

# AMNESTY INTERNATIONAL

## 47<sup>TH</sup> SESSION OF THE UN HUMAN RIGHTS COUNCIL CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

Several steps were taken at the 47<sup>th</sup> session of the United Nations Human Rights Council (HRC47) to tackle a number of critical global human rights challenges and crisis situations, despite significant resistance from different quarters, though in other areas action fell significantly short of expectations. This briefing paper presents observations on some of the key outcomes and developments that were priorities for Amnesty International, together with recommendations to states on necessary follow-up actions. It does not cover all of the many important issues considered during HRC47.

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## GLOBAL HUMAN RIGHTS ISSUES ADDRESSED

### SYSTEMIC RACISM

The Human Rights Council (“the Council”) adopted a resolution, led by the African Group of states, creating an independent, international mechanism with a mandate to address and contribute to accountability for structural racism and law enforcement violence against Africans and people of African descent around the world. The resolution follows an important [report on systemic racism](#) presented to the Council by the UN High Commissioner for Human Rights on 12 July, which documented a litany of economic, social, cultural, civil and political rights violations faced by Africans and people of African descent on a daily basis worldwide and proposed a four-part “[agenda towards transformative change for racial justice and equality](#).”

Amnesty international joined a [global civil society coalition](#), composed of 171 families of victims of police violence in the United States of America (USA) and over 270 civil society organisations from more than 40 countries, calling for the creation of an effective accountability mechanism in follow-up to [Council resolution 43/1](#) on systemic racism and law enforcement violence against Africans and people of African descent in the USA and worldwide.

While Amnesty welcomes the adoption of this resolution by consensus, the intense negotiations and pushback by some states signal the lack of political will and challenges ahead towards addressing the legacies of slavery and colonialism that contribute to systemic racism. On the one hand, Amnesty applauds the strong leadership from the African Group, for taking the initiative to follow up on resolution 43/1 and respond credibly to the High Commissioner’s report, presented to the Council during the session. On the other, Amnesty is disappointed to see the very states in need of such transformative action, particularly some Western states, mostly former colonial powers, seeking to weaken the language of the resolution, pushing back against the creation of an independent mechanism on procedural grounds and attempting to remove some of the most important elements of the resolution, such as the need to acknowledge the legacies of enslavement and colonialism. In the end, Amnesty is pleased that the group of African states stood strong to retain reference to the imperative to acknowledge and address the legacies of colonialism, slavery, and the transatlantic slave trade, as well the creation of an independent mechanism.

The three-person expert mechanism created under this resolution is mandated for a term of three years to advance transformative change for racial justice and equality in the context of law enforcement globally and to investigate governments’ responses to peaceful anti-racism protests and all violations of international human rights law. If adequately resourced and provided with the necessary support from states, it has significant potential to contribute to accountability and redress for victims.

The resolution and the High Commissioner’s four-point agenda for uprooting and dismantling systemic racism are steps in the right direction. Amnesty International supports the High Commissioner’s call for states to:

- 1) Stop denying and start dismantling systemic racism against Africans and people of African descent;
- 2) End impunity for human rights violations by law enforcement officials and build trust with affected communities, survivors, victims and their families;
- 3) Ensure the voices of people of African descent are central to decision-making; and
- 4) Confront past legacies of enslavement and colonialism, take special measures and deliver reparatory justice.

Amnesty calls on all states to hold each other to account to ensure full implementation of the resolution and recommendations of the High Commissioner's report, and to support and engage constructively with the new mechanism. Amnesty encourages all states to cooperate fully with the mechanism, and welcome pledges of cooperation to date. States should also commit to, and work to realise as a matter of urgency, the High Commissioner's transformative agenda to uproot and dismantle systemic racism. Truth, justice, reparations and guarantees of non-recurrence must be prioritised by states, especially those who bear a greater degree of responsibility, to address legacies of enslavement, colonialism and the transatlantic trade in the lives of Africans and people of African descent. Steps taken by governments should be done in meaningful consultation with affected communities, including survivors and victims' families.

### **“PUSHBACKS” OF MIGRANTS**

The UN Special Rapporteur on the human rights of migrants presented an important [report](#) during HRC47 on pushbacks of migrants on land or at sea. The report examined the current widespread practice of “pushbacks” and trends of human rights violations along most migration routes and found how such practices manifest an entrenched prejudice against migrants and demonstrate a denial of states' international obligations to protect the human rights of migrants at international borders. The Special Rapporteur concluded that, “in the absence of an individualized assessment for each migrant concerned and other procedural safeguards, pushbacks result in human rights violations incompatible with States' obligations under international human rights law, in particular, the prohibition of collective expulsion and refoulement.”

Amnesty [welcomed](#) this important report and findings and joined more than fifty organisations in [calling](#) upon the Council to create a mandate to independently monitor and verify pushbacks and other accompanying human rights violations at land and sea and to coordinate with national and regional mechanisms that conduct such independent monitoring and verification. Amnesty is disappointed to see the narrow and protectionist perspective reflected by many states, in particular, during the negotiations on the resolution of the human rights of migrants, which was adopted without a vote at the session. The resolution, among other things, mandates a one-day intersessional panel discussion on the human rights of migrants in vulnerable situations, and a summary report of the session to be provided to the Council and the UN General Assembly.

Going forward, the Council must find a greater level of ambition on this topic, grounded in the importance of protecting the rights and dignity of migrants, and guided by their lived realities. Unless and until all government authorities halt all pushbacks from land and sea borders and refrain from them in the future, the Council should establish an independent mechanism to monitor pushbacks and accompanying violations.

### **GENDER EQUALITY AND NON-DISCRIMINATION**

The session saw a number of important discussions held to address the human rights challenges faced by women in particular, including a [high-level panel discussion on the multisectoral prevention of and response to female genital mutilation](#), and an annual day discussion comprising one panel on [violence against women and girls with disabilities](#), and another on [gender-equal socioeconomic recovery from the Covid-19 pandemic](#).

The Covid-19 pandemic has had a direct and adverse impact on health, housing, food security, education, livelihood, and social protection of all, but especially women and girls. As [noted by the High Commissioner](#) during the [panel discussion on gender-equal socioeconomic recovery from the Covid-19 pandemic](#), however, “the majority of socioeconomic Covid-19 responses adopted by States are surprisingly gender-blind, often failing to address the specific needs of women.” As states discuss how to “build back better,” and how to ensure a rights-based response to the pandemic, it is critical that these discussions and the measures developed are inclusive of diverse civil society actors, and that they are approached from a gender-sensitive, rights-based and intersectional lens. National plans

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to address the pandemic should integrate gender and intersectional analysis to ensure an effective response to the specific needs of women and girls, particularly those belonging to at-risk and marginalised groups. Economic recovery packages should include concrete and measurable targets that guarantee equal access to remedies for loss of employment for women and girls in the informal economy, close the gender pay gap in healthcare and social care sectors, and ensure women and girls are able to maintain an adequate standard of living and access to healthcare.

Amnesty deplores increased efforts to attack important Council resolutions on the rights of women and girls, and sexual and reproductive health and rights, including through the tabling of hostile amendments, in relation to the resolutions on human rights in the context of HIV and AIDS; accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to all forms of violence against women and girls with disabilities; and preventable maternal mortality and morbidity and human rights. Despite these efforts, it was positive to see all amendments rejected or withdrawn, and the important resolutions adopted. Amnesty urges states to take concrete measures to implement these resolutions and to redouble efforts to advance and protect standards relating to sexual and reproductive health and rights at the Council.

Amnesty also welcomes the adoption of a new resolution on menstrual hygiene management, human rights and gender equality by consensus, as a first step in addressing deep-rooted stigma and discrimination in this regard. Amnesty urges all states to address the root causes of discrimination and stigma relating to menstruation and its impact on the enjoyment of human rights by women and girls around the world and hopes to see the core group of this resolution keep building on this important first initiative.

## **DRUG POLICES**

The Working Group on Arbitrary Detention presented a [study](#) on arbitrary detention relating to drug policies, pursuant to Human Rights Council resolution 42/22. Drawing on its own jurisprudence, positions taken by other human rights mechanisms, UN bodies and submissions from states, civil society (including a [submission by Amnesty](#)) and other stakeholders, the Working Group extensively examined in its report how drug policies result in widespread human rights violations, specifically relating to arbitrary detention.

The report presented 17 recommendations to states, including to decriminalise the use, possession, acquisition or cultivation of drugs for personal use, release persons detained only for drug use or possession for personal use and review their convictions with a view to expunging their criminal records and to undertake a comprehensive review of procedures pertaining to detention, arrest, search, testing, pretrial detention, trial and sentencing to address situations in which human rights violations, including arbitrary detention, frequently occur.

The Interactive Dialogue with the Working Group was tense and reflected the divide that has marked negotiations in Vienna over the years. While some countries welcomed the report and reiterated their support for drug control policies that safeguard human rights, other countries including Russia and China, rejected key findings of the report and even questioned the Council's mandate to address drug policies. In the context of the Interactive Dialogue, Amnesty [welcomed](#) the study and called on states to implement the recommendations and urgently start the process to transform repressive drug laws and policies, shifting away from prohibition towards adopting new models of drug control that put the protection of people's health and other human rights at the centre. This should include, as recommended by the Working Group, the decriminalization of the use, possession and cultivation of drugs for personal use and the expansion of health and other social services to address drug-related problems.

## RIGHT TO EDUCATION

Amnesty International joins other organisations in welcoming the adoption by consensus of an important resolution on the right to education, reaffirming its recognition of the [Abidjan Principles on the right to education](#), urging states to act against commercialisation of education, and requesting the UN to work with the [Global Partnership for Education](#) to implement it. This is the second resolution adopted by the Council that recognises the Abidjan Principles (the first was [resolution 41/16](#)), which builds on growing [recognition](#) by all major global and regional human rights institutions and mandate-holders working on the right to education. The resolution encourages the High Commissioner “to collaborate with relevant United Nations agencies, including UNESCO, the Global Partnership for Education (GPE), and civil society organizations to provide technical support to States to realize the right to education in the COVID-19 and post-COVID context.” Amnesty hopes this will provide powerful support and impetus to governments to integrate a rights-based approach to education in their Covid-19 recovery plans.

## CRITICAL COUNTRY SITUATIONS ADDRESSED

### ETHIOPIA/TIGRAY

The Council adopted its first ever resolution to address the human rights and humanitarian crisis in Ethiopia’ Tigray region since the conflict started over 8 months ago. The resolution was incredibly modest – simply putting the crisis on the Council’s agenda for the next couple of sessions and requesting updates from the High Commissioner – but marks an important starting point for further action.

Amnesty International has documented a [string of serious human rights violations and abuses that include war crimes and likely crimes against humanity, which we fear have been fuelled by the tepid international response to the crisis so far](#). [The High Commissioner for Human Rights](#) has also reported that her “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” and expressed concern that “without prompt, impartial and transparent investigations and holding those responsible accountable [...] violations will continue to be committed with impunity.”

Amnesty remains convinced that a robust UN investigation, with synergies with important efforts by the African Commission on Human and Peoples’ Rights, will be critical to advancing accountability and sending a warning message to perpetrators of war crimes and crimes against humanity that justice is coming.

### CHINA/XINJIANG

A [joint statement on the human rights situation in Xinjiang](#) was delivered by Canada on behalf of 44 countries during HRC47, reflecting the growing international concern over the mounting [evidence of crimes against humanity being committed in Xinjiang](#) as well as the [human rights emergency in Hong Kong](#), the human rights situation in Tibet and other ongoing violations across China. This should send a clear message to Chinese authorities that they are not above international scrutiny.

At the same time, Amnesty regrets that some states chose not to join the statement; and, even worse, that some chose to use their platform at the Council to defend China’s rights record. Such actions contribute to China’s well-documented efforts to discredit the survivors, victims’ families, and brave activists who speak out at significant personal cost. Amnesty urges these states not to give in to pressure and to join the growing number of states that condemn the ongoing widespread violations and commission of international crimes.

More concrete action is urgently needed by the Council and member states must build on this statement and the growing momentum to establish an independent, international investigative mechanism that can pave the way for holding to account those responsible for the human rights violations. Victims and survivors deserve no less.

## IRAQ

A significant joint statement on the [human rights situation in Iraq](#) was delivered by the Netherlands, on behalf of 28 countries, drawing attention to reports of increased intimidation and targeted attacks, including against protestors, human rights defenders, media workers and electoral candidates. The statement called on the Iraqi government to enhance its efforts to create a safe public environment for all Iraqis. Amnesty International welcomes this development and calls for continued attention of the matter at Council to ensure an immediate end to the ongoing wave of abductions and deliberate killings of activists and protestors as well as contribute towards tangible steps to hold accountable those responsible for the assassinations and abductions.

## SPECIAL PROCEDURES: MANDATE RENEWALS AND THE APPOINTMENT OF NEW MANDATE HOLDERS

Amnesty International welcomes the renewal of three important existing country mandates, including the Special Rapporteurs on **Belarus** and **Eritrea**, and technical assistance to **Ukraine**.

Amnesty looks forward to working with the seven new Special Procedure mandate holders appointed at the end of the session: Attiya Waris (Kenya), Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights; Reem Alsalem (Jordan), Special Rapporteur on violence against women, its causes and consequences; Gabriella Citroni (Italy), member from Western European and other States of the Working Group on Enforced or Involuntary Disappearances; Muluka-Anne Miti-drummond (Zambia), Independent Expert on the enjoyment of human rights of persons with albinism; Ana Brian Nougreres (Uruguay), Special Rapporteur on the right to privacy; Sushil Raj (India), member from Asia-Pacific States of the Working Group of Experts on People of African Descent; and Miriam Ekiudoko (Hungary), member from Eastern European States of the Working Group of Experts on People of African Descent.

## INCREASED POLARIZATION AND PROCEDURAL TACTICS

Despite the range of positive outcomes, HRC47 was marked by increased polarisation and a staggering number of “**hostile amendments**” to a number of the resolutions tabled for consideration. Many of the 51 amendments that were tabled sought to insert language that had not even been proposed during the consensus negotiations or sought de-emphasize the role of the Council in addressing critical human rights issues. Even though all 51 amendments were either withdrawn or defeated by vote, Amnesty regrets that they were tabled, as a matter of process and in most cases also substance. Amnesty encourages the sponsors of these amendments, particularly the most prolific sponsors (**Russia, China, Egypt, and Eritrea**), to reconsider their approach for future Council sessions, as these efforts do not appear to have had any other effect other than to slow down Council proceedings.

Unsuccessful **efforts to remove the interactive dialogues on Myanmar from the Council's agenda** were also deeply concerning. Amnesty acknowledges and applauds those states that actively pushed back against these efforts to undermine the integrity of Council decisions and curtail civil society engagement on one of the most pressing human rights crises.

Amnesty International is also deeply concerned by various reports of the use of **threats relating to access to vaccines to influence member states' positions** at the Council on key issues, including [by China](#). Threats and coercion simply have no place in the Human Rights Council, and delegations should ground their decisions in a way calculated to uphold the highest standards in promoting and protecting human rights.

## MISSED OPPORTUNITIES AND AREAS THAT REQUIRE FURTHER ACTION

Member states also missed several opportunities to address pressing human rights crises in a number of countries and thematic human rights issues at HRC47, including on Climate Change, the human rights impact of the Covid-19 pandemic, Afghanistan, Cameroon, Colombia, Iran, and the Philippines.

### CLIMATE CHANGE

HRC47 should have been the session where the Council established a **Special Procedure on Climate Change**. Considering the scale of the climate emergency, Amnesty International believes there is simply no time to waste in taking steps to address the crisis. Amnesty joined an [open letter](#) by more than 500 signatories calling for the establishment of the mandate at this session. Unfortunately, the Council failed to establish this special procedure, but through a resolution on **human rights and climate change** (adopted by a vote of 46 in favour, none against and 1 abstention), “encourage[d] the continued discussions ... on the possible creation of [such] a new special procedure.” Amnesty is pleased to see a strong majority of states, through the defeat of Russia’s effort to strip this language from the resolution, to clearly endorse the Council’s continued work towards the establishment of such a special procedure. Amnesty also welcomes that the Council roundly rejected Russia’s other attempts, through a series of other amendments, to weaken the role of the Council in addressing the human rights implications of climate change. Amnesty calls on member states to conclude consultations with utmost haste to establish a **Special Procedure on Climate Change** at the 48<sup>th</sup> Session of the Council (HRC48).

### AFGHANISTAN

Opening the session, the High Commissioner for Human Rights [called on the Council](#) “to increase its monitoring and to consider mechanisms for an effective prevention response” to the human rights crisis in **Afghanistan**, highlighting “the rapid deterioration of this situation.” This followed an [appeal](#) by the Afghanistan Independent Human Rights Commission (AIHRC) in May for the UN to launch an [Independent Fact-Finding Mission](#). Amnesty International regrets that the Council was unable to take timely action in response to these appeals. Amnesty is deeply concerned by the increase in violence and attacks on civilians, including the shocking [recent attack on Sayed -ul- Shuhada High School in West Kabul](#), which killed at least 85 children, the [deliberate killing of civilians](#), and [increased threats, harassment, intimidation and attacks against human rights defenders, activists, journalists and media workers](#). The potential roll back of the gains seen over the last twenty years in enjoyment of the human rights, particularly [women’s rights](#), in Afghanistan in the context of ongoing wars and increased political instability should be of grave concern to the international community. A [humanitarian crisis](#) is also looming, due to the conflict, drought and [surge in Covid-19](#). Now is not the time for the international community to turn its back on Afghanistan. The Council has a role to play to address the growing crisis and to contribute to accountability and Amnesty urges member states to launch an independent Fact-Finding Mission when it meets for HRC48. Amnesty also urges European countries to [heed the call by the Afghanistan Ministry for Refugees and Repatriations to halt forced returns to the country](#), in particular given the increasing violence, insecurity, civilian casualties.

## CAMEROON

States again failed to address the concerning human rights crisis in **Cameroon**, where serious human rights violations and abuses continue to be committed by the security forces and armed groups. This is despite long-standing calls for action by civil society groups [including ahead of this session](#). [OHCHR recently noted](#) reports of extrajudicial executions, torture, sexual and gender-based violence and abductions, and Special Procedures have expressed concern over the [ongoing crackdown on peaceful dissent and on critics of the Government](#) and [increased intimidation and aggression against human rights defenders](#). [Hundreds of thousands of people have been displaced due to violence](#). The Council must take long-overdue action to address the crisis at HRC48, including by adopting a resolution that mandates monitoring and reporting on the situation. At the very least member states need to issue an action-oriented joint statement, setting clear benchmarks to be fulfilled by the Government of Cameroon to ensure measurable progress on human rights.

## COLOMBIA

Amnesty International joined more than 300 organizations [raising concern](#) over a wide range of human rights violations in **Colombia** in the context of the National Strike. Amnesty has documented cases of [excessive and unnecessary use of force by the security forces against peaceful demonstrators and attacks by armed civilians](#), accompanied and tolerated by the National Police, against demonstrators and human rights defenders, thus constituting expressions of urban paramilitarism. Amnesty urges the authorities to give an unequivocal order that the violent repression by the security forces must stop and immediately comply with the recommendations of the Inter-American Commission on Human Rights. Amnesty hopes the High Commissioner will continue to keep the Council updated on the situation, and urge member states to pay close attention to the development of the situation and use the Council as a forum to address it.

## IRAN

HRC47 began soon after Ebrahim Raisi was declared the next president of **Iran**, who has risen to the presidency notwithstanding being a member of the 'death commission' which forcibly disappeared and extrajudicially executed in secret thousands of political dissidents in Evin and Gohardasht prisons near Tehran in 1988. As head of the judiciary, he presided over a spiralling crackdown on human rights, and granted blanket impunity to government officials and security forces responsible for serious violations in the context of the November 2019 protest and its aftermath. It is now more urgent than ever for member states of the Council to take concrete steps to address the entrenched culture of impunity in Iran, and Amnesty reiterates its [call](#) that the Council establish an impartial mechanism to collect and analyse evidence of the most serious crimes under international law and facilitate credible, independent and impartial criminal proceedings.

## THE PHILIPPINES

The Council's continued failure to respond appropriately to the human rights crisis in **the Philippines** was put into sharp relief by the [announcement](#) of the Prosecutor of the International Criminal Court (ICC) in June that she has requested judicial authorisation to proceed with an investigation. This decision was made on the basis that her preliminary examination "determined that there is a reasonable basis to believe that the crime against humanity of murder has been committed on the territory of the Philippines between 1 July 2016 and 16 March 2019 in the context of the Government of Philippines "war on drugs" campaign." Amnesty International again urged the Council to launch its own and long-overdue investigations into the situation in its [oral statement](#) during the interactive dialogue with the High Commissioner, as well as in a [joint statement with other national, regional and international organisations](#).

## RUSSIA

The Council must elevate its response, including through formal attention, to the dire human rights situation in Russia. Amnesty International co-sponsored an [event](#) during HRC47, along with a broad

range of states and civil society organisations, drawing attention to the human rights situation in Russia. The event provided space for reflection on powerful testimonies from a number of Russian human rights defenders and experts and how the authorities have consistently taken alarming steps that contradict their human rights obligations as well as their commitments as a member of the Council to promote and protect the highest standards of human rights. Amnesty is also alarmed by the negative role Russia has played as a member of the Council – including as a leading purveyor of the use of hostile amendments to obstruct the work of the Council at this Session (leading or joining 26 of the 51 amendments tabled). The delegation's blocking of the adoption of the important Presidential Statement mandating a further OHCHR report and enhanced interactive dialogue on the **human rights impact of the Covid-19 pandemic** was particularly deplorable. The Council must ensure continued, and more formal attention, on Russia moving forward, including as set forth in our [joint open letter](#).

## UNIVERSAL PERIODIC REVIEW (UPR) AND OTHER AMNESTY ENGAGEMENTS

Amnesty International closely followed and engaged in the adoption of UPR outcomes on five states – [Australia](#), [Austria](#), [Lebanon](#), [Nepal](#) and [Rwanda](#). Amnesty encourages all states under review to work with all stakeholders to implement and follow up on accepted recommendations. Amnesty also calls for these states to make use of the opportunity of the voluntary mid-term review to report back to the Council on progress made. Further, Amnesty welcomes the [confirmation](#) that the 4<sup>th</sup> cycle of the UPR will commence in October/November 2022, and looks forward to engaging with states to utilize this important mechanism to achieve meaningful progress on human rights.

Amnesty also engaged in a range of other debates and discussions during HRC47, through individual and joint statements, including on the [impact of disinformation on human rights, the recognition of gender and gender identity and expression, the right to privacy in Vietnam](#), and the human rights crises in [Myanmar](#) and [Venezuela](#).