

ASSESSMENT OF KEY OUTCOMES OF THE 48th SESSION OF THE UN HUMAN RIGHTS COUNCIL

The 48th session of the UN Human Rights Council (HRC48) was unique in many ways, with incredibly mixed outcomes. On the one hand, the Council took significant steps forward in relation to the environment and human rights. It also advanced other important thematic initiatives, including adopting resolutions addressing the use of surveillance technologies and transparency around the use of the death penalty. On the other, the shattering defeat of the resolution to extend the mandate of the sole international investigative mechanism on Yemen represented a terrible collective failure of the Council and an abject betrayal of the people in Yemen. Resolutions on a range of other situations were both welcome and lacklustre. For instance, the Council delivered an important response to the crisis in Afghanistan, but did not go as far as it should or could have done in this regard. Much work is needed to build on and ensure implementation of resolutions adopted, as well as rectify areas where the Council fell short of its mandate and expectations.

The Council acted with ambition with respect to [two important environmental initiatives](#) at this session -- recognizing the **right to a clean, healthy, and sustainable environment** and in establishing a **Special Rapporteur on Human Rights and Climate Change**. Recognition of this right brings hope in the context of the widespread and increasing climate disasters and is a milestone moment in the battle against environmental degradation. The establishment of the special rapporteur mandate will also help bring additional resources and focus to this key crisis humanity is facing. Both resolutions were passed with overwhelming support, and result of continued efforts by a broad range of state and non-governmental actors, including human rights defenders from all over the world. Both resolutions should enable the UN to support states better in improving their performance on environmental issues and catalyse action at national level to address a central human rights challenge of our generation.

At the same time, though, the Council failed the people in **Yemen** with the [shattering defeat](#) of the resolution to renew the mandate of the Group of Eminent Experts (GEE). This comes despite Yemen facing the largest human made humanitarian catastrophe in the world and, as documented by the GEE itself, amidst widespread and unabated impunity for crimes and violations committed in the context of the conflict. Central responsibility for this disastrous outcome lies with the states that lobbied against the resolution, including **Saudi Arabia, Bahrain, Egypt**, devoting their energy and political power to end the only international accountability mechanism for Yemen, rather than to cooperate with it. Equal responsibility lies with the member states of the Council that voted against the resolution.¹ Those that sought to avoid responsibility by abstaining or not voting also chose to abandon people in Yemen in their time of need. These votes and inactions will mark a lasting stain on membership legacy of each state. Faced with this failure, states and UN bodies, supported by civil society, [must act with renewed resolve](#) to ensure that the big and powerful cannot bully the issue of accountability for Yemen off the international agenda, and to build off the recommendations of the GEE.

The [creation of a new Special Rapporteur on Afghanistan was an important step](#), that we hope will deliver effective monitoring and investigations into the many crimes under international law and human rights violations being committed across the country. We were, however, disappointed that – despite [clear and consistent calls from Afghan and international civil society](#), including the Afghanistan Independent Human Rights Commission – the Council failed to establish a Fact-Finding Mission or similarly robust investigative mechanism. We remain convinced that such a mechanism – with powers to document and gather evidence for future prosecutions – is critical to ensure justice, truth and reparation for the crimes under international law and human rights violations that are being committed. Nonetheless, we note efforts to enhance the capacity of the Special Rapporteur created to monitor and report, with support from a team with expertise in key areas. With the speed at which the situation on the ground is deteriorating, it is imperative that a mandate holder is appointed as urgently as possible

¹ Bahrain, Bangladesh, Bolivia, Burkina Faso, China, Eritrea, Gabon, India, Indonesia, Libya, Mauritania, Pakistan, Philippines, Russia, Senegal, Somalia, Sudan, Togo, Uzbekistan, and Venezuela.

and provided, in a timely manner, with all necessary resources to conduct their work. The overwhelming support among states from all regions provides a solid basis for further, more robust, action. We hope the Council will remain seized of the matter, ensuring robust and commensurate response to the gravity of the crisis and needs of the brave women, girls, human rights defenders and activists who continue to demand their rights and request the support and protection of the international community.

On other situations, the Council again failed to take meaningful action in line with its mandate and commensurate to the gravity of ongoing human rights crisis, including human rights crises in [China](#), [Egypt](#), [Iran](#), [Saudi Arabia](#), the [Philippines](#), and [Russia](#). We urge member states to remedy this failure in upcoming sessions without further delay. On [Burundi](#), [Cambodia](#), the [Democratic Republic of Congo](#), and [Libya](#), while more ambitious resolutions were warranted, we nonetheless welcome adopted resolutions, which in various ways help sustain the Council's engagement through monitoring and reporting. We also welcome that the delegations of Libya and DRC have been engaged with, and supportive of, these initiatives. While we note and acknowledge the relative progress of the human rights situation in [Sudan](#), we believe it was premature and risky for the Council to end its formal engagement and chose not to extend the technical assistance and reporting.

We welcome a range of other important thematic resolutions, which we hope states will take concrete action to implement and follow up on, to give them real world meaning.

Specifically, we urge states to realise the commitment made by the consensus adoption of the resolution on the **right to privacy** “to take specific actions to protect against violations of the right to privacy, including by regulating the sale, transfer, use and export of surveillance technologies.” In this regard, we urge states to establish a global moratorium on the export, sale, transfer, and use of surveillance technology until a human rights compliant regulatory framework is in place, as called for by [the High Commissioner](#), a [group of Special Procedures](#) and a [group of 146 civil society organizations and 28 independent experts](#), and to conduct immediate, independent, transparent and impartial [investigations](#) into any cases of unlawful surveillance. We also urge states to states recognise that facial recognition for identification is a technology of mass surveillance, and therefore incompatible with human rights law and standards.

We also welcome the resolution on the **death penalty**, which addresses the pressing issue of transparency, and makes a number of important calls on states in this regard, including the need for states that are yet to abolish the death penalty to ensure: the publication of relevant information, disaggregated by gender, age, nationality, race and other applicable criteria, on the use of the death penalty; emphasising that persons sentenced to death, their families and their lawyers should be provided with timely and reliable information on the procedures and timing of appeals, clemency petitions and executions; prior and adequate notice of executions are given to family members and legal representatives. At same time we regret to see continued efforts by a number of states to undermine the resolution, and the authority of the Council and Treaty Bodies, through tabled amendments. We were pleased to see all proposed amendments were rejected by vote.

We further welcome the consensus adoption of the resolution on **reprisals** (cooperation with the UN in the field of human rights), in particular the invitation to the Secretary-General to submit his annual reprisals report to the General Assembly, which we hope will ensure greater attention to the issue and contribute to a more coherent system-wide response across the UN.