

BRIEFING ON AMNESTY INTERNATIONAL'S KEY PRIORITIES FOR THE 49th SESSION OF THE UN HUMAN RIGHTS COUNCIL

This briefing paper sets out Amnesty International's key priorities and recommendations ahead of the 49th regular session of the UN Human Rights Council (HRC49), scheduled to be held in Geneva from 28 February to 1 April 2022.

OVERVIEW

Once again member and observer states are presented with historic and time-bound opportunities to lead and support meaningful efforts during HRC49 to address urgent human rights crises, prevent further violations and abuses and support victims and survivors in their pursuit of justice.

One of these issues is the dire and urgent human rights situation in both **Israel and the Occupied Palestinian Territories**, where crimes against humanity of apartheid are being committed with impunity. With the suite of resolutions set to be negotiated, the 49th session will be a key moment for the HRC to address head on the ongoing situation of institutionalized discrimination in Israel and the Occupied Palestinian Territories, which is increasingly confirmed by many, including Amnesty International, as amounting to a **system and crime of apartheid**. The Council needs to take concrete steps to facilitate the **dismantling of this system of oppression and domination**. Details of our recommendations in this regard are outlined in this briefing.

The renewal of the mandates of several critical human rights monitoring mechanisms is another issue on the agenda of HRC49, and we urge states to support these renewals without reservations, including existing mandates on **Belarus, Myanmar, South Sudan and Syria**. For this session, Amnesty urges the HRC to take a more robust approach to the human rights crises in **Iran** and **Nicaragua**, including the establishment of effective monitoring and investigative mechanisms. As the authorities in these countries refuse to cooperate with existing human rights mechanisms and processes, and the situations continue to deteriorate, the HRC cannot continue with "business as usual". Important discussions will be held on a range of other pressing human rights crisis situations this session, including **Afghanistan, Ethiopia, Sri Lanka, Sudan, Ukraine, and Venezuela**. We hope to see active engagement by states during these debates, including with the various reports and updates being presented, and to press for greater human rights protection and accountability.

All HRC member and observer states have a responsibility to ensure the Council fulfils its mandate to prevent human rights violations and respond to human rights emergencies. In this regard, Amnesty urges states to take meaningful steps to address pressing human rights crises that have so far evaded formal consideration, despite credible reports of patterns of serious human rights violations and the possible commission of international crimes. These include the increasingly alarming situations in **China, Cameroon, Egypt, India and Russia** as well as other developing and emerging crises such as in **Ukraine** and **Kazakhstan**. The HRC should use all tools at its disposal, including where necessary the creation of monitoring, reporting, and investigative mechanisms to respond to such crises and prevent further violations.

The HRC is expected to consider and adopt various important thematic resolutions during the session, including on **human rights defenders** and **equitable access to vaccines in the context of the COVID-19 pandemic**. Amnesty hopes the HRC will adopt strong substantive resolutions in this regard, that advance the protection of rights, and receive wide support from states from all regions.

States should show commitment to the international human rights system and vigorously **defend the HRC and its mechanisms against any attacks and attempts to undermine them**. Specifically, states should guard against new and re-emerging initiatives that seek to undermine the core mandate of the HRC to respond to

violations; dilute or distort established international human rights law or norms; or undermine or attack the Special Procedures.

Finally, Amnesty appeals to all states to take additional efforts to ensure **adequate consultation with civil society, including national and regional actors**, and ensure that their capacity to engage in the full scope of the work of the HRC, including through formal debates and negotiations, is not unduly impacted by Covid-19 related restrictions.

Recommendations

COUNTRY-SPECIFIC RESOLUTIONS EXPECTED AT HRC49

ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES (OPT)

After a four-year process of extensive research and analysis, Amnesty International has concluded in a [recent report](#) that Israeli authorities are enforcing a system of apartheid against all Palestinians living under their effective control—whether they live in Israel, the OPT, or in other countries as refugees. This system is maintained by violations which Amnesty International found to constitute crimes against humanity of apartheid. Amnesty's report joins a large body of reporting from Palestinian, Israeli, and international organizations coming to the same or similar conclusions. The Special Rapporteur on the OPT is expected to examine the issue of apartheid in the OPT in his report to this session. At this moment, it is increasingly unsustainable for the HRC, to avoid grappling with these fundamental and urgent issues: (1) the situation of institutionalized discrimination in Israel and the OPT that amounts to a system and crime of apartheid designed to oppress and dominate Palestinians for the benefit of Jewish Israelis through a complex web of laws, policies and practices of segregation, fragmentation, dispossession and control; and (2) the best way to facilitate the dismantling of the system of oppression and domination. We also urge the HRC to call upon Israel to cease its attempts to silence dissent, including by [reviewing and revoking the October 2021 military order declaring six Palestinian civil society organisations to be terrorist organisations](#).

BELARUS

The HRC needs to ensure renewal of the mandate OHCHR's examination on Belarus, as an important component of a coordinated approach to promoting accountability for the grave violations witnessed in Belarus. And recent patterns of human rights violations attest to the need for such robust monitoring. Amongst others, the 18-year prison sentence given to [Syarhey Tsikhanouski](#), arrested in May 2020 after announcing his intention to run for the Belarusian presidency, as well as custodial sentences for his associates on similar charges; and the [prosecution of human rights groups such as Viasna](#) and [professional groups](#) are all emblematic of the repression unleashed by the Belarusian government in the context of the recent elections. Moreover Belarusian authorities are playing a [central role](#) in exacerbating the plight of migrants and asylum seekers, by luring asylum seekers and migrants to Belarus, then transporting them near the border with Poland while sometimes stealing from and beating them, and forcing them towards the Polish border. After Polish authorities have – in violation of international law – [systematically pushed back these migrants and asylum seekers to Belarus, sometimes resorting to violence](#), the Belarusian authorities have beaten and detained them, and in some cases have forcibly returned them to countries of origin, including returning them unlawfully without an evaluation of their protection needs.

IRAN

Amnesty urges the HRC to renew the mandate of the Special Rapporteur on Iran; engage thoroughly with the findings and recommendations of the Special Rapporteur's upcoming report; and increase its focus on the crisis of systemic impunity in Iran for past and ongoing crimes against humanity and other gross and systemic human rights violations. In addition to renewing the mandate of the Special Rapporteur, Amnesty International has called for the creation of an impartial, independent mechanism on Iran to address entrenched impunity for the most serious crimes under international law, with a mandate to collect, consolidate, preserve, and analyse evidence for future investigations and, if there is sufficient admissible evidence, prosecutions.

Amnesty recommends that the crimes under international law and human rights violations requiring investigation by such a mechanism should include the [unlawful killing of hundreds](#) of unarmed men, women and [children](#), and widespread commission of arbitrary detention, [torture and enforced disappearances](#) during and in the aftermath of the crackdown on nationwide protests in November 2019. It should further extend to investigating past and ongoing crimes against humanity related to the enforced disappearances and extrajudicial execution of several thousand political dissidents in 1988. As a group of UN experts stated in a [September 2020 communication](#), [past and ongoing violation related to prison massacres in 1988](#) "may

amount to crimes against humanity.” The group also said should Iran “continue to refuse to uphold its obligations under international law, we call on the international community to take action … through the establishment of an international investigation.” Failure to investigate all those against whom there is evidence of direct involvement with these crimes, who include the former head of the judiciary and current president [Ebrahim Raisi](#), has not only further entrenched impunity, but also facilitated the repetition of gross and systematic violations. In 2021, thousands of people were interrogated, unfairly prosecuted and/or arbitrarily detained solely for peacefully exercising their human rights, and hundreds remained unjustly imprisoned. Security forces [unlawfully used lethal force and birdshot](#) to crush protests. [Torture and other ill-treatment](#), including denying prisoners adequate medical care, remained widespread and systematic. Scores of [suspicious deaths in custody](#) remained uninvestigated and unpunished, despite credible reports that they resulted from torture or other ill-treatment including the deliberate denial of medical care. The authorities continued to [use the death penalty as a weapon of political repression](#) against dissidents, protesters and members of ethnic minority group and also for alleged offences by children. Dissidents and journalists based abroad also face [intensified risks of abductions and executions](#). In his [July 2021 report](#) to the General Assembly, the Special Rapporteur on Iran “urges the international community to call for accountability” and stresses that “[t]he absence of domestic remedies highlights the international community’s important role in ensuring accountability for gross human rights violations in the Islamic Republic of Iran.” The Special Rapporteur’s upcoming report to the HRC will be a crucial opportunity for the international community to meaningfully respond to the crisis of impunity that exists in Iran, which is essential for preventing the recurrence of gross and systemic human rights violations

MYANMAR

Amnesty calls on the HRC to adopt a robust resolution on Myanmar, which renews the mandate of the Special Rapporteur, and guarantees necessary resources given the further escalation of the crisis since last year. The resolution should ensure ongoing and regular public reporting on the human rights situation in Myanmar and continued follow up on the role of the UN in Myanmar, and retain a strong focus on international justice and accountability both in the contexts of crimes under international law and other serious violations against ethnic minorities, including the Rohingya, and coup crackdowns since 1 February 2021. We hope to see further follow up to the work of the Independent International Fact-Finding Mission on the economic interests of the Myanmar Military, including in response to the expected OHCHR report to HRC51 in September (pursuant to [HRC resolution 46/21, OP53](#)). Action remains urgent at the UN Security Council, and we hope that HRC member and observer states will ensure full consideration of the various reports being presented to the HRC this session in that regard, and push for concrete actions by the Security Council, including an ICC referral, targeted financial sanctions against senior officials and a global arms embargo.

NICARAGUA

The HRC must elevate its response to the human rights crisis in Nicaragua, which continues to deteriorate, including by launching a robust mechanism, with a mandate to monitor, regularly report, and contribute to accountability for international crimes. Such a response is critical, given the [deterioration of the human rights situation](#) in Nicaragua during 2021, including the arbitrary detention of dozens of political opponents, journalists and activists in the context of elections; [the forced disappearance](#) of some of these individuals; and other attacks on freedom of expression, such as the [cancellation of the legal registration](#) of at least 45 non-governmental organizations, and raids conducted against independent media outlets. In the three years since the adoption of the first HRC resolution on Nicaragua, not only has the government refused to engage with the HRC process, or to implement the resolutions or OHCHR report recommendations, but rather has taken steps in direct opposition to the recommendations – repression has increased through arbitrary detentions and criminalisation of HRDs and Government critics, laws have been passed to curtail rights. The HRC must respond robustly to this regression and take action to support Nicaraguan human rights defenders.

SOUTH SUDAN

Amnesty urges the HRC to renew the mandate of the Commission on Human Rights in South Sudan (“the

Commission") in full and use the session to advance critical issues relating to accountability, including pushing for the urgent establishment of the Hybrid Court for South Sudan (HCSS) and the reform and rebuilding of the judicial structure. Continued pressure from the HRC and the continued collection and preservation of evidence by the Commission remain critical in the face of [continued violations of humanitarian and human rights law](#) and the concerning [lack of progress](#) on or [commitment to accountability for crimes](#) committed in relation to the conflict by the authorities, despite repeated promises, including cabinet approval in 2021 [to establish justice mechanisms](#). In 2019 Amnesty International documented extensively the government's lack of political will to hold perpetrators of serious crimes accountable. [The organisation further recommended](#) setting a deadline for the establishment of the HCSS, failing which the African Union should take matters into its own hands by creating an *ad hoc* tribunal.¹ We hope that states will draw upon our recently published [Human rights priorities for the Government of South Sudan](#) (a joint publication by Amnesty, Human Rights Watch and South Sudan Human Rights Defenders Network), both in the context of the resolution and their oral statements. > [See HRC49 joint civil society letter.](#)

OTHER SITUATIONS

The HRC should renew, in full, the mandates of other important ongoing mechanisms, including the Commission of Inquiry on Syria and Special Procedures mandates on the situation of human rights in Democratic People's Republic of Korea (DPRK) and in Mali. Member states should support a resolution on Georgia calling for technical assistance, capacity building, and access for human rights monitors.

OTHER IMPORTANT COUNTRY-SPECIFIC REPORTING AND INTERACTIVE DIALOGUES AT HRC49

AFGHANISTAN

We urge states from all regions to engage actively in the interactive dialogue on Afghanistan in order to address the dire human rights and humanitarian crisis gripping the country. They should use their voice and leverage to put pressure on the Taliban to respect international law and human rights without discrimination. Amnesty has documented crimes under international law, including war crimes, committed by the Taliban since they took control of the country, including shocking crimes perpetrated against ethnic and religious minorities and the arbitrary detention, torture and execution of journalists, women activists, former civil servants, security officials and other critics. The organization has also documented the killing of civilians, including children, and the bombing of civilian targets by the Afghan National Defense and Security Forces, the United States army, and the Afghan Air Force. The Taliban's assault on [women and girls' rights](#) has amplified, through the denial of access to fundamental rights such as education, work and healthcare, and the targeting of women peacefully protesting to demand the respect of their rights. UN Special Procedures have [expressed concern](#) over the "large scale and systematic gender-based discrimination and violence against women and girls" and the Taliban's attempt "to steadily erase women and girls from public life". [Survivors of sexual and gender-based violence have essentially been abandoned](#), as the Taliban have closed shelters and released many detainees convicted of gender-based violence offences from prison. Meanwhile, the humanitarian situation in the country is dire, with [UNDP predicting](#) that 97% of Afghans could plunge into poverty by mid-2022. We encourage all states to raise concerns over these serious violations during the session, and to urge the Taliban to respect international law. > [See comprehensive report No escape: War crimes and civilian harm during the fall of Afghanistan to the Taliban](#), as well as separate investigations, [Taliban responsible for brutal massacre of Hazara men, August 2021](#) and [13 Hazara killed by Taliban fighters in Daykundi province, October 2021](#).

ETHIOPIA

Since the HRC first addressed the crisis in Ethiopia in June 2021, the conflict and scale of violations and abuses have spread beyond the Tigray region. Amnesty International has documented a litany of violations

and abuses in Ethiopia by all the warring parties in the Tigray and Amhara regions – including sexual and gender-based violence, [extrajudicial killings, indiscriminate shelling and widespread looting](#)² – violations of international law some of which amount to war crimes and possibly crimes against humanity. The scale and brutality of the use of sexual and gender-based violence as a weapon of war is particularly disturbing. Amnesty International has documented how Ethiopian government aligned forces have subjected Tigrayan women and girls to rape, gang rape, sexual slavery, sexual mutilation, and other forms of torture, often using ethnic slurs and death threats, in a context and scale amounting to war crimes and possibly crimes against humanity.³ Amnesty has also documented serious abuses, including sexual violence, by Tigrayan forces in the Amhara region, where survivors described being gang raped, raped at gunpoint, robbed, and subjected to physical and verbal assaults by TPLF fighters.⁴ Children, women, IDPs and refugees have been killed in continued air strikes in Tigray in December 2021 and January 2022, and with hundreds more civilian injured. Meanwhile, in Addis Ababa and other parts of the country, we have been alarmed by the wave of [ethnically-motivated arbitrary mass arrests of Tigrayans](#). While the Ethiopian government established a Joint Ministerial Committee to implement the joint investigation report of the OHCHR and the Ethiopian Human Rights Commission, there have been no credible steps towards the prosecution and trial of forces suspected of the human rights violations committed in the conflict to date and violations continue unabated. We encourage all states to raise these concerns – on the grave violations and abuses that have spread from Tigray across Ethiopia – during the scheduled interactive dialogue this session. States should urge all parties to the conflict: to stop grave human rights violations and abuses; to respect international law; to fully cooperate with the HRC-established International Commission of Human Rights Experts on Ethiopia and the Commission of Inquiry established by the African Commission on Human and Peoples Rights; and to allow full and unfettered access to humanitarian aid.

SRI LANKA

An important interactive dialogue will be held on the written update of OHCHR on progress in reconciliation and accountability in Sri Lanka (pursuant to HRC resolution 46/1), which will be an important moment for states to engage on the deteriorating situation in the country. We remain deeply concerned by the drastic shrinking of civic space; reprisals against human rights defenders, journalists and even those raising concern over the Covid-19 response; the dismantling of domestic redress mechanisms such as the Office on Missing Persons and the National Human Rights Commission; and the escalating [discrimination, harassment and violence against the Muslim community](#). During the interactive dialogue, we encourage states to urge the Government of Sri Lanka to uphold their duty to protect Muslims from further attacks, hold perpetrators accountable and end the use of government policies to target, harass and discriminate against the Muslim community. They should also urge the government to halt reprisals against critics and perceived critics, and in that context to immediately stop using, and repeal, the Prevention of Terrorism Act and new regulations under the Act. The Act continues to be used to detain hundreds for prolonged periods without trial. Repeated attempts to amend the Act have proved futile, including the latest iteration of amendments that fail to address critical gaps in the law to bring it in line with international law.

SUDAN

The HRC should use the interactive dialogue with the High Commissioner on Sudan as an opportunity to urge Sudan's military establishment to [immediately halt all forms of violent response to the protests, reverse the immunity granted to members of the security forces, prosecute those implicated in the killing of protesters and release those arbitrarily detained](#). The human rights situation [continues to worsen](#) since the country's military staged a coup three months ago. Security forces have systematically engaged in a wide range of violent tactics, including lethal force and arbitrary detentions, to counter opposition and street protests against the coup. So far, more than 70 people, mostly young, unarmed protesters, have been killed

² See for example: Amnesty International, [Ethiopia: Eritrean troops' massacre of hundreds of Axum civilians may amount to crime against humanity](#), 26 February 2021.; Amnesty International, “[Ethiopia: Summary killings, rape and looting by Tigrayan forces in Amhara](#),” 16 February 2022.

³ Amnesty International, “[Ethiopia: Troops and militia rape, abduct women and girls in Tigray conflict – new report](#)”, 10 August 2021; Amnesty International, [Ethiopia: “I don't know if they realized I was a person”: Rape and sexual violence in the conflict in Tigray](#), [Ethiopia](#), 10 August 2021.

⁴ Amnesty International, “[Ethiopia: Survivors of TPLF attack in Amhara describe gang rape, looting and physical assaults](#)”, 9 November 2021; Amnesty International, “[Ethiopia: Summary killings, rape and looting by Tigrayan forces in Amhara](#),” 16 February 2022.

and hundreds were injured. Arrests and detention of protesters and activists occur frequently. Security forces also repeatedly attacked hospitals where injured protesters were being treated, assaulting and arresting medical staff. They also raided offices of media agencies covering the protests and assaulted their journalists. The HRC and states should take every measure possible to urge the military to stop their violations and demand accountability for violations.

UKRAINE

The potential for a full-blown conflict is now a [devastating reality](#) in Ukraine, given President Vladimir Putin has ordered “peacekeeping operations” to the so called “Donetsk People’s Republic” and “Luhansk People’s Republic” in eastern Ukraine. The protection of civilians in Ukraine must now be the absolute priority; every effort must be made to minimize civilian suffering and prioritise humanity in this crisis. It is a legal obligation of all parties to do so. Amnesty International has warned that another escalation of the armed conflict in Ukraine would bring [devastating consequences for human rights](#) in the region – threatening civilian lives, livelihoods and infrastructure, driving acute food shortages and potentially causing mass displacement. Based on the track record of the parties to the conflict in their lack of respect for international law as witnessed in in Ukraine as well as in other settings such as in Syria and Chechnya in recent years, Amnesty is extremely concerned about the likelihood of history repeating itself. In this context of escalating conflict, Amnesty is also extremely concerned about the situation of human rights defenders, peaceful activists, vulnerable groups, and further displacement of migrants and refugees. The HRC must ensure that the High Commissioner’s operations and activities in Ukraine are fully supported, and the HRC must stand ready to move quickly relying on all tools available to prevent future violations, protect civilians, document violations, and pursue and promote accountability.

VENEZUELA

We urge states to engage actively in the interactive dialogues with the Fact-Finding Mission (FFM) and with the High Commissioner on Venezuela and continue to press the government to take concrete steps to put an immediate end to its policy of repression, release all prisoners of conscience, and allow the FFM full access to the country. Amnesty has continued to receive reports of attacks on humanitarian actors and civil society organisations, politically motivated arbitrary detentions, mass extrajudicial executions, and harassment of media outlets. In a [recent report](#) (February 2022), Defenders and Justice (CDJ), the Foro Penal (Penal Forum) and Amnesty International show how stigmatization and the use of discriminatory narratives against human rights defenders have been part of the government’s repressive policy, which on several occasions have been interrelated with politically motivated arbitrary detentions. The report’s findings indicate the existence of the crime against humanity of persecution, for which the Venezuelan authorities, including those at the highest level, should be investigated to determine their criminal responsibility for these acts.
>> See recent research report – [Venezuela: Calculated repression – correlation between stigmatization and politically motivated arbitrary detentions](#).

HUMAN RIGHTS CRISES NOT ALREADY ON THE HRC AGENDA

A number of alarming and deteriorating human rights situations that have so far evaded formal consideration by the HRC, despite overwhelming and credible reports that revealed patterns of serious human rights violations and the commission of possible international crimes. We urge states to take robust action to address the following human rights crises during HRC49.

CAMEROON

Long overdue action is needed by the HRC to address the dire human rights crisis in Cameroon, through a resolution or action-oriented joint statement. Specifically the HRC in its upcoming session needs to follow up on [outstanding OHCHR recommendations following the 2019 country visit](#), and the [joint statement on Cameroon](#) delivered by the United Kingdom (UK) on behalf of 38 countries in March 2019. Serious human rights violations and abuses continue to be committed by the security forces and armed groups. [OHCHR has 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 HRC must take long-overdue action to address the crisis at HRC49, ideally by adopting a resolution that mandates monitoring and reporting on the situation and follow up on the implementation of OHCHR recommendations. For this session, member states should at the very least issue an action-oriented joint statement, setting clear benchmarks to be fulfilled by the Government of Cameroon to ensure measurable progress on human rights on the basis of the compiled OHCHR recommendations.

CHINA

The HRC must take a more robust approach to respond to the increasingly alarming human rights situation in China, following up on joint statements delivered at the HRC⁵ and the Third Committee of the UN General Assembly⁶ over the past few years. It is critical that the HRC finds a way to move from handwringing to action – to address the ongoing crackdown in Hong Kong and to launch a long-overdue investigation into [grave human rights violations being committed against Uyghurs, Kazakhs and other predominantly Muslim ethnic groups in Xinjiang](#). Together with over 300 other civil society actors from around the world, Amnesty continues to urge the HRC to convene a special session or urgent debate to address the human rights situation in China, and to launch an independent international mechanism to investigate all allegations, in line with the clear and strong call by an unprecedented number of Special Procedures **Error! Hyperlink reference not valid.** in 2020.⁷

EGYPT

The time has also come for the HRC to consider establishing a monitoring and reporting mechanism on the human rights situation in Egypt. The joint statement delivered nearly a year ago at the 46th Session of the HRC played a critical role in securing the release, in 2021 and 2022, of several Egyptians detained arbitrarily for exercising their human rights. However, these releases do not reflect any significant departure from the Egyptian government's systematic repression of human rights and its systematic crackdown on all forms of dissent. The publication of Egypt's first national human rights strategy and the lifting of the state of emergency were immediately followed by the adoption of repressive legislation that further eroded fair trial guarantees, expanded the jurisdiction of military courts and criminalized reporting on the military. Egyptian authorities have also escalated their use of emergency courts to convict and sentence to imprisonment activists and opposition politicians in grossly unfair trials. Human rights defenders continue to face arbitrary detentions, politically-motivated criminal investigations, travel bans and other harassment, while authorities threaten NGOs with closure for failure to register under the repressive NGO law. Officials at Egypt's National Security Agency (NSA) continue [abusing their powers](#) to punish and intimidate human rights defenders and political activists and prevent them from engaging in human rights work or political activism through continuous summons, coercive interrogations and unlawful probation measures. Establishing such a monitoring and reporting mechanism would provide the systematic and sustained scrutiny that the situation demands.

KAZAKHSTAN

Through individual and collective statements, HRC member states need to engage urgently with Kazakhstan, a new member of the HRC, seeking clarity on the human rights situation in the country following recent [security operations in response to protests](#), and urging the authorities to address a number of pressing human rights issues outlined below. While recent violence has subsided, [urgent questions remain](#) about

⁵Including in 2020 <https://www.gov.uk/government/speeches/un-human-rights-council-44-cross-regional-statement-on-hong-kong-and-xinjiang>; and 2021 https://www.international.gc.ca/world-monde/international_relations-relations_internationales/un-onu/statements-declarations/2021-06-22-statement-declaration.aspx?lang=eng.

⁶In 2019 (<https://usun.usmission.gov/joint-statement-delivered-by-uk-rep-to-un-on-xinjiang-at-the-third-committee-dialogue-of-the-committee-for-the-elimination-of-racial-discrimination/>); 2020 <https://new-york.un.diplo.de/un-en/news-corner/201006-heusgen-china/2402648>; and 2021 <https://www.dfat.gov.au/international-relations/international-organisations/un/unga-third-committee-statements/76th-session/joint-statement-human-rights-situation-xinjiang-21-october-2021>.

⁷ OHCHR, UN experts call for decisive measures to protect fundamental freedoms in China, 26 June 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26006&LangID=E>.

how many died in the violence, including under what circumstances and who remains in detention, for what reasons, and under what conditions. The lack of transparency has been deeply disturbing including with respect to the circumstances of civilian deaths as a result of lethal force by law enforcement officers following an [order to “fire without warning”](#) and regarding detainees being held incommunicado, at least initially. What information we have is not encouraging – reports are emerging of accounts of torture and other ill-treatment by the police and allegations of excessive use of lethal force against peaceful protesters. We are particularly concerned by the context in which this is occurring, characterized by a repressive legal environment - many years of persistent government restrictions, erosion of legal safeguards for protection of human rights, and the persecution of those who have tried to exercise their rights. At this particular moment it is crucial for the Government of Kazakhstan to promote and respect freedom of expression – so that there can be greater clarity as to what occurred in the past few weeks and how to move forward. It is also crucial to capitalize on the moment, characterized by political transition, to work with the Kazakhstani authorities to redress some systemic human rights issues, review and reform the country’s unduly restrictive legislations on freedom of peaceful assembly, association and expression.

RUSSIA

The HRC should also enhance its engagement on Russia, specifically in light of the rapidly deteriorating situation in the country since the joint statement issued in March 2021, with the view towards adopting a resolution that establishes monitoring of and reporting on the situation in Russia. January 2022 [marked a year](#) since Aleksei Navalny’s arrest at a Moscow airport and his subsequent arbitrary detention. Since then, the politician, his supporters, Russian civil society organizations, activists and independent media establishments have suffered a relentless onslaught of repression. The authorities labelled Navalny’s organizations as ‘extremist’ and blocked their websites. A number of Navalny’s associates and supporters are facing prosecutions on bogus charges, including those of “extremism,” while a growing number of them are already in detention and many had to leave the country. At the same time, those activists who the authorities believe to be linked with the now defunct Open Russia movement, are being prosecuted under “undesirable organizations” law. The authorities have used both this law and the law on “foreign agents” to impose further arbitrary and discriminatory restrictions on civil society organisations, independent media, human rights lawyers and activists. Moreover, in December 2021, the authorities have forced the [closing of International Memorial](#) and its sister organization [Human Rights Centre Memorial](#), Russia’s most respected civil society organisations, based on a prosecution under the “foreign agents” law. This move seeks to blur the national memory of state repression and to deprive victims of human rights violations of protection and support. Meanwhile recent developments in Chechnya have been alarming, with [mass abductions](#) and [arbitrary detention of family members](#) of the critics of the Chechen leadership increasingly violent [threats by politicians towards human rights defenders and their families](#), including [threats of decapitation](#), in addition to extensive harassments. These actions are an affront to Council itself, with Russia as a member of the HRC that has committed to uphold the highest standards in the promotion and protection of human rights. HRC member states can no longer afford to turn a blind eye to this reality and should, through a resolution, enhance monitoring and reporting of the situation and press Russia to fulfil its human rights obligations.

YEMEN

The need for a new accountability mechanism for Yemen appears to be increasing by the day. According to the Civilian Impact Monitoring Project, civilian deaths and injuries in Yemen rose sharply after the GEE mandate was terminated following a disastrous defeat of the resolution to extend the mandate during HRC48. There was an 80 percent increase of civilian deaths and injuries in October-December alone compared with the previous three months. Saudi Arabia and its allies should not be allowed to block a path for accountability for gross violations and crimes being committed in Yemen, especially following reports of Saudi Arabia [spying on the head of the Group of Eminent Experts](#) and using [incentives and threats](#) to shutter the only international accountability mechanism for Yemen during its campaign against the group. Both during HRC49 and at the General Assembly, all states need to engage with a central objective of creating of a strong evidence preservation and accountability mechanism for **Yemen**.

THEMATIC AND INSTITUTIONAL PRIORITIES

The HRC is expected to consider and adopt important thematic resolutions during the session. States at the HRC session should also pay attention to various institutional issues and threats. Specifically, we urge states to work together to:

- Adopt a strong resolution which recognises the essential work of **human rights defenders in conflict and post-conflict contexts** and outlines key measures to enable and protect them. The resolution should address issues including: the role of human rights defenders in conflict prevention; the negative impact of the misuse of counter-terrorism measures and other legislation that undermines the work or safety of human rights defenders; the development of effective protection measures that take into account the specific needs of particular groups of defenders and the particular risks in conflict and post-conflict settings; the important role of women human rights defenders and peacebuilders, and child human rights defenders; and the need for accountability for reprisals and intimidation of human rights defenders.
- Adopt a strong resolution underlining the human rights imperative of **equitable access to vaccines, and all Covid-19 health tools, in the context of the pandemic**, and creating further space for dialogue on this issue at the HRC. This should include a call on states not to impede a comprehensive TRIPS waiver for Covid-19 health tools, [in line with their international human rights obligations](#). A [recent report](#) by Amnesty International documents how, despite urgent calls to ensure the equal distribution of Covid-19 vaccines in 2021, pharmaceutical companies tragically failed to rise to the challenge of this once-in-a-century global health and human rights crisis. Instead, they monopolized technology, blocked and lobbied against the sharing of intellectual property, charged high prices for vaccines and prioritized supplies to wealthy countries.
- Ensure the renewal of important thematic Special Procedures, including the mandates on the **promotion and protection of human rights and fundamental freedoms in countering terrorism** and **freedom of religion or belief**.
- Remain vigilant and oppose any initiatives that may emerge which aim to undermine the HRC's core mandate to address human rights situations or to otherwise undermine international human rights law or any further attacks on the independence, integrity or effectiveness of Special Procedures.
- Use the Item 5 general debate to hold HRC member states to account for their membership obligations (“that members elected to the Council shall uphold the highest standards in the promotion and protection of human rights” and that they “shall fully cooperate with the Council”) and commitments, including any voluntary commitments they may have submitted in support of their candidacy. In doing so, States may wish to draw on the indicators of cooperation presented in the annual report of the Coordination Committee of Special Procedures.

UNIVERSAL PERIODIC REVIEW

We call on states to participate actively in the UPR adoptions under Item 6, including by making substantive statements during the adoptions of review outcomes of 14 countries that were reviewed during the 39th session of the UPR Working Group in November 2021.⁸ States should encourage the states reviewed to act on recommendations to address human rights violations and strengthen the protection of human rights and, wherever possible, work with them over the next five years to assist in their implementation. States under review should report back on progress towards implementation of accepted recommendations through submission of a voluntary mid-term review and an update to the Council in an Item 6 debate. Mid-term

⁸ Amnesty International produced briefings on its concerns in [Eswatini](#), [Hungary](#), [Ireland](#), [Papua New Guinea](#), [Samoa](#), [Tajikistan](#), [Tanzania](#), [Thailand](#), and [Trinidad and Tobago](#) ahead of the review.

reviews should be conducted with the participation of civil society in all its diversity.