

HUMAN RIGHTS COUNCIL - 48th SESSION

Opening Segment¹ (13 September 2021)

The President of the UN Human Rights Council (HRC), **H.E. Ms Nazhat Shameem Khan**, opened the 48th session, and reminded that the extraordinary modalities were still in place for the session.

It was decided by the Council that, pending a decision by the General Assembly on the representation of Myanmar, the **consideration of the report of the Universal Periodic Review of Myanmar was postponed to the 49th session of the Council**. There were no objections to the Bureau proposal.

On the recommendations of the HRC Bureau to proceed as scheduled for the 48th session with the **interactive dialogues on the report of the Independent Investigative Mechanism for Myanmar**, on the High Commissioner's **written update on Myanmar**, and on the **oral progress report of the Special Rapporteur on the situation of human rights in Myanmar, without the participation of the concerned country**:

- **representative of China** said that the interactive dialogues on Myanmar should be held with the participation of Myanmar, underlining that the involvement of concerned countries was not only a fundamental principle of the Council's work but essential for any constructive dialogue.
- **representative of the Russian Federation** expressed support to the statement made by China, saying that no interactive dialogue should be conducted without the country concerned.
- **Austria, on behalf of the EU member states-members of the HRC**, supported the recommendations of the Bureau, saying that the current situation in Myanmar shows that the interactive dialogues should not be postponed and can be held without the participation of the country.

The decision to conduct the interactive dialogues on Myanmar without the participation of the country concerned as recommended by the HRC Bureau was **taken by consent**.

Item 2: Annual report of the High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Oral Update by Michelle Bachelet, UN High Commissioner for Human Rights

Ms. Michelle Bachelet, the UN High Commissioner for Human Rights, in her Oral Update particularly, focused on the **triple planetary crises of climate change, pollution, and nature loss** that severely affect the **rights to adequate food, water, education, housing, health, development, and life**. Addressing this crisis is a humanitarian, a human rights imperative, a peace-building, and a development imperative, she said. The OHCHR now develops **new guidelines for human rights-based approaches to recovery, conservation and climate finance** to encourage countries to invest in a just recovery. At the **COP26** climate negotiations, OHCHR and its partners will be strongly advocating more

¹ Full video recording of this and subsequent Oral Updates are available on UN WebTV: check for [1st Meeting, 48th Regular Session Human Rights Council](#)



ambitious, rights-based and inclusive climate action. OHCHR and the UNEP will be launching a **joint Environmental Rights Programme** to enhance protection of environmental human rights defenders and civic space; and to integrate human rights, including the right to a healthy environment, into all relevant negotiations and UN processes. The Committee on the Rights of the Child will prepare a **General Comment on children's rights and the environment**. The Committee on Economic, Social and Cultural Rights is also pursuing work on **General Comments on sustainable development and on land**. The High Commissioner further focused on the following **country-situations**:

- **Madagascar**: extreme hunger after four years without rainfall. At least 1.14 million people in the Southern region are in need of emergency food; the crisis is expected to further deteriorate.
- **Sahel countries**: are facing more severe and rapid climate change than elsewhere. Increasing desertification, long droughts, flash-floods, unequal access to natural resources amplifies existing vulnerabilities, especially food insecurity. This aggravates conflicts and political instability. The OHCHR's project in the Sahel region, **with a specific focus on Mauritania, Niger and Nigeria**, seeks to identify protection gaps faced by communities affected by climate change and migration.
- **Central Asia**: water shortages lead to insufficient irrigation and loss of crops, damaging food security. Affected people face challenges in accessing social protection.
- **Asia**: displacement due to environmental disaster is a particularly serious phenomenon. IDMC has reported that, in 2019, **China, Bangladesh, India, and the Philippines** witnessed more disaster displacement than all other countries combined. In **Bangladesh, Maldives, Indonesia, Malaysia, Myanmar, Thailand, and Vietnam**, by 2050 most of territories will be submerged by rising sea.
- **Middle East and North Africa**: access to water is particularly threatened.
- **The Pacific**: All countries of the region, notably member states of the **Pacific Island Forum**, should support development of a regional human rights-based framework for climate mobility.
- **Central America**: the "Dry Corridor", particularly in **Guatemala, El Salvador, and Honduras**, is a striking example of the impact of climate change on poverty, displacement and fundamental human rights. The World Bank has suggested that up to 3.9 million people in **Central America and Mexico** could be forced to leave their homes by 2050.

High Commissioner underlined the important role of the **environmental human rights defenders** and pointed out to the fact that in many regions they are threatened, harassed, and even killed, often with complete impunity (for example, in **South-East Asian States**). **Indigenous people**, critical to global efforts to address environmental degradation, are facing the same risks (for example, in **Brazil**).

Further, the High Commissioner focused her Statement on several specific and fast-moving situations:

- **Chad**: a formal Roadmap for Transition adopted by the Transitional Government in July includes provisions for a national dialogue.
- **Mali**: following the coup d'état in May – the second in 10 months – violent extremist activity and severe human rights violations and abuses continue unabated.
- **Guinea**: another non-democratic transition of power has been inflicted on the people.
- **Central African Republic**: from February to June 2021, a 76 per cent rise in incidents was documented by the OHCHR, including killings perpetrated by armed groups. Long-standing patterns of impunity persist.
- **Haiti**: the last month's earthquake has added more suffering to the extensive human rights crisis.



- **Czech Republic**, the High Commissioner welcomed adoption of the legislation that enables women and men to receive compensation for having been sterilized unlawfully and without consent.
- **China**: a new **National Action Plan on Human Rights 2021-2025** will focus on climate change, environment, digital privacy, and responsible business practice. The High Commissioner she still does not have a meaningful access to the **Xinjiang Uyghur Autonomous Region**: the work on finalising the assessment of the available information on allegations of serious human rights violations in that region is in progress and soon will be made public.
- **India, Jammu and Kashmir**: restrictions on public assembly, frequent temporary communication blackouts, pressure on journalists and people exercising their right to the freedom of expression.
- **Nepal**: the amendment of the transitional justice law and restoring the independence of the National Human Rights Commission is in process.
- **Iraq**: failure to hold accountable the perpetrators of human rights violations against demonstrators – and others voicing criticism – facilitates the recurrence of such crimes. The High Commissioner also urged the implementation of the Yazidi Survivors Law, passed in March.
- **Tunisia**: the President's suspension of Parliament and dismissal of the Prime Minister raise institutional questions for the effective protection of human rights in the future.
- **Lebanon**: conjoined social, economic, and political crises are having serious and deepening human rights impact. The OHCHR also receives reports of detentions and deportations of Syrians without adequate due process and non-refoulement safeguards.
- **Occupied Palestinian Territory**: continued and increasing instances of excessive or entirely unwarranted use of force against Palestinian civilians by Israeli Security Forces.
- **Eswatini**: the legislative restrictions of the civic space, and the use of terrorism laws against critics and protesters. The OHCHR receives alarming reports of excessive and unwarranted force against people who have peacefully demonstrated for democratic reforms.
- **Zambia**: the new Government's commitment to strengthening democracy, human rights and the rule of law with a diverse and inclusive approach is encouraged.

As the final remarks, the High Commissioner reminded about the provisions of the Secretary-General's plan to address the crises that face our planet and secure greater peace and well-being for our peoples, the [Common Agenda](#), and its 12 commitments.

Report of the High Commissioner for Human Rights on the situation of human rights and technical assistance in the Bolivarian Republic of Venezuela

The High Commissioner presented her report A/HRC/48/19. OHCHR was **expanding its presence in Venezuela**, working in various regions and on various topics, including on the implementation of the Minnesota Protocol. During the reported period the OHCHR **visited 24 centres of deprivation of liberty** and provided the Government with the **recommendations on the conditions of detention**, and called for the release of all the arbitrarily detained. The OHCHR is preparing the country for the **upcoming UPR** and the ratification of international human rights instruments, including the Convention for the Protection of All Persons from Enforced Disappearance. The Office of the High Commissioner in Venezuela works in the field of **social and ecological rights** and monitor how the current social economic situation has worsened due to the pandemic. The High Commissioner called



the international community for the **lifting of the sanctions** imposed on the country and additional actions to mitigate the effects of the COVID-19 **vaccine** is a public good and must be made available to the public. The incomes in the country are too small and insufficient to ensure food security and access to education and health care. The High Commissioner called for scaling up efforts to provide **basic services to the most vulnerable**. Ms. Bachelet expressed deep concern about the shrinking **civil society participation** and about the criminalization of rights activists and union leaders. Finally, she called for an inclusive dialogue on the conduct of the **upcoming elections** and situation of human rights in the country.

Oral update on the situation of human rights in Afghanistan

The High Commissioner presented the updates on Afghanistan pursuant to **resolution S-31/1**, adopted at the Council's Special Session on 24 August 2021. On 26 August, a suicide attack outside Kabul airport claimed by the ISIL group **killed at least 142 civilians** – including **children** – and **injured at least 250**. Three days later, a U.S. drone strike, claiming to target IS-K members, killed ten civilians. The High Commissioner expressed concerns about civilian casualties and human rights abuses, as a result of the **fighting in Panjshir valley**, as well as the hardship caused by the humanitarian situation there. OHCHR has received credible allegations of **reprisal killings** of a number of former ANSF personnel, and reports of officials, who worked for previous administrations and their family members being **arbitrarily detained**. OHCHR also received information regarding Taliban **raids on offices of some NGOs** and civil society groups, and **exclusion of women from the public sphere**. In several locations girls over 12 were prohibited from attending school. Women's civil society groups have been accused of lewdness and spreading anti-Islamic ideas in the communities. A growing number of **protests** have taken place in Kabul and Ghor, Ghazni, Takhar, Herat, Niimroz and Balkh provinces. Taliban forces have reportedly used increasing **violence against protesters and journalists**, including live ammunition, batons and whips. The High Commissioner called on all States to assist the United Nations and other actors with the **provision of humanitarian assistance** to the country and to use their influence with the Taliban to encourage respect for human rights, with special attention to the rights of **women and girls**, as well as members of **ethnic and religious minority communities**. The rights of all Afghan **refugees** must be upheld. High Commissioner acknowledged the efforts of numerous States to **evacuate and relocate**, among others at risk, human rights and women's rights defenders in urgent need of protection and emphasized the need to support neighbouring countries. The High Commissioner reiterated her **appeal to the HRC to establish a dedicated mechanism** to monitor the human rights situation in Afghanistan. The OHCHR, under the mandate of resolution 48/141, will monitor the rights of the Afghan people and assist in protecting and advancing those rights.

Oral update on promotion and protection of human rights in Nicaragua.

The High Commissioner updated the HRC concerning the human rights situation in Nicaragua, particularly regarding the preparations to the **upcoming elections** to take place 7 November 2021. The High Commissioner underlined the necessity to ensure **freedom of media and expressions**. From 22 June to 6 September, the OHCHR documented the **arbitrary detention** of 16 people, including political leaders, human rights defenders, businessmen, journalists, peasant and student leaders, in



addition to another 20 detainees, including six men and one woman who publicly stated that they **aspire to the presidency**. The vast majority were deprived of liberty for up to 90 days, held incommunicado and some in isolation. In August, the Supreme Electoral Council arbitrarily cancelled the legal personality of the Citizens for Freedom party, invalidating its candidacies without being able to present its defence. Attacks on freedom of expression have intensified. At least 12 journalists and media workers left Nicaragua to seek protection. Similar patterns of repression are being registered against human rights defenders, lawyers, and medical or NGO personnel. From 28 July to 26 August, authorities ordered the **closure of 45 NGO**, including six international cooperation organizations. In June and July, more Nicaraguans **applied for asylum** in Costa Rica, than in the first five months of 2021. According to the information received by the OHCHR, on 23 August, **at least nine indigenous people were killed** as a result of an attack related to a land dispute in the North Caribbean Coast Autonomous Region. Homicides and attacks related to **territorial disputes** registered in that same area since January 2020 remain unpunished. The High Commissioner welcomed the presentation of the **first Governmental voluntary national report** on the progress on the SDGs in July. The lack of accurate official information on infections and deaths related to **COVID-19** remains a concern, which prevents from assessing the status of the pandemic in Nicaragua. The High Commissioner called for the immediate and unconditional **release of more than 130 people detained** since April 2018, and for fight against impunity.

Oral update on promoting reconciliation, accountability and human rights in Sri Lanka

The High Commissioner acknowledged the inputs sent by the Government in preparation for this update and encouraged the **swift and public release of the reports of the national Commission of Inquiry**. Ms. Bachelet pointed out that **militarisation** and the **lack of accountability** continue to have a corrosive impact on fundamental rights, social cohesion, and sustainable development. A new **state of emergency** that was declared in Sri Lanka on 30 August 2021 has very broad regulations and may further expand the role of the military in civilian functions. **Surveillance, intimidation and judicial harassment** of human rights defenders, journalists and families of the disappeared has broadened to a wider spectrum of students, academics, religious leaders. **New draft regulations on civil society** should be made public and allow the broadest possible discussion. The High Commissioner was concerned by developments in **judicial proceedings**. **Deaths in police custody, cases of torture and ill-treatment** by law enforcement officials remain a deep concern of the High Commissioner. OHCHR is concerned by the new **“de-radicalization” regulations** that permit arbitrary administrative detention of individuals for up to two years without trial and the recent Governmental prescription of over 300 Tamil and Muslim groups and individuals for alleged links to terrorist groups. The High Commissioner was deeply concerned by the continued use of the **Prevention of Terrorism Act** to arrest and detain people and urged an immediate moratorium on the use of the Act. Ms. Bachelet stressed the importance of transparent, victim-centred and gender sensitive approaches in the implementation of **reparations programs**, that also must be accompanied by broader truth and justice measures. The Global Alliance of National Human Rights Institutions decided to initiate a **special review of the national Human Rights Commission**. OHCHR’s work to implement the accountability-related aspects of Resolution 46/1 has begun, pending recruitment of a start-up team. It has developed an information and evidence repository with nearly 120,000 individual items.