

## HUMAN RIGHTS COUNCIL – 54th SESSION

### Overview of Week 1 (11- 15 September 2023)

During the **first week** of the 54th 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, Sudan, Myanmar, Nicaragua, and Sri Lanka**. The Group of Experts will provide an oral update on the situation of human rights in Nicaragua. Under Item 3, the Council will discuss several thematic reports, such as the promotion of truth, justice, reparation and guarantees of non-recurrence, safe drinking water and sanitation, unilateral coercive measures, and human rights of older persons. Additionally, the Council will hold a panel discussion on unilateral coercive measures and human rights, under the theme: *the impact of unilateral coercive measures and over-compliance on the right to development and the achievement of Sustainable Development Goals*.



#### Panel discussions

14 September: **Biennial panel discussion on unilateral coercive measures and human rights**. Theme: The impact of unilateral coercive measures and over-compliance on the right to development and the achievement of Sustainable Development Goals.

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



11 September: Oral updates by the United Nations High Commissioner for Human Rights, **Volker Türk**.

11 September: Interactive Dialogue on the Report of the Independent Investigative Mechanism for **Myanmar**.

A/HRC/54/19: The report covered activities carried out by the **Independent Investigative Mechanism for Myanmar** between 1 July 2022 and 30 June 2023. The evidence collected enables the Mechanism to continue building case files and analytical products to prove individual criminal responsibility for serious international crimes in Myanmar. Armed conflicts substantially intensified during the reporting period. The Mechanism has made consistent and notable progress in fulfilling its mandate. The Mechanism continued to make important progress toward its objective of ensuring the accountability of perpetrators and justice for victims of the most serious international crimes and violations of international law committed in Myanmar since 2011. The Mechanism plans to accelerate its collection of evidence of the most serious international crimes committed in Myanmar and intensify its preparation of analytical products to be shared with investigative, prosecutorial and judicial authorities willing and able to pursue accountability for such crimes.

11 September: Interactive Dialogue on the Report of the UN Office of the High Commissioner for Human Rights on the situation in **Sri Lanka**.

11 September: Interactive Dialogue with the Special Rapporteur on the situation in **Afghanistan**.

<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.

*12 September:* Interactive Dialogue on the Annual Report of the UN Office of the High Commissioner for Human Rights and report of the Office of the High Commissioner and the Secretary-General on the situation of human rights in [Afghanistan](#).

*12 September:* Interactive Dialogue on the High Commissioner's report on the situation of human rights in [Nicaragua](#).

A/HRC/54/60<sup>3</sup>: The report contained an update on the human rights situation in Nicaragua. The human rights situation in Nicaragua has continued to seriously **deteriorate**. Persons perceived as opponents of the Government are persecuted and subjected to a wide range of arbitrary measures in violation of their human rights, including prison sentences handed down without a trial and the deprivation of nationality through judicial decisions that lack any resemblance to legality. Human rights defenders continue working, both in Nicaragua and in exile, advocating for accountability for human rights violations and for a return to democracy and the rule of law. Nicaragua continues to fail to uphold the human rights of women and girls. Indigenous Peoples are under the constant threat of displacement and loss of their livelihoods. The report also included **recommendations** made by the High Commissioner for Human Rights and by Human Rights Council mechanisms and the treaty bodies. In particular, the Government should immediately release all persons arbitrarily detained; restore the nationality of all persons deprived of it, and allow the safe return of all Nicaraguans who wish to return to the country; enabling an open and pluralistic civic space that guarantees the freedoms of expression and opinion and of assembly and association; and guarantee the rights to truth, justice, reparations and guarantees of non-repetition to victims of grave human rights violations.

*12 September:* Interactive Dialogue on the High Commissioner's oral update on the situation of human rights in [Sudan](#).

*12 September:* Oral updates by the Group of Experts on Nicaragua.

### [Agenda Item 3: Presentation of Reports and Interactive Dialogues](#)



*13 September:* Interactive Dialogue with the Special Rapporteur on the promotion of **truth, justice, reparation, and guarantees of non-recurrence**, **Fabián Salvioli**, focusing on international legal standards underpinning the pillars of transitional justice.

[A/HRC/54/24](#): The report provided an analysis of the international legal standards underpinning the **five pillars of transitional justice: truth, justice, reparation, memorialization, and guarantees of non-recurrence**. The Special Rapporteur analyzed all sources of international law and presented a thorough systematization of the standards contained therein. In doing so, he consolidated the main concepts, rules, and duties supporting each pillar, including those that are not expressly mentioned in international treaties but are derived from them, the jurisprudence of international and regional tribunals, widely respected sources of soft law and State practice. The Special Rapporteur noted with great concern the reality of many transitional justice processes that are wrecked by political decisions that result in the delegitimization of truth-seeking processes, impunity, lack of comprehensive reparations for victims, maintenance of institutional frameworks that have favored violations, vindication of violations committed in the past, and the absence or boycotting of memory programs.

[A/HRC/54/24/Add.1](#): **Visit to the Republic of Korea from 8 to 15 June 2022**. The SR assessed the measures adopted by the Government to address the serious violations of human rights and humanitarian law committed during the periods of occupation, war, and dictatorial regimes. The report noted the progress made in adopting a legal framework to address the serious human rights violations committed in the past and in establishing truth-seeking and memorialization processes. However, the SR pointed to challenges regarding reparation and notes with concern the absence of criminal accountability for perpetrators of past serious

<sup>3</sup> As of 08 September 2023, only the Word advanced edited version was available.

human rights violations and the insufficient progress made to reform the normative framework that led to past abuses and to improve the capacities and procedures of the institutions involved in such violations. The report concluded with recommendations addressed to the Government and members of the international community. In particular, the State should harmonize national legislation and incorporate into national legislation all international human rights treaties ratified; sustain and strengthen official initiatives aimed at establishing the truth and collecting data and testimonies on all past human rights violations, adopt a gender perspective and victim-centred approach to these processes; and, adopt policies in the fields of education, culture and the media to provide society with pluralistic, comprehensive and accurate accounts of past violations and foster an enabling environment in which all members of society can freely and respectfully engage on these topics.

[A/HRC/54/24/Add.2](#): **Visit to Serbia and Kosovo from 22 November to 2 December 2022**, to assess the progress made in redressing the serious violations of human rights and international humanitarian law committed during the armed conflicts of the 1990s. The report noted the efforts made after the conflict in Serbia and Kosovo, with support from the international community, to search for missing persons. However, the SR stressed the lack of cooperation in recent years, the challenges of accountability and reparation processes, and the inadequacy of measures to promote the memory of past violence, to curb divisive sentiments and to promote reconciliation. The report concluded with recommendations addressed to the authorities in Serbia and in Kosovo, and to the international community.

A/HRC/54/24/Add.3: Comments by the State (Republic of Korea).

A/HRC/54/24/Add.4: Comments by the State (Serbia).

*14 September*: Interactive Dialogue with the Special Rapporteur on the human rights to **safe drinking water and sanitation**, **Pedro Arrojo Agudo**, focusing on fulfilling the human rights of those living in poverty and restoring the health of aquatic ecosystems: two converging challenges.

[A/HRC/54/32](#): The report focused on the **problems of pollution, overexploitation, and mismanagement of rivers, lakes, wetlands, and aquifers**, and their impacts on the human rights to drinking water and sanitation. In particular, it showed how the **toxic contamination of water** by heavy metals and other contaminants breaks not only the right to water but also the right to health and life of millions of people. According to the Special Rapporteur, stating that the global water crisis is a consequence of freshwater scarcity on the planet is simplistic and misleading. Most of the **2 billion people without guaranteed access to safe drinking water** are not thirsty people without water in their living environment. The Special Rapporteur stated that the human rights to drinking water and sanitation and the human right to a clean, healthy, and sustainable environment **go hand in hand with promoting climate change adaptation strategies** to face the increasing risks of drought and floods that climate change causes. It is necessary to move towards a **new environmental regeneration model** that is based on sustainability while promoting democratic water governance based on a human rights approach. The Special Rapporteur set a list of recommendations to States in order to provide environmental education and information, promote training, ensure effective drinking water disinfection and continuous distribution, and adopt a water legislation based on an integrated vision of the water cycle that allows for the sustainable management of water, and on water being considered as a common good, accessible to all but not appropriable by anyone.

[A/HRC/54/32/Add.1](#): **Visit to Tunisia from 18 to 29 July 2022**. The report stressed the urgent need for Tunisia to end the overexploitation of aquifers and promote sustainable planning adapted to climate change under a human rights approach. Among others, the SR recommended strengthening hydrological planning from the perspective of climate change, moving from supply-side strategies to sustainability-based strategies and demand management; and guaranteeing the primacy of drinking water over productive uses, avoiding pumping licenses that could lead to cuts in the supply of drinking water.

[A/HRC/54/32/Add.2](#): **Visit to Peru from 1 to 15 December 2022**. It is necessary to introduce a **new water governance model** that is in line with current challenges and future challenges as a result of climate change. Peru faced a future of increasing water scarcity, especially drinking water, due to climate change, population distribution and migratory flows, the marginalization of campesino communities and Indigenous Peoples and, above all, the unsustainability of the current extraction-oriented development model. In this context, **profound legal and institutional reform is needed, as well as a new ecosystem- and human rights-based approach** that strengthens participatory water governance. The State **must effectively guarantee** the human rights to drinking water and sanitation of the population, prioritizing these rights and public health over any

economic interests. The Special Rapporteur recommended that the right of Indigenous Peoples and campesino communities to manage their territories and waters in a way that strengthens and enhances the dignity of rural life be recognized.

*14 September:* Interactive Dialogue with the Special Rapporteur on the negative impact of **unilateral coercive measures** on the enjoyment of human rights, **Alena Douhan**, focusing on the impact of unilateral coercive measures on the right to health.

A/HRC/54/23<sup>4</sup>: The report provided an overview and assessment of the **impact of unilateral sanctions on various aspects of the right to health**, including access to healthcare, vaccination, prevention of diseases, access to tests, medicine, medical equipment. The report addressed the issue of the impact of unilateral coercive measures on **SDG 3**, including maintenance and development of the healthcare system, and the impact on the most vulnerable, including persons with disabilities, those suffering from rare and severe diseases, children, women, older persons. The report further considered the impact of unilateral coercive measures on the availability of **medical assistance in emergency situations**, as well as the efficacy of humanitarian exemptions. In conclusion, the SR provided a few **recommendations in order to improve the situation of affection of the functioning of critical infrastructure relevant to healthcare, food, agriculture, electricity, water supply, irrigation, sanitation, seeds, and fertilizers, all of which are necessary for the survival and well-being of populations**. States are obliged to take all possible legislative, institutional, and administrative measures to avoid and minimize over-compliance and to ensure that the activity of private businesses under their jurisdiction and control does not violate the right to health and other human rights extraterritorial. States under unilateral sanctions are recommended to provide detailed information on all types of sanctions.

[A/HRC/54/23/Add.1](#): **Visit to the Syrian Arab Republic from 31 October to 10 November 2022**, to examine the impact of unilateral sanctions on the enjoyment of human rights in the country and on the right to development. The SR concluded that **sanctions, secondary sanctions, and different forms of over-compliance have a serious negative impact on the country's economy**, leading to serious violations of human rights and humanitarian challenges, which have been exacerbated by the long-lasting conflict, as well as the recent coronavirus disease pandemic. The deteriorating economic and humanitarian situation disproportionately affects the most vulnerable segments of society, including internally displaced persons. The Special Rapporteur **recommended** lifting unilateral sanctions to avoid de-risking policies and over-compliance in accordance with international legal standards and the due diligence rule and calls upon the international community and humanitarian actors to step up efforts to mitigate the adverse humanitarian impact of unilateral coercive measures.

[A/HRC/54/23/Add.2](#): Comments by the State (Syrian Arab Republic).

*15 September:* Interactive Dialogue with the Independent Expert on the enjoyment of all human rights by **older persons**, **Claudia Mahler**, focusing on violence, abuse and neglect against older persons.

[A/HRC/54/26](#): The report presented an overview of the IE's activities and a thematic analysis of **violence against and abuse and neglect of older persons**. She examined the different manifestations of abuse in older age and reviews prevention and protection measures. An **increase in violence** against older persons has been seen during ongoing crises such as the COVID-19 pandemic, armed conflicts and climate change. The lack of data and the absence of an internationally agreed definition hinder the freedom from violence and abuse of older persons and the full enjoyment of all their rights in this regard. The current international human rights framework **does not provide the protection necessary for older persons to live free from violence, abuse, and neglect in diverse settings and does not consider the multiple grounds for unequal treatment**. The report concluded with a **set of recommendations** to States and other stakeholders. States should adopt a comprehensive international legally binding instrument on the human rights of older persons that would address the right to life free from violence, abuse, and neglect in older age. The issues of ageism and age discrimination, which are at the roots of abuse of older persons, must also be addressed. States should ratify

<sup>4</sup> As of 08 September 2023, only the Word advanced edited version was available.

and implement regional conventions and protocols that are focused on the protection of the human rights of older persons and include specific prohibitions of violence, abuse and neglect.

[A/HRC/54/26/Add.1](#): **Visit to Nigeria, from 29 August to 9 September 2022.** The objective of the visit was to identify good practices and gaps in the implementation of existing laws and policies relating to the rights of older persons. The Independent Expert analyze, the challenges faced by older persons, paying particular attention to those living in vulnerable situations. **Poverty** in old age remains rampant and is exacerbated by age-based discrimination in employment and the lack of appropriate social protection floors, including pensions. Further urgent efforts need to be taken to ensure that all persons have enough economic security in old age to enjoy all their rights. The report listed **recommendations** to the Government on how to further advance the promotion and protection of the rights of older persons, in terms of data, age discrimination and ageism, violence, and abuse, social protection and the rights to social security and work, adequate standard of living and autonomy, health care and care, and humanitarian and emergency situations.

[A/HRC/54/26/Add.2](#): **Visit to Bangladesh, from 7 to 17 November 2022.** The purpose of the visit was to identify good practices and gaps in the implementation of existing laws and policies relating to the promotion and protection of the human rights of older persons in the country. Despite the challenges it faces, the Independent Expert acknowledged the efforts and commitment of Bangladesh towards the enjoyment of their human rights by older persons. She welcomed the existing dedicated institutional structures and the legal and policy frameworks, including the national policy on older persons and the National Committee on Ageing. The Independent Expert **recommended** the Government to ratify the international human rights treaties and optional protocols to which it is not yet a party; and called on the Government urgently to repeal all laws and provisions that discriminate against older women, including those that hinder their inheritance and property rights.

[A/HRC/54/26/Add.3](#): **Visit to the Dominican Republic, from 28 February to 10 March 2023.** The Independent Expert congratulated the Dominican Republic for having improved the situation for older persons through the coordinating powers of the National Council of the Ageing Person and its methodology based on the comprehensive identification of the needs of older persons, the protection of their rights and a person-centered approach to care. She welcomes the existing dedicated institutional, legal and policy frameworks that integrate a human rights-based approach to ageing. The IE provided **recommendations** on how to further advance the promotion and protection of the rights of older persons in the country. In particular, the Country should ratify all human rights treaties to which it is not yet party; the adoption of a comprehensive national policy on older persons would represent a landmark step in demonstrating the Government's priorities regarding older persons and in upholding the protection of their rights. The Government should strengthen its efforts and programmes to combat ageism in society. The Independent Expert strongly recommended the creation of age-friendly shelters and safe spaces where older victims could stay when they need to leave a violent, abusive or negligent environment.

A/HRC/54/26/Add.4: Comments by the State (Nigeria).

A/HRC/54/26/Add.5: Comments by the State (Dominican Republic).

*15 September:* Interactive Dialogue on the report of the UN Office of the High Commissioner for Human Rights on **economic, social and cultural rights, and COVID-19 recovery**.

[A/HRC/54/35](#): The report stated that **economic, social and cultural rights are paramount to guiding Governments and societies in transformative action** towards an inclusive, better and sustainable future for all. The potential of these rights is enormous. The exigencies of the post-COVID-19 pandemic recovery and the prevailing socioeconomic circumstances underscore the urgent need for decisive action to protect and promote economic, social and cultural rights by States and all stakeholders, including the United Nations system. The High Commissioner set **recommendations** in order to reinforce the work of OHCHR in promoting and protecting economic, social and cultural rights, calling upon Member States and other stakeholders to continue strengthening the role of OHCHR as a valuable contributor to both the United Nations development system and broader United Nations development efforts; and urging Governments, international financial institutions, businesses, investors and consumer associations to consistently integrate economic, social and cultural rights into their policies and practices, leveraging them as a road map to address national, regional and global challenges and achieve a more stable, inclusive, green and just future.

## General Debate

*12-13 September: General Debate under Agenda Item 2*

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