

# AMNESTY INTERNATIONAL

## BRIEFING ON AMNESTY INTERNATIONAL'S KEY PRIORITIES FOR THE 43<sup>rd</sup> SESSION OF THE UN HUMAN RIGHTS COUNCIL

This briefing paper sets out Amnesty International's key calls on all states ahead of the 43<sup>rd</sup> regular session of the UN Human Rights Council (HRC43) 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.

### OVERVIEW

We urge all states to stand with victims and survivors of human rights violations and abuses around the world, by ensuring the continuity or strengthening of a range of important country-specific initiatives – including on **Nicaragua, South Sudan, Libya, Myanmar and Iran.**

We also call on the HRC to deliver an adequate response to other situations that require its attention, in line with its mandate, including by addressing human rights violations in **China's Xinjiang Uyghur Autonomous Region, Cameroon, Saudi Arabia, Egypt** and **in the context of protests in Iran and Iraq.** In this regard, we encourage States to build on increasing efforts we saw in 2019 to **hold HRC members to a higher level of scrutiny**, a key recommendation of our report on [opportunities for strengthening and leveraging membership of the UN Human Rights Council](#), and to continue to develop and solidify the trend of taking action and positions on the basis of the **objective criteria for HRC action.**<sup>1</sup>

We encourage states to be ambitious at HRC43 as they are presented with a unique opportunity to consider meaningful ways to strengthen the **HRC's contribution to the prevention of human rights violations**, a core element of its mandate. We look to states committed to the international human rights system to vigorously **defend it against ongoing attacks and attempts to undermine it**, including by ensuring the resolution on "mutually beneficial cooperation" does not undermine the Institution Building Package (IBP).

Finally, we call on incoming members to publicly commit to strengthening the HRC by repeating the **incoming members pledge** (delivered by Australia in 2018, and Fiji in 2019), and approaching their membership in a spirit of openness and self-reflection.

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<sup>1</sup> The objective criteria are set out in the HRC32 joint statement on preventing, responding to and addressing human rights violations, 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/](http://www.dfa.ie/our-role-policies/international-priorities/human-rights/ireland-and-the-human-rights-council/irelands-statements-hrc-32nd-session/preventingrespondingtoandaddressinghumanrightsviolations-jointconcludingstatement/).

## HUMAN RIGHTS CRISES NOT ALREADY ON THE HRC AGENDA

We call on states to take robust action to address several human rights crises not already on the HRC's agenda, specifically to:

- Exercise the HRC's **prevention function with respect to the grave human rights violations, including unlawful killings, torture, and enforced disappearances**, observed in a number of countries around the world in response to protests, including in **Iraq** and **Iran**. Amidst ongoing violations and escalating crisis in these two countries, the HRC must act as a matter of urgency, such as in advance of HRC 43 through one or multiple special sessions, both with a focus on prevention and on accountability. [> See joint NGO statement calling on the HRC to hold a special session on Iran.](#)<sup>2</sup>
- Follow up on the joint statement on **Cameroon**, delivered by the United Kingdom (UK) on behalf of 38 countries in March 2019,<sup>3</sup> given the continued deterioration of the situation on the ground following the High Commissioner's visit in May.<sup>4</sup> Specifically, we would like to see a resolution putting in place monitoring and reporting on the situation, or at the very least an action-oriented joint statement, setting clear benchmarks to be fulfilled by the Government of Cameroon to ensure measurable progress on human rights.
- Follow up on the joint statement on **Saudi Arabia** delivered by Iceland on behalf of 36 countries in March 2019 and a subsequent joint statement by Australia in September 2019.<sup>5</sup> Amnesty International joins other organisations in calling for the HRC to establish a monitoring mechanism for the human rights situation in the country. [> See joint NGO statement calling for such a mechanism.](#)<sup>6</sup> Our upcoming research highlights the Saudi authorities' crackdown on the rights to freedom of expression, association, and peaceful assembly through the Specialized Criminal Court – one of the most oppressive tools used by the authorities to silence dissent, and part of an unprecedented crackdown in the country over the past two years.
- Initiate long-needed collective action regarding the situation in **Egypt**. At Egypt's November 2019 Universal Periodic Review (UPR), states from all regional groups made recommendations and raised concern concerning the authorities' repression against opponents, critics and independent civil society. Our recent research has detailed how the authorities have routinely misused counter terrorism legislation, including through the Supreme State Security Prosecution and exceptional courts, to target thousands of peaceful critics and suspend guarantees to fair trial.<sup>7</sup> While a resolution is warranted, the situation demands some form of meaningful collective action from the

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<sup>2</sup> Amnesty International, *Iran: Joint call for the UN Human Rights Council to take urgent action on the situation of human rights in the Islamic Republic of Iran in relation to the repression of popular protests*, 16 December 2019, Index number: MDE 13/1598/2019, available at: <https://www.amnesty.org/en/documents/mde13/1598/2019/en/>.

<sup>3</sup> UK-led joint statement on Cameroon available at <https://www.gov.uk/government/news/human-rights-council-40-cameroon>.

<sup>4</sup> OHCHR, *Bachelet welcomes Cameroon's willingness to cooperate to tackle human rights crises*, 6 May 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24565&LangID=E>.

<sup>5</sup> The joint statement delivered by Iceland is available at <https://www.government.is/diplomatic-missions/embassy-article/2019/03/07/Joint-statement-on-the-human-rights-situation-in-Saudi-Arabia/> and the joint statement delivered by Australia is available at <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/documents/42nd-hrc-joint-statement-human-rights-saudi-arabia.pdf>.

<sup>6</sup> See a Public Statement by forty human rights organisations available at <https://www.amnesty.org/download/Documents/MDE2305112019ENGLISH.pdf>.

<sup>7</sup> Amnesty International, *Egypt: Permanent State of Exception, Abuses by the Supreme State Security Prosecution*, 27 November 2019, <https://www.amnesty.org/en/documents/mde12/1399/2019/en/>.

HRC as a matter of urgency.

- Follow up on joint statements delivered at the HRC and the General Assembly raising concern over the human rights situation in **China's Xinjiang Uyghur Autonomous Region**.<sup>8</sup> We hope that the leaks of official Chinese government documents (the so-called "China Cables"<sup>9</sup>) have made China's denials, and efforts by others to shield them from scrutiny, less tenable, and hope to see a wider group of states, from all regional groups, press China to allow full and unfettered access to Xinjiang to independent human rights monitors, including the High Commissioner for Human Rights and the Special Procedures that have raised concern. Failing that, states should work together towards the creation of an independent and impartial investigation, as called for by Amnesty and other organizations in 2019. > [See joint NGO statement calling on the HRC to establish an international fact-finding mission on Xinjiang](#).<sup>10</sup>
- States should also call on the **Hong Kong** authorities to launch a fully independent and effective investigation into the use of force by police during the Extradition Bill protests and urge China to immediately end its crackdown on human rights defenders as well as to release HRDs including Wang Quanzhang, Gao Zhisheng, Ilham Tohti and Tashi Wangchuk. > [See our briefing on the excessive use force of by police \(June\)](#)<sup>11</sup> and our [briefing on arbitrary arrests, brutal beatings and torture in police detention \(September\)](#)<sup>12</sup>.

## KEY PRIORITIES ON THE AGENDA OF THE HRC

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

- **Responds robustly to the findings of the High Commissioner in her report to HRC42 on the human rights crisis in Nicaragua**.<sup>13</sup> We hope to see a serious resolution, aligned with the High Commissioner's conclusions, that will send a strong message to victims and perpetrators alike that the international community will not allow impunity to prevail in Nicaragua. Specifically, the HRC should "request OHCHR to enhance its monitoring, documentation, analysis, and public reporting" on the situation in the country, "notably as a contribution to ensuring accountability, and to support the rule of law and security sector reforms," as recommended by the High Commissioner.
- Responds to the calls of the High Commissioner and the Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya by **enhancing its response to the situation in Libya by establishing a Commission of Inquiry or similar investigative mechanism**. The HRC's last three resolutions on Libya have been inadequate as they have not created the type of

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<sup>8</sup> 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](http://www.hrw.org/sites/default/files/supporting_resources/190708_joint_statement_xinjiang.pdf).

<sup>9</sup> <https://www.amnesty.org/en/latest/news/2019/11/china-end-hollow-denials-give-answers-victims-horrific-xinjiang-abuses/>.

<sup>10</sup> Amnesty International, *China: Joint Statement calling for Xinjiang Resolution at the United Nations Human Rights Council*, 4 February 2019, Index number: ASA 17/9789/2019, <http://www.amnesty.org/en/documents/asa17/9789/2019/en/>.

<sup>11</sup> Amnesty International, *How not to police a protest: Unlawful use of force by Hong Kong police*, 21 June 2019, Index number: ASA 17/0576/2019, <https://www.amnesty.org/en/documents/asa17/0576/2019/en/>.

<sup>12</sup> Amnesty International, *Hong Kong: Arbitrary arrests, brutal beatings and torture in police detention revealed*, 19 September 2019, <https://www.amnesty.org/en/latest/news/2019/09/hong-kong-arbitrary-arrests-brutal-beatings-and-torture-in-police-detention-revealed/>.

<sup>13</sup> Office of the High Commissioner for Human Rights, *Situation of human rights in Nicaragua - Report of the United Nations High Commissioner for Human Rights*, UN Doc. A/HRC/42/18, 3 September 2019, available at <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/session42/Pages/ListReports.aspx>.

international, independent, investigative mechanism that the situation requires. Meanwhile we have witnessed a consistent deterioration in the human rights and humanitarian situation over the last year. > [See Joint NGO Open Letter calling on the HRC to establish a Commission of Inquiry, or Similar Mechanism, for Libya](#).<sup>14</sup>

- Regarding **Israel and the OPT**:
  - **Takes action, via a resolution, to prompt the full public submission of the database of business activities in the Israeli settlements** in the scenario that the High Commissioner has not finalised and submitted it to the HRC by the start of the session. > [See Open Letter Regarding the Releasees of United Nations Database of Businesses Engaged in Activities Related to Israeli Settlements](#).<sup>15</sup> With the ever-extending delay in submitting this database, this matter is now not just a matter of credibility for the High Commissioner, but for the HRC in ensuring that all of its mandates are completed in a timely and non-politicised manner.
  - Devotes concerted attention to promoting the implementation of the recommendations contained in the report of the Commission of Inquiry on the 2018 protests, particularly with respect to promotion of accountability – a long stated goal of many of the members of the HRC.
  - Devotes increased attention to the increased restrictions and attacks against human rights defenders in Israel/Occupied Palestinian Territories, including Amnesty International, whose Campaigner has been prevented from travelling abroad, following the publication of his article on the UN database of business activities in the Israeli settlements.<sup>16</sup>
- **Renews the mandate of the Commission on Human Rights in South Sudan** (“the Commission”) in full and uses the session to advance critical issues relating to accountability, including the urgent establishment of the Hybrid Court for South Sudan (HCSS), and the need for judicial reform and rebuilding at national level. Pressure from the HRC, and ensuring the continued collection and preservation of evidence by the Commission, are critical in the face of a concerning lack of progress on, or commitment to, accountability by the authorities, as documented in a [recent Amnesty research report](#), which 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.<sup>17</sup>
- **Adopts a robust resolution on Myanmar**, renewing the mandate of the Special Rapporteur and strengthening support to that mandate now that the mandate of the FFM has come to an end. The resolution should specifically and explicitly address the serious violations we have continued to document in Rakhine State and Northern Myanmar. It should also highlight ongoing restrictions on the rights to freedom of expression, association, and peaceful assembly across the country, including in the context of the upcoming elections, calling on Myanmar to release all those detained or facing imprisonment for peacefully exercising their rights, and to take effective action to repeal or amend laws which restrict them. The resolution should also express the HRC’s intention to continue exploring all possible avenues to ensure all those responsible for serious violations, including those with command responsibility, are held to account. Finally, the resolution should follow up on the

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<sup>14</sup> Joint Open Letter is available at <https://www.amnesty.org/en/documents/mde19/1523/2019/en/>.

<sup>15</sup> Joint Open Letter is available at <https://www.amnesty.org/download/Documents/IOR4006842019ENGLISH.pdf>.

<sup>16</sup> <https://www.amnesty.org/en/latest/campaigns/2019/09/un-database-of-companies-operating-in-israeli-settlements-could-help-prevent-human-rights-abuses/>; see also <https://www.amnesty.org/en/latest/news/2019/10/israel-opt-amnesty-staff-member-faces-punitive-travel-ban-for-human-rights-work/>.

<sup>17</sup> Amnesty International, *Do you think we will prosecute ourselves? no prospects for accountability in South Sudan*, Index: AFR 65/1105/2019, <https://www.amnesty.org/download/Documents/AFR6511052019ENGLISH.PDF>.

findings and recommendation of the FFM with regards to the UN's role in Myanmar, in particular following the presentation of the Secretary General's report in that regard.

- **Underlines its commitment to continued review and follow-up on the important commitments made by Sri Lanka in resolution 30/1 on promoting reconciliation, accountability and human rights in Sri Lanka.** As the High Commissioner has reported in her written updates, progress on implementation since 2015 has been slow, but some important steps have been taken in line with resolution 30/1; for example, the release of civilian land, and the establishment of the Office on Missing Persons and the Office for Reparations. Amnesty is concerned by the recent deterioration of the human rights situation on the ground, with a spike in intimidation and harassment of NGOs and media organisations, travel bans on criminal investigators of human rights violations and promotions and appointments of several military officials named in the OHCHR investigation on Sri Lanka. Furthermore, the new Government has not only announced its intention to reverse the commitments made through 30/1 but has also cast doubt on its acceptance of key recommendations of its own domestic Lessons Learned and Reconciliation Commission. The HRC must ensure Sri Lanka's continued commitment to the 30/1 framework. Failing that, the HRC should consider additional more robust measures that may be required. [> See recent Amnesty International public statement on attacks on human rights organisations, media organisations and journalists in Sri Lanka.](#)<sup>18</sup>
- Ensure the renewal of the mandates of other important ongoing mechanisms, including Special Procedures mandates on the situation of human rights in **Democratic People's Republic of Korea (DPRK)**, the **Islamic Republic of Iran** and in **Mali**.
- Support any resolution on **Georgia** calling for technical assistance, capacity building, and access for human rights monitors.

## THEMATIC AND INSTITUTIONAL PRIORITIES

Regarding thematic and institutional questions, we call on states to:

- **Use the opportunities presented at HRC43 to engage ambitiously to enhance the HRC's contribution to prevention, and to reinforce the importance of the Human Rights up Front initiative,** in the context of the presentation of the report on *the contribution of the Human Rights Council to the prevention of human rights violations* and the Secretary General's report on *the review of the operations of the United Nations in Myanmar and an update on the implementation of recommendations*. The HRC should ensure further follow up on both discussions.
- **Protect against attacks on the international human rights system, and the delicate balance struck in the Institution Building Package (IBP), including by:**
  - **Engaging proactively to push back against problematic language in the expected resolution on "promoting mutually beneficial cooperation in the field of human rights,"** which Amnesty considers to be part of a broader attack on the international human rights system. In setting out the HRC's mandate, the General Assembly (GA) clearly identified "constructive international dialogue and cooperation" as one of four principles to guide the HRC's work "*with a view to enhancing the promotion and protection of all human rights*"<sup>19</sup> (emphasis added). However, [resolution 37/23](#) does not appear to focus on promoting constructive

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<sup>18</sup> Amnesty International public statement, *Attacks on human rights organisations, media organisations and journalists in Sri Lanka*, 16 January 2020, available at <https://www.amnesty.org/download/Documents/ASA3716782020ENGLISH.pdf>.

<sup>19</sup> GA resolution 60/251, available at [https://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251\\_En.pdf](https://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf).

engagement between states and civil society or human rights mechanisms *with a view to enhancing the promotion and protection of human rights*. Rather the resolution seems to present “mutually beneficial cooperation” between states, and by civil society and mechanisms (presumably with states) as the ultimate objective in itself. An additional issue is the lack of clarity of the term “mutually beneficial cooperation.” It appears to seek to prioritise non-confrontational engagement with and between states, towards outcomes that are mutually beneficial for states. In this sense, it fits within China’s broader narrative that the HRC should not “address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon,” despite this being a core part of its mandate. Despite Chinese government rhetoric that development and human rights should be “human-centred,” the focus on states as actors and beneficiaries undercuts this principle. We urge all states to engage to bring the text of the resolution in line with the HRC’s mandate, set out in GA resolution 60/251. Should it fall short, and risk undermining the IBP, states should ensure the resolution is not adopted by consensus and should clearly and publicly explain the shortcomings, while outlining the positive aspects of the HRC’s monitoring and reporting role.

- **Guarding against the tabling of a resolution that would reopen the institutional framework in which the Special Procedures operate**, as has been threatened during the last two sessions. Amnesty considers that such a resolution would be a significant blow to the independence, integrity and effectiveness of the Special Procedures, a critical mechanism for the promotion and protection of human rights at national level with an important early warning function. We also note the important ongoing efforts led by the Coordination Committee to address concerns that have been raised and encourage states to continue to engage with them constructively in this regard.
- **Ensure the renewal of important Special Procedures mandates on adequate housing, human rights defenders, the human rights of migrants, minority issues, contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the sale and sexual exploitation of children, torture and other cruel, inhuman or degrading treatment or punishment, and the right to freedom of opinion and expression**, among others.

## UNIVERSAL PERIODIC REVIEW

We call on states to 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 34th session of the UPR Working Group in November 2019. 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 four and a half years to assist in their implementation.