

HUMAN RIGHTS COUNCIL - 49th SESSION

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

8 March 2022

This update does not include more detailed remarks on the following situations, which are the subject of separate discussions during this session: **Afghanistan, Belarus, Central African Republic, Colombia, Cyprus, the Democratic People's Republic of Korea, the Democratic Republic of Congo, Ethiopia, Eritrea, Guatemala, Honduras, Myanmar, Nicaragua, the Occupied Palestinian Territory, South Sudan, Sri Lanka, Sudan, Ukraine and Venezuela.**

In her human rights update, the High Commissioner referred to a number of critical country situations:

Eastern European states:

- **Ukraine:** the number of civilian casualties continues to grow. All parties should take effective action to enable all civilians to safely leave areas affected by conflict. The Office has received reports of arbitrary detentions of pro-Ukrainian activists in areas under the control of armed groups in the east of the country, as well as reports of beatings of people considered to be pro-Russian in Government controlled territories.
- **Russian Federation:** some 12,700 people have been arbitrarily arrested for holding peaceful, anti-war protests, and media are being required to use only official information and terms. Repressive legislation impedes the exercise of civil and political rights. The work of human rights defenders continues to be undermined by widespread use of the 2012 so-called 'foreign agent' law, including recent closure of the widely respected civil society group Memorial.
- **Bosnia and Herzegovina:** deepening political crises are being fuelled by divisive rhetoric by some political leaders, including incidents of hate speech and incitement to violence in the Republika Srpska entity. The current negotiations on electoral reform should uphold the equality of all citizens, in line with decisions by the ECHR. This situation calls for preventive action.
- **Kazakhstan:** excessive use of force during the demonstrations resulted in dozens of deaths and over 5,000 injuries. At least 9,900 people were detained. The use of torture and ill-treatment in police detention is deplorable and should be thoroughly investigated. The grievances that led to the protests, including corruption and deep underlying inequalities, should be addressed.
- **Tajikistan:** crackdowns continue against the members of political opposition, increasing numbers of which have received long-term prison sentences, in trials that did not comply with due process. Violence during the November 2021 protests in the Gorno-Badakhshan Autonomous Region created an environment of fear and repression. Internet shutdowns clearly violate human rights.

African states:

The series of unconstitutional changes of power in several countries have serious impact. Compliance by security forces is especially important in areas where non-State armed groups are active. A safe civic space is key to building resilient and stable societies. Governments should strengthen the credibility of democratic institutions, and the accountability and independence of judiciary institutions and NHRIs.

- **Mali:** the security environment remains precarious. The civic space and democratic debate is shrinking, attacks on civilians continue. Enforced disappearances documented by the UN more than doubled in 2021, to 775 cases. Serious violations are reported by the defence and security forces, notably those engaged in "Operation Keletigui". OHCHR is investigating allegations in Diabaly and elsewhere. Ordinary Malians are suffering from the impact of sanctions.
- **Burkina Faso, Niger, Mali:** OHCHR has opened an office in Burkina Faso, and now have presences in all of the G5 Sahel countries. The High Commissioner visited Burkina Faso and Niger in December 2021, and noted conflict-prevention and peace-building efforts. The recent coup in Burkina Faso is a setback. There is a need for swift return to rule of law and constitutional

democracy. The security situation in the three-border area between Mali, Niger and Burkina Faso, is alarming. Conflict and displacement are escalated by water scarcity.

- **Chad:** OHCHR continues to assist with implementation of the roadmap for democratic transition outlined by the Transitional Government: the roadmap must be rooted in human rights, to avoid discrimination, address inequalities, and ensure inclusion.
- **Cameroon:** increasing attacks by armed separatist groups in the North-West and South-West; inter-ethnic clashes and attacks by Boko Haram militia in the Far North; and in the East, spill-over effects from the crisis in the CAR involve serious human rights violations, increase poverty, and cause large-scale displacement. In the North-West and South-West, there is a constant risk of attacks and reprisals. Increasing use of improvised explosive devices by armed separatist groups has killed and injured numerous civilians. Continuing attacks by armed groups on humanitarian workers and UN personnel impede the delivery of assistance. Stronger efforts are needed from the Government to fully implement the recommendations published by the OHCHR in November.
- **Tunisia:** the continued suspension of Parliament and rapid erosion of key institutions is deeply concerning. Recent decision to dissolve the High Judicial Council seriously undermines rule of law. The recent announcement of plans to forbid civil society groups from receiving any funding from abroad risks deep damage to essential civic and democratic space. The major progress Tunisia has made in the past decade towards promoting and realizing human rights should be preserved.
- **Libya:** the postponement of elections is disturbing, the elections in June must be based on full respect for the political rights of all candidates and voters. Serious violations of IHL and human rights law continue to be perpetrated by armed groups, militia associated with the Government, and Libyan National Army units. Torture, unlawful killings, enforced disappearances, sexual violence and arbitrary arrests and detention remain extremely widespread, with almost complete impunity. Migrants in Libya continue to suffer horrific forms of abuse.
- **Algeria:** increasing restrictions on fundamental freedoms are concerning, including an increase in arrests and detentions of civil society members and political opponents. The Government should guarantee its people's rights to freedom of speech, association and peaceful assembly.

The **G5 Sahel Joint Force** human rights and IHL compliance Framework, which OHCHR helps operationalize, requires the full and constant dedication of all authorities. The political context of the G5 Sahel has evolved considerably, with possible implications for the future of the G5 Sahel Executive Secretariat and Joint Force. OHCHR is committed to continue working with these institutions and with national counterparts through its field presences.

Middle East states:

- **Syria:** the situation in north-eastern areas under the control of Turkish-affiliated armed groups, and the Kurdish-led Syrian Democratic Forces is increasingly volatile. Countries of origin must repatriate their nationals, especially women and children. The CRC recently took a strong position, in its complaint jurisprudence. There is an urgent need to address the tens of thousands of Syrians who remain missing, abducted or held incommunicado. The conviction in January by a German court of a senior Syrian intelligence official is a significant step. The General Assembly has taken action to examine options to clarify the fate and whereabouts of missing people, identify human remains and provide support to their families – OHCHR is closely engaged in this process.
- **Yemen:** in January 2022, 1,623 airstrikes by the Saudi-led coalition and 40 cross-border attacks by Ansar Allah were recorded, which represents a 275% increase. Hostilities are intensifying, following the non-renewal of the mandate of the Group of Eminent International and Regional Experts. All parties to the conflict continue to engage in serious human rights abuses. Indiscriminate attacks targeting civilian areas and civilian infrastructure, which would constitute war crimes, have caused increasing civilian casualties. The blockade of the Hudaydah port

constitutes collective punishment against ordinary Yemenis. Humanitarian operations have been forced to close or sharply curtailed due to shortages and funding cuts.

- **Occupied Palestinian Territory:** the situation is deteriorating, including a dramatic rise in the number of Palestinians killed by Israeli forces – 320 in 2021, compared to 32 in 2020. Settler violence is increasing, in number of incidents and in severity. The arrests of Palestinians almost doubled in 2021. Repressive measures have been taken by Israel against civil society actors based on vague and unsubstantiated allegations.
- **Iraq:** Iraqi authorities' interest in more exchange between UNAMI Human Rights Office and Government entities is welcome. Persistent impunity for killings and disappearances of civic activists, as well as arrests and attacks against human rights defenders, seriously impacts human rights. The authorities both in Federal Iraq and in the Kurdistan Region should take the steps to sufficiently protect civic and democratic space. OHCHR continues to engage with the national Fact-Finding Commission mandated to investigate violations in the context of demonstrations, the authorities should provide resources and support to enable the Commission to carry out its work.
- **Iran:** persistent impunity for human rights violations continues to undermine human rights. Excessive use of force was deployed against protestors in Khuzestan last July and Esfahan in December, which did not lead to any form of accountability. Imposition of the death penalty continues. In the first two months of 2022, at least 55 people have been executed, including for drug charges. At least 85 child offenders remain on death row.

Latin American states and the Caribbean:

In numerous countries, media workers face alarming levels of violence, including killings – often with impunity.

- **Mexico:** OHCHR documented the killing of four journalists and one media worker in the first two months of 2022, with two additional cases being verified. In 2021, eight journalists and two guards from a media outlet were killed, and two other journalists disappeared. Reporters working on local politics, corruption and crime face greater risks of attacks. At times officials contribute to the climate of fear by denigrating journalists and the relevance of their investigative work.
- **El Salvador:** reportedly massive use of malware to spy on journalists and NGOs until at least November 2021 is very concerning. These reports emerged months after warnings, including from OHCHR, about the serious risks of malware spywares such as Pegasus, and calls for a moratorium on the sale and use of these technologies.
- **Haiti:** Port-au-Prince experienced an unprecedented expansion of gang violence in 2021, with at least 2,344 people killed, injured or kidnapped, amid an increasing proliferation of weapons. Between 1 million and 3.5 million people have seen their protection situation worsened. Sexual violence is used as a weapon by gangs. The crisis undermines fragile institutions, including the judiciary, the police and Parliament. It is vital to ensure that the future UN presence retains a strong human rights mandate and focus.

Asian states:

- **China:** individuals who speak up on human rights issues have faced restrictions on their freedom of movement or in some cases have been sentenced to terms of imprisonment. OHCHR encourages the authorities to ensure that freedom of expression and opinion are fully respected and protected. OHCHR has recently reached an agreement with the Government of China for a visit, foreseen to take place in May 2022, and initiated concrete preparations. The Government has accepted the visit of an advanced OHCHR team to prepare the High Commissioner's stay in China, including onsite visits to Xinjiang and other places; this team will depart to China in April.
- **Cambodia:** the authorities use COVID-19 restrictions to further erode democratic and civic space, including as a pretext to break a lawful strike by casino workers. The authorities should respect

the right to peaceful assembly and engage in dialogue to address the strikers' legitimate requests. In the country's approaching local elections, the largest opposition party is precluded from running and many of its leaders and supporters are exiled, detained and facing prosecution.

- **India:** recent statements and actions expressing hatred and violence against religious minority communities is concerning. At two events in December, Hindutva leaders called for the murder of Muslims, in a context purporting to make India a Hindu nation. Full, transparent and prompt accountability are needed. Rising violence against the Christian community is deeply concerning. Faith-based organisations recorded over 305 cases of attacks on Christians from January to November 2021, many involving Hindu-supremacist groups. Problematic laws banning religious conversions have been enacted or proposed in several States.
- **Thailand:** the civic space is dramatically shrinking; serious criminal charges are raised against individuals – including children – for exercising the rights to expression and peaceful assembly. Proposed legislation on non-profit associations enables excessively broad discretionary powers to deny registration, curtail activities and impose criminal charges against civil society organizations and individuals.
- **Vietnam:** the recent sentencing of a number of individuals on charges related to their human rights work is concerning. The government should ensure that people's right to freedom of expression, assembly and association is respected.

People of African descent: in many countries, deaths at the hands of law enforcement continue to occur at disproportionately high levels. In the United States, civil society groups have advanced a figure of 266 killings of people of African descent by the police in 2021 – indicating that they are "almost three times more likely to be killed by police than white people". In Brazil, 79% of people killed in police interventions in 2020 were of African descent, according to an NGO. National authorities – in all regions of the world – should ensure prompt and effective accountability. The newly-established international independent expert mechanism to advance racial justice and equality in law enforcement held its first session in Geneva. All States should facilitate country visits by the experts.

Migrants and refugees: welcome given to people fleeing Ukraine, including the unanimous EU decision to activate temporary protection and permission to stay, is encouraging. The States should implement the Global Compact for Safe, Orderly and Regular Migration. The recent announcement by the United States signalling its support for the Global Compact is encouraging. To implement the Compact's vision and guiding principles, OHCHR calls for an end to use of Title 42 powers which have to date facilitated the expulsion of more than 1.3 million migrants. Pushbacks, limited access to asylum, criminalization, inadequate reception conditions, lack of independent monitoring mechanisms exacerbate migrants' vulnerability. More than 2000 migrants died or went missing in the Mediterranean in 2021 – there is a need for coordinated action to search and rescue migrants at sea.