

HUMAN RIGHTS COUNCIL - 49th SESSION

ITEM 3: Presentation of Secretary-General's and the High Commissioner's thematic reports; Presentation of the report of the open-ended intergovernmental working group on transnational corporations and other business enterprises; Presentation of the Report of the fourth inter-sessional meeting for dialogue and cooperation on human rights and the 2030 Agenda for Sustainable Development

18 January 2022

Presentation of Secretary-General's and the High Commissioner's thematic reports

Ms. Peggy Hicks, Director of the Thematic Engagement, Special Procedures, and Right to Development Division of the OHCHR, welcomed 20 written reports on a range of thematic issues to consider under Item 2 and 3. She mentioned that there will be an upcoming report on child forced and early marriage that presents measures to ensure accountability at the community and international levels and will have a regional focus on Africa, South Asia, and Southeast Asia. It will also include an update of the impact of COVID-19 on equal enjoyment on the right to education of every girl and the disproportionate impact on girls that face intersecting forms of discrimination of which there is no disaggregated data. The following **thematic reports** were introduced:

- **Report on the summary of the full-day intersessional seminar on good practices, key challenges, and new developments relevant to access to medicines and vaccines (A/HRC/49/34):** The report has a special focus on developing countries and establishes that saving lives depend on universal and equitable access to COVID-19 vaccines. Closing the gap between developed economies and developing countries is crucial.
- **Report on the Human rights implications of the lack of affordable, timely, equitable and universal access and distribution of coronavirus disease (COVID-19) vaccines and the deepening inequalities between States (A/HRC/49/35):** The report focuses on the profound human rights violations associated with the uneven distribution of vaccines and the deepening inequalities between states. It emphasizes the importance of international cooperation to treat vaccines as an international public good. It also mentions that meaningful participation of all relevant actors is crucial for the development of a “pandemic treaty”.
- **Report on the summary of the outcome of the consultation on ways to harmonize laws, policies and practices relating to mental health with the norms of the Convention on the Rights of Persons with Disabilities and on how to implement them (A/HRC/49/29):** The report focuses on the best ways to harmonize national laws, policies and practices relating to mental health with the norms of the Convention on the Rights of Persons with Disabilities. The consultation focused on exploring and sharing promising experiences of reform of laws, policies, and practices guided by a human rights-based approach in the field of mental health; and highlighting key aspects of legal reform based on the Convention.
- **Report on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief (A/HRC/49/86):** It focuses on redoubling efforts to implement an action plan for the HRC to combat hate crimes both online and offline and protect religious minorities.
- **Report on the rights of persons belonging to national or ethnic, religious, and linguistic minorities (A/HRC/49/36):** It concludes, inter alia, that the coronavirus disease (COVID-19) pandemic continues to have a broad range of disproportionate and adverse negative impacts upon minorities. It concludes that, as the world faces the pandemic, the responses from States need to be centred in human rights and promote sustainable development that is inclusive, equitable, and universal, regardless of nationality, ethnicity, religion, language, and any other relevant status.
- **Report on the intersessional seminar on the challenges and opportunities of young people in the field of human rights (A/HRC/49/32):** It calls for an annual youth forum to ensure youth participation in the field of human rights and the elaboration of a legally binding instrument on youth
- **Report on the impact of the civilian acquisition, possession, and use of firearms by children and youth (A/HRC/49/41):** It calls for a set of comprehensive measures to reduce the availability of firearms in society.

- **Report on the normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons (A/HRC/49/70):** It expresses the need to move towards developing a coherent integrated human rights framework on older persons.
- **Report on the comprehensive approach to promoting, protecting, and respecting women's and girls' full enjoyment of human rights in humanitarian situations (A/HRC/49/37):** describes the main factors underlying and exacerbating pre-existing discrimination against women and girls, the gender inequality they face and resulting human rights issues.
- **Report on human rights and transitional justice (A/HRC/49/39):** It suggests that the main contribution of transitional justice to sustaining peace and to sustainable development lies in its potential to foster trust, empower people, enhance inclusion, increase gender equality, and address root causes of serious human rights violations, all of which have a preventive effect.
- **Report on terrorism and human rights (A/HRC/49/67):** It reaffirmed that States must ensure that any measure taken to combat terrorism comply with their obligations under international law, in particular IHRL, international refugee law, and IHL. It highlights the importance of engaging with civil society actors, the negative impact on civic space, prosecuting GBV crimes, the shortcomings of the terrorism sanctions regime, and the rise of violent extremism.
- **Report on freedom of opinion and expression (A/HRC/49/38):** focuses on good practices for establishing national normative frameworks that foster access to information held by public entities.
- **Report on the impact and repercussions of measures taken by Governments in response to the COVID-19 pandemic on the safety and work of journalists and media workers (A/HRC/49/40):** It explores the impact of the coronavirus disease (COVID-19) pandemic and the measures taken in response by States regarding the safety and work of journalists and media workers, and describes trends and good practices, including from a gender perspective. In addition, states should take on immediate steps to require that surveillance technology is only used in compliance with human rights law.
- **Report of the Secretary-General on the safety of journalists and the issue of impunity (A/HRC/49/66):** It has a special focus on the activities of the network of focal points in addressing the safety of journalists and the issue of impunity and taking into account the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity. Legislation criminalizing the online and offline expression of journalists should be repealed.
- **Report on the good practices and challenges faced by States in using the guidelines on the effective implementation of the right to participate in public affairs (A/HRC/49/42):** The report highlights how decision-making processes that affect peoples' lives should be guided by international human rights law and ensure transparency, access to information and participation at the local, national and international levels. In addition, it includes best practices on women's participation and people in situation of vulnerability as well as identifies obstacles related to the COVID-19 pandemic. It highlights that political will is crucial to fostering participation in the access to information.
- **Report on the measures taken to implement Human Rights Council resolution 9/8 and obstacles to its implementation, including recommendations for further improving the effectiveness of, harmonizing and reforming the treaty body system (A/HRC/49/27):** Annual report to the Council on measures taken to implement the resolution and on obstacles to its implementation, including recommendations for further improving the effectiveness of, harmonizing and reforming the treaty body system.
- **Report of the Secretary General on United Nations Voluntary Fund for Victims of Torture (A/HRC/49/63):** It highlights that in 2022, civil society organisations are giving services of redress to survivors. In addition, that more than 46,000 victims will receive assistance this year and that the fund is in need for more sustainable funding. Projects of the fund include the implementation of national monitoring and capacity-enhancing mechanisms aiming to improve the knowledge on torture prevention.
- **Report on the contribution of respect for all human rights and fundamental freedoms to achieving the purposes and upholding the principles of the Charter of the United Nations (A/HRC/49/88):** It provides an overview of the contribution of the respect for all universal, indivisible, interdependent, interrelated and mutually reinforcing human rights and fundamental freedoms to achieving the purposes and upholding the principles of the Charter of the United Nations. It focuses on areas where human rights have made a notable contribution to the realization of the Organization's objectives of maintaining peace and security, promoting and encouraging respect for justice and supporting sustainable development

Presentation of the Report of the fourth intersessional meeting for dialogue and cooperation on human rights and the 2030 Agenda for Sustainable Development, held on 18 January 2022

Mr. Lansana Gberie, Permanent Representative of Sierra Leone, Chair of the inter-sessional meeting for dialogue and cooperation on human rights and the 2030 Agenda for Sustainable Development held on the 18th January of 2022, highlighted that the theme of this year's meeting was: investing in sustainable recovery, advancing gender equality and strengthening partnerships towards a renewed social contract. It had a special focus on SDG 5 and SDG 17, and it included a high-level political segment on sustainable development. Key topics addressed included: gender equality; renewing the social contract; increased inequality and vulnerability reaching levels of crisis; COVID-19's negative impact on health, economic and social rights and the setback on developing countries' progress on eradicating poverty; the need to depart from economic models that weaken national capacities instead of strengthening them; the need to transform the economies towards reducing inequalities and advancing towards environmental sustainability, which requires greater dialogue between economists and human rights advocates; the need to transition from temporary ad-hoc measures to long-term investment strategies; the need to mobilize resources using all macroeconomic tools; investing in education, health, social protection mechanisms and environmental solutions; the need for progressive taxation systems and strengthening the capacity to collect taxes; fighting tax evasion and illicit financial flows; tackling corruption; establishing a strong civic space and a greater scrutiny of public spending; strengthening multilateralism and international solidarity. In addition, countries expressed their concern about the inequitable access to vaccines and how this contributes to increasing the gap between countries, undermining global health security. Therefore, ensuring vaccine treatment for all is necessary. The setback in gender equality must be tackled, as countries must ensure gender measures investment to achieve SDG 5, and the renewal of the social contract must focus on SDG 5 to guarantee a gender-equal recovery. Finally, countries stressed the need for women's active participation in the transition to greener societies as well as the need for technical cooperation and capacity-building support for states to strengthen institutional capacity to build human right-based recovery strategies.

Presentation of the Report of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

Mr. Emilio Rafael Izquierdo Miño, Chair Rapporteur of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, presented the main conclusions of the 7th session held in October 2021 to draft a legally binding instrument that regulates entrepreneurial activity. As a result, the Chair Rapporteur developed a third draft of this document that benefited from the participation of civil society organisations, States and experts from different regions. The document provides a more precise view and greater clarity between the different provisions. He underscored that major progress has been achieved but that it is still necessary to move forward on fundamental aspects, especially in the active participation of all actors in the discussion. Active participation is the only way for states to convey their interests and positions. The Chair-Rapporteur will continue working on the revision of the third draft and all the proposals received in the 7th session, while the group of friends of the Chair will convene to continue the consultation of specific articles before the next session in October 2022. The Chair Rapporteur also highlighted the continued support and cooperation between this mandate and the working group on business and human rights. In addition, he emphasized that countries can still improve access to reparation for victims through binding norms. In this sense, non-binding norms must be complemented by binding standards, this is, obligatory measures that promote respect for human rights. Finally, he extended an invitation to all members of the council to actively participate in the mandate's work in developing a legally binding instrument on business and human rights.