

# HUMAN RIGHTS COUNCIL - 47<sup>th</sup> SESSION

## Highlights of Week 2 (28 June - 2 July 2021)

### Panel Discussions

#### Panel discussion on the tenth anniversary of the Guiding Principles on Business and Human Rights

The Working Group was represented by Mr. Dante Pesce, while the opening remarks were delivered by Mr. John Ruggie, the author of the Guiding Principles on Business and Human Rights, and Ms. Michelle Bachelet. Speakers said the voluntary nature of the Guiding Principles was insufficient to generate a systemic change, and expressed their deep concern over the killings of human rights defenders linked to business activities. High Dignitaries from Peru, Brazil, Argentina, Norway, and Honduras also took part in the discussion.

#### Panel discussion on the human rights of older persons in the context of climate change

Strong joint statements were delivered, including on behalf of a group of Small Island Developing States and on behalf of Cross-Regional Group of States-friends of older persons. The lack of an international convention on the rights of older persons makes it more difficult for them to claim their rights and fundamental freedoms in many contexts, including in relation to climate change. There were calls by states and civil society organizations to establish a Special Rapporteur on Climate Change and Human Rights.

### Item 3



**Prevention of Genocide – Interactive Dialogue:** Special Adviser to the Secretary-General, Ms. Alice Wairimu Nderitu, during her intervention referred to atrocity crimes in ***Syria, Myanmar, Yemen, Afghanistan, Ethiopia, Central African Republic, Democratic Republic of the Congo, South Sudan, Occupied Palestinian Territory, Sri Lanka, Bosna and Hercegovina***, as well as the situation of indigenous peoples in ***Brazil, Ecuador*** and ***other countries in the region of the Americas***, the situation of the displaced populations in ***Venezuela***, and transitional justice in ***Colombia***. She reiterated the call for the universal ratification of the Genocide Convention, as 42 UN Member States are yet to accede or ratify the Convention. The states-members of the Group of Friends of the Responsibility to Protect strongly encouraged the application of the UN Framework of Analysis for Atrocity Crimes by all relevant mechanisms and procedures.



**Violence against women – Interactive Dialogue:** Special Rapporteur, Ms. Dubravka Simonovic, presented her last report to the Council which focused on rape as a grave, systematic and widespread human rights violation and was accompanied by the Framework for Model Legislation on Rape. She also said that during her 6-year tenure, she had prepared 12 thematic reports and 11 country reports on South Africa, Georgia, Israel, the Occupied Palestinian Territory, Argentina, Australia, Bahamas, Canada, Nepal, Bulgaria, and Ecuador; as well as started two long-term initiatives: femicide watch and the EDVAW Platform. Six joint statements were delivered and more than 80 countries spoke in their national capacity during the Interactive Dialogue.



**Independence of Judges and Lawyers – Interactive Dialogue:** Special Rapporteur, Mr. Diego García-Sayán, presented his report on the impact and challenges of COVID-19 for independent justice, and focused on five main conclusions and six recommendations. *International Commission of Jurists* referred to the Siracusa Principles, and said that measures undertaken by States which adversely impact human rights must be subjected to judicial control. *International Bar Association*, in a joint statement, said that the pandemic provided a legitimate justification for governments in India, Turkey, Belarus, Azerbaijan, Philippines, Poland, Hungary, Russian Federation, Thailand And Algeria, among others, to enact selective measures that limit fundamental rights.



**Trafficking in persons – Interactive Dialogue:** Special Rapporteur, Ms Siobhán Mullally, presented her report on the implementation of the non-punishment principle, and said that failure to respect it may lead to further serious human rights violations, including detention, forced returns and refoulement, arbitrary deprivation of citizenship, debt burden arising from the imposition of fines, family separation, and unfair trial. Other speakers also recalled that a high-level meeting of the UN General Assembly would take place to assess the implementation of the United Nations Global Plan of Action to Combat Trafficking in Human Beings.



**Extreme poverty – Interactive Dialogue:** Special Rapporteur, Mr. Olivier De Schutter, presented his report that argued that a Global Fund for Social Protection should be set up to increase the level of support to low-income countries, thus helping them both to establish and maintain social protection floors in the form of legal entitlements, and to improve the resilience of social protection systems against shocks. He also thanked Belgium, Finland, Germany and Luxembourg for their budgetary contributions to the mandate; and governments of all world regions that are part of the informal "Friends of the mandate".

**Visit to the European Union:** the Special Rapporteur thanked his interlocutors within the EU institutions and EU Member States (including France, Italy, Portugal, Slovenia and Spain) for their constructive engagement. The main lesson from the visit is that, while the EU has launched a number of programmes to combat poverty, the Member States still encounter a number of obstacles to effectively address poverty and inequalities.



**Summary executions – Interactive Dialogue:** Special Rapporteur, Mr. Morris Tidball-Binz, addressing the Council for the first time, focused on the priority themes he had identified for his mandate: deaths in custody; the role of medico-legal and death-investigation systems in preventing unlawful killings; the protection and respect for the dead following unlawful killings; lessons learned from the Ebola epidemics and the COVID-19 pandemic in relation to the protection of the right to life; the right to life in disaster prevention and response; the implementation of standards relating to the imposition of capital punishment. A special emphasis will be placed on the prevention of executions and strengthening accountability. Mr. Tidball-Binz acknowledged the extraordinary contribution of his predecessors, and to paid a special tribute to Prof. Christof Heyns, who passed away last March.



**Peaceful assembly – Interactive Dialogue:** Special Rapporteur, Mr. Clément Nyaletsossi Vouli, presented his report on access to justice as an integral element of the protection of the rights to freedom of peaceful assembly and of association, as well as two addendums: one of which is a set of Guidelines for Lawyers in support of peaceful protests; the second is related to the rise of internet shutdowns during peaceful protest and important political moments such as elections. A number of delegations took part in the discussion including the Czech Republic, on behalf of the Core Group for Freedom of Peaceful Assembly and of Association, and *Article 19* with the Joint Statement in which they brought the Council's attention to the #KeepItOn Coalition against Internet shutdowns and a number of country situations.



**Freedom of expression – Interactive Dialogue:** Special Rapporteur, Ms. Irene Khan, presented her first thematic report on the issue of disinformation. As the primary duty bearer of human rights, States should refrain from sponsoring or spreading false information, she said, and should scrupulously respect international human rights standards when seeking to restrict freedom of expression. The Special Rapporteur also found that company responses to disinformation had been largely reactive, inadequate and opaque. *Article 19*, in a joint statement, urged States to approach disinformation with a holistic response which embraces the right to freedom of expression, including by promoting a diverse and independent media, protecting journalists and whistle-blowers, ensuring access to information held by public bodies, and investing in media and digital literacy.





**Leprosy – Interactive Dialogue:** Special Rapporteur, Ms. Alice Cruz, focused on the disproportionate impact of the COVID-19 pandemic on persons affected by leprosy and their family members, and said that at the beginning of her second term as mandate holder she would consult the national and grass-roots organizations of persons affected by leprosy, in order to develop a participatory work plan for the following three years, and would continue to support the implementation of the global health policies for tackling leprosy while seeking to integrate into her work responses to the global challenges arising from the COVID-19 pandemic.

**Human Rights and TNCs and other Business Enterprises – Interactive Dialogue:** Working Group’s Chairperson, Mr. Dante Pesce, taking stock of the first decade of the Guiding Principles on Business and Human Rights, said that much stronger efforts needed to be put on implementation. In addition, the addendum report on the performance of institutional investors highlighted wider investor action to integrate human rights due diligence was critical for scaling up business respect for human rights overall, and the addendum report on human rights defenders highlighted that defenders in all regions were under threat and attack.

**Arbitrary detention: Study on drug policies – Interactive Dialogue:** Working Group’s Chair-Rapporteur, Ms. Elina Steinerte, presented a number of recommendations, related to decriminalization of the use of drugs for personal use; diversion or non-custodial alternatives of the accused or convicted of minor, non-violent drug-related offences; closing State-run compulsory drug detention centres holding persons against their will; Ensuring that all treatment for drug use disorders is evidenced-based, voluntary and consent-based; Discontinuing the use of drug courts and forced drug treatment; Ensuring proportionate sentencing for drug-related offences; Ensuring that the production of traditionally grown plants by indigenous peoples for their religious, medicinal and customary purposes is not criminalized; and Affording civil society a meaningful consultative role in the design, implementation, monitoring and evaluation of drug policies. Ms. Steinerte also addressed the concerning issue of insufficient health care for drug users in detention.

### Other meetings and developments



A vote was held during the 18th meeting of the 47th regular session of the Human Rights Council on 1 July 2021, which addressed the following question: ***“Should the Council hold the two interactive dialogues on Myanmar at this 47th session?”*** The decision was **adopted with 26 votes in favour.**

**In favour (26):** Argentina, Austria, Bangladesh, Bulgaria, Czech Republic, Denmark, France, Germany, Indonesia, Italy, Japan, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Philippines, Poland, Republic of Korea, Somalia, Ukraine, United Kingdom, Uzbekistan.

**Against (7):** Bahamas, China, Cuba, Eritrea, Fiji, Russian Federation, Venezuela.

**Abstentions (14):** Armenia, Bahrain, Bolivia, Brazil, Burkina Faso, Cameroon, Cote d’Ivoire, Gabon, India, Pakistan, Senegal, Sudan, Togo, Uruguay.

Geneva Centre’s reports on selected HRC47 meetings are [available here](#). UN reports submitted to HRC47 are [available here](#).

All pictures in this report: screenshots from [UN WebTV](#).