

AMNESTY INTERNATIONAL

BRIEFING TO UN MEMBER STATES ON AMNESTY INTERNATIONAL'S CONCERNS AHEAD OF THE 42nd SESSION OF THE UN HUMAN RIGHTS COUNCIL

As the 42nd session of the UN Human Rights Council (HRC) approaches, Amnesty International is calling on all states to ensure the HRC fulfils its mandate to promote and protect human rights, to respond to human rights crises and to prevent violations of human rights. We urge all states to stand with victims and survivors of human rights violations and abuses around the world, by leading and supporting a range of important thematic and country-specific initiatives.

We also call on states to build on the **increasing commitment to holding HRC members to a higher level of scrutiny**, seen at HRC41, as highlighted in our post-session briefing,¹ which was a key recommendation in the report on HRC membership that we launched during HRC41².

We also call on states to develop and solidify the trend of taking action and positions on the basis of the “**objective criteria for HRC action**,” identified in the joint statement delivered by Ireland on behalf of 32 states at the 32nd session of the HRC³. These criteria are valuable indicators not only of the seriousness of a human rights situation, but the level of willingness on the part of the state to engage with the HRC to address concerns.

AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO UN MEMBER STATES

SERIOUS HUMAN RIGHTS SITUATIONS NOT ALREADY ON THE HRC AGENDA

We urge all states to ensure the HRC takes robust action at HRC42 to address several human rights crises not already on its agenda, in particular to:

- Support the establishment of a monitoring mechanism on the Human Rights Situation in **Saudi Arabia**⁴ by building on the joint statement of 36 states at HRC40 and the Special Rapporteur on Summary Execution's report on Jamal Khashoggi in HRC41.
- Ensure the HRC follows up on the joint statement on **Cameroon**, delivered by 39 countries in March 2019, given the continued deterioration of the situation on the ground following the High Commissioner's visit in May. Specifically, we would like to see a resolution putting in place monitoring and reporting on the situation, or at the very least a more action-oriented joint statement, delivered under agenda Item 2.
- Work to build on the HRC41 joint statement raising concern over the human rights situation in **China's Xinjiang Uyghur Autonomous Region**,⁵ pressing China to allow full and unfettered access to Xinjiang region to independent human rights monitors, including as requested by OHCHR and Special Procedures. Failing that, states should work together towards the creation of an independent and impartial investigation, as called for by

¹ Amnesty International, *Assessment of Outcomes at the 41st Session of the UN Human Rights Council and Recommendations to UN Member States for Follow Up*, 31 July 2019, Index: IOR 40/0813/2019, www.amnesty.org/en/documents/ior40/0813/2019/en/.

² Joint report, *Opportunities for strengthening and leveraging membership of the UN Human Rights Council*, 1 July 2019, Index: IOR 40/0631/2019, www.amnesty.org/en/documents/ior40/0631/2019/en/.

³ The HRC 32 joint statement on preventing, responding to and addressing human rights violations is available at: www.dfa.ie/our-role-policies/international-priorities/human-rights/ireland-and-the-human-rights-council/irelands-statements-hrc-32nd-session/preventingrespondingtoandaddressinghumanrightsviolations-jointconcludingstatement/.

⁴ *Saudi Arabia: 40 Human Rights Groups Call on States to Stand Up for Human Rights in the Kingdom*, 26 June 2019, Index: MDE 23/0511/2019, www.amnesty.org/en/documents/mde23/0511/2019/en/.

⁵ The HRC41 joint statement by a group of states is available at www.hrw.org/sites/default/files/supporting_resources/190708_joint_statement_xinjiang.pdf.

Amnesty and other organizations earlier in the year⁶.

- **Ensure scrutiny of the human rights records of Egypt and Iran**, particularly in the lead up to their November UPR reviews, and **Bahrain**, in its first year as a member of the Council by using Item 4, and other opportunities including the Secretary General's Report on Reprisals, discussed further below.
- Work towards the establishment of an **accountability mechanism for Libya**, which we have long sought⁷.

KEY PRIORITIES ON THE AGENDA OF THE HRC

Regarding situations already on the HRC's agenda requiring further follow-up, we urge states to ensure that the HRC:

- **Responds robustly to the High Commissioner's report to HRC41 on the human rights crisis in Venezuela (A/HRC/41/18), by creating a Commission of Inquiry or similar investigative mechanism**, a call made by a coalition of Venezuelan and international human rights organizations this month.⁸ Heightened scrutiny through such a mechanism is essential given the scale, gravity and continued deterioration of the human rights situation in the country, the total lack of access to justice at national level, and the absence of oversight from the Inter American System since April 2019. Such a resolution would be aligned with the conclusions of the High Commissioner's written report to HRC41 and would send a strong message to victims and perpetrators alike that the international community will not allow impunity to prevail in Venezuela and may play an important role in contributing to accountability for crimes committed.
- **Upgrades and enhances its response to the situation in Yemen**. The mechanism it mandates must have:
 - a strengthened focus on accountability and on collecting and preserving evidence of and clarifying responsibility for alleged violations, abuses, and related crimes;
 - an extended mandate ensuring continuity of operations over multiple years; and
 - additional regular and direct reporting to the Human Rights Council.
- **Passes a robust resolution on Myanmar**. One year on from the landmark report of the Fact-Finding Mission on Myanmar (FFM), and resolution 39/2 which established the Independent Investigative Mechanism for Myanmar (IIMM), the human rights situation on the ground has not improved. The fresh violations in Rakhine state⁹ and in the north of the country clearly show the consequences of ongoing impunity for a military which stands accused of crimes against humanity, war crimes, and genocide. To ensure its continued relevance and credibility, the HRC must continue its important efforts to robustly address this critical situation.

We urge the EU and the OIC to work together towards a strong resolution at HRC42 that:

- ensures a smooth transition from the FFM to the IIMM;
- ensures follow-up on key findings and recommendations of the FFM;
- addresses the need for the international community to further push for meaningful justice and accountability, in the face of continued impunity in the country, including by mandating an enhanced interactive dialogue on accountability in Myanmar for HRC43.
- draws attention to the situation in Kachin and northern Shan States, as well as Rakhine, where civilians continue to bear the brunt of military abuses.

⁶ Joint Statement Calling for Xinjiang Resolution at The United Nations Human Rights Council, 4 February 2019, Index: ASA 17/9789/2019, www.amnesty.org/en/documents/asa17/9789/2019/en/

⁷ Amnesty International, *Human Rights Council Should Establish an International Investigative Mechanism into Human Rights Violations in Libya*, 20 February 2018, Index: MDE 19/7930/2018, www.amnesty.org/en/documents/mde19/7930/2018/en/

⁸ Amnesty International, *Venezuela: why a United Nations inquiry is needed on Venezuela*, <https://www.amnesty.org/en/documents/amr53/0912/2019/en/>.

⁹ Amnesty International, *Myanmar: "No One Can Protect Us": War Crimes and Abuses in Myanmar's Rakhine State*, 29 May 2019, Index: ASA 16/0417/2019, www.amnesty.org/en/documents/asa16/0417/2019/en/

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- makes clear that any returns should be “safe, voluntary, dignified and sustainable [...] including assurance of non-occurrence of violence, assurance on rights, including citizenship and mobility, or assurance of accountability of perpetrators and justice for victims,” and planned “in consultation with the populations concerned and in accordance with international law and standards, with international oversight and monitoring and with the free and informed participation of refugee communities.
- **Ensures robust monitoring of, and reporting on, the human rights crisis in Sudan.** We were disappointed that the HRC failed to hold a Special Session or Urgent Debate¹⁰ following the escalation of the crisis from 3 June, to urgently dispatch an investigative mechanism to monitor, verify and report on the situation in Sudan, as called for by the High Commissioner¹¹ and a group of Special Procedures¹². We call on states to ensure that the HRC uses the resolution expected at HRC42 to put in place such a mechanism, with a view to making recommendations on preventing further human rights violations and abuses in relation to peaceful demonstrations and ensuring accountability for these violations and abuses. The resolution must also ensure the continuity of the mandate of the Independent Expert, given the lack of progress on the establishment of an OHCHR office.
- **Responds robustly to the grave findings and recommendations of the recent OHCHR report on the situation of human rights in Indian-administered Kashmir and Pakistan-administered Kashmir,¹³ as well as recent developments in Indian-administered Kashmir,** particularly the allegations of serious human rights violations including injuries and deaths caused by pellet-firing shotguns. We join the call by the High Commissioner for Human Rights for an independent investigation to address the situation. Following the publication of our own report on detention without charge or trial under the Jammu & Kashmir Public Safety Act in May this year, we also urge the Council to address the misuse of counter-terrorism legislation by Indian authorities, such as the Armed Forces (Special Powers) Act, 1990, Public Safety Act, 1978 and National Security Act 1980 to limit the rights of the people to freedom of opinion and expression and participate in peaceful assemblies.
- Renews the mandates of important ongoing mechanisms, including the **Commission of Inquiry on Burundi** and the **Special Rapporteur on Cambodia**.
- Adopts a strong resolution on the **Death Penalty**. We urge states to counter any initiatives to undermine it, including by voting against any hostile amendments.

UNIVERSAL PERIODIC REVIEW

Participate actively in the UPR adoptions under Item 6, including by making substantive statements during the adoption of review outcomes on the 14 countries that were reviewed during the 33rd session of the UPR Working Group in May 2019. Encourage the states reviewed to act on recommendations to address human rights violations and strengthen the protection of human rights. We also draw the attention of states to the upcoming parliamentary elections in Mozambique and urge States to make a statement on progress towards the implementation of recommendations made in Mozambique’s second UPR on the occasion of it reaching the mid-term of its cycle.

MAINTAINING AND STRENGTHENING THE INTERNATIONAL HUMAN RIGHTS FRAMEWORK

Push back against any initiatives that aim to undermine the international human rights system and mechanisms and in particular:

¹⁰ Amnesty International, *UN Human Rights Council Must Convene Special Session on Sudan*, 12 June 2019, Index: IOR 40/0520/2019, www.amnesty.org/en/documents/ior40/0520/2019/en/

¹¹ OHCHR, *Press briefing note on Sudan*, 7 June 2019, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24682&LangID=E

¹² OHCHR, *Sudan: UN human rights experts call for independent investigation into violations*, 12 June 2019, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24689&LangID=E

¹³ OHCHR, *Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019*, 8 July 2019, https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf.

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- Ensure that **the draft resolution on the Special Procedures**, circulated ahead of HRC41 does not move forward. Amnesty is deeply concerned that this resolution would undermine the independence of the Special Procedures and could risk re-opening the delicate balance of consensus achieved in the Institution Building Package. A partial re-opening of the Institution Building Package would not be possible. Legitimate concerns can be raised through existing procedures and additional avenues created by the Coordination Committee and OHCHR to receive inputs, through constructive feedback from States and other stakeholders, in relation to possible improvements to the working methods and processes of Special Procedures.
- Engage substantively and specifically with the Secretary General's report on *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights in the context of the interactive dialogue with the Assistant Secretary General for human rights*, including in relation to specific cases of **reprisals** detailed therein, and to support the expected resolution.

HUMAN RIGHTS COUNCIL ELECTIONS

Participate actively in the **HRC pledging events for candidate states** that will be held in both New York (6 September) and Geneva (11 September).