

# AMNESTY INTERNATIONAL

## ASSESSMENT OF OUTCOMES OF THE 46<sup>TH</sup> SESSION OF THE UN HUMAN RIGHTS COUNCIL AND RECOMMENDATIONS FOR FOLLOW-UP

This briefing document provides Amnesty International's assessment of some of the key outcomes and developments that were priorities for the organization at the 46th session of the UN Human Rights Council (HRC46), as well as recommendations for next steps.

### CONTENTS

Overview of HRC46 .....	2
Country situations .....	4
Belarus .....	4
Egypt .....	4
Iran .....	5
Myanmar .....	6
Nicaragua.....	7
Russia.....	7
South Sudan.....	8
Sri Lanka.....	9
Syria .....	10
Tigray, Ethiopia.....	10
Venezuela.....	10
Situations not adequately addressed at HRC46 .....	11
China .....	11
India .....	12
Philippines .....	13
Saudi Arabia .....	14
Universal Periodic Review .....	14
Thematic initiatives.....	14
Human rights and COVID-19 .....	14
Climate Justice .....	15
Special Procedures renewals .....	16
Institutional issues.....	16
Attacks on the Special Procedures .....	16
Incoming members pledge .....	16

## OVERVIEW OF HRC46

We welcome important efforts at the 46<sup>th</sup> regular session (HRC46) of the UN Human Rights Council (“the Council” or “the HRC”) to address a range of pressing human rights situations and to contribute to the prevention of, and accountability for, gross human rights violations.

The adoption of landmark resolution [46/1](#) on **Sri Lanka** was an important step forward and offers renewed hope of long-awaited justice for victims of the country’s 30-year civil conflict. The new approach was regrettably made necessary by the deteriorating human rights situation in the country, backsliding on limited progress made on accountability, and the Government’s decision to disengage from the negotiated framework underpinned by consensus resolution 30/1. It was a credible response to the findings and recommendations of the damning OHCHR report presented to the Council. The adoption of resolution [46/20](#) on **Belarus**, too, was an important initiative designed to contribute to accountability, and shows how the Council can adjust and elevate its response in the face of a significant crackdown and crisis of impunity. As with Sri Lanka, the Council requested the High Commissioner to collect and preserve evidence of violations and crimes in Belarus. These two resolutions mark the first time that the UN human rights office has been explicitly tasked with the collection and preservation of evidence, but they build on the growing trend towards such activities by independent accountability mechanisms.

The Council took important action to ramp up monitoring and reporting on the dire human rights crisis in **Myanmar**. Important elements include the specific request in resolution [46/21](#) for *ad hoc* intersessional briefings by the Special Rapporteur and High Commissioner for Human Rights to the Council and updates to “other UN bodies” and the increased scrutiny on businesses that still have ties with military-owned companies. States must now ensure the OHCHR and Special Rapporteur have the resources they require to adequately monitor the huge scale of the crisis, and must build on the consensus at the Council to take long-overdue action at the Security Council to hold perpetrators to account and halt violations.

We welcome the renewal of other important mandates and mechanisms, including the Special Rapporteur on the situation of human rights in **Iran**, the Commission on Human Rights in **South Sudan** (CHRSS), the Commission of Inquiry on **Syria**, the OHCHR monitoring mandate on **Nicaragua** and several thematic Special Procedure mandates. We regret, however, fresh efforts to block the renewal of the vital mandate of the CHRSS and we urge South Sudan to continue to cooperate with it to address the significant human rights challenges identified in the Commission’s latest report to the session.

We also welcome important efforts to address emerging and ongoing crises not on the agenda of the Council, including through joint statements on **Egypt**, **Russia** and the crisis in Ethiopia’s **Tigray** region. More must be done going forward to develop an enhanced approach to these situations. On **Tigray**, given the scale, gravity and complexity of the situation, we urge the Council to hold a special session and to launch an independent international investigation into alleged war crimes, crimes against humanity and other serious ongoing human rights violations.

We remain disappointed that the Council has so far failed to deliver a meaningful response to the grave and deteriorating human rights situations in **Cameroon**, **China** and **India**, and urge states to ensure they are addressed in future sessions. We were particularly disappointed to see a number of states use their platform at the Council to defend China’s abysmal human rights record, despite mounting and credible reports of grave crimes and other serious human rights violations in Xinjiang, Hong Kong and other parts of the country, including widespread torture, enforced disappearances and arbitrary detention. While we appreciate the steps taken to date at the Council regarding **Saudi Arabia** and **Iran**, more must be done with respect to each at future sessions.

The failure of the HRC to deliver a credible and effective response to the human rights crisis in the **Philippines** was laid bare during the session with the killing of 9 activists by police. Our initial fears over the dangerous message that Council resolution [45/33](#) would send to perpetrators sadly appear to have been well-founded, and together with a number of other civil society actors, we again [urged](#) the Council to take further action to launch an international accountability mechanism, which is now both necessary and urgent to prevent further killings.

In terms of thematic initiatives, we particularly welcome the consensus adoption of the new resolution on **access to COVID-19 vaccines** and urge states to take concrete action to work together to ensure fair and universal access to vaccines. We also welcome important movement, as evidenced by multiple cross regional statements, in support of the establishment of **a global recognition of the right to a safe, clean, healthy, and sustainable environment** and the creation of a Special Rapporteur on **climate change**.

We welcome the delivery of the **incoming members pledge** by Senegal, on behalf of a cross-regional group of states, and hope this will translate into bold and principled leadership and positions taken at the Council during their terms.

We were concerned by increased efforts by some states to use the concept of national sovereignty as a shield for honest and open engagement on human rights issues and to push back against the Council's core mandate to protect and promote human rights, respond to crises, and prevent human rights violations. At same time, we regret the [continued attacks on UN Special Procedures](#) by some states, including ongoing efforts to undermine their independence and credibility. We were also alarmed by personal attacks by states on a number of Special Procedure mandate holders.

## COUNTRY SITUATIONS

We welcome States' leadership and support for a number of important initiatives at HRC46 addressing situations of violations of human rights, including gross and systematic violations.

### BELARUS

As the crisis in Belarus has escalated and deepened, we have welcomed that the Human Rights Council has sustained – and enhanced – its response, guided by the reporting of the High Commissioner for Human Rights, including her [report](#) to this session. We welcome in particular the creation of a strong accountability process under the High Commissioner, which will focus on: establishing the facts and circumstances around alleged human rights violations; collecting, consolidating, preserving, and analyzing evidence of violations and crimes; and the development of recommendations on access to justice and accountability. The mandate has been created with a view to complement other mandates and initiatives, including through incorporating assistance from relevant experts and Special Procedures mandate holders, and engaging with Belarusian authorities and stakeholders at the national, regional, and international level. The mandate incorporates functions that we and other civil society organisations have [called for](#). We have joined others in [welcoming](#) this mandate and urging its swift implementation.

#### Recommendations:

- All relevant actors should work to ensure that the new accountability mandate meaningfully and substantively addresses the human rights crisis in Belarus, including through:
  - Ensuring that the mandate is sufficiently funded.
  - Appointing credible international experts with sufficient experience and expertise, including in international criminal law, to fully and completely examine all alleged human rights violations and crimes under international law committed in Belarus since 1 May 2020.
  - Operationalising the mandate with the requisite investigators, forensic experts, gender specialists, and legal analysts.
  - Providing a sufficient operational window for the mandate.
  - Reporting immediately and publicly to the Council on non-cooperation by the Belarusian authorities in the accountability mandate's work.
  - Committing to sharing advanced copies of its interim oral report and comprehensive written report with Belarusian, regional, and international civil society in the same manner and at the same time it is shared with member States and Belarusian authorities.
- The Belarusian authorities should:
  - Cooperate fully with the OHCHR, including with this accountability mandate, by providing access to and within the country without restrictions on duration or scope and allowing it to meet with victims and human rights defenders without hindrance.
  - Take urgent and concrete steps to cooperate fully with other international and multilateral partners and organisations, including the UN Special Rapporteur on the Situation of Human Rights in Belarus, and the OSCE Moscow Mechanism Rapporteur on Human Rights.
  - Take steps to urgently improve the human rights situation in the country, including by implementing the recommendations of the High Commissioner for Human Rights and the Special Rapporteur on Belarus.
- The Human Rights Council should renew the mandate of the Special Rapporteur on Belarus at the upcoming 47<sup>th</sup> Session of the Council.

### EGYPT

We welcome the [joint declaration](#) by at least 32 states expressing deep concern about the human rights situation in Egypt. Occurring seven years since the last cross regional action on Egypt at the Council, this joint declaration came at a crucial time, with a steep deterioration of the human rights situation in the country and the survival of the human rights community at stake. In this context, the establishment of a monitoring and reporting mechanism is [long overdue](#).

As we have noted both [during the Council](#) and in other [public statements](#), the Egyptian authorities have virtually obliterated the limited space for [free expression](#), peaceful [assembly](#), and [association](#). Under President

Abdel Fattah al-Sisi's rule, security forces, with the complicity of prosecutors and judges, have arrested, detained or prosecuted thousands, including hundreds of human rights defenders, religious minorities' rights activists, peaceful protesters, journalists, academics, artists, politicians and lawyers. Many have been forcibly disappeared, [tortured](#) or otherwise ill-treated, and detained for months or years in [inhumane conditions](#) without trial. Those detained are regularly held on the basis of [unfounded terrorism-related charges](#). If referred to trial, individuals are often convicted in unfair proceedings before [military](#) courts and through [mass trials](#). Many have been sentenced to death and [executed](#) after unfair trials that have relied on statements likely obtained through torture. The authorities have also used morality and debauchery laws to arrest and detain [women influencers](#), sexual violence survivors and witnesses, and LGBTI individuals and activists. The UN Working Group on Arbitrary Detention has [found](#) that arbitrary detention is a systematic problem in Egypt. The UN Committee against Torture [said](#) in 2017, following an inquiry on Egypt, that the facts gathered by the Committee "lead to the inescapable conclusion that torture is a systematic practice in Egypt." Multiple UN actors, among them the Special Procedures and OHCHR, have highlighted acts of intimidation and reprisals against human rights defenders and activists for engaging with the UN.<sup>1</sup>

The joint declaration should send an urgent and clear message to Egyptian authorities that they should cease their crackdown on civil society and peaceful critics and immediately change their policies and practices. It should also mark the beginning of sustained collective engagement on Egypt at the Council.

#### Recommendations:

- Egyptian authorities should take urgent action to comply with their obligations under international law, immediately ending the crackdown on peaceful activism and showing a strong commitment to protect individuals from intimidation and reprisals. Egypt must further release the thousands arbitrarily detained, including human rights defenders, journalists, protesters, politicians, lawyers, and activists, and protect those in custody from torture and other ill-treatment as well as investigate allegations of torture and deaths in custody.
- States should work towards sustained collective engagement on Egypt at the Council and other UN forums and react in the strongest terms to acts of reprisals against or intimidation of those who engage with the UN's human rights mechanisms.
- In the absence of an immediate, wholesale and fundamental change in approach by the Egyptian authorities, the Council should establish a human rights monitoring and accountability mechanism on Egypt.

## IRAN

We welcome the renewal of the mandate of the Special Rapporteur on the situation of human rights in Iran. As noted in a [joint letter](#) and [joint statement](#), we believe the mandate is an important tool to encourage the Iranian authorities to improve the human rights situation in the country. In light of the systematic impunity prevailing in the country, however, it is time for the Council to enhance its response and to look to additional tools to complement the mandate of the Special Rapporteur. We regret that significant progress has not yet been made in this regard, notwithstanding clear evidence of alarming levels of impunity in the country.

Since the publication of Amnesty International's 2018 report, [Blood-soaked secrets: Why Iran's 1988 prison massacres are ongoing crimes against humanity](#), the organization has called for the establishment of an independent, impartial and effective international mechanism to pressure the Iranian authorities to end the enforced disappearance of thousands of political dissidents and address impunity for the ongoing crimes against humanity and other crimes under international law identified in the report. Moreover, a group of UN human rights experts have [written](#) to the Iranian government warning that past and ongoing violations related to prison massacres in 1988, including the enforced disappearance of thousands of political dissidents, the destruction of mass graves and torture and inhumane treatment of families seeking truth and justice, may amount to crimes against humanity and that they will call for an international investigation if these violations persist. Failure to investigate, prosecute, and remove from positions of power individuals against whom there is credible evidence of responsibility for these crimes, who include the current head of the judiciary and minister

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<sup>1</sup> Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, 25 September 2020, 25 September 2020, <https://undocs.org/en/A/HRC/45/36>.

of justice, has not only further entrenched impunity but also facilitated the repetition of crimes under international law and other serious human rights violations. These include the spate of unlawful killings torture and enforced disappearances committed most recently in the context of the authorities' deadly crackdown on protests in November 2019, for which the organization has also been [calling for an international investigation](#).

Firm international commitment to address the crisis of systematic impunity that prevails in Iran is essential to ensure justice, accountability, and redress for violations and crimes to date. It is also essential for preventing further cycles of crimes and promoting the rule of law and respect for human rights. We hope to see states begin to address these issues with the urgency and attention they deserve.

#### **Recommendations:**

- The Iranian authorities must cooperate fully with the Special Rapporteur on the situation of human rights in Iran and take urgent measures to implement his recommendations.
- The Human Rights Council, while continuing to fully support the mandate of the Special Rapporteur on the situation of human rights in Iran, must establish an accountability mechanism or process to collect, preserve, and analyse evidence of violations and crimes under international law committed by the Iranian authorities, including relating to torture, extrajudicial executions, other unlawful killings and enforced disappearance.

## **MYANMAR**

As the session took place, the situation in Myanmar continued to deteriorate. With each day, reports of new horrors across the country continued to emerge, as the military wages an all-out assault on the people of Myanmar. Despite this, and the significant risks faced, the people of Myanmar – from all communities; across the country – have continued to demand their rights peacefully and to ask the international community to support them.

We welcome the adoption by consensus of a strong resolution on Myanmar, which not only renews the mandate of the Special Rapporteur and puts in place enhanced monitoring and reporting by the High Commissioner for Human Rights, but also targets businesses with links to the military with direct follow-up and scrutiny. We hope that those businesses that retain links to military-owned companies, including Myanma Economic Holdings Public Company Limited (MEHL) and Myanmar Economic Corporation (MEC), receive the message that now is the moment to sever those ties if they do not want to appear in another more prominent United Nations report.<sup>2</sup> The follow up to the inquiry into the involvement of the UN in Myanmar is also important.

At the same time, as noted in our [oral statement](#) during the session, much more is needed. The international community must use all tools available to protect the rights of the people of Myanmar and hold the perpetrators of past and ongoing crimes to account. As the military continues to escalate its brutal assault, the people of Myanmar cannot wait another day for justice. In this regard, we urge all states that joined this consensus on this Council resolution to take meaningful action where it is urgently needed – at the UN Security Council – to impose a comprehensive global arms embargo and targeted sanctions, and refer the situation as a whole to the ICC. We further urge all UN member states to support a strong resolution in the General Assembly calling on the military to cease all attacks on peaceful protesters, release those arbitrarily detained and protect the rights to freedom of association and expression.

#### **Recommendations:**

- States must continue to develop the Council's response as the crisis develops, and ensure the Special Rapporteur and OHCHR have the resources necessary to fulfil their mandates given the scale of the crisis across the country.
- The Security Council must urgently impose a comprehensive global arms embargo and targeted

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<sup>2</sup> Amnesty International's recent report, [Military Ltd: The company financing human rights abuses in Myanmar](#), demonstrates how a number of the international and local companies identified in the [report \(UN doc. A/HRC/42/CRP.3\) of the Independent International Fact-Finding Mission \(FFM\) on Myanmar on the economic interests of the Myanmar military](#) continue to be linked to the financing of Myanmar's military units implicated in crimes under international law. Many of the companies that Amnesty International and the FFM urged to end business ties with MEHL have not yet done so, including South Korean steelmaker POSCO and Chinese Wanbao Mining, which continue to operate in Myanmar in partnership with the military.

financial sanctions on senior military officials responsible for atrocity crimes and refer the whole situation in Myanmar to the International Criminal Court.

- In line with OP53 of the Council resolution, *ad hoc* briefings by the High Commissioner for Human Rights and the Special Rapporteur to the Human Rights Council and the Security Council should be facilitated on a regular basis, as necessary.
- Businesses that retain links to military-owned companies, including Myanmar Economic Holdings Public Company Limited (MEHL) and Myanmar Economic Corporation (MEC), will now be under increased international scrutiny and should sever their ties, taking steps to ensure that disengagement is done responsibly, in accordance with the UN Guiding Principles. In doing so, they should carefully assess potential adverse impacts, including heightened risks to workers' rights or measures that might strengthen the Myanmar military, such as the transfer of assets or funds to the military.
- States should ensure that multinational corporations domiciled in their countries are required to act responsibly and are held liable for their negative human rights impacts. They must require by law that these companies undertake human rights due diligence measures in respect of their global operations.

## NICARAGUA

We welcome the adoption of resolution [46/2](#) on the promotion and protection of human rights in Nicaragua, which renews, broadens and enhances monitoring of the situation by the OHCHR. Given concerns over the potential for further violations in the context of the upcoming elections, we also welcome the additional update scheduled before the end of 2021.

As noted in our [oral statement](#) during the session, it remains deeply disappointing that Nicaragua continues to refuse to cooperate with the regional and international human rights systems, and that there has been no improvement to the situation in the country. We share many of the concerns raised by the High Commissioner in her report and update, including persistent impunity for gross human rights violations and crimes under international law committed by state authorities; continued reports of arbitrary detentions; and violations of the rights to freedom of expression, association and peaceful assembly.

### Recommendations:

- Nicaragua should promptly resume cooperation with the international and regional human rights systems, including by implementing their recommendations and allowing them full and unfettered access to the country.
- States should continue to follow the situation in Nicaragua closely, engage with the OHCHR reporting on the situation, and stand ready to respond robustly should there be a spike in human rights violations in the context of the upcoming elections, scheduled for November 2021.
- States should continue to press Nicaragua to cooperate with regional and international human rights mechanisms, and to allow them and other independent monitors full and unfettered access to the country.

## RUSSIA

We welcome the [statement](#) delivered on behalf of at least 45 countries on the human rights situation in Russia. The statement came at an important moment in Russia, where the authorities have escalated their crackdown on peaceful protests and all forms of dissent, aided by their further consolidation and refinement of laws designed to restrict civic space. It also came at an important moment at the Council, with this being the first session of Russia's current membership, as noted in our [joint open letter](#) and [joint oral statement](#).

We welcome the joint statement's focus on the targeting of Aleksei Navalny, which has highlighted a broad range of serious problems with Russia's failure to meet its human rights obligations, including in the context of politically motivated prosecutions, unfair trials, disregard for international and regional human rights mechanisms and even domestic law, widespread violations of the rights to freedom of expression and peaceful assembly as well as a profound lack of accountability and of effective remedy even for gravest abuses such as the violation of the right to life. We welcome the call for the release of Aleksei Navalny and other peaceful protesters and civil society activists. We urge that all relevant actors continue to pay close attention to the safety of those detained, including in light of the current context, especially Aleksei Navalny, who is being detained by the same authorities that have been accused of, and have failed to investigate, his poisoning. We

urge collective pressure be brought to bear on Russia to rescind a series of laws recently passed that further restrict the rights to freedom of association, peaceful assembly, and expression and deal an especially crushing blow to the already severely limited space for civil society in the country. States should encourage Russia to fulfil its commitment as a new Council member to uphold the highest standards in the promotion and protection of human rights and to fully cooperate with the Council and its mechanisms.

#### Recommendations:

- Russian authorities should take urgent action to comply with their obligations under international human rights law, starting by releasing all those arbitrarily detained for the peaceful exercise of their human rights, including Aleksei Navalny, ending unfounded prosecutions, protecting those in custody from torture and other ill-treatment, and ending the crackdown on peaceful activism.
- Russian authorities should immediately address all allegations of torture and other ill-treatment, including failure to provide necessary medical care to persons in custody.
- Russian authorities should take urgent steps to bring national legislation on the rights to freedom of expression, association and peaceful assembly in line with Russia's obligations under international human right law, including by repealing the unduly restrictive laws that have been recently passed.
- States should maintain their collective engagement on Russia in UN forums, including at the Human Rights Council and, in light of Russia's membership, elevate their engagement in the absence of urgent and substantial reforms in the country.

#### SOUTH SUDAN

We welcome the renewal of the important mandate of the Commission on Human Rights in South Sudan (CHRSS), but deeply regret that a vote was called for the first time and the efforts of some states to block the mandate renewal.

The Commission plays an invaluable role documenting serious breaches of human rights and collecting and preserving evidence for future prosecutions, as well as clarifying responsibility for alleged gross human rights violations and abuses and related crimes. In 2020, the Council agreed by consensus with [resolution 43/27](#) that “demonstrable progress in key human rights issues of concern” should be critical in determining “any future change to the mandate of the [CHRSS].” In this sense, a clear path to a different approach by the Council was set out but made contingent on progress against clear human rights benchmarks. Such progress cannot be claimed by any stretch of the imagination, so it was deeply regrettable to see some states work to end the mandate of the CHRSS and shield South Sudan from further scrutiny, illustrating either a lack of understanding of the realities on the ground or a complete disregard for the plight of the millions of victims of past and ongoing violations of human rights and humanitarian law.

We cannot understand how member states could consider weakening, and ending, the Commission's critical mandate and the pressure it brings. The Commission's [report](#) to this session documented a litany of abuses and violations – including abductions, sexual violence, murder and pillage. The Commission also recognised that despite some important political commitments, there has not yet been concrete progress in establishing the transitional justice mechanisms provided for in chapter V of the 2018 Revitalized Agreement. Ahead of the session, Amnesty International also published a [report](#) detailing how South Sudan's National Security Service (NSS) is using abusive surveillance to terrorize journalists, activists and critics, leading to a climate of intense fear and self-censorship.

We were therefore deeply disappointed by efforts by Cameroon, on behalf of the African Group, to prevent the renewal of the Commission, which ultimately led to the adoption of two resolutions and the renewal of the CHRSS's mandate by vote for the first time. We welcome the leadership of the Item 4 core group in ensuring the renewal of the mandate of the CHRSS, as well as the principled efforts of several other states to ensure the adoption of the resolution. We regret the lack of transparency by the African Group and some other states and the failure to consult with civil society, including South Sudanese civil society.

We appeal to South Sudan to continue their cooperation with the Commission and take urgent measures to halt ongoing grave human rights violations and abuses to be able to demonstrate the concrete progress necessary to shift to another approach by the Council.

**Recommendations:**

- South Sudan should continue their cooperation with the Commission; take urgent measures to halt ongoing grave human rights violations and abuses; and implement all transitional justice provisions of the peace agreement, including those related to the Hybrid Court for South Sudan (HCSS), the Commission on Truth Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA).
- Absent significant and concrete progress, all states should recommit to supporting the continuation of the mandate of the Commission in 2021.

**SRI LANKA**

We welcome the adoption of landmark resolution [46/1](#) on promoting reconciliation, accountability and human rights in Sri Lanka, which is an important step forward and offers renewed hope of long-awaited justice for victims of the country's 30-year civil conflict. The resolution not only ramps up international monitoring and scrutiny of the human rights situation in Sri Lanka, but also mandates the OHCHR to collect, consolidate and preserve evidence for future prosecutions and make recommendations to the international community on steps they can make to deliver on justice and accountability.

It is deeply regrettable that such an approach was necessary, but the dramatic backsliding on human rights in the country and the limited progress that had been made on accountability over the past years, coupled with the Government's decision to disengage with the consensus framework established by Council resolution 30/1, the increased targeting of civil society and perceived critics, and blanket denials of the OHCHR's findings, meant it was the only credible option. We applaud the leadership of the core group, and all states that supported the resolution despite heavy pressure not to.

The resolution followed clear calls not only from the High Commissioner for Human Rights and Sri Lanka, regional and international civil society groups, but also a significant number of eminent persons, including past High Commissioners and Special Rapporteurs, the former Group of Experts on Sri Lanka, Adama Dieng and others, as well as [groups from Latin America including the Abuelas de Plaza de Mayo](#).

Going forward, we hope that all states will encourage Sri Lanka to engage with the OHCHR and implement the recommendations of the HRC46 report. If the Sri Lankan government fails to do so, more robust action by the Council should be considered. States should also be on watch given the heightened risk of reprisals against human rights defenders and civil society organizations in the country and take steps to advance accountability in other ways as recommended by the High Commissioner. The real impact of further OHCHR monitoring and reporting will rely on UN member states using the resolution as a basis for concrete action, including investigations and prosecutions under universal jurisdiction and a possible referral to the International Criminal Court.

**Recommendations:**

- The Human Rights Council and UN member states should be mindful of the risk of increased reprisals, especially as victims, human rights defenders and civil society organizations prepare to engage with and provide information to the new OHCHR mandate. UN member states should support victims of human rights violations in Sri Lanka by publicly and privately raising concerns with the government, and by having regular meetings with civil society and human rights defenders. They must publicly condemn attacks, threats, and intimidation against human rights defenders and civil society organizations as appropriate.
- UN member states should pursue investigations and prosecutions of crimes under international law committed during the armed conflict by all parties in Sri Lanka before their own national courts using principles of universal jurisdiction, in fair trials and without recourse to the death penalty.
- The government of Sri Lanka should cooperate with the OHCHR and work to implement the recommendations of the report to HRC46.

## SYRIA

We welcomed the renewal of the Syria Commission of Inquiry, as we passed the grim milestone of 10 years of human rights catastrophe – and impunity – in Syria.

### Recommendations:

- The Syrian Authorities, and all other parties to the conflict, should cooperate with the Commission of Inquiry.
- The Syrian government and armed opposition groups should comply with their obligations under international law by releasing individuals arbitrarily detained and protecting those in detention from torture and other ill-treatment. The Syrian government and armed opposition groups should identify the location and publish the names of all detainees in each of their detention facilities, and reveal the fate and whereabouts of tens of thousands subjected to enforced disappearance and abduction.
- UN member states should continue to pursue, where possible, all avenues for accountability in Syria, including an ICC referral, continued engagement with and support for the COI and the IIIM, and pursue where possible war crimes prosecutions in available jurisdictions, subject to fair trial guarantees.
- UN member states should support the Commission of Inquiry's latest recommendation on establishing an "independent mechanism with an international mandate to coordinate and consolidate claims regarding missing persons".

## TIGRAY, ETHIOPIA

Evidence of serious crimes under international law committed by various parties in Ethiopia's **Tigray's** region continued to emerge during the session. While we welcomed the joint statement on the crisis in Ethiopia's Tigray region, delivered by Germany on behalf of a group of states on 26 February, we were disappointed that the HRC failed to launch an investigation into the situation, as evidence of serious crimes under international law committed by various parties continued to emerge during the session. [Amnesty International](#) and [Human Rights Watch](#) released reports on the shocking massacre in Axum. Amnesty International's [briefing](#) detailed how in an apparent joint operation to capture the northern city of Axum, Ethiopian and Eritrean military forces indiscriminately shelled the city from the west, killing dozens of civilians and destroying civilian institutions such as hotels on 19 November 2020. The briefing also documented how Eritrean troops fighting in Ethiopia's Tigray region systematically killed hundreds of unarmed civilians in Axum on 28-29 November, opening fire in the streets and conducting house-to-house raids in a massacre that may amount to a crime against humanity. Meanwhile, the [OHCHR](#) confirmed on 4 March that "a preliminary analysis of the information received indicates that serious violations of international law, possibly amounting to war crimes and crimes against humanity, may have been committed by multiple actors in the conflict."

We urge states to build on the joint statement, to take more robust action given the scale and complexity of the situation. Specifically, we urge the Council to hold a Special Session, to provide a space for the High Commissioner to provide a full update on the findings of her Office, and an opportunity for the HRC to discuss and decide on appropriate action to respond to, and prevent, further crimes under international law and other human rights violations, and to contribute to accountability. We also urge the Council to adopt a resolution to launch a full independent, international investigation into the situation to provide a clear picture of the situation on the ground, to present recommendations for all parties and the international community on how to halt and prevent further violations, and to contribute to accountability.

### Recommendations:

- The Council should convene a special session on the crisis in Tigray and launch an investigation into reports of international crimes and other human rights violations with a view to preventing further violations, and contributing to accountability.
- The Ethiopian Government must urgently allow full and unfettered access to independent human rights monitors, including civil society and the OHCHR, to conduct unhindered investigations.

## VENEZUELA

During the session, Amnesty International delivered statements during the interactive dialogues on Venezuela with the [Fact-Finding Mission](#) and with the [High Commissioner](#), noting that we continue to document grave

human rights violations and crimes under international law being committed in Venezuela, including arbitrary detentions, excessive use of force and torture by security forces as part of the government's systematic policy of repression of dissent; and extrajudicial executions as part of the systematic policy to control de population.

Since the Council met in September 2020, Venezuelan authorities have arbitrarily detained and criminalised humanitarian workers, and harassed and threatened other human rights defenders. There are also credible allegations of extrajudicial executions committed by the security forces. For instance, Amnesty International has [documented](#) at least 14 probable extrajudicial executions committed in the La Vega area of Caracas, between 6-9 January, reportedly by FAES (Special Action Forces) forces and other members of the Bolivarian National Police. So far, there have been no official statements condemning these heinous acts and no impartial investigation appears to have been launched.

There are sufficient grounds to believe that crimes against humanity may have been committed in Venezuela, according to our own research, the FFM's 2020 report, and the International Criminal Court's (ICC) Office of the Prosecutor preliminary examination's findings. Given the Venezuelan government's unwillingness to hold perpetrators to account, we urge the international community to do more to end the cycle of impunity that fuels human rights violations in Venezuela, in line with the FFM's recommendations. States should investigate and prosecute those suspected of committing crimes under international law in accordance with the principle of universal jurisdiction.

#### **Recommendations:**

- In line with the recommendations of the Fact-Finding Mission, States should investigate and prosecute those suspected of committing crimes under international law in Venezuela in accordance with the principle of universal jurisdiction.
- In line with previous Human Rights Council resolutions, states should increase humanitarian aid and Venezuela should allow urgent access to the country to the World Food Programme.

#### **SITUATIONS NOT ADEQUATELY ADDRESSED AT HRC46**

We are disappointed by the lack of collective action on the following country situations, and urge states to work towards meaningful outcomes:

#### **CHINA**

China continues to bar access to independent human rights monitors and issue blanket denials in the face of credible reports of grave crimes and other serious human rights violations in Xinjiang, Hong Kong and other parts of the country, including widespread torture, enforced disappearances and arbitrary detention.

During the session, China's blanket denials and efforts to whitewash the situation continued. Addressing the HRC, Foreign Minister Wang Yi [responded](#) to allegations of "genocide, forced labour [and] religious oppression in Xinjiang" as "malicious and politically-driven hypes [that] couldn't be further from the truth." Despite consistently blocking meaningful access to the High Commissioner and to Special Procedures, not to mention civil society, he claimed "the door to Xinjiang is always open." Meanwhile, we were dismayed that a significant number of other states joined China in whitewashing these crimes, and shamefully used their platform at the Human Rights Council to defend China's record.

At the same time, we welcomed attention given to the situation during states' individual statements during the session, including during High Level Segment. We particularly welcome the [unequivocal call](#) for full and unfettered access for independent human rights monitors, and clear message that a UN resolution is needed.

Given China's continued refusal to engage constructively with the concerns and, despite continued requests, to allow full and unfettered access to Xinjiang to independent human rights monitors (including the High Commissioner for Human Rights and the Special Procedures that have raised concern), and in a context of new travel restrictions as a result of COVID-19, it is past time for the HRC to take action.

At HRC47, we hope to see concrete action taken, in line with the [unprecedented call by a group of Special Procedures](#), and [over 300 civil society organisations](#) from over 60 countries around the world. The HRC must

send a clear message to China that its actions are not above international law by convening a special session and finally launching an independent international mechanism to address the Chinese government's human rights violations. Meanwhile, the OHCHR should exercise its independent mandate to conduct remote monitoring and reporting on the situation, based on the mandate provided by United Nations General Assembly resolution 48/141 which includes the full range of activities aimed at the promotion and protection of human rights, including monitoring and reporting.

#### Recommendations:

- The HRC must urgently take more meaningful action on China, including by convening a Special Session and launching an independent international investigation into the situation.
- The OHCHR should exercise its independent mandate to conduct remote monitoring and reporting on the situation, based on the mandate provided by United Nations General Assembly resolution 48/141 which includes the full range of activities aimed at the promotion and protection of human rights, including monitoring and reporting.

## INDIA

We remain disappointed by the failure of the Council to address the deteriorating human rights situation in **India**, on which we have repeatedly and increasingly raised concern at the Council over the past year.<sup>3</sup>

Our key concerns include the ongoing restrictions on civic space and crackdown on freedom of expression,<sup>4</sup> the use of draconian laws like the Unlawful Activities (Prevention) Act (UAPA) to target activists and peaceful protestors,<sup>5</sup> and their ongoing arbitrary detention in overcrowded prisons as COVID-19 cases surge, which has put their health and lives at risk. Further, the Citizenship Amendment Act (CAA), a law which the High Commissioner has described as “fundamentally discriminatory in nature”,<sup>6</sup> combined with the National Register of Citizenship (NRC) process, are pushing minorities – particularly Muslims – towards detention and statelessness.<sup>7</sup> Amnesty International has also documented how, during the Delhi riots in February, the Delhi police used torture and excessive force against protesters.<sup>8</sup> Their actions have not been effectively investigated.

We also remain deeply concerned by shocking acts of reprisals against human rights defenders and civil society organizations which continue to be committed by Indian authorities. Amnesty International India has been among those that have been targeted for its human rights work and was forced to halt its work altogether in September 2020.<sup>9</sup> This comes in a context of a broader crackdown on the space for civil society in India.

This is all the more egregious as India sits as a member of the Human Rights Council, having [pledged](#) to “continue to foster the genuine participation and effective involvement of civil society in the promotion and protection of human rights.” As has been broadly recognised over the past few years, membership of the HRC is not a free ride, and [members should expect to be held to a higher level of scrutiny](#) during their terms. The

<sup>3</sup> Amnesty International has raised concern on the human rights situation in India in both of its “Item 4” statements delivered in 2020: at HRC43 (<https://www.amnesty.org/en/documents/ior40/1943/2020/en/>) and HRC45 (<https://www.amnesty.org/en/documents/ior40/3112/2020/en/>).

<sup>4</sup> See for example: Amnesty International India, India: No Country For Young Peaceful Protesters, 14 August 2020, available at: <https://amnesty.org.in/news-update/india-no-country-for-young-peaceful-protesters/>.

<sup>5</sup> Joint statement by Amnesty International India, CIVICUS: World Alliance for Citizen Participation, FORUM-ASIA and FIDH, India: International Community Must Condemn Crimes Against Those Protesting Peacefully Against Discriminatory Law, 2 March 2020, available at: <https://amnesty.org.in/news-update/india-international-community-must-condemn-crimes-against-those-protesting-peacefully-against-discriminatory-law/>.

<sup>6</sup> OHCHR, Press briefing on India, Geneva, 13 December 2019: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25425&LangID=E#:~:text=OHCHR%20%7C%20Press%20briefing%20on%20India&text=We%20are%20concerned%20that%20India's,is%20fundamentally%20discriminatory%20in%20nature.&text=Alt%20ough%20India's%20broader%20naturalization%20laws,on%20people's%20access%20to%20nationality>.

<sup>7</sup> Amnesty International India, Citizenship (Amendment) Bill: A Bigoted Law That Must Be Immediately Repealed, 12 December 2019, available at: <https://amnesty.org.in/news-update/citizenship-amendment-bill-a-bigoted-law-that-must-be-immediately-repealed/>.

<sup>8</sup> Amnesty International India, New Delhi/Bengaluru, 28 August 2020, Investigative Briefing, available at: [https://amnesty.org.in/wp-content/uploads/2020/08/Final-Delhi-Report\\_Amnesty-International-India-2.pdf](https://amnesty.org.in/wp-content/uploads/2020/08/Final-Delhi-Report_Amnesty-International-India-2.pdf).

<sup>9</sup> Amnesty International, Amnesty International India halts its work on upholding human rights in India due to reprisal from Government of India, 29 September 2020, available at: <https://www.amnesty.org/en/latest/news/2020/09/amnesty-international-india-halts-its-work-on-upholding-human-rights-in-india-due-to-reprisal-from-government-of-india/>.

reality of the human rights situation in India can no longer be ignored by the HRC, and we urge states to take robust action to hold India to its human rights obligations and commitments.

#### Recommendations:

- UN member states should urge India to:
  - Take urgent measures to end all forms of targeted attacks and harassment of human rights defenders, peaceful protestors and civil society organizations, including Amnesty International India.
  - Repeal or substantially amend draconian laws like the Unlawful Activities (Prevention) Act (UAPA) and the Citizenship Amendment Act (CAA) to ensure they are fully compliant with India's obligations under international human rights law.
  - Ensure prompt, thorough, independent and impartial investigations into all allegations of human rights violations committed by law enforcement officials in the context of the 2020 Delhi Riots, including unlawful use of force and firearms, torture and other ill treatment, and failure to protect survivors and other individuals from attacks by far-right groups.
- States must urgently address the deteriorating human rights situation in India and hold India to its human rights obligations and commitments through collective action at the Human Rights Council.

## PHILIPPINES

The failure of the Human Rights Council's approach on the **Philippines**<sup>10</sup> was laid bare during the 46<sup>th</sup> session, as the killing of 9 activists by police and continued brazen incitement by President Duterte demonstrated how far the Government is from fulfilling the commitments made at the HRC in September 2020. The [OHCHR](#) and a number of civil society groups (including [Amnesty International](#), [Human Rights Watch](#), and a group of [seven regional and international NGOs](#)) issued statements in response to the shocking killings. The common message from civil society organizations is that the HRC's current approach is not working and is not sufficient, and that an international accountability mechanism is needed now more than ever. Meanwhile, statements by President Duterte continued to shock and deeply insult victims, their families, their representatives and civil society at large. On 18 March, the President publicly repeated that [he would be 'happy' to go to jail for killing human rights activists](#). He also made further, deeply insulting comments about prisoner of conscience, Senator de Lima, and [continued to boast](#) that he will not cooperate with the international justice system or "Europeans" to address the concerns.

As noted in a [joint civil society statement](#) during the Item 10 debate, the killings of activists and continued incitement by the President during the session demonstrate that the current approach by the HRC is neither appropriate nor sufficient. Attacks against human rights defenders, activists and Indigenous peoples have escalated and extrajudicial executions in the context of the 'war on drugs' continue to be reported, fueled by ongoing impunity and further incitement by the President. Assurances from the government to the Council that the situation is improving and that it is investigating human rights violations simply defy the reality on the ground. Further action is now both necessary and urgent to prevent further killings and other human rights violations. UN member states, particularly those that supported Council resolution [45/33](#), have a responsibility to respond to recent events and take meaningful action to launch a full international investigation, with a view to preventing further violations and advancing accountability, given the clear failure of the consensus approach.

#### Recommendations:

- We urge UN member states to reconsider the clear and repeated call by civil society organizations, Special Procedures and the OHCHR for an independent international investigation into the situation in the Philippines as a matter of urgency, with a view to preventing further violations and advancing accountability.

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<sup>10</sup> As noted by Amnesty and other civil society actors at the time, Council resolution [45/33](#) failed to respond credibly to the damning OHCHR report on the **Philippines** and to reflect the situation on the ground. It fell short on the most basic level by neglecting to explicitly urge the Philippines to halt the ongoing killings in the context of the so-called "war on drugs" and attacks on human rights defenders, journalists and other government critics. Adopting this resolution by consensus, states at the HRC ignored the clear and repeated recommendations of the High Commissioner, UN Special Procedures, and various civil society actors, many of whom have engaged with the UN at high personal risk. At the time of adoption, we were concerned that the resolution sent a message to the authorities – that even with all the facts on the table (presented by civil society and the damning [OHCHR report](#)), the international community would look the other way. We are dismayed to have been proved right in this assessment.

## SAUDI ARABIA

We welcome Council action to date on the situation of Saudi Arabia, including through cross-regional declarations at the [40<sup>th</sup>](#), [42<sup>nd</sup>](#) and [45<sup>th</sup>](#) sessions. These statements have transformed the conversation on Saudi Arabia at the multilateral level. They have brought much needed attention to the concerns that the country is facing and identified clear benchmarks for improvement. We have seen the government react to this international pressure by attempting to burnish its image. Authorities have released several prominent human rights defenders, including Loujain al-Hathoul, and taken some modest steps to begin to address major human rights concerns related to the guardianship system and the death penalty.

Notwithstanding these reactions, we have not seen institutionalized and sustained improvement on the benchmarks identified in the joint statements related to freedom of expression and human rights defenders; on the contrary, we have seen the situation in Saudi Arabia deteriorate, in particular with further harsh prison sentences against human rights defenders and prisoners of conscience.

The sentencing and subsequent release of several women's rights activists, whose plight attracted significant attention around the world, highlights the importance of coordinated international pressure. In order to secure meaningful, concrete, and systematic gains, however, international pressure must be sustained in the form of dedicated monitoring and reporting.

### Recommendations:

- The Council should establish a monitoring and reporting mechanism on Saudi Arabia as a matter of urgency.

## UNIVERSAL PERIODIC REVIEW

We welcome the adoption of the UPR outcomes of the 14 states that had been reviewed during the 36<sup>th</sup> session of the UPR Working Group in November 2020. Amnesty International delivered statements during the adoptions of outcomes on [Andorra](#), [Belarus](#), [Honduras](#), [Libya](#), [Malawi](#), [Mongolia](#) and the [USA](#).

For the UPR process to be effective, states must continue to pay attention to key human rights challenges remaining in the countries reviewed. We delivered a [statement](#) during the Item 6 General Debate which highlighted the UPR as an important space to address violations against the over 260 million people across the globe discriminated against based on work and descent.

### Recommendations:

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 including those relating to the elimination of discrimination based on work and descent.
- Proactively engage in the UPR process and, through statements and advance questions, raise human rights abuses and violations against historically marginalized work and descent-based communities worldwide.
- Make concrete and measurable recommendations to states under review to prevent, investigate, prosecute where appropriate, and eradicate racial discrimination based on work and descent.

## THEMATIC INITIATIVES

### HUMAN RIGHTS AND COVID-19

The session began with a [landmark speech](#) by United Nations Secretary General Antonio Guterres, in which he focused on the human rights impacts of the COVID-19 pandemic. He expressed “moral outrage” over “the failure to ensure equity in vaccination efforts,” noting that “just ten countries have administered 75 per cent of all COVID-19 vaccines. Meanwhile, more than 130 countries have not received a single dose.” He concluded that “vaccines must be a global public good, accessible and affordable for all.”

Amnesty International welcomes the adoption by consensus of resolution [46/14](#) on *ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic*. The resolution recognises that vaccine access is a basic human right that every single person is entitled to. The resolution rightly calls for increased international cooperation and expresses serious concern over the global disparity in access to COVID-19 vaccines. It emphasizes the urgent need for states to fulfil the right to health and the right to enjoy the benefits of scientific progress and its applications, which includes access to vaccines.

Amnesty International urges states to translate these important words into action – and work together – and with businesses – to ensure that intellectual property rules do not prevent any countries from upholding the right to health.

#### **Recommendations:**

- States must take concrete action to work together to ensure fair and universal access to vaccines. They should agree to a temporary ‘waiver’ on certain aspects of the TRIPS agreement for the production of COVID-19 health products. They should also support concrete mechanisms to push companies to share their knowledge on COVID-19 vaccines and to facilitate open and non-exclusive licences for COVID-19 health products, such as the WHO’s COVID-19 Technology Access Pool (C-TAP), a shared platform for knowledge and technology that aims to increase global supply of vaccines. By ensuring urgent technology transfer, this will facilitate a much-needed increase in manufacturing capacity.

## **CLIMATE JUSTICE**

### ***The right to a safe, clean, healthy and sustainable environment***

We reiterate our calls for global recognition of the right of all to a safe, clean, healthy and sustainable environment, as raised during the session in a [joint civil society statement](#) and a [joint statement delivered by UNEP on behalf of 15 UN entities](#), and as now supported by more than 1,000 civil society, child, youth, and indigenous peoples’ organizations. As stated by UNEP, rights of present and future generations depend on a healthy environment, and global recognition of such a right will “support efforts to leave no one behind, ensure a just transition to an environmentally healthy and socially equitable world and realize human rights for all.” In this respect, we welcome the joint statement delivered by the Maldives, on behalf of at least 54 states, committing to a process to explore global recognition of the right of all to a safe, clean, healthy and sustainable environment.

#### **Recommendation:**

- States should respond to this historic challenge and seize this opportunity to take the final steps towards global recognition of this right so that everyone in the world, wherever they live, and without discrimination, has the right to live in a safe, clean and sustainable environment.

### ***Establishment of a Special Rapporteur on climate change***

We reiterate our calls for the establishment of a **Special Rapporteur on human rights and climate change**, as set forth in our [joint civil society statement](#) delivered at the session, and in this context welcome the joint statement that was delivered by Bangladesh, on behalf of at least 57 States, expressing support for the Council to establish such a mandate. The mandate would be essential to provide more resources and focus to approach climate change as a human rights issue, and by 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.

#### **Recommendation:**

- States should support the establishment of a Special Rapporteur on human rights and climate change at the earliest opportunity.

## SPECIAL PROCEDURES RENEWALS

We welcome the renewal of important thematic Special Procedures mandates – among others the right to privacy in the digital age, on cultural rights, on human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and on human rights by persons with albinism.

## INSITUATIONAL ISSUES

### ATTACKS ON THE SPECIAL PROCEDURES

We are deeply concerned by continuing attacks against the Special Procedures by a number of states. We were alarmed by the attempt by the Russian Federation to suspend the meeting following its disagreement with the Bureau on how to handle the non-submission of outstanding reports of the Special Rapporteur on the right to privacy on time.

We were also alarmed by the personal attack against the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, by the Chinese delegation during his interactive dialogue. The delegate accused the mandate holder of ‘spread[ing] false information’ and ‘lack[ing] minimum professional ethics.’ In response to these ongoing attacks, [Amnesty, together with 14 other NGOs, called on all UN member states](#) to take a strong proactive stand in support of the Special Procedures.

The positive and substantive contributions of the Special Procedures to human rights prevention and protection must, at all times, remain central in discussions about their functioning and effectiveness.

#### Recommendations:

- States must at all times respect and defend the independence of the Special Procedures, which is core to their effectiveness and role assigned to them by the Human Rights Council.
- States must reject all efforts to impose political oversight, or other political interference, in the work of the Special Procedures.
- States should engage constructively in the informal dialogues with the Coordination Committee and support efforts of the Coordination Committee to address complaints against mandate holders through the Internal Advisory Procedure.
- States must refrain from personal attacks on Special Procedure mandate holders, and speak out in strong terms in the face of such attacks by others.
- States should support the efforts and initiatives taken by OHCHR and the Coordination Committee to make the substantive work and recommendations of the Special Procedures more visible and accessible for States, civil society and UN stakeholders and facilitate its follow-up.

### INCOMING MEMBERS PLEDGE

We were pleased to see Senegal continue the tradition of the incoming members pledge, and to see so many incoming members sign on. We hope that these states will translate the principles into action, including by ensuring their positions on country situations are based on objective criteria such as those presented by a cross-regional group of states at [HRC32](#), reaffirmed by a further cross-regional joint statement at [HRC35](#) and further reaffirmed through this and previous membership pledges.

#### Recommendations:

- We look to all states that signed onto the HRC members pledge to lead by example, and to stand up to efforts to attack the international human rights system and to apply objective criteria when considering the Council’s response to human rights crises in specific countries.