

## HUMAN RIGHTS COUNCIL – 53rd SESSION

### Overview of Week 2 (26 - 30 June 2023)

During the **second week** of the 53rd session, the UN Human Rights Council will continue with the consideration of reports under **Agenda Item 3**<sup>1</sup>. In particular, the Council will discuss several thematic reports, such as the independence of judges and lawyers, the rights of migrants, climate change, extrajudicial, summary, or arbitrary executions, the issue of human rights and transnational corporations and other business enterprises, the right to education, international solidarity, trafficking in persons, extreme poverty, and the rights to freedom of peaceful assembly and of association.



Additionally, the Council will hold an Annual Discussion on Women's Rights.

#### Panel discussions

30 June: Annual Discussion on **Women's Rights**.

The morning panel will address gender-based violence against women and girls in public and political life in line with the States' human rights obligations to prevent, investigate and punish such violence and promote women's participation. The afternoon panel will discuss how participation in decision-making may address current gaps in social security for women, with a focus on the intersectionality of discrimination.

#### Agenda Item 3: Presentation of Reports and Interactive Dialogues

26 June: Interactive Dialogue with the Special Rapporteur on the **independence of judges and lawyers**, **Margaret Satterthwaite**.

A/HRC/53/31: The report set out the need for reimagining access to justice and the rule of law from the diverse perspectives of those who bear the brunt of deep inequalities, systematic discrimination, and persistent marginalization. The SR outlined **major challenges** to the independence of judges and lawyers that she will prioritize in her work. The Special Rapporteur shared the Human Rights Council's conviction that an independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution able to perform its functions accordingly, and the integrity of the judicial system are essential prerequisites for the protection of human rights and fundamental freedoms and the application of the rule of law and for ensuring fair trials without any discrimination. The report provided **recommendations** to Governments. In particular, they should undertake measures that protect and enhance an independent and impartial judiciary and an independent legal profession.

26 June: Interactive Dialogue with the Special Rapporteur on the **human rights of migrants**, **Felipe González Morales**.

A/HRC/53/26: The report highlighted **human rights challenges** faced by migrants in an irregular situation by providing an analysis of how irregularity increases vulnerability to human rights violations. The SR discussed how to address situations of the vulnerability of migrants due to a lack of regular migration status by creating and strengthening regularization mechanisms. Based on the information and analysis provided by States, international organizations, civil society, and other stakeholders, the Special Rapporteur provided **a set of recommendations** aimed at expanding and diversifying regularization mechanisms and programs to enhance the protection of the human rights of migrants. In particular, States should strengthen the legal framework

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

for the protection of all migrants in line with international human rights standards and take appropriate measures towards regularizing the situation of such people, considering such factors as the duration of their stay and their family situation. States also should put an end to the criminalization of irregular migrants and promote solidarity towards migrants to change the narrative on migration and combat xenophobia, racism, and discrimination.

[A/HRC/53/26/Add.1](#): Visit to **Poland from 12 to 15 July and from 21 to 25 July 2022**. The report focused on assessing existing laws, policies, and practices in relation to migration governance in the country and their impact on the human rights of migrants of all categories, including asylum-seekers and migrants in an irregular situation. The report also explained the situation at the border between Poland and Belarus. The Special Rapporteur was deeply concerned about the **legislative framework** adopted by Poland allowing the practice of pushbacks, in violation of international human rights and refugee law. In the absence of an individualized assessment of each migrant concerned and other procedural safeguards, **pushback practices** always result in human rights violations incompatible with the prohibition of collective expulsion and refoulement. The Special Rapporteur urged the country to immediately release from detention of all unaccompanied children, children with their families, pregnant women, and persons with mental health conditions to adequate care and reception facilities which are open and non-custodial; and encouraged relevant authorities to expand the use of alternatives to detention of migrants.

[A/HRC/53/26/Add.2](#): Visit to **Belarus from 16 to 20 July 2022**. The report focused on assessing the situation of human rights of migrants at the border between Belarus and Poland that reflects the ongoing geopolitical crisis. The Special Rapporteur firmly condemned the use of migrants as a political tool in violation of their human rights. **Migrants should not be used or sacrificed**. The Special Rapporteur called upon Belarus, Poland, and the European Union to conduct **constructive dialogue** to prevent further loss of life and ensure protection of the human rights of migrants. He also **recommended Belarus to** take all reasonable precautionary steps to protect life and to prevent excessive use of force and conditions amounting to cruel, inhuman, and degrading treatment, and cooperate to save lives and prevent migrant deaths and injuries, in accordance with international law.

[A/HRC/53/26/Add.3](#): Visit to **Bangladesh from 20 to 31 January 2023**. The report focused on labour migration. Despite legislative and policy measures to regulate labour migration, the Special Rapporteur highlighted his concerns regarding **gaps** relating to recruitment practices, support, and assistance for migrants in countries of destination. He reported serious human rights violations. He required stronger cooperation for the protection of migrant workers. **Recommendations** made by the Special rapporteur concerned protection, recruitment, legal framework, skills, returnees, data, international cooperation, and women and Rohingya refugees.

26 June: Interactive Dialogue with the the Special Rapporteur on [extrajudicial, summary or arbitrary executions](#), **Morris Tidball-Binz**.

[A/HRC/53/29](#): The report focused on deaths in custody of persons in the criminal justice context from the moment of their arrest, including pretrial and postconviction, its conclusions and recommendations also apply to custodial deaths in other contexts. The report considered the issue in order to raise awareness about an invisible, largely preventable, tragedy of global dimensions, often resulting from a failure in the duty of States to respect and protect the fundamental right to life of those deprived of liberty. The report stressed that in 2021, over **11.5 million people were held in prisons globally, of whom almost a third** were not convicted. The number of people who die in prisons from all causes is largely unknown, though it is estimated that mortality rates for people in prison are at least 50 percent higher than for people in the wider community. Prisoner deaths are **probably increasing** because of the increasing size of prison populations, the length of sentences, life sentences, and the proportion of older people in prison. The Special Rapporteur also presented **practical recommendations** to States as the primary actors and bearers of responsibility. Measures of prevention, investigation, and collection of information were presented.

[A/HRC/53/29/Add.1](#)<sup>2</sup>: Visit to **Argentina from 14 to 25 November 2022**. The report examined instances of institutional violence, particularly the unlawful deprivation of life resulting from the excessive use of force within the context of law enforcement; the phenomenon of deaths in custody, and gender-based killings. The Special Rapporteur formulated **recommendations** to strengthen the investigation and prosecution of such cases, improve accountability and reinforce the protection of the right to life. The Government should

<sup>2</sup> As of 25 June, only English Advance Unedited Version is available.

eradicate prevailing practices contributing to deaths resulting from institutional violence, gender violence, and deaths in custody.

27 June: Interactive Dialogue with the Working Group on the issue of **human rights and transnational corporations and other business enterprises**.

[A/HRC/53/24](#): The report addressed the persistent capacity and knowledge gaps among stakeholders to understand how the State's duty to protect and the corporate's responsibility to respect human rights in the context of business activities can be achieved in practice. Capacity-building underpins the implementation of the Guiding Principles. The Working Group set out **recommendations** to States, UN and other international actors and businesses on how the landscape of capacity-building efforts and initiatives can be shaped for the advancement of the business and human rights agenda.

[A/HRC/53/24/Add.1](#): Visit to **Liberia from 31 October to 11 November 2022**. The report welcomed the Government's plans to develop a national action plan on business and human rights. However, it reported concerns about significant challenges, including in relation to the effective implementation of existing regulations. Those challenges were particularly evident in relation to the serious abuses suffered by workers and communities in the mining and agribusiness sectors. Addressing the root causes of such abuses, in addition to such overarching issues as uneven development, especially for communities outside the capital city of Monrovia, and the constraints placed on the ability of workers and others to hold businesses to account will be particularly important. The Working Group also observed that the meaningful participation of communities in decisions affecting them was inadequate and the allegations of the suppression of the legitimate activities of human rights defenders were especially troubling. In doing so, the Working Group **recommended** the Government, business and industry associations, civil society actors, and international financial institutions.

[A/HRC/53/24/Add.2](#): Visit to **Luxembourg from 1 to 9 December 2022**. The report focused on good practices by the Government and businesses. Luxembourg has a solid legal and institutional framework for protecting and promoting human rights, with a good rule of law and legal system. However, the Government should do more to implement the Guiding Principles on Business and Human Rights. This includes a proactive response to the corporate sustainability due diligence directive, as well as related national legislation. The report, finally, provided a list of **recommendations to the Government and businesses, and financial institutions**.

[A/HRC/53/24/Add.3](#): Visit to **Argentina**.

27 June: Interactive Dialogue with the Special Rapporteur on the **right to education**, **Farida Shaheed**, with the focus on securing the right to education: advances and critical challenges.

[A/HRC/53/27<sup>3</sup>](#): The report reviewed **achievements 25 years after** the establishment of the Special Rapporteur's mandate on the right to education. Particularly, on how the right to education is understood today and the obligations it entails, as well as contemporary and emerging issues that need to be considered to ensure the right to education for all, today and in the future. In these years, the mandate has contributed to an evolving understanding of the right to education and the obligations it entails, catalyzing, accompanying, or reflecting developments and progresses also achieved at the national level or by other human rights mechanisms. The report concluded that an approach based on the right to education can guide actions for transforming education towards more efficient systems, able to respond to new challenges. The right to education must be at the center of all reflections leading to a new social contract on education, at the local, national, and international levels.

[A/HRC/53/27/Add.1](#): Visit to **UNESCO**.

27 June: Interactive Dialogue with the Special Rapporteur on the promotion and protection of human rights in the context of **climate change**, **Ian Fry**, providing legal options to protect the human rights of persons displaced across international borders due to climate change.

[A/HRC/53/34](#): The report focused on the increasing number of people displaced across international borders due to climate change, as the effects of climate change become more severe. As people are forced across international borders, they face numerous human rights violations, including women and children. The SR

<sup>3</sup> As of 25 June, only English Advance Unedited Version is available.

considered various international, regional, and national legal and policy approaches to address people displaced across international borders due to climate change. There is a deficit in legal protection for such people and makes several recommendations on how this legal deficit can be resolved, including the development of an **optional protocol to the Convention relating to the Status of Refugees to protect the human rights of persons displaced across international borders due to climate change**. In the meantime, the SR recommended to all nations to develop national legislation that provides humanitarian visas for such persons. Regional human rights bodies should expand their definition of refugees to include such persons.

[A/HRC/53/34/Add.1](#): Visit to **Bangladesh from 4 to 15 September 2022**. The report made evident that Bangladesh is highly vulnerable to the impacts of climate change, and this has significant implications on the enjoyment of human rights. Several linkages were made between the **issue of climate change loss and damage and the implications for human rights**. This included the right to life, health, food, housing, water and sanitation, cultural life, education, and work. The international response to loss and damage and its inherent human rights implications is **inadequate**. Nevertheless, the Government is making efforts to protect its population from the ravages of climate change through the establishment of special funding for disaster recovery and adaptation. **The Special Rapporteur provided recommendations to the Government and to the international community**. On one hand, regional river catchment nations, particularly India and China, need to sit down at the negotiating table with Bangladesh and work through a fair and equitable regional river catchment plan. On the other hand, the Government should consult more widely in its climate change planning, providing solutions that have long-term benefits. It also should develop a clear policy strategy on how to deal with the number of persons displaced by the impacts of climate change.

28 June: Interactive Dialogue with the Special Rapporteur on **trafficking in persons, especially women and children**, **Siobhán Mullally**, with a focus on refugee protection, internal displacement, and statelessness.

A/HRC/53/28<sup>4</sup>: The report highlighted **states' obligations** to ensure effective access to international protection for trafficked persons, and persons at risk of trafficking, to prevent trafficking in internal displacement and refugee settings, to ensure effective access to asylum, compliance with the principle of non-refoulement. The report emphasised the **urgency of eliminating statelessness**, as an important measure to prevent trafficking in persons, especially children. Protecting the rights of refugees, internally displaced persons and stateless persons is essential to the prevention of trafficking in persons and ensuring protection of the human rights of trafficked persons and persons at risk of trafficking. In this vein, the Special Rapporteur **recommended** States to ratify and implement related Conventions as well as ensure effective access to the right to seek and enjoy asylum, without discrimination and identify, assist, and protect victims of trafficking and persons at risk of trafficking at borders, and in refugee status determination procedures. UN entities, humanitarian and protection actors should recognize the particular risk of trafficking of children in situations of conflict and violence and ensure that prevention of trafficking and assistance and protection of child victims of trafficking are integrated into humanitarian and protection action.

[A/HRC/53/28/Add.1](#): Visit to **Bangladesh from 31 October to 9 November 2022** to assess the situation of trafficking in persons, especially women and children. The SR stressed the urgent need to strengthen child protection systems, enhance the protection of child rights and take action to promote gender equality and combat gender-based violence, as well as the need for urgent action to strengthen the **protection of the rights of Rohingya refugees**. The report also highlighted the significant risks of trafficking in the context of **labor migration** and the need for the expansion of regular migration opportunities, particularly for women, including the strengthened regulation of recruitment processes. The report, in conclusion, **recommended** the Government ratify the ILO Domestic Workers Convention; integrate measures to prevent trafficking and protect victims among Rohingya refugees into the National Action Plan; expand safe and regular migration opportunities for women; and take urgent action to prevent child trafficking for all purposes of exploitation through expanded child protection systems.

[A/HRC/53/28/Add.2](#): Visit to **South Sudan**. The report highlighted the prevalence of trafficking in persons in South Sudan, including but not limited to the context of conflict, and the urgency of strengthening coordinated action to prevent trafficking in persons for all purposes of exploitation and to provide gender-sensitive, trauma-informed, and human rights-based assistance and protection. The Special Rapporteur was concerned at the **prevalence of trafficking in children** and the continuing high numbers of abductions leading to trafficking for purposes of child marriage, child labor, recruitment and use by armed forces and armed groups, and exploitation in criminal activities. **Systemic gender inequality and widespread sexual and**

<sup>4</sup> As of 25 June, only English Advance Unedited Version is available.

**gender-based violence**, including conflict-related sexual violence against women and girls, contribute to impunity for trafficking in persons for purposes of sexual exploitation, including sexual slavery, child marriage and domestic servitude. The Special Rapporteur stressed the very limited assistance and protection available to trafficked persons and the need for urgent action to ensure safe accommodation and access to medical assistance, and effective remedies. The **adoption of the Comprehensive Action Plan to End and Prevent All Grave Violations against Children** was a positive measure. The report included **recommendations** to the Government of South Sudan and to the United Nations entities.

28 June: Interactive Dialogue with the Independent Expert on **human rights and international solidarity**, **Obiora Chinedu Okafor**, with a focus on a revised draft declaration on human rights and international solidarity.

[A/HRC/53/32](#): The report discussed the work on revising the pre-existing draft **declaration on the right to international solidarity** and reiterated the case for the adoption of this text. The report set rationales for undertaking the revisions made to the draft text, set out the process adopted for preparing a revised draft declaration, offered an exposition on the nature of the main revisions incorporated in the new draft. The **main reasons** for revising the existing draft declaration are provide more specification and relevant detail in certain provisions; update the existing draft to recognize and respond to important human rights related developments that have occurred since its preparation, including but not limited to the COVID-19 pandemic and the exacerbation of other common global crises, such as climate change, poverty, the ill-treatment of migrants and extreme right-wing populism; and clarify the formulation of some of the concepts set out in the draft declaration in relation to its content, rights bearers and modes of implementation, among others. Finally, the report offered some **recommendations**.

[A/HRC/53/32/Add.1](#): Visit to **Costa Rica from 21 February to 2 March 2022**. The report focused on the applicable constitutional and human rights framework; the presence of the United Nations and regional organizations in Costa Rica; the international cooperation and development assistance as forms of good practice in international solidarity; and challenges and areas of concern revealed during the visit. The Independent Expert drew **conclusions** and makes specific **recommendations to the Government, international organizations present in the country, and civil society organizations** to enhance human rights-based international solidarity. In particular, the Government should continue its good practices in the protection of the environment and climate change, while taking into account the need for more mitigation measures. These practices can serve as models to other countries facing similar climate-change issues. The role of migrants in the economic advancement of Costa Rica should be recognized and promoted.

28 June: Interactive Dialogue with the Special Rapporteur on the rights to **freedom of peaceful assembly and of association**, **Clément Nyaletsossi Voule**, with the focus on advancing accountability for serious human rights violations related to the exercise of the rights to freedom of peaceful assembly and of association.

[A/HRC/53/38](#): The report examined the practical gaps in accountability for serious crimes committed against activists and protesters. Protecting those rights through robust and timely accountability is vital for preserving the ever-shrinking civic space as a whole, countering expanding authoritarianism and preventing deterioration of peace and security. **Accountability** has a deterrent effect, it is crucial for ending the cycle of violence and preventing atrocities against activists and protesters and is vital for sustainable transition and peacebuilding. Based on a victim-centred approach, the Special Rapporteur made **recommendations** to States and the international community to **advance accountability and end impunity** for such crimes, to ensure the fundamental freedoms of peaceful assembly and of association can be effectively exercised. The international community has a vital role to play in advancing accountability. Victims, survivors, their representatives and civil society should be an integral part of national and international accountability processes, while States should respect and protect their rights to freedom of peaceful assembly and of association to enable their meaningful participation in the accountability processes.

[A/HRC/53/38/Add.1](#): Visit to **Brazil from 28 March to 09 April 2022** aimed to assess the situation of the rights to freedom of peaceful assembly and of association in the country. The Special Rapporteur expressed

concerns at the closing of civic space and the rise in political violence in Brazil, which has threatened the effective enjoyment of the rights to freedom of peaceful assembly and of association. The Special Rapporteur **recommended** that the Government carry out a broad and deep national dialogue with civil society, including human rights organizations, academia, and trade unions, to strengthen democratic institutions. The Government should also ensure a conducive and safe environment for everyone exercising or seeking to exercise the rights to freedom of peaceful assembly and association and ensure that there is no discrimination in the application of the laws governing the rights to freedom of peaceful assembly and of association, regarding the groups most at risk and those expressing dissenting voices; as well as ensure that victims of violations and abuses have the right to an effective judicial remedy and obtain redress.

30 June: Interactive Dialogue with the Special Rapporteur on **extreme poverty and human rights**, **Olivier De Schutter**, on the employment guarantee as a tool in the fight against poverty.

[A/HRC/53/33](#): The report focused on the **right to work as a human right**. It explained how the introduction of a job guarantee can contribute to the full realization of the right to work, transforming it from a policy objective into an enforceable legal right. The job guarantee tackles the paradox of structural unemployment and underemployment coexisting with important unsatisfied societal needs. Globally, **473 million people are seeking employment**. Official unemployment rates do not include all those who have abandoned the search for employment because of a lack of opportunities or because, due to insufficient provision of childcare or support for dependent persons, they cannot reconcile paid work outside the home with often unpaid work within the household. The Special Rapporteur highlighted the **benefits** of the introduction of the job guarantee both to the individual and to the community and addressed a number of **objections** to the idea. The job guarantee can be an essential component of the “just transition” and the new eco-social contract needed for the post-crisis recovery.

[A/HRC/53/33/Add.1](#): Visit to **Kyrgyzstan from 23 May to 3 June 2022**. The report highlighted how strengthened social protection, better wages and, decent jobs, as well as the gradual elimination of child labour and better-quality education, can allow the country to move away from an economic model highly dependent on the extractive and tourism industries and on remittances from migrant workers. The report offered recommendations to eradicate multidimensional poverty and to reduce inequalities in line with Goals 1 and 10 of the SDG. The SR also recommended implementation of the Law No. 38 on the rights and guarantees of persons with disabilities and the adoption a law on social housing.

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