

## HUMAN RIGHTS COUNCIL – 51<sup>st</sup> SESSION

### Overview of Week 1 (12 – 16 September 2022)

During the **first week** of the 51<sup>st</sup> session, the UN Human Rights Council will begin with the consideration of reports and oral updates under **Agenda Item 2<sup>1</sup>** and **Agenda Item 3<sup>2</sup>**. Under Item 2 the following country situations will be addressed: **Afghanistan, Myanmar, Sri Lanka, and Nicaragua**. Under Item 3 several thematic reports will be presented by the Acting High Commissioner, OHCHR as well as Special Procedures mandate holders, including on **water and sanitation, hazardous substances and wastes, slavery, unilateral coercive measures, involuntary disappearances, arbitrary detention, and the right to development**, among others. Additionally, the Council will hold a panel discussion the right to development, with the theme: “35 years on: policy pathways to operationalizing the right to development, “and a general debate on the High Commissioner’s oral update.



#### Panel discussions

15 September 2022 (10 am -12 pm): **Biennial panel discussion on the right to development**. Theme: 35 years on: policy pathways to operationalizing the right to development. Room XX. Accessible panel.

#### Agenda Item 2: Presentation of Reports and Interactive Dialogues

12 September 2022<sup>3</sup>: **Oral update** by the Acting High Commissioner on Human Rights, **Ms. Nada Al-Nashif**.

12 September 2022: Interactive dialogue on the report of the Independent Investigative Mechanism for **Myanmar**.

A/HRC/51/4: The report covers the activities of the Independent Investigative Mechanism for Myanmar from 16 June 2021 to 30 June 2022. Since the military takeover in February 2021, there have been reports of **grave and widespread** crimes committed in the context of “clearance operations”, and evidence of **systematic attacks against a civilian population**. The evidence suggests that **crimes against humanity** of murder, torture, deportation and forcible transfer, rape and other forms of sexual violence, persecution, and imprisonment have been committed. Imposition of sentences based on secret proceedings and those leading to the death penalty could constitute the crime of **murder, openly carried out by an organ of the government**. The report notes that the intensity and sustained nature of the armed groups fighting against the security forces appear to satisfy the threshold for the **existence of an armed conflict**. Evidence of **war crimes** committed in this context is being gathered, including on widespread **burning of villages and towns**, and targeted or indiscriminate **killings of civilians**. There is information relating to **sexual and gender-based crimes** against women, girls, men, boys and members of the LGBTIQ+ community, including crimes perpetrated by members of the **security forces**. Most **Rohingya** deported or forcibly displaced continue to live in refugee/IDP camps. The Mechanism will continue to use all possible strategies to build **strong case files that can facilitate justice** for the people; to cooperate with **the international community**, especially with the Member States in the **Asia-Pacific region**; and continue to request the authorities for **granting access to crime scenes and witnesses**.

12 September 2022: Interactive dialogue on the report of OHCHR on the situation of human rights in **Sri Lanka**.

<sup>1</sup> 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.

<sup>2</sup> Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.

<sup>3</sup> Dates may be subject to change. Please, consult <https://hrc51.sched.com/> for the latest updates on the schedule.

[A/HRC/51/5](#)<sup>4</sup>: The report states that Sri Lanka is facing an **unprecedented economic crisis**, while its political landscape has undergone significant upheavals. The country suffers **shortages** of fuel, electricity, food, medicines and other essential items. The report urges the international community to support Sri Lanka in its recovery, and underscores addressing the underlying **governance factors** and **root causes** which have contributed to this crisis. OHCHR recommends for the authorities to ensure immediate relief for the most marginalized and vulnerable; reduce **military spending**, tackle corruption and increase **investments** in **health, social security** and **education**; undertake a broad-based **consultative process** representative of all Sri Lankans to advance **constitutional reforms**; take steps to end the influence of the **military** on civilian spheres, among other recommendations. Among the recommendations for the Council and Member States, the report encourages relevant special procedures to examine and make recommendations on human rights dimensions of the economic crisis; reinforce the capacity provided in resolution 46/1 for OHCHR to work on accountability for human rights violations; and to explore further targeted sanctions against perpetrators of gross international human rights violators.

12 September 2022: Interactive dialogue with the Special Rapporteur on **Afghanistan**.

[A/HRC/51/6](#)<sup>5</sup>: The report outlines human rights developments in **Afghanistan** since the Taliban takeover on 15 August 2021 until July 2022. The Special Rapporteur concluded his first mission to Afghanistan from 15-26 May 2022. He expresses appreciation to the *de facto* authorities for their **cooperation** during the visit and willingness to exchange views. The Special Rapporteur also met **representatives of civil society**, including women's groups, representatives of minority communities, persons with disabilities and children. The report comprises an **initial assessment** of the situation while specific human rights issues will be given more detailed attention in future reports. The **vision and priorities** for the mandate of the Special Rapporteur are also outlined. The report expresses **grave concern** about the staggering **recession in women's and girls' situation**, stating, that in no other country have women and girls so rapidly disappeared from all spheres of life. Nevertheless, women and girls **remain at the forefront** of efforts to maintain their rights and continue to call for accountability. The Special Rapporteur states that the Taliban has an **opportunity to redeem the situation**, which would require a substantial change of approach including becoming more inclusive, respecting women's rights, protecting the population, renouncing violence and rebuilding the rule of law including oversight institutions.

12 September 2022: Enhanced interactive dialogue on the human rights **situation of women and girls in Afghanistan**. Organized by the OHCHR (HRC res. 50/14) with the participation of the Special Rapporteur on the situation of human rights in Afghanistan, other relevant human rights mechanisms, UN bodies and agencies, and NGOs, including Afghan women's rights organizations.

13 September 2022: Interactive dialogue on the High Commissioner's report on **Nicaragua**.

[A/HRC/51/42](#)<sup>6</sup>: The report gives an update on the human rights situation in Nicaragua and includes an assessment of the implementation of the recommendations made by human rights bodies and mechanisms to the State since 2018. The Government has been **unwilling to implement** these **recommendations**, and in 2022 OHCHR noted a **deterioration** of the **human rights situation**, particularly regarding **civil and political rights**, the **absence of dialogue**, the **deepening of the political crisis**, and the **isolation of the country** from the international community. In April and May 2022, OHCHR requested information from the Government on the implementation of the 396 recommendations **but did not receive a response**. The report strongly urges Nicaragua to implement the given recommendations, constituting a roadmap with concrete actions to design solutions with the support of the international community. In particular, the report urges for immediately **restoring rule of law**, **aligning legislation** with international human rights norms, **releasing** all persons **arbitrarily detained** and sentenced, reinstating **civic space**, removing obstacles that favor **impunity** for perpetrators of human rights violations committed since April 2018, provide **reparations to victims**, and to **allow OHCHR access to the country** and ensure effective cooperation.

<sup>4</sup> Advanced Unedited Version in English available on [OHCHR website](#), 12 September 2022.

<sup>5</sup> Advanced Unedited Version in English available on [OHCHR website](#), 12 September 2022.

<sup>6</sup> Unofficial Version in English and Advanced Unedited Version in Spanish available on the [OHCHR website](#), 12 September 2022.



13-14 September 2022: **General Debate on the High Commissioner's oral update (Agenda Item 2).**

Agenda Item 3: Presentation of Reports and Interactive Dialogues



14 September 2022: Interactive Dialogue on the report of the Special Rapporteur on the human rights to safe drinking water and sanitation, **Pedro Arrojo Agudo**.

[A/HRC/51/24](#): The report “*human rights to safe drinking water and sanitation of indigenous peoples: state of affairs and lessons from ancestral cultures*” acknowledges that indigenous peoples **concept of water as a common good**, available to all but not owned by anyone, offers a **valuable example of community-based management** of safe drinking water and sanitation. Indigenous peoples can **teach us lessons** about how to tackle the **global water crisis**, with sustainable management of ecosystems and the democratic governance of water and sanitation. The report observes with concern the **increased barriers** indigenous peoples face in access to safe drinking water and sanitation, including **systemic discrimination, marginalization, expropriation and displacement**. **Indigenous women** have traditionally had the role of water caretakers, but they are often **side-lined** in decision-making. Indigenous peoples face many challenges in realizing their rights to **self-determination** and to **own and use their territories** and resources. **Land and water grabbing** are ongoing in indigenous territories, ignoring the rights of indigenous peoples and damaging their sources of water, often with toxins. In some States, the **lack of recognition** of indigenous peoples as distinctive peoples **jeopardizes their human rights**. The Special Rapporteur proposes a detailed framework to be implemented by all States, and recommends ensuring the **full, effective and adequate participation** of indigenous peoples in **decision-making** processes related to safe drinking water and sanitation at the local, national and international levels.

14 September 2022: Interactive Dialogue on the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, **Alena F. Douhan**.

[A/HRC/51/33](#): The report focuses on unilateral sanctions and their negative impact on human rights, exacerbated by **voluntary overcompliance** and **extraterritorial enforcement**. The report contains a section of detailed definitions of secondary sanctions. The report discusses the nature of these practices, their questionable legality and the various rights affected. The Special Rapporteur notes the **increasing use of secondary sanctions** against presumed violators of unilateral sanctions, and **civil and criminal penalties**. The extraterritorial jurisdiction when imposing secondary sanctions is **not recognized as legal under international law**, and secondary sanctions and civil and criminal penalties are deemed **illegal** on various grounds. Secondary sanctions also violate due process rights. The report makes several recommendations to States, companies, and banks. Companies should view human rights comprehensively when conducting **due diligence** and regularly monitor the human rights impact of their compliance and overcompliance with unilateral sanctions. Banks should engage with the Special Rapporteur, OHCHR, the Financial Action Task Force and others in a multilevel initiative to **draft guiding principles** on secondary sanctions, and States should make it **compulsory for companies** to carry out **human rights due diligence** and **eliminate or minimize overcompliance** with unilateral sanctions.

The Special Rapporteur will also present to the Council reports on two **country visits**:

- Visit to the **Islamic Republic of Iran** ([A/HRC/51/33/Add.1](#)<sup>7</sup>; 7 – 18 May 2022): The report recommends lifting unilateral sanctions, which have a serious negative impact on the country's economy, leading to serious violations of human rights and humanitarian challenges.
- Visit to **Zimbabwe** ([A/HRC/51/33/Add.2](#); 18 – 28 October 2021). The report concludes that sanctions have exacerbated pre-existing economic and humanitarian challenges and recommends lifting them in line with the principles of international law. (Comments by the State, [A/HRC/51/33/Add.3](#)<sup>8</sup>)

<sup>7</sup> Advanced Unedited Version on the [OHCHR website](#), 10 September 2022.

<sup>8</sup> English only version on the [OHCHR website](#) 12 September 2022.

15 September 2022: Interactive dialogue on report of the Special Rapporteur on [contemporary forms of slavery](#), including its causes and consequences, **Tomoya Obokata**.

[A/HRC/51/26](#): To commemorate the adoption of the **thirtieth anniversary** of the **Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities**, the Special Rapporteur focuses the report on the **vulnerabilities and lived realities of minorities** with regard to contemporary forms of slavery. The report outlines the legal framework related to the rights of minorities and the main causes and manifestations of contemporary forms of slavery affecting them. The report covers national minorities and non-citizens such as migrant worker and assesses the experiences of people discriminated against **based on work and decent**. The report indicates to conclusions that **forced labour is occurring** in the **Xinjiang** Uighur Autonomous Region of China, the **Tibet** Autonomous Region, and the **Brazilian Amazon**, among other regions. **Labour exploitation of migrant workers** has also been reported in **Argentina, Guatemala, Canada, Italy and Spain**. Bonded labour continues to prevail among people discriminated against based on work and decent, such as **Dalits in South Asia**. The report highlights the **intersecting forms of discrimination** based on **gender and descent**, with **minority women and girls** disproportionately affected. **Access to justice** and remedies is generally limited. **Positive developments** are also outlined, including **legislative and other measures** by various States to address inequality and discrimination; strengthening equality in **access to education**; initiatives and **bilateral agreements** to protect the rights of migrant workers; and national reforms relating to the **formalization of the informal economy**, among others. Several recommendations are given for States, businesses, civil society, NHRIs and trade unions, academia and regional and international organizations.

The Special Rapporteur will also present to the Council a report on the visit to **Sri Lanka**, ([A/HRC/51/26/Add.1](#); 26 November – 3 December 2021): The report examines the conditions related to microfinancing schemes and labour conditions in various sectors, including in the garment industry and tea plantations. The report **acknowledges some progress**, for example in **preventing the worst forms of child labour**, protecting children from exploitation and abuse and in addressing **discrimination against women**. There are however **persisting concerns and practices** faced by **vulnerable groups**, including discrimination against children, women, sex workers of all gender identities and sexual orientations, minority communities, older and retired workers, and migrant workers. The Government to ratify ILO conventions and take all necessary measures to strengthen the protection of the rights to work, to just and favorable conditions of work and to trade union rights for all workers without discrimination.

15 September 2022: Interactive Dialogue on report of the [Special Rapporteur on the right to development](#), **Saad Alfarargi**.

[A/HRC/51/30](#): The report outlines the activities by the Special Rapporteur since September 2021 and examines the **response to and recovery from the COVID-19** pandemic from the **perspective of the right to development** at the national level. The report presents practical examples of ways in which countries have **integrated** the right to development into **national COVID-19 response and recovery plans** and policies. The Special Rapporteur underlines that **all concerned individuals**, including women and girls, must be **active participants** in the evaluation, planning, monitoring and implementation of these plans and policies. The report provides several recommendations for Governments and international actors, including urging to gather adequate and **disaggregated data** on the impact of the COVID-19 crisis; ensuring **access to information** for the whole population; developing and **financing participatory approaches** that reach all societal segments; **reducing gaps in financing** the response and recovery plans; and strengthening **social protection networks**, among others. In conclusion, the Special Rapporteur reiterates that it is only possible to give effect to the right to development if there are adequate **accountability mechanisms and remedies** in cases of human rights violations.

16 September 2022: Interactive Dialogue on annual report of the [Expert Mechanism on the Right to Development](#), Chair-Rapporteur **Mihir Kanade**.

[A/HRC/51/36](#): The report contains a summary of the **fourth and fifth sessions** of the Expert Mechanism on the Right to Development, held in Geneva and in New York, 3 - 5 November 2021, and 9 - 11 March 2022. Discussions were undertaken with Member States, Special Procedure mandate holders, NGOs and academia. The study *“Racism, racial discrimination and the right to development”* was decided to be **submitted to the Council for consideration at its 51st session**. During the sessions, progress updates on

the study *“Inequalities and the right to development”* and of the ongoing study entitled *“Right to development in international investment law”* were presented, and suggested themes for future studies was taken note of. The Expert Mechanism would further elaborate the commentary on article 1 of the Declaration on the Right to Development, to be finalized in 2022, to include a deeper analysis of the different components of the article, and **practical examples** providing **guidance** to States and civil society. The report reiterates the **important role of civil society** in contextualizing the right to development, broadening engagement and advocating for its operationalization.

16 September 2022: Interactive Dialogue on the report of the Office of the United Nations High Commissioner for Human Rights on the [right to privacy in the digital age](#).

[A/HRC/51/17](#): The report discusses recent trends and challenges concerning the right to privacy, highlighting that while we are witnessing impressive technological developments and innovations that **improve people’s lives** and **boost economies**, we are also experiencing how **digital tools can be turned against us**, exposing people to new forms of **monitoring, profiling and control**. In this context, the report focuses on three trends relating to the role of States in safeguarding and promoting the right to privacy: **a) the abuse of intrusive hacking tools**; **b) the key role of encryption** in ensuring the enjoyment of the right to privacy and other rights; and **c) the wide-spread monitoring of public spaces**. The report concludes in recommendations to States on how to avert the outcome of creating systems of **surveillance and control** that may undermine the development of vibrant and rights-respecting societies. These include ensuring that any interference with the right to privacy, including hacking and surveillance of the public, complies with IHRL and the principles of legality, legitimate aim, necessity, proportionality and non-discrimination; to systematically conduct human rights due diligence; and to adopt and enforce data privacy legislation, including safeguards, oversight and remedies.

16 September 2022: Interactive Dialogue with the Special Rapporteur on [truth, justice, reparation and guarantees of non-recurrence](#).

[A/HRC/51/34](#): The report lists key activities undertaken by the Special Rapporteur between July 2021 and June 2022, examines good practices, lessons learned and opportunities in relation to the role and responsibilities of non-State actors, including non-State armed groups and corporations, in transitional justice processes. The report is informed by an **open consultation** held with States, international organizations, NHRIs, NGOs, an expert meeting, and a questionnaire. In recommendations, it is highlighted, that concerning transitional justice processes; **lines of accountability** between State and non-State actors must always be fully investigated; the processes must be **victim-centered** and adopt a **gendered lens**; it must address **corporate responsibility** for serious human rights abuses and ensure **business engagement** in the process. The report also includes recommendations for **non-State armed groups** related to truth seeking, accountability, reparations, memorialization, and non-recurrence.

The Special Rapporteur will also present to the Council reports on two **country visits**, assessing the measures adopted by the respective Governments to address the serious violations of human rights and humanitarian law committed **during the 1991-1995 armed conflict**:

- Visit to **Croatia** ([A/HRC/51/34/Add.1](#); 26 November – 3 December 2021): The report notes efforts made particularly in the field of truth, justice, reparations and guarantees of non-recurrence to address the legacy of war. However, progress in other areas has lagged, and several areas **need immediate action**, including full reparations for civilian victims and victims of sexual violence; comprehensive truth-seeking and data-collection initiatives; memorialization and education processes; and educational and cultural policies aimed at fostering mutual understanding and cultural diversity.
- Visit to **Bosnia and Herzegovina** ([A/HRC/51/34/Add.2](#); 2 – 10 December 2021): The report notes efforts made in particular regarding the search for missing persons, the criminal prosecution of war criminals, and institutional reforms. The report voices concern over several **shortcomings**, including the inadequacy of reparation measures; inadequacy of memorialization and education processes and measures aimed at promoting inter-ethnic understanding and combating national-ethnic or religious hatred; and the lack of progress in establishing comprehensive truth-seeking mechanisms.