement, sexual enslavement, extrajudicial killing and enforced disappearance in detentions, and increasingly, repressive measures against civic groups. David Yambio, a refugee in Libya who was forcibly conscripted by the RADA militias, and sent to war fronts, [asked](#) UN Member States in his statement before the Council, if the mandate of the FFM on Libya is discontinued who will document the violations in Libya, including against migrants, and how will the victims find justice and accountability. Instead of appeasing unaccountable warlords and officials, the Council should let victims of violations in Libya and their loved ones know that they matter, and that committing a crime comes at a cost because no one is above the law. As a matter of priority, as per the FFM's recommendations, the Council should establish an independent international investigative mechanism and an OHCHR established autonomous mechanism to monitor and report on gross human rights violations.

We are deeply concerned by the push to undermine language on **gender based discrimination and violence** evidenced by the amendments tabled to replace gender with sex, or gender responsive with gender sensitive, across resolutions. This is a continuation of the trend at HRC sessions to deliberately use disinformation to attack gender equality and measures to address gender based discrimination. We remind States of their obligation to prevent and eliminate gender based discrimination and violence, it is not optional and should not be reduced in its scope. We are also deeply concerned by the attempts by some States to question the fact that a **clean, healthy and sustainable environment** is a universal human right, despite the recognition of this right by both the HRC and the UNGA, and in the context of the triple planetary crisis and the strong demands for environmental justice across the world. We are equally concerned about growing and coordinated efforts to undermine or outright delete standard language on the need for a **'human rights based approach'** to development and other rights agendas, offering as a subpar substitute undefined and duplicative concepts such as a 'people-centered approach.'

We welcome the adoption of the resolution on the **human right to a clean, healthy and sustainable environment**. The fact that all tabled amendments were massively rejected and that no State eventually called for a vote shows how much this right is important for the work of the HRC and for the international community as a whole.

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<sup>1</sup> International Service for Human Rights, Asian Forum for Human Rights and Development (FORUM-ASIA), International Bar Association's Human Rights Institute (IBAHRI), Commonwealth Human Rights Initiative (CHRI), Franciscans International, International Federation for Human Rights (FIDH), CIVICUS: World Alliance for Citizen Participation, World Uyghur Congress, Association for Progressive Communications (APC), Southern Africa Human Rights Defenders, DefendDefenders (East and Horn of Africa Human Rights Defenders Project), Cairo Institute for Human Rights Studies (CIHRS), Gulf Centre for Human Rights, Child Rights Connect, Impact Iran, ARTICLE 19.

We welcome the resolution on the contribution of the Human Rights Council with regard to the **human rights implications of drug policy**, which comes at a critical time, as States prepare for next year's mid-term review of the 2019 political declaration. It underlines the role of the Human Rights Council, as the UN's premier human rights body, in contributing to human rights strengthening throughout the UN system. We welcome that the resolution promotes an approach centered on human rights and public health, including harm reduction, and that some of the amendments tabled to weaken this approach were rejected, but we regret that other amendments aimed at continuing a harmful and punitive approach to drugs were adopted. We now call on States to ensure that they comply with their human rights obligations in the design and implementation of drug policies.

**Civil society participation** is a cornerstone of the HRC. It brings voices from local communities and organisations who can effectively inform the HRC of human rights priorities and needs on the ground. Yet the special emergency measures and ongoing budget constraints adopted by the HRC in [2019](#), [2020](#), [2021](#) and [2022](#), coupled with measures adopted to respond to the Covid-19 crisis, and the ongoing Strategic Heritage Plan, have heavily restricted civil society participation at the HRC. We appreciate the reinstatement of side events and request that the Council continues to work with UNOG and New York to ensure that side events are kept in place amidst the implementation of the Strategic Heritage Plan. We [reiterate our calls on the HRC](#) to maintain hybrid modalities (remote participation in all debates and informal consultations) for all Observers of the HRC (States and civil society organisations with ECOSOC status), as complementary to in-person participation; to reinstate General Debates in June sessions and maintain them unrestricted; and to ensure that efficiency is not prioritised over effectiveness, expertise and inclusiveness, including by addressing the chronic underfunding of the UN's human rights pillar. Furthermore, civil society must be able to access and communicate with the HRC freely and safely. They should not be intimidated nor suffer **reprisals** related to that engagement.

We welcome the renewal of the mandate of the Special Rapporteur on **Human Rights Defenders**. Coinciding with the 25th anniversary of the Declaration on HRDs and the 75th anniversary of the Universal Declaration of Human Rights, this reflects that the unhindered work of defenders is integral to the realisation of all human rights for all people, particularly those who have suffered discrimination or repression.

We welcome the renewal of the Special Rapporteur on the promotion and protection of the right to **freedom of opinion and expression**, on the thirty-year anniversary of the creation of the mandate. Over 30 years, the mandate has played an essential role in creating a robust set of international standards and shaping how we understand the right to freedom of expression in the digital age, as well as responding to violations and helping ensure accountability and justice.

We welcome the renewal of the mandate of the Special Rapporteur on the **sale, sexual exploitation and sexual abuse of children**. We welcome the change in the title of the mandate in line with the Luxembourg Guidelines and the inclusion of children among the stakeholders the mandate should consult with.

We welcome the resolution on the situation of human rights in **Belarus** in the run-up to the 2020 presidential election and in its aftermath, given the strong report of the High Commissioner following the OHCHR examination of the human rights situation in Belarus, and the need to renew the mandate

of the mechanism. However, we express disappointment that [the call](#) of Belarusian and international organisations to establish an independent investigative mechanism went unheeded.

We welcome the adoption by consensus of the resolution on the situation of human rights in the **Democratic People's Republic of Korea (DPRK)** which renews the mandates of the Special Rapporteur and the OHCHR Seoul office, which are key avenues for accountability for victims and survivors. The consensus adoption demonstrates the isolation of the North Korean government and the universal condemnation of its grave violations of the human rights of its people. States should support efforts to document and preserve evidence of crimes for future prosecutions, and explore other pathways to bring to account those responsible for serious international crimes committed in North Korea.

We welcome the resolution on cooperation with **Georgia**, however we strongly urge Georgia to remain focused on addressing the human rights challenges in the territory within its control, not just in the Georgian territories of Abkhazia and the Tskhinvali region/South Ossetia.

While we welcome the resolution on technical assistance in **Haiti**, we regret that the Human Rights Council took years before putting Haiti back on its agenda. Since the discontinuation of the independent expert in March 2017, the human rights situation in Haiti has deteriorated rapidly. The security crisis has exacerbated inequalities and has pushed thousands of Haitians to be forcibly displaced. This situation has been noted by the report of the OHCHR of February 2023 and by the High Commissioner himself after his official visit earlier this year. We also welcome that the resolution envisages the creation of an Office of the High Commissioner in the future.

We welcome the adoption of the resolution on the situation of human rights in the Islamic Republic of **Iran**, and the change of approach from a purely procedural resolution merely renewing the mandate of the UN Special Rapporteur on human rights in Iran to a more substantial resolution addressing some of the key issues of concern, including violations committed in the context of the repression of recent protests, violations of the rights of women and girls and of minorities, illegal use of the death penalty and persistent impunity for violations of human rights. For the first time ever, the HRC has adopted a resolution, through which it collectively expresses alarm at these “widespread, repeated and persistent” violations and urges Iranian authorities to take action on them. We also welcome the increased support from States from all regions to this resolution, and we note with appreciation that opposition to the renewal of the mandate has significantly decreased at this session, reflecting growing concerns with the situation of human rights in Iran since the repression of the protests started in September 2022 following the custodial death of Jina Mahsa Amini.

We welcome the resolution on the situation of human rights in **Myanmar** maintaining the situation high on the agenda of the HRC and reaffirming the Council's collective condemnation of the grave violations and abuses of international human rights and humanitarian law in the country. However, we regret that despite clear, repeated calls by the Special Rapporteur and civil society, the Council once again failed to call for a comprehensive arms embargo on Myanmar to prevent the ongoing violations, especially indiscriminate airstrikes on civilians and civilian infrastructure.

We welcome the resolution on the promotion and protection of human rights in **Nicaragua** that consolidates and extends for two years the mandates of the Group of Human Rights Experts and the OHCHR, with a new emphasis on violence against Indigenous Peoples and Afrodescendants, those

forcibly displaced and stripped of nationality, and reprisals, including against EMRIP member Aneta Cunningham. The exceptional two-year extension is a sheer reflection of the sustained worsening and gravity of the country's human rights crisis - where the Group of Experts found crimes against humanity -, fueled by the government's unprecedented lack of engagement with the UN system. The Group of Experts will be able to deepen its investigation, further identify perpetrators, and preserve evidence for justice processes.

We welcome the resolution on the situation of human rights in **Ukraine stemming from the Russian aggression**. The report of the Independent International Commission of Inquiry (COI) was clear: war crimes are being committed in Ukraine and the patterns of serious violations suggest other crimes are likely being committed as well, including crimes against humanity. Given the need for further investigation, the HRC is right to mandate the COI for a further year.

We welcome the renewal of the mandate of the Commission of Inquiry on **Syria** and call on the Council to continue to support scrutiny and accountability for gross human rights violations committed in Syria. We welcome the language in the resolution in support of the establishment of an international mechanism for the missing in Syria, and we call on UN Member States to support the creation of such an institution at the General Assembly.

We welcome the adoption of a resolution that further extends the mandate of the Commission on Human Rights in **South Sudan**. Such a mechanism remains vital as the conditions that prompted the Council to establish the Commission, in 2016, have not significantly changed to warrant less scrutiny. Regarding this and other country situations, the Council should stand steadfast in support of accountability for grave violations. We stress that a purely technical assistance and capacity-building focus would be unsuitable to tackle South Sudan's serious human rights challenges and would risk further emboldening those who perpetrate the most serious crimes.

We regret that the Council **failed to respond adequately** to several human rights situations including **Algeria, China, Egypt, India, and Saudi Arabia**.

We regret that the Council failed to respond to the situation in **Algeria**. Since the beginning of the Hirak pro-democracy movement in Algeria, more than 5500 Algerians have been prosecuted for exercising their fundamental rights and freedoms. According to the documentation of activists in the country, more than 70% of the people detained are in pre-trial detention. In the context of heightening repression against activists and closure of civic space, more than 500 individuals are prosecuted on the basis of so-called terrorism charges pursuant to the 2021 amended article 87 bis of the penal code. Between 2022 and 2023, four Algerians were condemned to lengthy prison sentences ranging between 10 and 15 years on the basis of this article. UN Special Procedures have [continued](#) to address the situation in Algeria, regarding the increased use by the authorities of 'national security laws to prosecute people who exercise their rights to freedoms of opinion and expression, and peaceful assembly and association' and raise 'alarm at the extent of crackdown on dissent in Algeria'. In her [statement](#) on 22 February 2023, Special Rapporteur on human rights defenders addressed the dissolution of two leading human rights associations, and said "acts of intimidation, silencing and repression against the human rights movement must end". Algeria, a member of the Council, is failing to cooperate with the Council and its mechanisms, including in the context of the [UPR review](#) where Algeria did not accept several important recommendations, especially with regards to amending the

counter-terrorism law to meet international law requirements, to guarantee the protection of human rights defenders, and fundamental freedoms, including freedom of assembly and expression.

We regret the ongoing failure of the Council to respond meaningfully to the OHCHR Xinjiang report through a resolution on **China**. The Council's 'China exceptionalism', facilitated by but by no means solely attributable to the OIC's shameful double-standards, not only weakens its credibility but also undermines the confidence of victims and human rights defenders everywhere in its ability to respond to international crimes orchestrated by the most powerful governments. With a historic Urgent Action [ruling](#) by the CERD in November, countless Treaty Bodies [recommendations](#), an OHCHR [report](#), and three joint statements by over 40 Special Procedures experts, the UN system cannot be clearer: the crisis is severe, and so should be the Council's response to it.

We regret that the Council failed to respond to the situation in **Egypt**. Egyptian and international civil society organisations have been [calling](#) on the Council to adopt a resolution on the human rights situation in Egypt. The human rights situation in Egypt merits the Council's attention according to the objective criteria which States from all regions have committed to apply on whether a situation merits the HRC's attention. Yet, civil society's request for HRC action at the 52nd session was [declined](#). WHRD Sanaa Seif, sister of arbitrarily detained British-Egyptian human rights defender [Alaa Abdel Fattah](#), came to the HRC to advocate for her brother's release and the thousands others arbitrarily detained in Egypt. She [told](#) the Council "you can't keep turning a blind eye on Egypt", and urged the Council to address the human rights crisis in Egypt.

We regret that the Council once again failed to respond to the situation in **India**, despite the systematic rollback of fundamental freedoms, the rule of law and independent institutions as well as the ongoing harassment, intimidation and criminalisation of human rights defenders, journalists, and dissidents, and targeting of civil society organisations using national security and counter-terrorism infrastructure. The Council also has responsibility to take appropriate action to prevent potential atrocity crimes against minorities, especially Muslims, as a result of the increasing discrimination and incitement to violence often by Hindu nationalist leaders.

We regret that the Council failed to respond to the situation in **Saudi Arabia**, where the situation meets the objective criteria. According to [ALQST's](#) 2022 annual report, the Saudi authorities continue patterns of abuse, including arbitrary arrests, severe jail sentences for peaceful, legitimate activity on social media, enforced disappearances, systemic gender discrimination, and harsh restrictions on prisoners of conscience released from prison, including travel bans, thus further deepening the climate of fear. We reiterate our call on the HRC to create a monitoring and reporting mechanism on the ever-deteriorating human rights situation in Saudi Arabia.