

HUMAN RIGHTS COUNCIL – 51st SESSION

Overview of Week 2 (19 – 23 September 2022)

During the **second week** of the 51st session, the Council will continue the consideration of thematic reports, and hold interactive dialogues under **Agenda Item 3¹**, including on **arbitrary detention, rights of older persons, international order, enforced disappearances, mercenaries, and hazardous substances**. The Council will further consider briefings by ECOSOC President and Chair of the Peacekeeping Commission, a presentation of thematic reports by the Secretary-General and the High Commissioner for Human Rights and her Office, and reports of the Working Group on the Right to Development and the open-ended international Working Group on private military and security companies. **Agenda Item 4: Myanmar, Ethiopia, Syrian Arab Republic, Burundi, Ukraine, Belarus. Agenda Item 5: Complaint procedure (closed meeting).**



Agenda Item 3: Presentation of Reports



19 September 2022²: Interactive dialogue with the Working Group on **Arbitrary Detention**. Chair-Rapporteur: **Elina Steinerte (Latvia)**.

A/HRC/51/29: In 2021, the Working Group adopted 85 opinions concerning the detention of 175 persons in 42 countries; transmitted 53 urgent appeals to 31 Governments, and in one case, to other actors, and 206 letters of allegation and other letters to 101 Governments and other actors, concerning at least 682 identified individuals. In multiple cases, the detainees were released. The report notes with concern the **low response rate** of 53 per cent from States to the Working Group's communications and requests for information. In the report, the Working Group also the **following issues**:

- secret detention;
- arbitrary detention and the principles of effective interviewing for investigations and information-gathering; and
- deprivation of liberty of older persons.

The Working Group conducted a **country visit to the Maldives** from 29 November to 9 December 2021. Positive developments include the ratification of international human rights instruments; the functioning of the Human Rights Commission; reform of the Maldives Police Service; self-regulation of the legal profession by the Bar Council of Maldives; initiatives to address past human rights violations; cooperation with international human rights mechanisms; and remote court hearings.

19 September 2022: Interactive Dialogue with the Independent Expert on the **enjoyment of all human rights by older persons**, **Claudia Mahler** focuses on the issue of older persons deprived of liberty.

A/HRC/51/27: The report contains an overview of the activities of the Independent Expert during the reporting period, including a thematic analysis of the situation of older persons deprived of their liberty. **Ageism**, which remains **widespread and largely unrecognized**, combined with deprivation of liberty has aggravated effects on the enjoyment of human rights by older persons, who are **more likely to suffer serious violations, violence, ill-treatment** and even **torture**. There is significant **lack of data** and research, making the situation of older persons deprived of liberty largely **invisible and unaddressed**. The report finds that the current legal framework lacks comprehensive and specific obligations to effectively address the human rights gaps. With the aim of progressively dismantling ageism within societies, the Independent Expert makes several recommendations to States and other stakeholders, including systematic data collection with **age-based disaggregation** and actively involving and consulting older persons and their representatives in decision-making processes. The Independent Expert will also present to the Council a report on a **country visit to Finland**, from 26 October to 4 November 2021.

¹ Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.

² Dates may be subject to change. Please, consult <https://hrc51.sched.com/> for the latest updates on the schedule.

19 September 2022: Interactive dialogue with the Independent Expert on the promotion of a democratic and equitable **international order**, *Livingstone Sewanyana*.

[A/HRC/51/32](#): The report entitled *“Rethinking global peace and security: a democratic and equitable international order in jeopardy”* focuses on some of the main challenges relating to the maintenance and strengthening of international peace and security at the global level, and possible ways to overcome them. The report states that the current events in **Ukraine** undermine the rules based international order at its very core. In addition to the **volatile security situation**, the **COVID-19 pandemic** continues to be a major concern, while the world is witnessing harsher manifestations of **climate change** every day. The report calls for strong, efficient and inclusive **multilateralism** through dialogue, diplomacy and negotiation. Multilateralism based on collective responsibility is the only path for solving conflicts and maintaining international peace and security. The respect for the right of peace and for international law must be absolute. The Independent Expert recommends that Member States abide by the UN Charter and settle disputes by peaceful means; abide by the Secretary-General’s call for a global ceasefire; ensure financing for peacebuilding and; reinvest in social and economic development reducing significantly military spending, among other recommendations. The UN and civil society actors must continue their essential work to maintain and strengthen international peace and security.

20 September 2022: Interactive dialogue with the Working Group on **Enforced or Involuntary Disappearances**, Chair-Rapporteur *Luciano Hazan*.

[A/HRC/51/31](#): The report contains information of the activities, communications and cases examined by the Working Group (WG) from 22 May 2021 to 13 May 2022. Since its inception in 1980, the WG has transmitted a total of 59,600 cases to 112 States. The number of cases under active consideration that have not yet been clarified, closed or discontinued stands at 46,751 in a total of 97 States. During the reporting period, 104 cases were clarified. In the annex the report includes a statistical summary of cases of enforced or involuntary disappearance reported to the WG between 1980 and 2022, and graphs showing the number of cases by country and year. During the period under review, the WG held its 125th, 126th and 127th sessions, and its members carried out a number of activities connected to enforced disappearances, including participating in conferences, consultations, seminars, training events, workshops and lectures organized by Governments and civil society organizations. The WG transmitted 375 new cases of enforced disappearance to 26 States, of which 54 were transmitted under the urgent action procedure to 13 States. The WG remains concerned by the lack of engagement from a number of countries, noting that it has also become increasingly difficult to receive positive replies to its requests for country visits. The report includes country-specific observations of situations of particular concern regarding *Algeria, Bangladesh, Belarus, China, DPRK, Egypt, Ethiopia, Iran, Mexico, Myanmar, Pakistan, Russian Federation, Sri Lanka, Syrian Arab Republic, Türkiye, and Yemen*. The WG conducted a country visit to *Cyprus* (5 to 12 April 2022, [Comments](#) by the State), and to *Uruguay* (7 to 14 July 2022).

20 September 2022: Interactive dialogue with 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, Chair-Rapporteur *Sorcha MacLeod*.

[A/HRC/51/25](#): The report *“Access to justice, accountability and remedies for victims of mercenaries, mercenary-related actors and private military and security companies”* covers the activities of the Working Group (WG) since its previous report (A/HRC48/51). The WG remains engaged to conduct country visits to *Armenia* in 2022, and *Côte d’Ivoire* in 2023. Due to the COVID-19 pandemic, the planned country visit to *Bosnia and Herzegovina* in 2021 was postponed. The report highlights the intersectional impacts of the operations of mercenaries, mercenary-related actors and private military and security companies and the differentiated impacts of their activities on different groups, including women, children, migrants and refugees, people with disabilities, LGBTI+ persons, older persons, minorities, indigenous peoples, human rights defenders and journalists. The report also focuses on the challenges and obstacles to accessing effective remedies, observing that accountability is rare and is exacerbated by factors, including: the **secrecy and opacity** surrounding the activities of mercenaries; **lack of transparency** and of access to information on their activities; **complex business and corporate structures** and issues related to jurisdiction; and national and international **regulatory gaps**. The WG urges a **victim-centered approach** to access justice and remedy, outlining the obligations, responsibilities and roles of

States, private military and security companies, non-State clients and other relevant stakeholders, and presents recommendations to fill gaps in accountability.

20 September 2022: Interactive dialogue with the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of **hazardous substances and wastes**, **Marcos Orellana**, will address **mercury, small-scale gold mining and human rights**.

[A/HRC/51/35](#): The report examines the harms and risks for human rights associated with the use of mercury in small-scale gold mining, examining the human rights violations and **environmental injustices**, including the **structural racism** suffered by indigenous people. The report states that **the gold market drives the oppression** of indigenous peoples, while the mercury market facilitates it. The global community must confront the largest emitter of mercury by **banning its use** to extract gold. This will send a signal to the markets of a zero-tolerance approach, although as with other forms of environmental crime, mercury and gold smuggling, and corrupt facilitators of these illegal markets, will remain. The report concludes that the **Minamata Convention** must be strengthened. The Special Rapporteur had conducted a country visit to [Mauritius](#) (25 to 29 October 2021), and to [Italy](#) (30 November to 13 December 2021, [Comments](#) by Italy).

Other Reports to be considered under Agenda Item 3



- [Briefing](#) of the President of the Economic and Social Council (ECOSOC), **H.E. Mr. Diego Pary Rodríguez**, on the **discussions of the high-level political forum on sustainable development**.
- [Briefing](#) of the Chair of the Peacebuilding Commission.
- [Presentation](#) of thematic reports by the Secretary-General and the High Commissioner for Human Rights and her Office.
- [Reports](#) of the Working Group on the Right to Development on its [twenty-second](#) and [twenty-third](#) sessions, Chair-Rapporteur **Zamir Akram**.
- [Annual progress report](#) by the open-ended international Working Group on private military and security companies, Chair-Rapporteur **Mxolisi Sizo Nkosi** (South Africa).

Agenda Item 4:

Interactive Dialogues following the reports on Country situations



21 September 2022: Interactive dialogue on an oral progress report by the Special Rapporteur on the situation of human rights in [Myanmar](#), **Mr. Thomas Andrews**.

22 September 2022: Interactive dialogue on a comprehensive report of the OHCHR on the assessment of the progress made and remaining challenges with regard to the recommendations of the **independent international fact-finding mission on Myanmar** in its conference room paper on the economic interests of the military.

[A/HRC/51/41](#)³: The report assesses actions taken by various actors following release of the FFM's paper until 31 July 2022, identifies continuing and emerging challenges, and uses examples to highlight relevant issues. It concludes that the "State Administration Council" (SAC) having seized control of State organs, has continued to **repress and terrorize the people**. The **public health system** has broken down, and more than half of all school-aged children have not been able to **access education** for two academic years. The proportion of population living in **poverty** is on the rise. Distrust and rejection of military rule is widespread and clear, and many continue **individual and collective sacrifices** to weaken the SAC, including public sector worker's strikes, and households refusing to pay electricity bills. Myanmar CSOs and the NUG welcome and continue to call for **targeted sanctions** that restrict the SAC's ability to access foreign exchange. Much remains to be done to stop the military's continuous assault on the Myanmar

³Advanced Unedited Version in English, 19 September 2022.

people and to hold it accountable for international crimes. The international community should take all steps within its power to **support the people** of Myanmar and to answer calls for the military's financial isolation. OHCHR reiterates previous recommendations of the High Commissioner to the military authorities. The report recommends that Member States, and relevant regional and international intergovernmental organisations implement **arms transfer sanctions**, additional **targeted sanctions**, and ensures **effective implementation** of existing ones, among other recommendations.

22 September 2022: Interactive dialogue with the international commission of human rights experts on [Ethiopia](#).

A/HRC/51/46⁴:

22 September 2022: Interactive dialogue with the Independent International Commission of Inquiry on the [Syrian Arab Republic](#).

[A/HRC/51/45](#): The report presents the findings of the Commission based on investigations conducted between **1 January and 30 June 2022**. In government-controlled areas, **arbitrary detention**, including torture and ill-treatment in incommunicado detention, also leading to death, remained systematic. Appalling **conditions in displacement camps** in the north-west of the country have left many with little choice but to return to their homes in frontline areas. In the north-east, fighting continued with frequent mutual **bombings** by Turkish and Turkish-backed forces and by the Syrian Democratic Forces. The attack on Al-Sina'a prison, the biggest military operation by **Da'esh** since its territorial defeat in 2019, caused hundreds of deaths and revealed the capacity of the terrorist group to launch complex attacks and the threat it continues to pose. In addition to the continuing war, Syrians are facing the culmination of over a decade of **economic decline**, exacerbated by corruption, the COVID-19 pandemic, unilateral sanctions and economic crises in *Lebanon* and *Türkiye*. The worsening conditions for some 37,000 children in the Hawl and Rawj camps were exacerbated by an increase in the number of murders and recurring armed clashes. The Syrian Arab Republic **does not yet offer a safe and stable environment for return**. The Commission reiterates previous recommendations, calling all parties to the conflict to respect IHL and cease all indiscriminate and direct attacks on civilians and civilian objects, and respect and protect the fundamental rights of persons in areas under their control, among others.

22 September 2022: Interactive dialogue with the Special Rapporteur on the situation of human rights in [Burundi](#), **Fortuné Gaetan Zongo**.

[A/HRC/51/44](#)⁵: In the report the Special Rapporteur reiterates his readiness to cooperate fully with Burundi with a view to consolidating its efforts in the protection of human rights. He reiterates his request to visit Burundi, and to interact with the competent authorities and institutions. Such cooperation will enable it to better take ownership of the realities of the country and will demonstrate that Burundi is truly committed to fulfilling its human rights obligations.

23 September 2022: Interactive dialogue with the Independent International Commission of Inquiry on the situation of human rights in [Ukraine](#) stemming from the Russian aggression (oral update).

23 September 2022: Interactive dialogue on an **interim oral update** of the High Commissioner on the situation of human rights in [Belarus](#) in the run-up to the 2020 presidential election and in its aftermath.

[General Debates](#)



20-21 September 2022: **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.

⁴ Report unavailable on the [OHCHR website](#), 19 September 2022.

⁵ Advanced Edited Version in French, 19 September 2022.

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](#).