

## HUMAN RIGHTS COUNCIL – 57th SESSION

### Overview of Week 1 (09- 13 September 2024)

During its first week of work, the UN Human Rights Council (HRC) will consider reports under **Agenda Item 2<sup>1</sup>**. In particular, it will focus on the critical human rights situations in Afghanistan, Myanmar, Sudan, Sri Lanka, Nicaragua, and the Occupied Palestinian Territory, including East Jerusalem. A general debate will conclude the consideration of Agenda Item 2. Further, the Council will discuss several thematic reports under **Agenda Item 3<sup>2</sup>**, including the promotion of truth, justice, reparation and guarantees of non-recurrence, the contemporary forms of slavery, including its causes and consequences, the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, the negative impact of unilateral coercive measures on the enjoyment of human rights, and the impact of loss and damage from the adverse effects of climate change on the full enjoyment of human rights.



During the first week, the Council will hold a **panel discussion on promoting and protecting economic, social, and cultural rights within the context of addressing inequalities.**

**Opening of the session:** 09 September 2024, 10 am (CET): The session will be opened by the President of the Human Rights Council, the Secretary-General, the High Commissioner for Human Rights, and the head of the Federal Department of Foreign Affairs of Switzerland as host country.

#### Panel discussion



**11 September: Panel discussion on promoting and protecting economic, social, and cultural rights within the context of addressing inequalities.**

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



**09 September:** Interactive Dialogue on the report of the Independent Investigative Mechanism for Myanmar.

**A/HRC/57/18:** The report highlighted **progress on investigations, approaches and methodologies, challenges and areas for additional support.** During the reporting period (1 July 2023 – 30 June 2024), the conflict in **Myanmar escalated substantially**, with reports of more frequent and brutal crimes committed across the country. The Mechanism possesses substantial evidence that a variety of war crimes and crimes against humanity have been committed. While the great majority of information collected by the Mechanism concerns crimes committed by the Myanmar security forces or affiliated militias, the Mechanism has also received credible information regarding crimes committed by some armed groups fighting against the military. The Mechanism is examining evidence of alleged crimes regardless of the affiliation or ethnicity of

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

the perpetrators or victims. Despite the complex and evolving situation in the country, the Mechanism made important progress across its various investigations. The ultimate goal of the Mechanism is to enable national and international authorities to deliver justice for the victims of serious international crimes committed in Myanmar.

*09 September:* Interactive dialogue on the report of the High Commissioner for Human Rights on progress in reconciliation and accountability in [Sri Lanka](#).

A/HRC/57/19<sup>3</sup>: The report covered developments between October 2022 and July 2024. The trends observed during the reporting period, including a continuing lack of respect for fundamental freedoms, as evidenced by **new regressive laws, the erosion of democratic checks and balances, instances of threats, intimidation and violence against victims of the civil war, civil society actors and journalists and the resurfacing of serious past human rights violations, are of deep concern**. The failure of Sri Lanka to specifically recognize victims' suffering, to acknowledge the role played by the military and other security forces in the commission of gross human rights violations, and to address past and present violations has been a key obstacle to the rule of law, democracy and good governance. Fundamental changes are needed to advance accountability and reconciliation and prevent future human rights violations and the abuse of power. In particular, **the OHCHR recommended the Government** to actively promote an inclusive, pluralistic vision for Sri Lanka, based on non-discrimination and the protection of human rights for all; ensure the right to political participation through free and fair elections at all levels of government; and remove from power and refrain from appointing or promoting persons credibly alleged to have perpetrated human rights violations to high-level positions in the Government, the security sector or the diplomatic corps, as well as to any institution, especially those established to achieve transitional justice and accountability; among others.

*09 September:* Interactive dialogue on the report of the Office of the United Nations High Commissioner for Human Rights, focusing on a stocktaking of accountability options and processes for human rights violations and abuses in [Afghanistan](#).

A/HRC/57/22<sup>4</sup>: The report presented the overall human rights situation in Afghanistan, including a stocktaking of accountability options and processes for human rights violations and abuses. Afghanistan remains bound by its obligations under international human rights law, which the *de facto* authorities, having assumed effective control over Afghanistan, must also uphold. **The human rights situation in Afghanistan remains very serious**, as severe economic impacts and humanitarian needs have pushed the population into deeper poverty and precarity, women and girls have faced ever tighter restrictions, civic space and media freedom has been severely curtailed, and the rule of law and institutional protection of human rights continue to fall well short of international norms. The *de facto* authorities continued to curtail severely women's and girls' enjoyment of their fundamental rights and freedoms through a succession of restrictive edicts, orders and practices that have effectively erased opportunities for women and girls in public and political life. The majority of the population remains trapped in poverty and food insecurity, exacerbated by natural disasters and climate change. Human rights defenders and media workers continue to be arbitrarily arrested and detained for expressing opinions perceived as critical of the *de facto* authorities. The death penalty continues to be applied, in public, as well as corporal punishment, in violation of international law. Attacks by armed groups against civilians continue. Under these circumstances a **comprehensive approach is needed**, taking into account the following general principles to guide continuing accountability efforts, in line with international law and international human rights standards. In conclusion, **the OHCHR provided several recommendations to the de facto authorities and to the Member States**.

<sup>3</sup> As of 3 September, only the English advance edited version is available.

<sup>4</sup> As of 8 September, only the English advance edited version is available.

*09 September:* Interactive dialogue on the report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in **Nicaragua**, promotion and protection.

A/HRC/57/20<sup>5</sup>: The report included an update on the **human rights situation in Nicaragua and recommendations made by the High Commissioner, and the HRC Mechanisms. The human rights situation in Nicaragua has continued to seriously deteriorate.** The persecution of opponents of the Government or those perceived as dissenting voices in the country has progressively been extended and intensified by the Government. Civic space continues to be severely eroded and, in a context of systematic allegations of repression, the exercise of civil and political rights is increasingly difficult. The arbitrariness of deprivation of liberty, the length of prison sentences and the cruelty of ill-treatment, including torture, inflicted on persons prosecuted for their perceived opposition to the Government, remain of serious concern. In conclusion, the **HR urged the Government** to uphold its commitment to respect, fulfil and protect the human rights of all Nicaraguans, inside or outside the country, in accordance with international law, and to fully implement the recommendations made by OHCHR and international human rights mechanisms that remain unfulfilled. In particular, it recommended to take all measures necessary to re-establish civic and democratic spaces; to protect children from violence and effectively end and prevent acts of torture and ill-treatment during deprivation of liberty, including sexual violence and prolonged solitary confinement.

*10 September:* Enhanced interactive dialogue on the report of the independent international fact-finding mission for the **Sudan**, responding to the human rights and humanitarian crisis caused by the ongoing armed conflict in the Sudan.

A/HRC/57/23<sup>6</sup>: The report outlined the **findings of the Fact-Finding Mission since the outbreak of the conflict in Sudan in mid-April 2023, including violations of international humanitarian and human rights laws, and related crimes committed by SAF and RSF and their allied militias.** SAF, RSF and its allied forces have committed **war crimes** of violence to life and person, in particular, murder of all kinds, mutilation, cruel treatment and torture; and committing outrages upon personal dignity, in particular humiliating and degrading treatment. Sudan is in turmoil and its people within and outside the country are experiencing immense suffering. The report also contained recommendations, on accountability and support for victims in particular. In order to **protect civilians the FFM recommended** the deployment of an independent and impartial force with a mandate to effectively investigate all violations and bring the perpetrators to justice. It called on the international community to increase its financial and other support for Sudanese refugees and their host communities, who themselves face desperate humanitarian needs.

*10 September:* Oral update on promotion and protection of human rights in **Nicaragua** and on database of all business enterprises involved in the activities detailed in paragraph 96 of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the **Occupied Palestinian Territory, including East Jerusalem.**

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<sup>5</sup> As of 3 September, only the English advance edited version is available.

<sup>6</sup> As of 8 September, only the English advance edited version is available.



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

*11-12 September:* Interactive dialogue with the **Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (resolution 45/10), Bernard Duhaime.**

[A/HRC/57/50](#): In the report, the SR outlined key activities undertaken by the mandate during the reporting period and the trends identified in the communications sent to States and other stakeholders. In addition, he provides an overview of his approach to the mandate and a preliminary outline of areas of interest to be addressed during his tenure. He intended to establish **victim-centered and comprehensive approaches to transitional justice** that are grounded in international legal principles, responsive to the evolving nature of human rights challenges in contemporary society and rigorously informed by a victim-centered approach, gender perspectives and the input of historically marginalized populations. The SR would focus on situations of transition from conflict or authoritarian rule where there have been gross violations of human rights and serious violations of international humanitarian law. He would assess the measures adopted by the relevant authorities to guarantee truth, justice, reparations, memory and guarantees of non-recurrence, aiming, inter alia, to: ensure accountability and serve justice; promote truth and memory about past violations; provide remedies to victims; reform national institutional and legal frameworks, promote the rule of law in accordance with international human rights law and restore confidence in the institutions of the State; ensure social cohesion, nation-building, ownership and inclusiveness at the national and local levels; promote healing and reconciliation; and prevent the recurrence of crises and future violations of human rights.

Reports of the **Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli**, on approach to the mandate and preliminary areas of interest.

[A/HRC/57/50](#): In the report the Special Rapporteur listed activities conducted during the year 2023-2024, including summaries of communications and completed and requested country visits. The Special Rapporteur will focus on **situations of transition from conflict or authoritarian rule where there have been gross violations of human rights and serious violations of international humanitarian law**. He will assess the **measures adopted by the relevant authorities to guarantee truth, justice, reparations, memory and guarantees of non-recurrence**, aiming, inter alia, to: ensure accountability and serve justice; promote truth and memory about past violations; provide remedies to victims; reform national institutional and legal frameworks, promote the rule of law in accordance with international human rights law and restore confidence in the institutions of the State; ensure social cohesion, nation-building, ownership and inclusiveness at the national and local levels; promote healing and reconciliation; and prevent the recurrence of crises and future violations of human rights. In conclusion, the Special Rapporteur intends to establish **victim-centered and comprehensive approaches to transitional justice** that are grounded in international legal principles, responsive to the evolving nature of human rights challenges in contemporary society.

[A/HRC/57/50/Add.1](#): **Visit to Colombia, from 19 to 29 September 2023.** The Special Rapporteur focused explicitly on **analyzing the measures in the areas of truth, justice, reparation, memorialization and guarantees of non-repetition adopted by Colombia to address the legacy of the serious violations of human rights and international humanitarian law committed in the context of the armed conflict**. This set of measures is, of course, intrinsically related to the implementation of the Peace Agreement, but it does not encompass it in its entirety and, at the same time, it transcends it. In respect of the violations committed in the context of the conflict, Colombia has made commendable progress toward identifying the roots, circumstances, characteristics, structures and responsibilities. The State adopted numerous processes to promote accountability before the law for members of paramilitary forces, other armed groups and the members of the military and police officers accused of the aforementioned serious violations. However, the Special Rapporteur **noted with concern the criticism of the insufficient participation of victims in the definition of the restorative sentences**, which have hitherto been informed chiefly by the perpetrators' views and do not genuinely make the victims whole. In conclusion, the **SR listed several recommendations** for the authorities and the international community in order to support the funding of the victim reparation program; provide technical and financial support; and provide assistance and for designing and implementing strategies

and policies to address the conflict in Colombian territory, protecting communities and social groups vulnerable to such violence.

[A/HRC/57/50/Add.2](#): **Visit to Armenia, from 16 to 24 November 2023.**

[A/HRC/57/50/Add.3](#): **Visit to Finland and Sweden, from 11 to 22 March 2024.** The visit aimed to examine the **transitional justice measures adopted by the Finnish Government to address the legacy of human rights violations** endured by the Sami people in the context of assimilation and related policies; as well as to examine the transitional justice measures adopted to address the legacy of human rights violations endured by the Sami people and the Tornedalian, Kven and Lantalaishet minority in the context of assimilation and related policies. In conclusion, the **SR recommended both countries** ratify the Indigenous and Tribal Peoples Convention 1989; ensure that the Truth Commission has the necessary financial, technical and political support to carry out its work, and consider extending the period for the receipt of written and oral testimonies by the Commission; and ensure that the rights of the Sami people enshrined in international standards are legally recognized in domestic law; among others.

*12 September*: Interactive dialogue with the **Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata.**

[A/HRC/57/46](#): The report examined to what extent States make use of compulsory labor for incarcerated individuals and which practices may amount to contemporary forms of slavery and to other human rights violations or abuses. The SR assessed the **risk of formerly incarcerated people being subjected to contemporary forms of slavery. Women, members of minorities, Indigenous persons, migrants, young and older persons and persons with disabilities** experience additional discrimination and stigmatization in accessing various services within and outside of correctional facilities. Highlighting **issues relating to access to justice and remedies; educational and vocational training during incarceration; and the reintegration of formerly incarcerated individuals; the SR formulated practical recommendations** regarding the prevention of contemporary forms of slavery in correctional settings. In particular, States should ensure, through legislative and other means, that labour during incarceration is truly voluntary by requiring free, informed and explicit consent, eliminating disciplinary actions for non-engagement and offering a range of work options and other alternatives; recognize incarcerated individuals as “workers” in national legislation and extend labour protection, particularly in areas such as wages, working hours, occupational health and safety and trade union rights; as well as invest in educational and vocational training for incarcerated individuals in order to promote successful rehabilitation and reintegration upon release; and remove legal and other barriers that hinder access to education, decent work, adequate housing and other essential services.

[A/HRC/57/46/Add.1](#): **Visit to Canada, from 23 August to 6 September 2023.** The purpose of his visit was to assess the efforts of the Government of Canada to prevent and address contemporary forms of slavery, in order to identify good practices and ongoing challenges. **The Special Rapporteur recommended that the Government of Canada** strengthen the mandate and enforcement powers of the Office of the Canadian Ombudsperson for Responsible Enterprise, in line with the Principles on the Protection and Promotion of the Ombudsman Institution. The Government should also address the situation of migrant workers, including ensuring equitable access to health care from the time of their arrival, without discrimination or interjurisdictional inequities. The Special Rapporteur recommended that the Government of Canada guarantee the economic, social, cultural, civil and political self-determination of Indigenous Peoples through the full implementation of the United Nations Declaration on the Rights of Indigenous Peoples in law and in practice. The SR recommended the Government to improve the situations of homelessness, persons with disabilities, People of African Descent, persons deprived of liberty, sex workers.

[A/HRC/57/46/Add.2](#): **Visit to Cote d’Ivoire, from 6 to 17 November 2023.** The Special Rapporteur examined instances of labor exploitation that may amount to forced or bonded labor in various sectors of the economy, such as agriculture, including the cocoa sector, artisanal mining and domestic work. The SR also assessed to what extent **child labor** is prevalent in the country and what steps have been taken by the Government, businesses and other stakeholders to eliminate those practices. **Early, child and forced marriage, forced labour among adults, trafficking in persons and other forms of exploitation should be addressed** with the same commitment. **Women and girls, as well as migrants and persons with disabilities, are particularly affected by such human rights violations.** The report concluded with **recommendations** to assist the Government and other stakeholders in addressing remaining gaps identified. The Government should enforce existing criminal and labour laws more effectively by increasing the human and financial resources for relevant authorities, including the police, the gendarmerie, the labour inspectorate and the judiciary, and

by enhancing their capacity and expertise through regular training and awareness-raising, in cooperation with other stakeholders.

*12 September:* 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, focusing on arms transfer and mercenarism.**

A/HRC/57/45:

[A/HRC/57/45/Add.1](#): **Visit to Cote d'Ivoire, from 4 to 13 March 2024.** The report highlighted the **progress made by the Government in achieving stability, rebuilding its central institutions, strengthening the security sector, and advancing socioeconomic development.** It has made conscious efforts to ensure social cohesion and to enhance the security of its citizens, including in border areas. In particular, the Government has implemented various **economic programs** to promote sustainable livelihood opportunities for the most marginalized segments of the population, with specific initiatives targeting youth and women. However, despite the progress made by Côte d'Ivoire in the peace and security domain, **serious challenges remain.** The country now faces an increased threat from **international terrorism** owing to the spread of extremist Islamist activity across borders. **The WG recommended** strengthening the legal framework governing mercenary activities, as well as the operations of military and private security companies, improving victims' access to effective justice and useful remedies and ending impunity for past crimes. Among others, the Government should ensure that the domestic legislation criminalizing the recruitment of mercenaries encompasses all the elements of recruitment, adopt the measures necessary to ensure the enforcement of such legislation and ensure that the legislation adopted penalizes the accomplices of recruiters, considering the manner in which recruitment takes place and the actors involved; develop a strategy to address, combat and prevent mercenaryism; and regulate the services, operations and licenses of private military companies (oversight mechanism).

*12 September:* Interactive dialogue with the **Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler,** focusing on legal capacity and informed consent.

[A/HRC/57/42](#): The report provided an overview of the IE activities during the reporting period and undertook a thematic analysis of the legal capacity and informed consent experienced by older persons. The current human rights framework does not include a clear and consistent definition of the concept of autonomy. Even though there is no comprehensive description under human rights law, it is commonly described as "the right to have control over one's life, to make one's own decisions and to have those decisions respected", including "the right of older persons to take risks". Legal capacity enables adults to fully participate in society through the exercise of civil, political, economic, social and cultural rights. **Older persons may experience deprivation of their rights to exercise legal capacity and control their lives.** The denial of older persons' rights to full legal capacity has myriad impacts on their daily lives and their enjoyment of other human rights. The absence of a unified international legal framework to protect the rights of older persons has led to the fragmentation of approaches towards their legal capacity rights and the persistence of medical and social models that limit their autonomy. **The Independent Expert recommended Governments and other stakeholders** ratify and implement regional conventions and protocols for the protection of the human rights of older persons and include specific standards on autonomy, legal capacity, full informed consent, and supported decision-making; develop, finance, and implement laws, policies and programmes that ensure that older persons' full autonomy is protected; ensure that older persons have access to all relevant information necessary to exercise their legal capacity in accessible and understandable formats; and monitor conditions for older persons in situations of dependency; among others.

[A/HRC/57/42/Add.1](#): **Visit to Peru from 11 to 22 March 2024.** 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.** The Independent Expert **commends** Peru for having built a robust legal and institutional framework to protect older persons and for its continued efforts to strengthen these protections. However, she **urged Peru** to commit more resources to implement this framework, strengthen coordination and oversight of the different bodies involved, and reduce regional and urban-rural inequalities. Special measures are crucial to ensure that older persons who face intersecting

forms of discrimination, including Indigenous people, persons with disabilities, women, migrants and refugees, and LGBTQ+ persons, are not left behind. **The IE made recommendations to the Government** on themes such as ageism and age discrimination, violence, abuse and neglect, social security, social protection, right to work, adequate standard of living, care and support, health, Climate change and the right to a healthy environment, and Transitional justice and political violence.

[A/HRC/57/42/Add.2<sup>7</sup>](#): **Visit to Moldova from 7 to 16 November 2023**. 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. Despite recent efforts to improve the situation of older persons, including through its solid national legal and policy frameworks, including the adoption of the Programme on Active and Healthy Ageing, along with the legal framework to ensure social protection in old age; the lack of a human rights perspective on ageing is already visible within the country's existing legal, policy and institutional frameworks. **Among others, the IE recommended** to collect data disaggregated by age, sex and relevant socioeconomic characteristics, which are essential for effective and inclusive public policymaking about older persons; ratify legal, policy and institutional frameworks that the country has not yet adopted; and enhance efforts through rigorous human rights monitoring and analysis to identify and address its root causes. Further recommendations concerned violence, abuse and neglect; economic security; health and care support; adequate standards of living; and education, lifelong learning and training.

*12 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 monitoring and assessment of the impact of unilateral sanctions and over-compliance on human rights.

[A/HRC/57/55](#): The report provided an overview of the options and mechanisms for the monitoring and assessment of the **impact of unilateral sanctions (UCMs)**, the means of their enforcement and over-compliance with human rights. The report is focused on the development of a methodology for the monitoring and assessment of the impact of unilateral sanctions and over-compliance on human rights on the basis of several human rights indicators, the causality of humanitarian impacts, measures taken by States to mitigate the consequences of the use of unilateral sanctions and other factors that should be considered. To date, there is no valid methodology for monitoring and assessing the negative impact of unilateral coercive measures and over-compliance on the enjoyment of human rights, despite the importance of precise statistics to identify the specific impact, to reduce politicization of the issue and to address human rights violations arising from unilateral sanctions and over-compliance by means of mechanisms of mitigation, accountability, responsibility and redress. In view of the illegality of unilateral coercive measures and their detrimental humanitarian impacts, **sanctioning States should** lift, suspend, or minimize all unilateral measures not in conformity with their international obligations or the illegality of which cannot be excluded within the mechanism of counter-measures in accordance with the standards of the law of international responsibility; take all measures necessary to ensure that any actors acting under their jurisdiction and or control do not violate human rights extraterritorially; and monitor and assess the possible humanitarian impact of any unilateral measures before and during the process of such measures being applied, in accordance with the obligation of humanitarian precaution. **On the other side, States affected by the UCMs should** take all measures necessary to establish national mechanisms for the comprehensive and consistent monitoring and assessment of the negative impact of unilateral coercive measures on the humanitarian situation and enjoyment of human rights under their jurisdiction.

[A/HRC/57/55/Add.1](#): **Visit to China, from 6 to 17 May 2024**. The scope of the visit was to examine the **impact of unilateral sanctions on the enjoyment of human rights in the country, including the right to development**. Unilateral sanctions against China, or against Chinese companies or individuals, neither conform with international law nor meet the criteria for collective countermeasures. In view of the illegality of primary sanctions, the means of their enforcement, including secondary sanctions and civil and criminal charges for alleged circumvention of sanctions regimes, are equally illegal. Sanctions against individuals and companies affect freedom of movement, economic rights, the presumption of innocence and the right to due process and fair trial guarantees. Access to justice and an effective remedy is further affected by the existing complex and extensive compliance requirements. Legislation in China to counter sanctions mostly conforms to standards of international law, including the majority of countermeasures standards. In conclusion, States must respect the principles of sovereign equality, non-intervention in the domestic affairs of States, the

<sup>7</sup> As of 8 September, only the English advance edited version is available.

promotion and protection of human rights, the obligation to engage in dialogue to settle any disputes in accordance with the principles and norms of international law, including the principle of humanity, the obligation to cooperate in good faith, and other treaty and customary norms of international law, including agreements on the protection of international trade and investment and on mutual enforcement of judicial decisions. The Special Rapporteur calls on sanctioning States to lift and suspend all unilateral sanctions imposed against China and Chinese nationals and businesses without the authorization of the Security Council, whose use cannot be justified as retaliation or countermeasures in accordance with international law.

**12 September:** Interactive dialogue following the **presentation of the finding of the analytical study, focusing on impact of loss and damage from the adverse effects of climate change on the full enjoyment of human rights.**

### General Debate

*10-11 September: General Debate under Agenda Item 2.*

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