

## HUMAN RIGHTS COUNCIL - 49th SESSION

### WEEK 2: 7 – 11 March 2022: Outcomes

On 7 March, the Council held five Interactive Dialogues (ID) under **Agenda Item 2**, on the situations in Sri Lanka (continued from Friday), Nicaragua, Sudan, Afghanistan and Tigray (Ethiopia). On 7 March, the Council also held a **meeting on technical cooperation in protecting human rights of vulnerable persons in and after COVID-19 pandemic**.

On 8 March, Finland, speaking on behalf of Mexico, Finland and 54 States on the occasion of the **International Women's Day**, regretted that a backlash against women's and girls' rights and gender equality had been witnessed. Under **Agenda Item 2**, the UN High Commissioner gave an oral update followed by a presentation of reports on OHCHR activities in Colombia; Guatemala; and Honduras, and other reports and oral updates (Cyprus, Eritrea). This was followed by **a general debate**, during which **39 Member States, 62 Observers, and 55 NGOs** took the floor.

On 9 March, the Council held its **annual discussion on the rights of the child**, and **between 8 - 11 March**, the Council held nine IDs under **Agenda Item 3**, on cultural rights, sale of children, foreign debt, freedom of religion, privacy, environment, torture, human right defenders, and the right to food.

#### **Interactive Dialogues under Agenda Item 2: Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**

##### **Interactive dialogue on the written update of the OHCHR on situation of human rights in Sri Lanka, including on progress in reconciliation and accountability:** 7 March 2022 (continued from 4 March)

Ms. Michelle Bachelet, presenting her report<sup>1</sup>, said that while there had been recent signs of increased engagement and steps to initiate reforms, two years after committing to pursue an accountability process, the Government had not yet produced a credible road map on transitional justice towards accountability and reconciliation. Many **challenges** remain, including marginalising of minority communities, ongoing land disputes, harassment and intimidation of civil society, deaths in custody and ill-treatment and violence by the police and the military. "The current Government not only demonstrated its unwillingness to pursue accountability but had incorporated military officials implicated in alleged war crimes at the highest levels of government". As long as immunity prevailed, Sri Lanka would not achieve genuine reconciliation and sustainable peace.

**Sri Lanka, speaking as a country concerned**, pointed out to "serious anomalies and problems" with the report, which had an intolerably intrusive character and a clear element of discrimination. Ms. Nada Al-Nashif, Deputy High Commissioner for Human Rights, in concluding remarks, reminded that the Council had established many benchmarks, and the reports had elaborated a menu of options that could be pursued with regard to accountability; one such option included applying **targeted sanctions** to individuals who were reliably recognised to have been guilty of human rights violations.

##### **Interactive dialogue on the comprehensive written report of the High Commissioner on human rights situation in Nicaragua that assesses progress and challenges regarding that situation:** 7 March 2022

Ms. Michelle Bachelet, regretted that the recommendations made to the Government of Nicaragua since 2018 had not been implemented. The human rights violations continued, including attacks or harassment against political activists, human rights defenders, journalists, LGBTI community. OHCHR regularly received reports of incidents of ill-treatment of the detainees – granting access to visit the

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<sup>1</sup> For the Geneva Centre's short summaries of this and other OHCHR reports, please refer to our [Overview of Week 2](#).

detainees would be a welcome gesture which would encourage the facilitation of a dialogue with Nicaragua. OHCHR had not received any positive response to the offer of technical cooperation.

**Nicaragua, speaking as a country concerned**, said the Council was assessing the application of human rights in a disparate manner, being permissive and tolerant with world powers yet irrational towards developing states. Democratisation in Nicaragua was achieved by implementing public policies aimed at protecting the life, health and well-being of Nicaraguans.

→ Please, also refer to the Geneva Centre's short summary [available here](#).

#### **Enhanced interactive dialogue on the oral update of the High Commissioner on the situation of human rights in the Sudan since the military takeover: 7 March 2022**

Ms. Michelle Bachelet expressed deep concern over the **reversal of human rights achievements following the military coup in Sudan** October 2021, eroding two years of progress towards institutional and legal reform. A wide range of human rights violations have been documented since the coup, in a context of total impunity: persisting use of excessive force by the security forces against peaceful protesters; attacks on hospitals, medical facilities and their staff; arbitrary arrests and detentions; allegations of rape, gang rape and other forms of sexual violence; more than 200 documented violations of the rights of children linked to recent demonstrations, including killing, injuring and detention; attacks against journalists and human rights defenders. The authorities should define the timespan of the state of emergency, cease to use excessive force and live ammunition, and release all people detained arbitrarily. While welcoming the stated initiation of investigations into some allegations, the High Commissioner urged the authorities to ensure quick, independent and objective investigations, making the results public. The High Commissioner also thanked Mr. Adama Dieng, designated to monitor the human rights situation in Sudan since the coup, as well as the Sudanese authorities for their cooperation with Mr. Dieng during his first visit in 20–24 February 2022.

**Sudan, speaking as a country concerned**, assured the Council of its commitment to the international and regional human rights charters and conventions, affirming commitment to the path of democratic transition and keenness to investigate all allegations of violations, referring also to the Juba Peace Agreement. Morocco on behalf of the Arab Group, referring to “brotherly Sudan” welcomed the cooperation of the Sudanese authorities with the various human rights mechanisms and facilitation of the visit of Mr. Dieng. Egypt voiced support to the international efforts and initiatives aimed at activating dialogue between the Sudanese parties to overcome the crisis. Several speakers strongly condemned the coup and the continued violence and intimidation, which the EU said was “*entirely inconsistent with the military's stated commitment to resolve Sudan's political crisis*”.

#### **Interactive dialogue on the comprehensive written report of the High Commissioner on the situation of human rights in Afghanistan, focusing on, inter alia, the accountability of all perpetrators of human rights violations and abuses in the conflict: 7 March 2022**

Ms. Michelle Bachelet said that while the decline in hostilities had seen a decrease in civilian casualties, the Afghan people were facing devastating humanitarian, human rights and economic crises, since the Taliban seized power in August 2021. At least 1,153 civilian casualties had been documented, and a clear pattern of more than 50 extra-judicial killings of individuals was linked to the ISKP extremist group, including cases of beheadings. Credible reports had been received regarding the extra-judicial killings of more than 100 former members of the Afghan National Security and Government personnel, or their family members, carried out by the de facto authorities.

**Afghanistan, speaking as a country concerned**, acknowledged that the international community had provided much-needed humanitarian assistance, but pleaded for the States to ensure that no more human rights violations took place without being recorded and to hold the perpetrators accountable.

→ Please, also refer to the Geneva Centre's short summary [available here](#).

### Interactive dialogue on the oral update of the High Commissioner on the situation of human rights in the Tigray region of Ethiopia: 7–8 March 2022

Ms. Michelle Bachelet regretted the **deterioration of human rights situation in Ethiopia** during the period from 22 November 2021 to 28 February 2022. Severe human rights violations in the context of the **expanding conflict** in the Afar and Amhara regions and in Tigray, included multiple air strikes, carried out by the Ethiopian Air Force, that resulted in 304 killings; 306 **rape incidents** by Tigrayan forces in the Amhara region; severe damage to schools – with almost 2 million pupils affected – and health facilities; and the **internal displacement** of a large number of people. The High Commissioner urged all parties to the conflict to cease such violations and expressed alarm at the growing humanitarian crisis. She was pleased that priority had been given to the **Taskforce** established by the Government on **investigations and prosecutions** and urged the Government to continue cooperating with the Council's International Commission of Human Rights Experts on Ethiopia.

**Ethiopia** regretted that the efforts of the Government were not taken into account, and that human rights were cynically used in a manner to bolster terrorist groups to the detriment of the Government. Ethiopia said they abided by human rights obligations, had taken the initiative to invite the OHCHR to conduct its investigation, and accepted recommendations of the joint investigation report.

Many speakers regretted the gravity and scale of the atrocities which could amount to **crimes against humanity** and **war crimes**. Ms. Nada Al-Nashif, Deputy High Commissioner for Human Rights, in her closing remarks said that OHCHR was working to operationalise the mandate they had been given and a start-up team was already in place. It was regrettable, however, that the Advisory Committee on Budgetary Issues had advised a cut of one third, which would limit posts and capacities.

### **High Commissioner's Oral Updates and General Debate under Item 2<sup>2</sup>**

#### High Commissioner's Global Oral Update: 8 March 2022

Ms. Michelle Bachelet, the UN High Commissioner for Human Rights, in her Global Oral Update referred to a number of critical country and regional human rights situations. She has started by addressing the dire situation in Ukraine, and continued by mentioning country situations in **Russian Federation, Kazakhstan, Bosnia and Herzegovina** and **Tajikistan**. In African region, she was concerned by the serious impact of unconstitutional changes of power in several states. She specifically referred to the situations in **Burkina Faso, Niger, Mali, Chad, Cameroon, Tunisia, Libya** and **Algeria**. In Middle East, the situations in **Syria, Yemen, Occupied Palestinian Territory, Iraq** and **Iran** were brought to the Council's attention. In Latin America, the High Commissioner was concerned the alarming levels of violence, including killings, faced by the media workers. She also referred to the situations in **Mexico, El Salvador** and **Haiti**. Regarding the Asia-Pacific States, the High Commissioner addressed situations of concern in **China, Cambodia, India, Thailand** and **Viet Nam**. She also announced that OHCHR has recently reached an agreement with the Government of **China** for a visit, foreseen to take place in May 2022. Finally, the High Commissioner addressed in detail the rights of people of African descent and the situation of migrants and refugees in Europe and beyond.

→ Please, also refer to the Geneva Centre's **detailed summary** [available here](#).

#### Office of the High Commissioner (OHCHR)'s reports on Colombia, Guatemala, Honduras and Cyprus, and an oral update on Eritrea: 8 March 2022

Ms. Michelle Bachelet presented her Office's Updates on Colombia, Guatemala, Honduras, Cyprus and Eritrea, followed by the statements delivered by the representatives of the Concerned Countries, and the General Debate on Item 2.

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<sup>2</sup> Agenda Item 2: Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General.

Apart from the issues and country situations directly related to the Agenda Item 2 (“Annual report of the UN High Commissioner and reports of the OHCHR and the Secretary-General”), the speakers often referred to other topics. On country- and regional- situations, the statements were made on **Burundi, Cuba, Guinea, Haiti, Kazakhstan, Lebanon, Mali, Pakistan, Philippines, Saudi Arabia, Somalia, Sri Lanka, Sudan, Turkey, Turkmenistan, Uganda, Venezuela, Viet Nam, Western Sahara, Yemen, and Zimbabwe**, among others. A number of speakers addressed the **Russian Federation’s** military aggression on **Ukraine**. With regards to thematic issues, climate change, shrinking space of civil society, equitable access to vaccines, migrant crisis, racial discrimination and islamophobia, and politization of the Council were among the topics most frequently addressed. A total of 39 Member States, 62 Observers, and 55 NGOs took the floor. 21 States exercised their right of reply at the end of the general debate.

→ Please, refer to the Geneva Centre’s **detailed summary** of the High Commissioner’s presentations, statements by the Countries concerned as well as the General Debate, which is [available here](#).

### **Interactive Dialogues under Agenda Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

#### **ID with the new Special Rapporteur in the field of cultural rights: 8–9 March 2022**

Ms. Alexandra Xanthaki, said she intended to draw more attention to the rights of migrant artists, lesbian, gay, bisexual, transgender and intersex artists, artists with disabilities, and the cultural rights of marginalised communities. Her mandate would focus on the obligations that States had undertaken in international law on cultural rights, the overarching principle of which was of ensuring substantive equality in the enjoyment of cultural rights for all, including through the adoption of positive actions. The Special Rapporteur said she was also paying particular attention to linguistic and cultural minorities and had taken note of the discussion on the danger of nuclear testing and danger in general. Cultural rights were not static but evolving according to the wishes of the individuals and the communities, she concluded.

→ Please, also refer to the Geneva Centre’s short summary [available here](#).

#### **ID with the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material: 9–10 March 2022**

Ms. Mama Fatima Singhateh presented her annual report, that provides a set of concrete measures and good practices collected from across the world, to tackle the sale of children for the purpose of child marriage and the sexual exploitation of children in prostitution, in the context of tourism and online. The Special Rapporteur encouraged States to promote the adoption of a child protection policy in all public and private sectors and entities working with, for, or in contact with children. She also introduced main conclusions from her **visit to Montenegro** (8–16 September 2021). The country concerned said they found the report to be constructive, and its recommendations helpful, and informed that Montenegro had already adopted a number of strategies and protocols, including on forced early marriages.

In terms of prevention, an adequate legal and policy framework as well as education and awareness-raising were the most frequent measures mentioned by States as good practices. The training of professionals, the prosecution and conviction of offenders, and the international cooperation were identified by many States as first priorities. UN Women stressed the need for policy responses to be **holistic and gender- and age-responsive**, a key finding of the policy brief *Understanding Vulnerability to Trafficking in Persons*, while UNICEF emphasised the Special Rapporteur’s call for a **systematic and comprehensive** approach to prevention. The United States also said that the report will be a useful tool for governments in tackling child exploitation and providing recovery assistance to child victims and survivors.

**ID with the new Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights:** 10 March 2022

Ms. *Attiya Waris* regretted that the progress achieved in poverty reduction in the last two decades had been jeopardized by the pandemic. She announced the **six thematic areas of her work**: fiscal legitimacy and human rights; engaging the evolving nature and role of the State; crises, natural emergencies and financial obligations; the environment, illicit financial flows, debt and financial transactions; transparency of financial and tax information and digital systems; and the global fiscal system and its implications for human rights. Ms. Waris said her report was a preliminary one, and she remained open to additional issues that could come up. **Some of the concerns** raised during the Interactive Dialogue included: need to move away from a charity approach to a more solidarity-based one; illicit financial flows; undocumented and unregulated firms; the need for technology transfer into developing countries; and re-categorization of States, among others. The **next report** would be focusing on a global inter-governmental tax body, the call for contributions would be upcoming.

→ Please, also refer to the Geneva Centre's short summary [available here](#).

**ID with the Special Rapporteur on freedom of religion or belief:** 10 March 2022

Mr. *Ahmed Shaheed*, said that situations of conflict and insecurity frequently disproportionately affect the most marginalized members of society. He expressed his concern for the systematic violations perpetrated against members of religious or belief minorities during conflicts and insecurity. He also highlighted the situation of many religious or belief minority groups, and women, who often experience intersecting or compounding vulnerabilities because of their religion or belief identity. It was essential not to overstate or overestimate the role of religion in either furthering conflict or peace-making efforts to the exclusion of other factors and motivations involved. Since it was Mr. Shaheed's last presentation to the Council, he thanked everyone for the engagement with his mandate, and the increasing interest in the issue. The report made suggestions on how to work to increase freedom of religion or belief. Societies flourished when all opinions were consulted and all elements of society were included. State and non-state actors should uphold human rights and respect and promote freedoms and rights, including minorities, whether in conflict or in peace.

→ Please, also refer to the Geneva Centre's short summary [available here](#).

**ID with the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment:** 10-11 March 2022

Mr. *David R. Boyd*, congratulated the Council for adopting Resolution 48/13 on 8 October 2021, a historic moment recognizing for the first time the human right to a clean, healthy and sustainable environment. The main international environmental law instruments do not mention human rights and that the burden of contamination falls disproportionately upon individuals and communities already enduring poverty, discrimination and systemic marginalization. People inhabiting "sacrifice zones" are exploited, traumatized and stigmatized and that pollution and toxic substances affect the enjoyment of the rights to life, health, water, food, housing, and an adequate standard of living.

On his visit to **Saint Vincent and the Grenadines**, the Special Rapporteur commended the country's policy efforts and good practices regarding its waste management system and noted that the country's future was in the world's hands, required urgent climate action and increased climate finance. Saint Vincent and the Grenadines, as the country concerned, recalled the devastation caused by the eruption of the La Soufriere Volcano in April 2021, and the severe floods and landslides. The government is already taking steps to address the Special Rapporteur's concerns on Saint Vincent and the Grenadines' heavy reliance of fossil fuel, the management of toxic substances and chemicals, air quality and its monitoring, and public engagement on environmental matters.

→ Please, also refer to the Geneva Centre's short summary [available here](#).

**ID with the new Special Rapporteur on the right to privacy:** 10 March 2022

Ms. Ana Brian Nougrères, presented her report on **privacy and the protection of personal data**, with a focus on Latin America. She pointed that the progress in information and communication technology has also brought **social disruption**, highlighting the need to protect the rights to privacy and to data protection, education and awareness raising being the most valuable tools in this regard.

During the discussion, the speakers brought up a **number of issues**, including the need for cross-national cooperation and harmonisation with regard to protecting the privacy of individuals online, commercial interests in the use of the data of individuals, data theft and hacking, the need to punish cyber offences and specify obligations of various stakeholders for non-compliance, the issue of health data stored during the COVID-19 pandemic, artificial intelligence, and the misuse of surveillance technology, including the spyware. The Special Rapporteur concluded that there were **three core ways in which to operationalise privacy rights**: taking action on the administrative level; ensuring there was an accountable authority responsible for breaches; and ensuring legal recourse.

**ID with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment:** 11 March 2022

Mr. Nils Melzer announced his **resignation** as the Special Rapporteur on torture, effective on 31 March 2022, as he had been appointed as the ICRC's next Director of International Law, Policy and Humanitarian Diplomacy. He expressed his gratitude to the Government of Switzerland for its consistent support to his mandate. He regretted that between 96 and 99% of the 193 States failed to respond to the consultations conducted in preparation for his report ([A/HRC/49/50](#)), and said that Governments rarely, if ever, take effective measures to incorporate the conclusions and recommendations made in thematic reports into their national laws, regulations, policies or practices.

*“Apart from ceremonial expressions of support and appreciation during interactive dialogues both in Geneva and New York, the overwhelming majority of States remains largely indifferent to the topics addressed, the conclusions reached, and the recommendations made in thematic reports, as well as with regard to individual communications and country visit requests transmitted by the mandate”,* said Mr. Melzer. He further recommended that other mandate holders engage in a similar process of evaluating the utilization of their thematic reports by States, and the OHCHR make thematic reports more easily accessible through a searchable online database comprising all thematic reports.

**ID with the Special Rapporteur on the situation of human rights defenders:** 11 March 2022

Ms. Mary Lawlor regretted that human rights defenders often felt abandoned by the UN. The invasion of the Russian Federation in Ukraine also coincided with a sustained attack on human rights defenders in that country and in Belarus. Last year she had presented a report detailing the shocking scale of killings of human rights defenders in almost a third of the UN Member States. To date, she had received no invitations from any States as to ways to discuss how to stop these killings, but she had received more communications on killings. Her 2022 report was on human rights defenders working on anti-corruption, attacks against whom continued on all continents. Human rights defenders who worked against corruption were often attacked for exposing or researching abuse of power, graft, bribery, fraud and other related malpractices. Despite often very dangerous circumstances, some had achieved real success in their work against corruption, including in Pakistan, Kenya and Guatemala, and this was vital anti-corruption work that should be protected, not vilified or attacked. Responding to the statements made during the Interactive Dialogue, Ms. Lawlor she had been doing her work for 44 years and she knew the difference between a human rights defender and a political activist or a terrorist. She had no prejudice against any States, she had *“nothing to prove and nowhere to go, except in a coffin”*. States needed to take seriously digital threats and give special attention to the use of Pegasus and spyware on human rights defenders.

## Panels and Annual Discussions

### Meeting on enhancing technical cooperation and capacity-building in promoting and protecting the human rights of persons in vulnerable and marginalized situations in recovery efforts during and after the COVID-19 pandemic: 7 March 2022

Ms. *Nada Al-Nashif*, Deputy High Commissioner for Human Rights, regretted that vaccine injustice and structural and systemic asymmetries were leading to divergent recoveries. The poorest and most vulnerable states had experienced major reversals in human rights protection. H.E. Mr. *Freddy Mamani*, Vice-Minister of Foreign Affairs of Bolivia, said that the coup d'état had led to a disruption in the deliverance of vaccines, restricted fundamental freedoms and human rights, but since 2020, the democratically elected Government had been developing a vaccine plan and testing, based on free, fair and multi-sectoral access. H.E. Ms. Li Xiomei, Special Representative for Human Rights of the Ministry of Foreign Affairs of China, said that the pandemic had no borders, and China stood ready to assist all, protecting human rights, vulnerable groups, and leaving no country or group behind.

→ Please, also refer to the Geneva Centre's short summary [available here](#).

### Annual full-day meeting on the rights of the child on the theme "The rights of the child and family reunification": 9 March 2022

The High Commissioner highlighted the severe harm, emotional pain and potential lifelong damage to children's mental or physical health when a **child is separated from their parents or caregivers**. The morning panel addressed the topic of "*Family reunification in the context of migration*". Eduardo, a child representative from a Children's network in South Africa and one of the panellists, highlighted the important role networks such as the this has in giving children a space and platform to contribute and know that their voices matter. The focus of the afternoon session was on "*Family reunification in the context of armed conflict and counter-terrorism*", a video prepared by UNICEF was shown where a repatriated child told his story, after which four panellists made their statements. Luxembourg on behalf of Benelux agrees that urgent steps must be taken to bring national migration laws, policies and practices in line with human rights obligations and abolishing measures that arbitrarily separate children from their families. Plan International brought attention to the need for tailored support and services for adolescents with specific needs such as adolescent heads of households, adolescents who are married, pregnant or caregivers, and working adolescents and adolescent survivors of SGBV.

### Panel discussion on ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the COVID-19 pandemic: 10 March 2022

There is an urgent need to end **vaccine inequity across regions and age groups**. Vaccination against COVID-19 on the African continent remains very low, with only about 10% of the African population who have completed a full vaccination cycle, with 11% are partially vaccinated. Collective action should be taken to ensure the realization of health as a human right. Multilateral mechanisms, such as **ACT-A** and **COVAX**, are our best bet to do so, and must be financed accordingly. Some NGOs spoke on access to vaccines for migrants and the impact of vaccine inequality on border governance, other speakers mentioned that the COVAX mechanism could not be considered a sustainable solution in the mid- and long-term fight against the pandemic and called all the relevant stakeholders to support the proposal made over one year ago by India and South Africa to the WTO to waive the application of certain provisions of the **TRIPS Agreement**.

## Selected Quotes

### From the Statements delivered during Week 2 of the HRC49:

- H.E. Mr. Federico Villegas, President of the Human Rights Council, on the occasion of the International Women's Day (8 March 2022): *"Discrimination against women is the oldest, and the most persistent and massive violation of human rights".*
- Ms. Alexandra Xanthaki, the Special Rapporteur in the field of cultural rights, in her opening statement during the Interactive Dialogue (8 March 2022) *"The justification of any war must step away from rhetoric that denies the identity and the history of a nation".*
- Eduardo, 17-year-old representative of a Children's network In South Africa during the Annual Debate on the Rights of the Child (9 March 2022): *"I would like to encourage all children to not lose hope and focus on achieving their goals no matter their circumstances."*
- H.E. Ms. Yevheniia Filipenko, Permanent Representative of Ukraine during the Interactive Dialogue with the Special Rapporteur on freedom of religion or belief (10 March 2022): *"People in Ukraine are forced to pray in bomb shelters hiding from Russian rockets. The world must act now to put an end to Russia's attack on Ukraine's peoples and their freedom of religion and beliefs."*
- Mr. Nils Melzer, Special Rapporteur on torture, during the Interactive Dialogue (11 March 2022): *"Don't consider the Special Rapporteurs as accusers or enemies but more like doctors that diagnose. A bad diagnosis from a doctor is not to be ignored, because then it can get worse."*
- Ms. Mary Lawlor, Special Rapporteur on the situation of human rights defenders, during the Interactive Dialogue (11 March 2022): *"Yes, human rights defenders are not above the law, but States are not above international laws either and have to abide by them."*