

HUMAN RIGHTS COUNCIL - 48th SESSION

Overview of Week 2 (20 - 24 September 2021)

During the **second week** of the 48th session, the Council will continue consideration of thematic reports, and hold interactive dialogues under **Agenda Item 3**, including on topics such as **arbitrary detention, rights of older persons, enforced disappearances, mercenaries, hazardous substances, private military companies, and international order**, among others. It will further consider Briefings by ECOSOC President, the Chair of the Peacekeeping Commission as well as presentation of thematic reports by the Secretary-General and the High Commissioner for Human Rights and her Office. A number of **reports mandated to the OHCHR will not be presented** during this session due to financial situation faced by the Organization. The following country situations will be considered under **Agenda Item 4: Myanmar, South Sudan, Syrian Arab Republic, Burundi, Belarus and Venezuela**.



Agenda Item 3: Presentation of Reports



(20 Sep 2021) [Report](#) of the Working Group on **Arbitrary Detention**. Chair-Rapporteur: **Mr. Leigh Toomey (Australia)**

In 2020, the Working Group adopted 92 opinions concerning the detention of 221 persons in 47 countries; transmitted 55 urgent appeals to 27 Governments and 150 letters of allegation to 62 Governments and other actors, concerning at least 651 identified individuals. In numerous cases, the detainees were released. Due to the COVID-19 pandemic, the Working Group was not able to conduct country visits during the reporting period.

The Working Group continued to formulate deliberations on matters of a general nature, including **deliberation No. 12 on women deprived of their liberty**, which is annexed to the report presented. In the report, the Working Group also examines the following **thematic issues**:

- deprivation of liberty of human rights defenders;
- forcible transfers of individuals and prohibition of arbitrary detention; and
- the Declaration against Arbitrary Detention in State-to-State Relations.



(20 Sep 2021) [Report](#) of the Independent Expert on the **enjoyment of all human rights by older persons**, **Ms. Claudia Mahler (Austria)** focuses on the issue of **ageism and age discrimination**.

The Independent Expert explores the concepts, manifestations, causes and prevalence of ageism and age discrimination as human rights violations in themselves and leading to **violations in other spheres** such as health, violence and abuse, employment and retirement, social exclusion, financial services, among others. International human rights law **lacks a clear and comprehensive prohibition of age discrimination**. The report considers that ageism compounds **other forms of inequalities** based on gender, disability, ethnic origin and gender identity and sexual orientation. It concludes with a number of **recommendations** with respect to, inter alia, anti-discrimination legislation and policies, data collection, inclusion of ageism and age discrimination in human rights monitoring, and strengthening the international human rights framework through a **binding legal instrument**.



(20 Sep 2021) [Report](#) of the Independent Expert on the **promotion of a democratic and equitable international order**, **Mr. Livingstone Sewanyana (Uganda)**, focuses on the need for a **renewed multilateralism to address the COVID-19 pandemic** and other global challenges.

The Special Rapporteur examines to what extent the pandemic constitutes a most serious test to multilateralism, and how it could be the **opportunity**, as advocated in different forums, for strengthened, more effective and inclusive multilateralism. He **scrutinized issues** pertaining to, inter alia, equitable global access to vaccines; the need to strengthen WHO and the global health architecture; a possible pandemic treaty; the need to increase fiscal space for countries impacted by the pandemic; an overhaul of the global tax system; the establishment of a global fund for social protection; the introduction of an emergency universal basic income; the exacerbated impact of UCMs; the impact of the pandemic on the participation of civil society in multilateral processes and their funding; and a series of needed reforms of UN organs.



 (21 Sep 2021) [Report](#) of the Working Group on **Enforced or Involuntary Disappearances**, apart from providing an overview on the activities implemented by the Working Group from 16 May 2020 to 21 May 2021, also focuses on the issue of **enforced disappearances in the context of transnational transfers**.

During the reporting period, the Working Group **transmitted 651 new cases of enforced disappearance to 30 States**. The Working Group did not carry out any country visits, mostly because of the COVID pandemic. *Cyprus, Ghana, Kenya and Senegal*, extended invitations for visits. The visit to *Cyprus* is expected to take place before the end of 2021, while the visit to *Kenya* is to be confirmed. The Working Group requested a visit to *Colombia*, and reiterated its request to *Nepal*. No positive responses have been received so far. The Working Group hopes that the visit to *Algeria* can finally materialize. The Working Group reiterated its concern at the number of reports indicating **an increase in the tendency to resort to transnational transfers** that circumvent due process and procedural safeguards to deprive of liberty individuals. Additionally, the Working Group made a number of **country-specific observations** in relation to situations that are of particular concern in *Belarus, Bangladesh, Burundi, Cameroon, China, Colombia, DPRK, Egypt, Iran, Libya, Mexico, Mozambique, Myanmar, Nepal, Pakistan, Russian Federation, Sri Lanka, Syria, Turkey, Uganda, Tanzania, Yemen*.

 (21 Sep 2021) [Report](#) of the Working Group on the **use of mercenaries** as a means of violating human rights and impeding the exercise of the right of peoples to self-determination will focus on the impact of the **use of private military and security services in humanitarian action**.

Despite sending numerous **requests and reminders for country visits**, most requests did not receive a response. The Working Group remains engaged to conduct visits to *Bosnia and Herzegovina* in 2021 and *Australia* in 2022, and thanks *Côte d'Ivoire* that responded positively its request for a visit. The report addresses **contemporary challenges** for humanitarian action and privatization; **types of services** provided by private military and security companies in humanitarian contexts, as well as issues such as **biosecurity and natural disasters**, and involvement of private military and security companies in **peace operations**, among others. The Working Group continues to receive allegations concerning private military and security personnel being reportedly involved in **human rights abuses**, including enforced disappearances, summary executions, indiscriminate killings, and sexual exploitation and abuse. In this regard, the Working Group provides examples of incidents in *Iraq, Mozambique* and *Central African Republic*.

 (21 Sep 2021) [Report](#) of the Special Rapporteur on the **implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes**, *Mr. Marcos Orellana*, will address the **right to science in the context of toxic substances**.

The report examines the risks and harms associated with the life **cycle of hazardous substances and wastes**, examining the dynamics and interconnections between **scientific progress**, the **diffusion of scientific information** and the **science-policy interface**. The reports specifically addresses the notion of the **right to science** in international human rights instruments, discusses the **use of science to inform toxics policy** as well as the **threats to the right to science** in the toxics context. It concludes that the right to science requires that government policy be aligned with the best available scientific evidence and that policymaking processes be participatory.

[Other Reports to be considered under Agenda Item 3](#)

Briefing of the President of the Economic and Social Council, *H.E. Mr. Collen Vixen Kelapile*, on the **discussions of the high-level political forum on sustainable development**.

Briefing of the Chair of the Peacebuilding Commission on the **work of the Commission, including in relation to country situations that are on the Council's agenda**.

Progress report on the second session of the **open-ended intergovernmental working group** to elaborate the content of an international regulatory framework to protect human rights and ensure accountability for **violations and abuses relating to the activities of private military and security companies**

Report of the **Working Group on the Right to Development** on its twenty-first session.



Summary Reports of the United Nations High Commissioner for Human Rights, Ms. Michelle Bachelet, and her Office, of the intersessional panel discussion, annual or biannual panels of the Council, and other high-level meetings, as well as oral updates and other reports mandated to the High Commissioner and her Office:

- **Ensuring equitable, affordable, timely and universal access for all countries to vaccines** in response to the COVID-19 pandemic ([oral update](#))
- **Conscientious objection to military service** ([report A/HRC/48/27¹](#))
- Study on the **contribution of the special procedures** in assisting States and other stakeholders in the **prevention of human rights violations and abuses** ([report A/HRC/48/21²](#))
- Fifteenth anniversary of the responsibility to **protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity** ([summary report](#))
- Cooperation in strengthening capacities for the **prevention of genocide** ([summary report](#))
- **The right to privacy in the digital age** ([thematic report](#))
- **Rights of indigenous peoples** ([overview report](#))
- **The right to development** ([summary report](#))
- **Rights of the child** ([summary report](#))
- **Question of the death penalty** ([summary report](#))
- **Cultural rights and the protection of cultural heritage** ([summary report](#))
- **Contribution of development to the enjoyment of all human rights** ([summary report](#)).

*Reports mandated to the Office of the High Commissioner for Human Rights, that **the Office was unable to implement due to financial constraints** faced by the Organization, but aims to submit to the Human Rights Council at its 49th session, if the financial situation permits.*

- **Access to medicines and vaccines** in the context of the **right of everyone** to the enjoyment of the highest attainable standard of **physical and mental health** (pursuant to resolution 41/10 and decision 45/113 of the Council).
- **Good practices and challenges** faced by States in using the guidelines on the **effective implementation of the right to participate in public affairs** (pursuant to resolution 39/11 of the Council).
- **Freedom of opinion and expression** (pursuant to resolution 44/12).
- **Human rights and indigenous peoples** (pursuant to resolutions 42/19 and 45/12).
- **Safety of journalists** (pursuant to resolution 45/1).
- **Human rights and the regulation of civilian acquisition, possession and use of firearms** (pursuant to resolution 45/13).
- **Human rights and transitional justice** (pursuant to resolution 42/17 and decision 45/113).

Reports of the United Nations Secretary-General, Mr. António Guterres:

- **Cooperation with the United Nations**, its representatives and mechanisms in the field of human rights ([report A/HRC/48/28³](#))
- **Right to development** ([report of the Secretary-General and the High Commissioner for Human Rights](#))
- Yearly supplement of the Secretary-General to his quinquennial report on **capital punishment**, focusing on the consequences of the **lack of transparency in the application and imposition of the death penalty** on the enjoyment of human rights – Note by the Secretariat ([report A/HRC/48/29⁴](#))

¹ Not available on [OHCHR website](#) as of 20 September 2021.

² Not available on [OHCHR website](#) as of 20 September 2021.

³ Not available on [OHCHR website](#) as of 20 September 2021.

⁴ Not available on [OHCHR website](#) as of 20 September 2021.

Agenda Item 4: Interactive Dialogues following the reports on Country situations

1. Myanmar

(22 Sep 2021) Oral progress report of the Special Rapporteur on **Myanmar**, *Mr. Tom Andrews*.

(23 Sep 2021) [Written update](#) by the High Commissioner on Human Rights on **Myanmar**.

The written update by the High Commissioner concludes that the coup has evolved into a human rights catastrophe that shows no signs of abating. It outlines numerous human rights violations and abuses, as well as violations of IHL, some of which **may amount to war crimes**, and others may also amount to **crimes against humanity**. There is **no sign of any efforts by the military authorities** to consider addressing these violations nor implement previous recommendations to tackle impunity and security sector reform. The **international accountability efforts** must be pursued and enhanced. Member States must act urgently to prevent a further disintegration of Myanmar into a **nationwide armed conflict or state collapse**.

2. South Sudan

(23 Sep 2021) Oral update by the **Commission on Human Rights in South Sudan**. The oral update will be followed by an enhanced interactive dialogue, with the participation of representatives of the African Union.

3. Syrian Arab Republic

(23 Sep 2021) [Report](#) of the **Independent International Commission of Inquiry on the Syrian Arab Republic**.

The report presents the findings drawn by the Commission of Inquiry from investigations into incidents occurring between **1 July 2020 and 30 June 2021** in government-controlled areas; Idlib and western Aleppo; northern Aleppo and Ra's al-Ayn; and the north-east of the Syrian Arab Republic. The report focuses on other grave violations that **may constitute war crimes**, such as conduct of hostilities and siege-like tactics by pro-government forces, hostage-taking, confiscation of private property that may amount to pillage, and violating the principle of distinction in launching indiscriminate attacks. The Commission is also gravely concerned about the tens of thousands of people that remain in incommunicado **arbitrary detention** or forcibly disappeared by government forces. The Syrian Arab Republic **does not yet offer a safe and stable environment** for sustainable and dignified **returns of refugees**, nor for the 6.7 million displaced persons inside the country.

Oral update by the Office of the High Commissioner on Human Rights on the **extent of civilian casualties in the Syrian Arab Republic**. The oral update, prepared in cooperation with civil society, aims to fully assess the number of people killed as a result of 10 years of conflict.

4. Burundi

(23 Sep 2021) [Report](#) of the **Commission of Inquiry on Burundi**

The report concludes that since President Ndayishimiye took power, the democratic space has remained closed. No structural reform has been undertaken to durably improve the situation. Serious human rights violations have continued to be committed by State officials and members of the Imbonerakure with the acquiescence of the authorities or even at their instigation. The rule of law continues to be progressively eroded and the risk factors for a deterioration in the human rights situation, though improved in some cases, remain present overall.

5. Belarus

(24 Sep 2021) Interim oral update by the High Commissioner on Human Rights on the **situation of human rights in Belarus** in the run-up to the 2020 presidential election and in its aftermath.

6. Venezuela

Report⁵ of the **Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela**.

⁵ Report A/HRC/48/69 was not available on [OHCHR website](#) as of 20 September 2021.



General Debates

(22 Sep 2021) **General debate on Agenda Item 3:** Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.

(24 Sep 2021) **General debate on Agenda Item 4:** Human rights situations that require the Council's attention.
(to be continued during Week 3 of the Council).

Item 5: Complaint Procedure

The Working Group on Situations will present to the Council, **during a closed meeting**, on the basis of the information and recommendations provided by the Working Group on Communications, a report on consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms and to make recommendations to the Council on the course of action to be taken.

The Geneva Centre's summaries of selected meetings are [available here](#).