

AMNESTY INTERNATIONAL

ASSESSMENT OF OUTCOMES AT THE 42ND SESSION OF THE UN HUMAN RIGHTS COUNCIL AND RECOMMENDATIONS FOR FOLLOW UP

This briefing document contains Amnesty International's assessment of some of the key outcomes and developments that were priorities for the organization at the 42nd session of the UN Human Rights Council (HRC42) and provides recommendations for UN member states to consolidate and build on these outcomes moving forward.

INTRODUCTION

HRC42 saw the HRC grapple with a range of important and complex issues, with mixed results. Significant progress was made in some areas, including the creation of a Fact-Finding Mission on Venezuela, a second joint statement on Saudi Arabia and the renewal, and in some cases strengthening, of a number of important mechanisms – including the Group of Eminent Experts on Yemen, the Commission of Inquiry on Burundi and Special Procedures mandates on Cambodia, Sudan, rights of indigenous peoples, physical and mental health, safe drinking water and sanitation, and arbitrary detention, among others.

Another significant outcome was the adoption of a strong resolution on the death penalty, which underlines the absolute prohibition in international law of the reintroduction of the death penalty and its use for crimes that do not meet the threshold of “most serious crimes”, and its reflection of the movement towards the international abolition of this cruel punishment. The HRC's response to other situations and issues was more disappointing, including its failure to respond to the human rights crisis in Kashmir and its acquiescence to Egypt's continued attempts to undermine the Special Rapporteur on counter-terrorism and human rights.

COUNTRY SITUATIONS

We welcome States' leadership and support for a number of important initiatives at HRC42 addressing situations of violations of human rights, including gross and systematic violations, while regretting missed opportunities for other situations to be addressed.

VENEZUELA

We welcome¹ the important Item 4 resolution (L.4 rev.1) creating a Fact-Finding Mission to investigate serious human rights violations in Venezuela, as documented by the Office of the High Commissioner for Human Rights (OHCHR) and in our May 2019 research report². The resolution marks an important first step towards justice for victims and accountability for perpetrators, as called for by Amnesty International and a coalition of Venezuelan and international civil society organizations³ in the run up to the session. Seemingly in an attempt to undermine support for the resolution led by the Lima Group, Venezuela made a number of commitments in terms of cooperation with OHCHR in a parallel Item 2 resolution eventually tabled by Iran (L.38 rev.1).

¹ Amnesty International, *Venezuela: UN human rights body backs victims' hopes for justice*, 27 September 2019, <https://www.amnesty.org/en/latest/news/2019/09/venezuela-un-human-rights-body-backs-victims-hopes-for-justice/>.

² Amnesty International, *Hunger for Justice: Crimes against Humanity in Venezuela*, May 2019, Index: AMR53/0222/2019, <https://www.amnesty.org/en/documents/amr53/0222/2019/en/>.

³ Amnesty International, *Venezuela: Civil society coalition calls for UN Commission of Inquiry on human rights violations*, 21 August 2019, <https://www.amnesty.org/en/latest/news/2019/08/venezuela-coalicion-de-sociedad-civil-pide-a-onu-comision-de-investigacion/>.

Recommendation: If the commitments made by Venezuela during the session are not honoured, and/or if the situation continues to deteriorate, the HRC should consider further expanding the scope of the mandate of the Fact-Finding Mission, as foreseen in the Item 4 resolution (in operative paragraph 27).

YEMEN

We welcome the renewal, and strengthening, of the mandate of the Group of Eminent Experts (GEE) on Yemen, as we urged in our statement under Item 2⁴. We were disappointed, however, that Saudi Arabia, the United Arab Emirates, Egypt, Bahrain, and other states again voted against the renewal of the group's mandate, despite having helped create the GEE in the first place two years ago. Notwithstanding this opposition, the renewal and strengthening of the mandate sent a clear signal to parties to the conflict - and to victims - that accountability is at the centre of the mandate, thereby providing a crucial and much-needed deterrent to further violations and abuses.

Through this most recent renewal, the Item 2 resolution clarified the GEE's clear investigative mandate. Moreover, the GEE will now report directly to the HRC and its report will be transmitted to the UN General Assembly, for further transmittal to other relevant UN bodies. In addition, the resolution expanded its areas of concern, including to address the situation of persons with disabilities.

We regret the lack of cooperation from Yemen, Saudi Arabia, the UAE, Egypt, Bahrain, and others with the GEE over the past year. While such continued intransigence would not prevent the GEE from continuing its important work, the absence of such cooperation would serve only to underscore the importance of continued elaboration of the GEE's mandate, including regarding the collection and preservation of evidence.

Recommendation: We urge all states, including those party to the conflict in Yemen, to cooperate with the GEE as it continues its important work. Moreover, as recommended by the GEE, states should end arms sales to parties to the conflict. States should also complement the work of the GEE by continuing ongoing efforts to enhance the work of the Yemeni National Commission⁵.

SAUDI ARABIA

We have called⁶ for the HRC to establish a monitoring mechanism on Saudi Arabia, and reiterated that call this session in our Item 4 statement⁷. In this context, we commend Australia for leading - and other States for joining - a statement⁸ expressing deep concern about the human rights situation in Saudi Arabia, including the persecution and intimidation of civil society actors, and the detention of or threats against human rights defenders, women's rights activists, journalists and dissidents, as well as reports of torture, arbitrary detention, enforced disappearances, unfair trials, and harassment of individuals engaged in promoting and defending human rights, their families and colleagues. The cross-regional statement, delivered shortly before the anniversary of the killing of Jamal Khashoggi by Saudi government officials⁹, also reiterated the importance of truth and accountability in relation to his death. This year has marked a period of increasing HRC scrutiny over the human rights situation in Saudi Arabia, which should serve as a foundation for enhanced scrutiny in 2020 absent meaningful and significant change in the human rights situation in the country.

⁴ Amnesty International, HRC42 Item 2 Interactive Dialogue On The High Commissioner's Report On Yemen, 10 September 2019, Index: MDE 31/1014/2019, <https://www.amnesty.org/en/documents/mde31/1014/2019/en/>.

⁵ Amnesty International, HRC42 Item 10 General Debate, 26 September 2019, Index: IOR 40/1110/2019, <https://www.amnesty.org/en/documents/ior40/1110/2019/en/>.

⁶ *Saudi Arabia: 40 human rights groups call on States to stand up for human rights in the Kingdom*, 26 June 2019, Index: MDE 23/0511/2019, <https://www.amnesty.org/en/documents/mde23/0511/2019/en/>.

⁷ Amnesty International, HRC42 - Item 4: Situations That Require the Attention of the Council, 18 September 2019, Index: IOR 40/1033/2019, <https://www.amnesty.org/en/documents/ior40/1033/2019/en/>.

⁸ Joint statement available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/42nd-hrc-joint-statement-human-rights-saudi-arabia.pdf>.

⁹ *One Year After The Gruesome Murder Of Jamal Khashoggi, NGOs Renew Their Call And Demand Justice For Jamal*, 1 October 2019, Index: MDE 23/1128/2019, <https://www.amnesty.org/en/documents/mde23/1128/2019/en/>.

Recommendation: We urge Austria, Bulgaria, Cyprus, Czech Republic, France, Greece, Hungary, Italy, Malta, Poland, Portugal, Romania, Spain, Switzerland, and other states to live up to their commitment to defend civil society by also signing the statement delivered by Australia, which is still open for signature until 11 October 2019.

MYANMAR

We were pleased to see the continued joint leadership of the European Union (EU) and Organisation of Islamic Cooperation (OIC) on the resolution on the situation of human rights of Rohingya Muslims and other minorities in Myanmar, sending an important message of unity. We were also pleased to see strong support for the resolution, with China and the Philippines isolated voting against it. We welcome the provisions for follow up on the key findings and recommendations of the Independent International Fact-Finding Mission on Myanmar (IIFFM), including at the UN General Assembly (GA) and formal reporting and an enhanced interactive dialogue on implementation of the IIFFM's recommendations, including those on accountability, at the 45th session of the HRC.

We were disappointed, however, at the watering down of language on accountability, and the role of the International Criminal Court (ICC), given that the situation on the ground has not improved. Myanmar has made very little progress in improving the situation for an estimated 600,000 Rohingya who remain in Rakhine State, and as noted in our oral statement¹⁰ during the interactive dialogue with the Fact-Finding Mission, we have continued to document new violations by the military in Rakhine, northern Shan and Kachin States, and many of these new violations have been perpetrated by soldiers from the same units implicated in atrocities against the Rohingya from August 2017. These ongoing violations highlight the institutionalized and systematic nature of military violations in Myanmar, and the consequences of ongoing impunity.

Recommendation: Until the UN Security Council is willing to act on its responsibility to refer the situation to the ICC, it is essential the HRC keeps the situation in Myanmar firmly – and regularly – on its agenda. States should ensure the inclusion of strong language on accountability, including in regard to the responsibility of the UNSC to refer the situation to the ICC, in the HRC43 resolution (expected in March 2020).

CAMBODIA

While we were pleased to see the renewal of the mandate of the Special Rapporteur on Cambodia, we were again disappointed that the resolution itself, led by Japan, remained weak and failed to accurately reflect the serious human rights situation on the ground in the country which, as noted in the letter we sent together with 27 other organizations ahead of the session¹¹, we consider requires more robust scrutiny.

Recommendation: States should further consider how to adequately address this serious, and deteriorating, human rights situation.

SUDAN

'Cautious optimism' best defines our approach to Sudan. This year's resolution, which welcomes the peaceful popular uprising, renews the Independent Expert's mandate, supports the opening of an OHCHR country office (following the signing of the "milestone agreement" during the session¹²) and highlights the role and needs of civil society, is an improvement on 2018. However, clearly significant challenges remain.

Recommendation: Ensuring accountability for the perpetrators of grave human rights violations should be a central priority for the new Government, and the HRC should assist in this regard.

¹⁰ Amnesty International, *Myanmar's Military Unrepentant, Unreformed, And Unaccountable: Oral Statement At The 42nd Session Of The Human Rights Council*, 17 September 2019, Index: ASA 16/1055/2019, <https://www.amnesty.org/en/documents/asa16/1055/2019/en>.

¹¹ Amnesty International, *UN Human Rights Council Should Address Human Rights Crisis In Cambodia At Its 42nd Session*, 2 September 2019, Index: ASA 23/0969/2019, <https://www.amnesty.org/en/documents/asa23/0969/2019/en/>.

¹² OHCHR, *Bachelet signs "milestone agreement" to open UN Human Rights Office in Sudan*, 25 September 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25055&LangID=E>.

BURUNDI

Following the presentation of another deeply worrying report by the Commission of Inquiry (COI) on Burundi, we welcome the renewal of its important mandate. The Commission provides critical oversight of the human rights situation in Burundi, which is crucial as the country heads towards elections in 2020.

Recommendation: States should continue to urge the Burundian Government to cooperate with the COI and other UN bodies and mechanisms, and to take steps to ensure accountability for the serious human rights violations documented by the Commission and others, rather than continuing with blanket denials.

LIBYA

We welcome the important developments seen during the Council's interactive dialogue on Libya, including: the clear statements by the Special Representative of the Secretary General Ghassan Salamé for Libya and by Deputy High Commissioner Kate Gilmore, on behalf of High Commissioner Bachelet, in support of an investigative mechanism for Libya; and the increasing number of States supporting such accountability efforts. As one State representative declared, "justice is neither optional nor negotiable." As set forth in our joint statement¹³ during the interactive dialogue, we have long called for an international investigative mechanism for Libya.

Recommendation: States should work together towards ending violence and impunity in Libya. We urge HRC member states in particular to take up the calls of the High Commissioner and the Special Representative and establish at the HRC's 43rd session in March 2020 an independent accountability mechanism on Libya.

KASHMIR

The biggest failure of the session was probably the HRC's failure to respond to the grave findings and recommendations of the recent OHCHR report on the situation of human rights in Indian-administered and Pakistan-administered Kashmir¹⁴, as well as subsequent developments in Indian-administered Kashmir, particularly the allegations of serious human rights violations including injuries and deaths caused by pellet-firing shotguns. Following the publication of her report in July, we joined the High Commissioner for Human Rights in calling for an independent investigation to address the situation. Given the subsequent deepening of the human rights crisis in Kashmir, and allegations of serious reprisals contained in the Secretary General's report to HRC42 (A/HRC/42/30, para 59), we were deeply disappointed by the failure of States to take a principled position in this regard.

Recommendation: The HRC has a number of tools at its disposal to address the situation between regular sessions, for example through the holding of a special session, and we urge it to do so in the absence of any improvement of the situation on the ground.

CAMEROON

We were disappointed by the lack of follow up on Cameroon, following the visit by the High Commissioner for Human Rights in May. We considered that it would have been well timed for the Council to play a constructive role in advancing an incremental and meaningful multilateral response to the crisis, with an action-oriented joint statement following up on the High Commissioner's recommendations, setting out a clear path towards ending human rights violations and abuses and helping settle the crisis in the country's North-West and South-West regions. Despite this, we urge all States to bilaterally follow up on the High Commissioner's recommendations and encourage further cooperation with her Office and the Special Procedures.

Recommendation: As noted in our oral statement during the Item 10 General Debate¹⁵, if concrete actions are not taken to improve the human rights situation on the ground and to engage with the High Commissioner for Human Rights and the Special Procedures, states should ensure a resolution to address the crisis is put forward at HRC43 (March 2020).

¹³ Amnesty International, *Interactive Dialogue on the High Commissioner's Oral Update on Libya (HRC 42)*, 24 September 2019, Index: IOR 40/1106/2019, <https://www.amnesty.org/en/documents/ior40/1106/2019/en/>.

¹⁴ OHCHR, *Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019*, 8 July 2019, https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf.

¹⁵ Amnesty International, *HRC42 Item 10 General Debate, 26 September 2019*, Index: IOR 40/1110/2019, <https://www.amnesty.org/en/documents/ior40/1110/2019/en/>.

ISRAEL/OCCUPIED PALESTINIAN TERRITORIES

We were also deeply disappointed that another Session of the Council has passed without the High Commissioner publishing the long-delayed database on business activity in Israeli settlements. As noted in further detail in a joint statement¹⁶ issued shortly after the end of the Session, the repeated, open-ended, and unexplained delays have no precedent in the handling of previous mandates by the OHCHR and have become a matter of credibility, for both the High Commissioner and the HRC.

Recommendation: In order to protect and uphold the human rights of Palestinians and the integrity of OHCHR, it is imperative that the High Commissioner immediately publish and transmit the Database to the Council, including the names of all companies listed, and commit to the annual update of its contents. Otherwise, the High Commissioner should state publicly her principled grounds, consistent with the independence of her Office, for not carrying out the specific mandate entrusted to her.

NICARAGUA

We welcomed the High Commissioner's comprehensive written report on the human rights crisis in Nicaragua in our oral statement during the Enhanced Interactive Dialogue on Nicaragua¹⁷, noting our continued concerns over the human rights situation in the country and the failure of the Government to take adequate steps to improve it. We urged the authorities to take swift and concrete measures to resolve the human rights crisis including by: ending repression, harassment and arbitrary detention against people involved in anti-government protests; guaranteeing the rights to freedom of expression and peaceful assembly; initiating prompt, impartial, independent and thorough investigations into all cases of possible extrajudicial executions, torture and other crimes under international law and human rights violations; and ensuring that civil society organizations are able to freely carry out their work.

Recommendation: We urge the Nicaraguan authorities to cooperate fully with OHCHR, including through full implementation of the recommendations presented in the report. Failing this, the HRC must take robust action when it meets for HRC43 (March 2020).

SRI LANKA

We welcomed the follow-up by the Working Group on Enforced or Involuntary Disappearances (WGEID) on its 2015 visit to Sri Lanka¹⁸. In an oral statement¹⁹ delivered during the interactive dialogue with WGEID on 11 September, we addressed several issues in this regard, and called on the Sri Lankan Government to put an end to impunity.

Recommendation: States should work with Sri Lanka towards accountability for enforced disappearances, including by encouraging the implementation of the recommendations of the WGEID.

SOUTH SUDAN

We welcomed the oral update by the Commission on Human Rights in South Sudan²⁰, and delivered an oral statement²¹ urging South Sudan to rein in the National Security Service (NSS), allegedly responsible for a continued shrinking civic space in South Sudan, and respect the rights to freedom of expression and peaceful assembly. We urged the government

¹⁶ Joint Statement: *Continued Delay of the UN Database by the UN High Commissioner for Human Rights, Unfounded and Unacceptable*, 7 October 2019, Index: MDE 15/1156/2019, <https://www.amnesty.org/en/documents/mde15/1156/2019/en/>.

¹⁷ Amnesty International, *Nicaragua: Human Rights Council Must Respond to Gravity of OHCHR Report*, 10 September 2019, Index: AMR 43/1023/2019, <https://www.amnesty.org/en/documents/amr43/1023/2019/en/>.

¹⁸ *Follow-up on the visits of the Working Group on Enforced or Involuntary Disappearances to Peru and Sri Lanka - Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/42/40/Add.1, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/42/40/Add.1.

¹⁹ Amnesty International, *Sri Lanka: Oral Statement on the WGEID Follow-Up Report*, 11 September 2019, Index: ASA 37/1034/2019, <https://www.amnesty.org/en/documents/asa37/1034/2019/en/>.

²⁰ *Statement of the Chairperson and Members of the Commission on Human Rights in South Sudan, at the 42nd Human Rights Council session*, 16 September 2019, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24992&LangID=E>.

²¹ *Amnesty International urges South Sudan to Rein In the National Security Service and Respect the Rights to Freedom of Expression and Peaceful Assembly*, 16 September 2019, Index: AFR 65/1050/2019, <https://www.amnesty.org/en/documents/afr65/1050/2019/en/>.

to amend the 2014 NSS Act to curb the agency's unchecked powers that contravene the 2011 Transitional Constitution, and reform it to conform with international human rights standards.

Recommendation: Going forward, we urge the HRC to ensure the full renewal of the mandate of the Commission in March, to allow them to continue their vital documentation work.

SOMALIA

During the interactive dialogue with the Independent Expert on Somalia, we delivered an oral statement²² on the need for urgent investigations into civilian casualties of air strikes by the United States of America in Somalia, an issue addressed by the Independent Expert in his report²³. We also published a longer briefing on this issue during the session²⁴.

Recommendation: States should encourage Somalia and the USA to urgently conduct independent and impartial investigations into all credible allegations of civilian casualties; provide victims and their families access to justice and full reparation, including compensation; and implement an effective mechanism to ensure a safe and accessible means for people to self-report civilian casualties of military operations.

THEMATIC ISSUES

DEATH PENALTY

We welcomed 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 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. The resolution addresses an important issue in this regard since, as noted in our oral statement²⁵ during the Item 3 General Debate, in 2018, the death penalty was used in many countries for crimes that did not meet this threshold.

It is also significant that the resolution included a new strong paragraph confirming that all states parties to the ICCPR "that are not yet totally abolitionist should be on an irrevocable path towards complete eradication of the death penalty, de facto and de jure, in the foreseeable future."

We are 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.

Finally, we were pleased to see the rejection of all four hostile amendments, which sought to undermine not just the resolution itself (L.39, L.40), but also the authority of the HRC, by falsely pitting its work against national sovereignty (L.41), and even the important work of the Treaty Bodies (L.46). We thank those States who voted against these amendments and would welcome an opportunity for further discussion with those who abstained or voted in favour of them.

REPRISALS

With its resolution on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, the HRC reaffirmed that reprisals can never be justified. We welcomed the rejection of attempts to weaken the

²² Amnesty International, *Somalia: UN Human Rights Council Oral Statement*, 30 September 2019, Index number: AFR 52/1095/2019, <https://www.amnesty.org/en/documents/afr52/1095/2019/en/>.

²³ *Situation of human rights in Somalia - Report of the Independent Expert on the situation of human rights in Somalia*, A/HRC/42/62, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/42/62.

²⁴ Amnesty International, *Investigations Into Civilian Casualties From Us Air Strikes In Somalia Urgently Needed*, 19 September 2019, Index: AFR 52/1056/2019, <https://www.amnesty.org/en/documents/afr52/1056/2019/en/>.

²⁵ Amnesty International, *Oral statement on death penalty at UN Human Rights Council HRC42*, 16 September 2019, Index: IOR 40/1053/2019, <https://www.amnesty.org/en/documents/ior40/1053/2019/en/>.

resolution, including attempts to delete the references to the roles of the Assistant Secretary-General and the President of the Human Rights Council. 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 HRC called on states to combat impunity and to report back to it on how they are preventing reprisals, both online and offline. In this regard, we welcomed the interventions by the Bahamas and the Maldives during the interactive dialogue. We also welcome the good practice of Germany and Costa Rica in raising specific cases of reprisals.

Recommendation: States should follow the good practices of the Bahamas, the Maldives, Germany and Costa Rica on addressing the issue of reprisals at future sessions. States should also work together at the General Assembly (GA) to respond to the invitation issued by this HRC resolution for the GA to step up its own efforts to address reprisals and ensure a coherent system-wide response.

IMPACT OF COUNTER TERRORISM MEASURES ON HUMAN RIGHTS

We were deeply disappointed that Mexico and other States have partially acquiesced to efforts by Egypt to dilute and distract the work of the *Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*. We regret that the resolution asks the Special Rapporteur to spend the limited time and resources at her disposal to address the over-broad concept of the “effects” of terrorism, by which Egypt and some other states seem primarily to mean macro-economic, industrial, and investment impacts, rather than the human rights of individual victims. We are deeply disappointed that the concerns that we raised repeatedly in this regard, along with other human rights organizations, were overlooked. 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 to incorporate stronger consensus text on human rights issues included in the most recent merged parallel resolution at the GA, suggests that the merger of the previous Mexican and Egyptian thematic resolutions no longer holds any real promise of positive results for human rights.

Recommendation: States should reconsider this approach at the HRC, and re-commit to the protection of the integrity of the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. States should also ensure that the expected merged resolution on Terrorism and Human Rights at GA74 maintains, and ideally strengthens, the existing consensus text on human rights issues by reinstating text lost in last year’s merger of resolutions (including important references to non-refoulement, border control, fair trial standards, conditions of detention, surveillance, use of drones, and treaty bodies from OP5 of 72/180); by including new text to reflect recent developments – especially on Human Rights Defenders and Civil Society (following the recent Special Rapporteur’s report), new technologies and gender; and by including specific recommendations on how UN entities and states can better operationalise the human rights pillar of the UN Global Counter Terrorism Strategy in preparation for the next review of the strategy in 2020.

UNIVERSAL PERIODIC REVIEW

We welcome the adoption of the UPR outcomes of the 14 states that had been reviewed during the 33rd session of the UPR Working Group in May 2019. For the UPR process to be effective, states must continue to pay attention to key human rights challenges remaining in the countries reviewed.

Recommendation: We urge all states to engage regularly with the states reviewed on a bilateral basis to encourage and support follow up and implementation of accepted recommendations.

INSTITUTIONAL ISSUES

HUMAN RIGHTS COUNCIL ELECTIONS

We were pleased to see a majority of HRC candidates participate in this year’s HRC Pledging events in Geneva and New York, organized by Amnesty International and the International Service for Human Rights. The high level of participation and attendance at both events reflects the importance they have gained over the years. The New York event, held on 6 September, was co-sponsored by Denmark and the Bahamas, and moderated by Assistant UN Secretary-General Andrew Gilmour. The Geneva event, held on 11 September, was co-sponsored by the Czech Republic, Denmark and Fiji, and moderated by Peggy Hicks, Director of Thematic Engagement, Special Procedures and Right to Development Division of the OHCHR. Both events provided an opportunity for participating candidate states to present their vision for HRC membership, ahead of the impending elections at the GA, and for the international community in Geneva and New York and civil society to engage with them in this regard, including by asking specific questions. We were disappointed that

Venezuela failed to participate in either of the events, and that the late confirmation of African Group candidates made their participation difficult, though we welcomed the participation of Mauritania at the Geneva event. We welcome the increasing competition in the this year's elections, noting that competition is essential to strong outcomes, as noted in our recent report on opportunities for strengthening and leveraging membership of the HRC²⁶.

Recommendation: We urge all states planning to stand for election to the HRC to submit voluntary pledges beforehand and to engage in pledging events to share their vision for their membership of the HRC. We also urge regional groupings to ensure there are no “clean states” in future elections.

SPECIAL PROCEDURES

While we were pleased to see Pakistan and the United Arab Emirates did not go ahead with their draft resolution on the Special Procedures, about which we had considerable concerns, we were alarmed to see an even more problematic draft resolution produced and circulated by China during the session, just after a public statement by a group of Special Procedures on reports of attacks on demonstrators, arrests of activists and human rights defenders, and threats to communications, as protests in Hong Kong.²⁷ While we were pleased to see that the resolution was not tabled, we regret the continued use of the threat of such a resolution to try to silence Special Procedures. This draft resolution, which we fear may reappear at HRC43 in March, is nothing more than a thinly veiled attack on the independence and integrity of the Special Procedures, a unique mechanism - the “crown jewels” – of the UN human rights system, and a direct threat to the delicate balance of the Institution-Building Package. Legitimate concerns can be raised through existing procedures²⁸ and additional avenues created by the Coordination Committee²⁹ and OHCHR to receive inputs, through constructive feedback from States and other stakeholders, in relation to possible improvements to the working methods and processes of Special Procedures.

Recommendation: We urge all States to reject any similar resolutions proposed at future sessions. States should use existing procedures and additional avenues to raise any concerns and should engage constructively in the ongoing consultation being led by the Coordination Committee on ways to strengthen and increase effectiveness of the United Nations Special Procedures.

²⁶ Joint report: *Opportunities for Strengthening and Leveraging membership of the UN Human Rights Council*, 1 July 2019, Index: IOR 40/0631/2019, <https://www.amnesty.org/en/documents/ior40/0631/2019/en/>.

²⁷ OHCHR, *China/Hong Kong SAR*: UN experts urge China to respect protesters' rights*, 12 September 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24979&LangID=E>.

²⁸ *Oral Statement By 20 NGOs to HRC42 Expressing Support For The Coordination Committee's Process To Strengthen The Work Of The Special Procedures*, 20 September 2019, Index: IOR 40/1072/2019, <https://www.amnesty.org/en/documents/ior40/1072/2019/en/>.

²⁹ *Civil society statement on efforts to strengthen and increase effectiveness of the United Nations Special Procedures*, 30 August 2019, Index: IOR 40/0967/2019, <https://www.amnesty.org/en/documents/ior40/0967/2019/en/>.