

HUMAN RIGHTS COUNCIL – 52nd SESSION

WEEK 3: 13 - 17 March 2023

On the **third week** of the 52nd session, the Council will hold an **annual interactive debate on the rights of persons with disabilities**, under the theme: support systems to ensure the community inclusion of persons with disabilities, including as a means of building forward better after the coronavirus disease (COVID-19) pandemic.



The Council will hold interactive dialogues with the Special Rapporteur on the rights of persons with disabilities, on the right to privacy, on torture and other cruel, inhuman or degrading treatment or punishment, on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and on the situation with human rights defenders among others. The Council will also hold interactive dialogues with the Special Representative of the Secretary-General on violence against children as well as on children and armed conflict.

Finally, General Debates will be held under **Agenda Item 3, promotion and protection of all human rights, civil, political, economic, social, and cultural rights, including the right to development.**

Panel discussions



13 March (4:30pm): Annual interactive debate on **the rights of persons with disabilities**. Theme: **Support systems to ensure the community inclusion of persons with disabilities, including as a means of building forward better after the coronavirus disease (COVID-19) pandemic.** This panel discussion will address the development of care and support systems to achieve community inclusion under the obligations of the Convention on the Rights of Persons with Disabilities, including as a means of building forward better after the COVID-19 pandemic.

[A/HRC/52/52](#): The report examines key elements of support systems to ensure community inclusion of persons with disabilities. The report provides a conceptual framework for gender-responsive and disability-inclusive support and care systems to enable the full inclusion of all persons with disabilities to live independently in their communities. **Support and care systems** are essential for persons with disabilities to fully, actively and meaningfully participate in society, with choices equal to others, and to live with dignity, autonomy and independence. The High Commissioner recommended that the **Human Rights Council should pay specific attention to the issue of support and care**. Relevant stakeholders, including States, international and regional organizations, international, bilateral and multilateral development aid agencies, representative organizations of persons with disabilities, and service providers, are encouraged to support the efforts toward transformative and inclusive support and care systems. States should consider incorporating the rights of persons with disabilities in law, policy and programs regulating support and care systems, including dedicated funding for disability inclusion.

Item 3¹: Thematic reports



13 March: Interactive dialogue with the Special Rapporteur on the right **of persons with disabilities**, **Gerard Quinn**, with a focus on the transformation of services for persons with disabilities.

¹ Agenda Item 3: Promotion and protection of all human rights, civil, political, economic, social, and cultural rights, including the right to development.

[A/HRC/52/32](#): The report outlines how traditional service and support models often perpetuate dependency and lack of agency by focusing on impairments and considering persons with disabilities as passive recipients of care. The Special Rapporteur elaborated on the **wide range of policy tools at the disposal of States** to do so while highlighting key policy challenges and pointing to the potential of the business sector to be an actor for change. He provided **recommendations** on how different actors should advance the transformation of services and support for persons with disabilities. In particular, States should map existing services to identify gaps, tensions, funding models and expectations; and reconsider funding models, legal frameworks and reporting requirements to provide a supportive policy environment to enable providers to change. The Special Rapporteur recommended that organizations of persons with disabilities should advocate innovation based on a new support philosophy, and adopt a media strategy to support the transformation process; as well as, contribute actively and directly to all processes leading to new national strategies in the transformation of services.

[A/HRC/52/32/Add.1](#), *visit to the European Union from 21 to 31 March 2022*. The Special Rapporteur welcomed several legislative and policy initiatives, including the new European Union Disability Strategy, 2021–2030, that sets out a good framework for action both within the European Union and concerning the European Union on the world stage. Among others, the Special Rapporteur strongly recommended that the European Union might consider **facilitating a dialogue** with other regional bodies around the world, in close alliance with civil society groups, on the role of regional arrangements to advance the Convention, harmonizing European Union laws and policies with the Convention on the Rights of Persons with Disabilities in the field of independent living and deinstitutionalization.

[A/HRC/52/32/Add.2](#), *visit to Jordan, in September 2022*. The Special Rapporteur highlighted the progress made in promoting and protecting the rights of persons with disabilities in the country's legislation, policies and programs, emphasizing gaps and areas for improvement. He also made **recommendations** to strengthen the Government's efforts in ensuring non-discrimination and inclusion for all persons with disabilities. In particular, the Government should ensure that all persons with disabilities throughout the country have the same opportunities as anyone else in the country. The Government should also improve the provision of quality inclusive education.

13 March: Interactive dialogue with the Special Rapporteur on **the promotion and protection of human rights and fundamental freedoms while countering terrorism**, Fionnuala Ní Aoláin.

[A/HRC/52/39](#)²: The report illustrates how counter-terrorism and security are frequently used to provide political and legal justifications for the adoption of high-risk and highly intrusive technologies based on exceptional threats and with the promise of strictly limited application. Such technologies, including biometric, surveillance and drone technology, **have serious negative impacts on the enjoyment of human rights internationally**. The Special Rapporteur was also deeply concerned about the **discriminatory elements built into the development and deployment of such technologies**. Negative consequences include direct violations of non-derogable rights, the integrity of which is being undermined by new technologies lacking any meaningful legal oversight, and impunity for both State and non-State actors whose use and transfer of such technologies involves systemic rights-violative practice. She provided recommendations to States, UN entities and business enterprises. She called for a moratorium on the use of certain technologies, including a global prohibition of lethal autonomous weapons systems. She also specifically demanded a cease-and-desist policy by Member States on the transfer of such technologies to States.

[A/HRC/52/39/Add.1](#) – *visit to Maldives*

14 March: Interactive dialogue with the Special Rapporteur on **torture and other cruel, inhuman or degrading treatment or punishment**, Alice Jill Edwards, with a focus on good practices in national criminalization, investigation, prosecution and sentencing for offenses of torture, and remedies for victims.

² Advanced Edited Version published on the [OHCHR webpage](#) on 13 March 2023 in English only.

A/HRC/52/30³: The report sets out the activities of the Special Rapporteur concerning her mandate, since August 2022. The report also considers the duty to investigate crimes of torture in national law and practice, within States. Effective investigations and prosecutions acknowledge suffering and bring justice and peace to victims and communities. The duty is closely connected to the right of victims and survivors to remedy and reparation. Moreover, a chapter is reserved for obstacles, impediments and challenges to effective torture investigations; as well as for victims' participation, protection and empowerment. The Special Rapporteur recommended to States prioritize legislative reform, establishing a coherent framework for complaints and investigations into torture and other ill-treatment; to establish or designate investigation authorities with independent statutory authority and competence to investigate acts of torture or other ill-treatment in line with minimum standards of impartiality; as well as to adopt guidelines and standards for investigators, prosecutors, lawyers, medical and forensic experts, and judges.

14 March: Interactive Dialogue with the Special Rapporteur on [the right to privacy](#), **Ana Brian Nougères**, with a focus on the implementation of the principles of purpose limitation, deletion of data and demonstrated or proactive accountability in the processing of personal data collected by public entities in the context of the COVID-19 pandemic.

[A/HRC/52/37](#): The report considers the right to privacy, focusing on the implementation of the principles of purpose limitation, deletion of data and demonstrated or proactive accountability in the processing of personal data collected by public entities in the context of the COVID-19 pandemic. Based on the information collected about the policies adopted by the public authorities in 20 countries⁴, the reports conclude that **all** of the public entities applied the **principle of purpose limitation** in the processing of personal data; **not all** the public entities provided information about the **deletion or anonymization of data** once they ceased to be useful for the purposes for which they were collected; as regards application of the **principle of demonstrated or proactive accountability**, 55 percent of entities envisaged in their policies the adoption of general demonstrated or proactive accountability measures for processing the data collected, while the remaining 45 percent made no mention of this aspect. 15 percent of the entities had committed to implementing **demonstrated or proactive accountability measures** to comply with the principle of deletion of data. **Very few entities had established transparent mechanisms** for verifying whether personal data had been deleted or anonymized. The report contains a set of recommendations made to **States**. In particular, States should ensure that they are genuinely and effectively complying with the principles of purpose limitation, deletion of data and demonstrated or proactive accountability. States should adopt relevant, appropriate, timely and effective measures to comply with the legal obligations established in personal data processing regulations.

14 March: Interactive Dialogue with the 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](#), **Attiya Waris**, with a focus on international financial obligations, digital systems and human rights.

[A/HRC/52/34](#): The report reflects on issues such as the lack of transparency of cross-border financial transactions, the difficulty of prosecuting cases involving illicit financial flows in the digital world and taxing digital platforms or companies, as well as the lack of access to technological resources in developing countries and increasing socioeconomic inequalities. The report focuses on new digital lending practices, digital financial services, cryptocurrencies, blockchains, non-fungible tokens and encryption systems, among others. Digital technologies have a global impact on the lives of billions of people. The fast-growing digital economy has implications for human rights, the economy and international financial architecture. While sometimes the impact of digital technologies can be positive, in others it can be negative. To address these challenges, the Independent Expert called for the application of the rights and principles related to privacy, access to information, participation, accountability, transparency and fiscal legitimacy, as well as for international cooperation and assistance, to the development and deployment of digital technologies in the economy. She

³ Advanced Edited Version published on the [OHCHR webpage](#) on 9 March 2023 in English only.

⁴ Argentina, Australia, Belgium, Brazil, Colombia, France, Germany, India, Ireland, Italy, Japan, Latvia, Mauritius, Mexico, the Netherlands, New Zealand, Singapore, South Africa, Spain and the United Kingdom.

also recommended States engage in continuous **cooperation** with stakeholders across all sectors; encourage financial transparency; and consider the impact of digital technologies on the right to a healthy environment, among others.

Report of the 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**, **Attiya Waris**, with a focus on a non-binding set of practical guidelines for efficient asset recovery.

[A/HRC/52/45](#): In the present report, the Independent Expert stated that the accumulation of stolen assets and illicit transfer of funds to foreign jurisdictions and countries undermines State obligations to mobilize maximum available resources for the progressive realization of human rights. She presented a set of **13 draft non-binding and practical guidelines** on human rights and the repatriation of State assets that are consistent with existing international human rights law in this context. The guidelines and commentary do not create new obligations; rather, they reflect the application of existing human rights obligations in this context. The Independent Expert believed that States are obliged to ensure the prompt repatriation of funds of illicit origin to the countries of origin and to actively participate in adopting renewed, decisive and proactive commitments to tackle the phenomenon of illicit financial flows, including tax abuse, and the ensuing negative impacts on human rights.

15 March: Interactive dialogue with the Special Rapporteur **on the situation with human rights defenders**, **Mary Lawlor**.

[A/HRC/52/29](#): The report takes stock of the 25 years that have passed since the adoption, by consensus, of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (**Declaration on Human Rights Defenders**), highlighting examples of **achievements and success stories** of human rights defenders. Through imagination and perseverance, with hope and solidarity, human rights defenders continue to succeed against intimidating odds and often despite threats and attacks. These victories are usually the result of long-term struggles and are typically achieved in collaboration with other human rights defenders, and with a broad range of allies. The report includes examples of accessing justice, changing laws, protecting the vulnerable and holding businesses to account. The report offers a **change in focus** from the violations committed against human rights defenders to their often uncredited successes. The Special Rapporteur recommended States regularly and publicly pay tribute to the great work of human rights defenders; recognize that some human rights defenders are particularly vulnerable to attack; and ensure that defenders have the necessary space to provide inputs to public policies without fear of reprisal. She further recommended businesses and investors ensure that human rights defenders are included in human rights policies and are consulted periodically, especially in the high-risk sectors for defenders, including the mining, agribusiness, logging and hydropower sectors; to adopt a zero-tolerance policy for reprisals against human rights defenders throughout their operations, supply chains and business relationships; and to ensure that human rights defenders are consulted as part of any meaningful human rights and environmental due diligence process.

A/HRC/52/29/Add.1, visit to Greece

15 March: Interactive dialogue with the Special Rapporteur **in the field of cultural rights**, **Alexandra Xanthaki**, with a focus on cultural rights and migration.

[A/HRC/52/35](#)⁵: The report underlines the rights of migrants to have access to and effectively participate in all aspects of cultural lives, both of the host State and their own cultures. The cultural rights of migrants have not been the focus of attention in human rights thus far. Other rights, such as the prohibition of non-refoulement, the right to security and the right to asylum have taken precedence, as they should because of the urgency of the violations committed against them. However, the cultural rights of people must not be undermined or pushed aside. The Special Rapporteur recalled that international human rights law provisions protect those rights, regardless of the legal status of migrants, noted the need to ensure substantial equality in protecting

⁵ Advanced Edited Version published on the [OHCHR webpage](#) on 9 March 2023 in English only.

cultural rights and emphasized the importance of the effective participation of migrants in all aspects of cultural rights. The Special Rapporteur reflected on overcoming the obstacles that migrant artists face and highlights the need for intercultural exchange and interaction to ensure dynamic, diverse and democratic societies. She also made **recommendations to States to assess the level of implementation of the cultural rights of migrants in their territories on a basis of substantive equality.**

15 march: Interactive dialogue with the Special Representative of the Secretary-General on **violence against children**, **Najat Maalla M'jid.**

[A/HRC/52/61](#): The report, which is focused on the protection of children in the digital environment, contains an outline of the diverse forms of violence to which children are exposed online, emphasizing their co-occurrence in that setting, as well as the continuum between violence online and offline. Ending violence against children cannot wait, as violence continues to rise and becomes ever more normalized. Too many children are being left behind as a result of the impact of the coronavirus disease (COVID-19) pandemic, just as ongoing humanitarian and climate crises have magnified children's exposure and vulnerability to violence. The Special Representative stressed the need for **holistic responses to the challenges** posed by violence against children in the digital environment, highlighting the crucial role of children as agents of positive change through identifying and implementing solutions. It also contains key **recommendations** aimed towards ensuring an inclusive, safe, protective and empowering digital environment for children, where no child is left behind. In particular, Member States must respect and ensure the rights of children and provide them with special protection; adopt a holistic approach towards tackling the complex challenges facing children affected by armed conflict and violence before, during and after conflict.

16 March: Interactive dialogue with the Special Representative of the Secretary-General on **children and armed conflict**, **Virginia Gamba.**

[A/HRC/52/60](#): The report covers the period from December 2021 to December 2022 and explores challenges in ending and preventing grave violations against and strengthening the protection of children affected by armed conflict. The Special Representative provides information on her field visits and efforts to build partnerships, including with regional organizations and international partners. She outlines the activities carried out in discharging her mandate, and the challenges faced and progress achieved in addressing grave violations against children. She summarizes the multidimensional vulnerabilities of children to grave violations in armed conflict and the need for compliance with international law, including the Convention on the Rights of the Child. In conclusion, the Special Representative outlined priorities and made recommendations to enhance the protection of children affected by conflict.

16 March: Interactive dialogue with the **High Commissioner** on the report on the **human rights implications of, and good practices and key challenges in, affordable, timely, equitable and universal access to, and distribution of, quality, safe, efficacious and affordable coronavirus disease (Covid-19) vaccines and the impact on the right to everyone to the enjoyment of the highest attainable standard of physical and mental health.**

[A/HRC/52/56](#): The report contains an examination of the human rights implications of good practices and key challenges in affordable, timely, equitable and universal access to and distribution of quality, safe, efficacious and affordable Covid-19 vaccines and the impact on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. In conclusion, the High Commissioner **recommended** to States and all relevant actors to enhanced government oversight of vaccine research, production and distribution to translate the call for Covid-19 vaccines to be treated as a global public good into action; to build trust to counter disinformation and misinformation by providing credible, objective, timely and accessible information; and to the closure of the data gap by improving data collection, data disaggregation and monitoring systems to ensure that vaccine program plans can be adjusted under evolving science and needs.



General Debates

16 - 17 March: General Debate on Agenda Item 3: Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General.

The Geneva Centre's summaries of selected meetings are available [here](#).