



Reports on the 45th session of the UN Human Rights Council

General debate on agenda Item 5 (29 September 2020)

Human rights bodies and mechanisms

General Debate:

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Oral update by the President of the Human Rights Council, Ms Elisabeth Tichy-Fisslberger, on decision 43/117 (methods of work of the Consultative Group of the Human Rights Council).

<ul style="list-style-type: none">- Progress made thus far in the organization of Open Consultations aiming to formulate Draft Methods of Work for the Consultative Group of the Human Rights Council in compliance with Council's resolutions 5/1 and 16/21.- The first round of Open Consultations will take place on 27 October 2020 at 3 p.m.- The President commits herself to consulting broadly with all stakeholders throughout this process and take all views duly into account.- The second round of Open Consultations is envisaged to take place at the end of November.- In preparation to these Consultations, the Secretariat has been requested by the President to develop a document providing the details of the current Working Methods of the Consultative Group.- On 29 September, the Secretariat has provided three background documents containing the information relevant to the preparation of the Open Consultations which will be shared with all the stakeholders shortly.	<ul style="list-style-type: none">- The first document includes the compilation of excerpts of Council's resolutions and decisions relevant to the selection and appointment of the Special Procedures mandate holders.- The second document reflects the reports and related documents produced by various Consultative Group between 2008 and now, and therefore provides an overview of the developments of the Working Methods of the Consultative Groups over these years.- The third document refers to the legacy letters issued by the previous Consultative Groups since 2007. These letters contain ideas and recommendations about how to improve the selection process and the work of the Consultative Group.- The compiled information should provide delegations with an overview of the evolving Working Methods of the Consultative Group.- All the information on the Consultative Group is also available on the dedicated webpage of the OHCHR.
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Interventions made on behalf of Groups of States

Germany (on behalf of the European Union), Pakistan (on behalf of the OIC), India (on behalf of a Group of Countries), Viet Nam (on behalf of the ASEAN), Kuwait (on behalf of the Arab Group), Mr. Meshal Almansour Portugal (on behalf of a Group of Countries), Mr. Eduardo Pinto da Silva Azerbaijan (on behalf of NAM), Latvia (on behalf of a Group of Countries), Norway (on behalf of a Group of Countries), Mexico (on behalf of a Group of Countries), Uruguay on behalf of a Group of Countries Gulf Cooperation Council.

<p>Germany on behalf of the European Union¹</p>	<ul style="list-style-type: none"> - Deeply concerned about the financial plight of the UN's human rights mechanisms and the OHCHR. - The EU will reject attempts to undermine the independence of the special procedures. - The EU acknowledges the importance of National Mechanisms for Implementation, Reporting and Follow up. - Urge all States to respond to cases of alleged reprisals and to provide information on measures taken to prevent and address acts on intimidation or reprisals.
<p>Pakistan on behalf of Organization of Islamic Cooperation (OIC)</p>	<ul style="list-style-type: none"> - Special Procedures should rigorously follow the Code of Conduct. - Communications to States should be sent after fact-checking. - Communications between States and mandate-holders should be made public only after lapse of the 60-days deadline. - Country visit reports should be objective and take into full consideration the perspective of the concerned Governments. - The OIC also calls for balanced regional representation in the selection and nomination of SPMHs. - The OIC urges the Special Procedures to pay close attention to the issues of Islamophobia, human rights violations of people in situations of foreign occupation, conflicts and disputes, and the root causes of forced displacement. - Treaty bodies should continue with their efforts to harmonize their working methods, enhance coordination among themselves, and create more capacity-building opportunities for less-developed and developing countries.
<p>India on behalf of the Like-Minded Group (LMG)</p>	<ul style="list-style-type: none"> - Special mandate holders should carry out their activities in strict adherence with the Code of Conduct. - Adherence to verifiable information and due analysis of comments and responses would strengthen constructive engagement. - Mass media use for self-glorification and easy publicity should be avoided. - Currently, more than a half of mandate holders continue to be from the same region which raises concerns on the equitable geographical representation.
<p>Viet Nam on behalf of Association of Southeast Asian Nations (ASEAN) and Cross-Regional Group of States</p>	<ul style="list-style-type: none"> - Highlight the need for continued dialogue on measures to strengthen the work of the Special Procedures in assisting States. - Endorse a set of observations and proposals with respect to the practices and working methods the SPMH covering the subjects of Code of Conduct, Information Gathering and Evaluation, Streamlining and Efficiency, Internal Advisory Procedure, Conflict of Interest, News Releases, Country Visits, Communications, and Technical Cooperation.
<p>Kuwait on behalf of Group of Arab States (Arab Group)</p>	<ul style="list-style-type: none"> - The Special Procedures mandate holders need to avoid any selectivity, double standards and imposing unilateral non-consensual interpretations of human rights instruments. - Special procedures should make technical assistance and capacity building their priority.

¹ The Candidate Countries Republic of North Macedonia , Montenegro, Serbia, Albania, Bosnia and Herzegovina, Liechtenstein, Ukraine, Republic of Moldova align themselves with this statement.



	<ul style="list-style-type: none"> - The group expresses its support to the Special Procedures as part of the reform process underway to align the obligations of the Special Procedures with the aspirations of States. - Cultural and religious specificities should be taken into account.
Portugal on behalf of the 28 Member-States of the group of friends on national mechanisms for implementation, reporting and follow-up²	<ul style="list-style-type: none"> - The Group remains committed to supporting and promoting National Mechanisms for Implementation, Reporting and Follow-up. - The Group reiterates the importance of 5 regional consultations mandated by resolution 42/30 that were postponed and hope they can all take place in 2021.
Azerbaijan on behalf of Non-Aligned Movement (NAM)	<ul style="list-style-type: none"> - Treaty bodies, special procedures, expert groups, and the confidential procedures need to prevent politicization and double standards in their work. - The NAM stresses the need for Special Procedures mandate holders to exercise their functions in full respect for, and with strict observance of their mandates and the Code of Conduct. - These mechanisms should not be used as a tool to interfere in the internal affairs of the Member States or to question their political, economic and social systems, their sovereign rights, and their national, religious and cultural peculiarities. - More efforts should be made to ensure that human rights treaty bodies work is more effective, objective, transparent, and accountable, as well as to ensure a more balanced membership therein.
Latvia on behalf of 62 countries³	<ul style="list-style-type: none"> - The States subscribing to this statement have all extended standing invitations to all Special Procedures mandate holders. - Note with satisfaction an increase in the number of States issuing standing invitations and a decrease in the number of States that have never received a visit by a mandate holder. - Also welcome the enhanced system to record the various status of country visit requests and better assess cooperation on both sides implemented since the beginning of this year. - Regret that the latest annual report of the special procedures, presented to the 43rd session of the Human Rights Council, highlighted the issue of partial or selective cooperation.
Norway on behalf of a Group of Countries⁴	<ul style="list-style-type: none"> - We regret increasing number of complaints against individual Mandate Holders for simply carrying out their duties as mandated by the Council. - Condemn any acts or threats of intimidation or reprisal against Mandate Holders of this Council as a result of their work.

² Angola, Azerbaijan, Bahamas, Belgium, Botswana, Brazil, Colombia, Costa Rica, Denmark, Ecuador, Fiji, Georgia, Haiti, Italy, Mexico, Morocco, Netherlands, North Macedonia, Paraguay, Portugal, Republic of Korea, Seychelles, Slovenia, Sweden, Thailand, Timor-Leste, Tunisia, Uruguay.

³ Albania, Argentina, Armenia, Australia, Austria, The Bahamas, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Cyprus, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Slovak Republic, Slovenia, Spain, State of Palestine, Sweden, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

⁴ Australia, Canada, Iceland, Liechtenstein, New Zealand, Norway, Switzerland



	<ul style="list-style-type: none"> - Call on all member states to engage cooperatively and constructively with Mandate Holders, including by issuing standing invitations for visits by thematic mandate holders and by allowing country-specific mandate holders to access the countries they are mandated to consider.
Mexico on behalf of a Group of Countries⁵	<ul style="list-style-type: none"> - The impartiality and interference of Mandate Holders must be ensured, and the interference and pressure must be avoided. - The response mechanism for review is an internal consultation procedure which must not be used as a reprisal. - Call on Coordination Committee to keep the communication channels open in order to share concern and give constructive feedback.
Uruguay on behalf of a Group of Countries	<ul style="list-style-type: none"> - Special Mandate holders should be able to implement their mandates in an independent, impartial and efficient manner, free from attacks and undue interference. - Dialogue and cooperation between the Special Procedures mandate holders and States should prevail. - Internal Advisory Procedure is an internal channel to raise issues of concern, and is open to States, civil society, and mandate holders. - Support the Press Release issued by the Coordination Committee on 27 September 2020, warning of the damaging impact that the UN funding crisis may have on the Special Procedures mechanism.
Gulf Cooperation Council	<ul style="list-style-type: none"> - Need to help Special Procedures mandates to avoid politicization and protect them from any hindering of their independence and objectivity. - Mandate holders should adhere to the Code of Conduct, especially when choosing their sources of information.

Interventions made on behalf of Human Rights Council's Member States

Pakistan, India, Indonesia, Venezuela, Nepal, Japan.

1. Pakistan	<p>Strongly urge all Human Rights Bodies and Mechanisms to:</p> <ul style="list-style-type: none"> - exercise their preventive mandate; respond credibly to the early warning signs; - call on the concerned occupying power to rescind its illegal measures, which are aimed at depriving the subjugated people of their basic rights and freedoms, in particular their right to self-determination.
2. India	<ul style="list-style-type: none"> - Advisory Committee brings in comprehensive understanding and diverse perspectives in its research-based work and fully contributes in enhancing the technical assistance and capacity building, to the member States. It is of utmost importance that Special Procedures mandate holders carry out their duties in conformity with the Code of Conduct. India participated meaningfully in the on-going review process of strengthening the treaty body system and emphasize the need to proceed further through a transparent inter-governmental process. Note with the appreciation the Subsidiary Expert Mechanisms of the Council, including the Forums on Social, Minority, Business and Human Rights, Democracy and Rule of Law.
3. Indonesia	<ul style="list-style-type: none"> - - The Council should ensure that the system of the treaty bodies and other mechanisms are fully functioning, and that they cooperate with States. - The communications sent to the States should be objective, based on facts, reliable and verifiable sources, and provide

⁵ Argentina, Chile, Costa Rica, Ecuador, Guatemala, Panama, Uruguay, Mexico



	adequate time for State to conduct fact-checked and ample examination of the matter. -Finally, the recommendation of the mechanism should be focused, realistic and implementable, taking into account domestic mechanisms and different legal systems.
4. Venezuela	<p><i>Aligns itself with the statement delivered by NAM.</i></p> <ul style="list-style-type: none"> - The resources should be equally distributed between all the human rights mechanisms. - Special mandate holders should strictly stick to the Code of Conduct. Deplore the fact that its provisions are often seriously breached. Support the letter recently sent to the Human Rights Council on this very matter. - Dialogue and cooperation should prevail; selectivity, politicization and double standards to be avoided.
5. Nepal	<ul style="list-style-type: none"> - Constructive engagement of the Coordination Committee of Special Procedures with States has remained useful for bringing coherence and in streamlining the activities of individual mandate holders in accordance with given mandates. Sending communications by Special Procedures without verifying objective information should not be pursued. Appreciate the constructive engagements of the Advisory Committee in providing expertise to the Council. UPR as an innovative tool of peer review and sharing of best practices in the field of human rights. View the 2020 Treaty Body review as an important consultative process. Underline the importance of ensuring equitable geographical and gender representation in the UN human rights bodies and mechanisms. Reaffirm that coordination among human rights bodies and mechanisms is indispensable to avoid duplication and enhance efficiency in their works.
6. Japan	<ul style="list-style-type: none"> - It is crucial to improve the treaty bodies so they can function more efficiently and effectively. Japan encourages treaty body members to avoid unnecessary duplication among committees and deepen their understanding of the diverse legal, social, judicial, and administrative systems as well as situations related to specific human rights issues in each country. Expect more dialogue and cooperation between States and mandate holders. Expect further efforts by the Coordination Committee. As a result of continuously adopting a number of resolutions with PBI at the Human Rights Council, we are faced with increasing additional expenditure. It is unsustainable to continue doing business as usual under the current financial crisis, as worsened by the COVID-19 pandemic. It is indispensable for the Secretariat and Member States to enhance communication between Geneva and New York. Need to remain cognizant of fiscal disciplines when taking actions at this Council and discussing reforms such as the 2020 treaty body review or the HRC review starting in 2021.

Interventions made on behalf of Observer States	
<i>Israel, Cuba, Iraq, China, Iran (Islamic Republic of), Algeria, Russian Federation, Belarus, Azerbaijan, Jordan, Lebanon, Switzerland.</i>	
1. Israel	<ul style="list-style-type: none"> - The mandate on the Occupied Palestinian Territory is politicized. It is also the only open-ended mandate. - The current mandate holder relies on biased and distorted information.
2. Cuba	<ul style="list-style-type: none"> - The Social Forum constitutes a unique arena for respectful dialogue between the most broad range of stakeholders. - Cuba appeals to mandate holders to stick strictly to their mandates and the provisions of the Code of Conduct. - Also reiterate their deep concern about the so-called "prevention" issue, which continues to be selective, likely politicized and ignores the diversity of criteria on the subject.
3. Iraq	<ul style="list-style-type: none"> - Call for objectivity and the use of reliable sources. - Stress the need to adhere to the mandate given to ensure continued cooperation between governments and special procedures.



4. China	<ul style="list-style-type: none"> - Increased violations of the rules and principles by some Special Procedure mandate holders; interference in the legislative and judicial processes of the Member States; use of uncredible information; co-sign statements that have no relation to their mandates. - Call for a comprehensive discussion of the Working Methods, including assessing the implementation of the Code of Conduct, formulating detailed rules for implementation of the Code of Conduct, and establishing the accountability mechanism.
5. Iran (Islamic Republic of)	<ul style="list-style-type: none"> - Special Procedures mandate holders should exercise their rights in full respect for the Code of Conduct, following the principles of objectivity, non-selectivity, non-politicization and impartiality. - Need for more balanced representation.
6. Algeria	<p><i>Align itself with the statement delivered by the OIC.</i></p> <ul style="list-style-type: none"> - Urge the Special Procedures to pay particular attention to the issues of Islamophobia, human rights violations suffered by people in situations of foreign occupation and in long-standing conflicts and disputes, and the root causes of forced displacement. - The Special Procedures must strictly follow the Code of Conduct. - Steps should be taken to ensure that such communications are not made public until after the expiration of the 60-day deadline. - Algeria calls for balanced regional representation in the selection and appointment of special procedures. - Press releases, especially if contain unsubstantiated claims and do not reflect the views of States on the matter under consideration, should not be disseminated very quickly to States.
7. Russian Federation	<ul style="list-style-type: none"> - The Internal Advisory Procedure is only aimed at the assessment of the compliance with the Manual of Special Procedures developed by the OHCHR. - It is high time to create a transparent, clear mechanism of accountability for Special Procedures in full compliance with Article 15 of the Code of Conduct.
8. Belarus	<ul style="list-style-type: none"> - Principles of objectivity, impartiality and equal treatment for all states are not followed by all the Special Procedures. - It is vital for the Council to flag up to Special Procedures their mistakes and misunderstanding of their mandates. - It is unacceptable to publish Press Releases on country situations without fact-checking the information contained therein with the concerned governments. This can lead to the creation of the “fake news” which are later widely spread by the mass media. - It is important to use the legally correct wording while referring to Special Procedures mandate holders.
9. Azerbaijan	<ul style="list-style-type: none"> - Takes note of the report HRC/45/39 of the Human Rights Council Advisory Committee “Study on national policies and human rights”. - Azerbaijan welcomes the country visits and will continue its national policy measures as well as constructive dialogue and cooperation with the human rights mechanisms.
10. Jordan	<ul style="list-style-type: none"> - Constructive dialogue, free from selectivity, politicization and unsubstantiated information is essential. - Financial resources and necessary support should be given to all human rights mechanisms.
11. Lebanon	<ul style="list-style-type: none"> - The importance of the commitment to constructive dialogue with states, providing them with technical assistance, and building their capabilities, away from politicization and double standards. - Urge special rapporteurs not to compromise their independence or objectivity, refrain from stereotypes and prejudice against states, and interference in their internal affairs, and verify the reliability of their sources.
12. Switzerland	<ul style="list-style-type: none"> - Commend the commitment and communications by the Special Procedures during the challenging period of the COVID-19. - Independence of the system is an essential element to be respected.



Interventions made on behalf of Civil Society Organizations

<p>1. Amnesty International (Joint Statement on behalf of 13 NGOs)</p>	<ul style="list-style-type: none"> - PRST8/2 was initially adopted in a specific context of the extension of term of the mandate holders, and should not be regarded as a wider framework for assessing the performance of the mandate holders. - Regret that the Group of State that wrote to complain about two mandate holders, have appeared to ignore the existence of Internal Advisory Procedure. - Regret the attacks of a personal nature against the Special Procedure mandate holders. - The allegations presented against the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions seem to be little more but objecting to her being particularly effective and proactive. - Appreciates the efforts by the Coordination Committee to address broad issues related to the Working Methods of the Special Procedures and the willingness to work with the Special Rapporteur on the right to privacy on issues related to methodology and programming of the six outstanding country reports.
<p>2. Associazione Comunita Papa Giovanni XXIII</p>	<ul style="list-style-type: none"> - Welcomes the Report of the Advisory Committee on the importance of a legally binding instrument on the right to development.
<p>3. Universal Rights Group</p>	<ul style="list-style-type: none"> - Commends the Core Group on the Prevention of Human Rights Violations for their efforts to clarify the largely misunderstood concept of human rights prevention. - Thanks the Core Group for tabling the related resolution, highlighting two areas of Council's work (1) preventing human rights from violation in the first place, by building national resilience, and (2) preventing human rights emergencies from escalating through early Council's engagement.
<p>4. Alsalam Foundation</p>	<ul style="list-style-type: none"> - Need to prevent all acts of intimidation and reprisals against human rights activists, activists, and all those who engage with the Human Rights Council mechanisms. - One of the organization's members was approached by the Iraqi delegation in an act of intimidation after the organization has delivered an oral statement.
<p>5. Khiam Rehabilitation Center for Victims of Torture</p>	<ul style="list-style-type: none"> - Situation of the Palestinian detainees.
<p>6. Réseau International des Droits Humains (RIDH)</p>	<ul style="list-style-type: none"> - Effective participation of the civil society in the work of the Human Rights Council during the COVID-19 pandemic, including holding of Side Events.
<p>7. The International Organisation for LDCs (IOLDCs)</p>	<ul style="list-style-type: none"> - Need for the legally binding instrument to implement the right of development.
<p>8. World Muslim Congress</p>	<ul style="list-style-type: none"> - Safety of the human rights defenders in the Indian-Occupied Kashmir.
<p>9. International Council Supporting Fair Trial and Human Rights</p>	<ul style="list-style-type: none"> - The importance of Investigative Commissions and mechanisms. - Situation of the human rights in Yemen.
<p>10. Al Baraem Association for Charitable Work</p>	<ul style="list-style-type: none"> - Situation of indigenous peoples in India.
<p>11. Global Welfare Association</p>	<ul style="list-style-type: none"> - Situation of Christians in India.



12. Partners for Transparency	- Reprisals against the activists in Yemen for cooperation with the UN mechanisms.
13. Mother of Hope Cameroon Common Initiative Group	- Situation of human rights in India.
14. World Barua Organization (WBO)	- Need to establish human rights courts in India.
15. Liberation	- Need to establish human rights courts in India in every district.
16. Association for Integration and sustainable Development in Burundi	- The effect of the Citizenship Amendment Act on human rights situation in India.
17. Iraqi Development Organization	- Challenges in obtaining the Consultative Status for NGOs.
18. International Commission of Jurists	- Welcomes the report of the Secretary General on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, and - particularly concurs with its conclusion that reprisals perpetrated through abuse of national security and counter-terrorism laws and measures continue at alarming levels, and that such abuse also frequently occurs in the context of broader repressive environments for civil society or dissent. - The pattern of abuse of such laws by Egypt should be of particular concern.
19. iuventum e.V	- Systematic collaborations not only with other international organizations, but also within the Human Rights Mechanism are necessary. - COVID-19 epidemic situation should be used a trigger to develop the capacity to build ad hoc systematic interdisciplinary collaborations.
20. Maat for Peace, Development and Human Rights Association	- Ongoing reprisals in Iran against human rights defenders collaborating with the UN mechanisms.
Point of Order: Iran	<i>"This statement is out of context of Item 5".</i>
Maat for Peace, Development and Human Rights Association	<i>Continued its statement.</i>
Point of Order: Iran	<i>Second Point of Order</i>
Maat for Peace, Development and Human Rights Association	<i>Finished its statement.</i>
21. CIVICUS - World Alliance for Citizen Participation	- Civil society engagement is fundamentally necessary to ensure adequate reporting to these mechanisms. - Recently, the Amnesty International India section was forced to stop its ongoing work. - In China human rights activists reported that they had been targeted for engaging with the UN staff or human rights mechanisms. - In September 2018, the Permanent Mission of Burundi in Geneva requested that OHCHR withdrew the accreditation of various human rights defenders. - In Cambodia, attacks by the government against prominent rights group risks impeding them from vital monitoring and reporting work.
22. Health and Environment Program (HEP)	- Importance of advancing multilateralism and fighting the inequality.
23. Centre for Gender Justice and Women Empowerment	- Enforced disappearances in Pakistan.
24. Association Thendral	- Human rights of Tamils in Sri Lanka.



25. ABC Tamil Oli,	- Accountability for Tamils victims in Sri Lanka.
26. Tamil Uzhagam	- Religious genocide of Tamils in Sri Lanka.
27. African Commission of Health and Human Rights Promoters	- Human rights situation in the Indian-Occupied Kashmir.
28. Center for Organisation Research and Education	- Human rights situation in India.
29. Prahar	- Reprisals of human rights defenders in India.
30. African Green Foundation International	- Human rights of Tamils in Sri Lanka.
31. Association Culturelle des Tamouls en France	- Human rights of Tamils in Sri Lanka.
32. International Buddhist Relief Organisation	- Human rights of Tamils in Sri Lanka.
33. Association for the Protection of Women and Children's Rights (APWCR)g	- Non-compliance of India with the UN human rights mechanisms.
34. Jeunesse Etudiante Tamoule	- Human rights situation of Tamils in Sri Lanka.
35. International Solidarity for Africa	- Need for accountability for the violations of human rights of Tamils in Sri Lanka.

Rights of Reply:

- **Iran, Islamic Republic of** (in reply to those who names Iran as one of the main sponsors of the Saudi aggression on Yemen),
- **Iraq** (in reply to the statement by an NGO "Alsalam Foundation").

Full recording of the General Debate on Item 5 is available on the UN WebTV:

[Part 1](#) and [Part 2](#).