

**Every human rights situation must be dealt with on its merits, with Council members ensuring a principled and consistent application of international law and standards, including in all situations of occupation**

We firmly condemn all crimes and other grave violations under international law committed by both Israel and Palestinian armed groups. Targeted and indiscriminate attacks against civilians can never be justified. We call on the ICC Office of the Prosecutor to accelerate its investigation into serious crimes committed by all parties in **Palestine and Israel**. We call on Israel to ratify the Rome Statute, and for the ICC to hold both State and non-State perpetrators of international crimes accountable. We call on the Commission of Inquiry to address the situation within the context of its root causes: settler colonialism, apartheid, and denial of the fundamental rights to self-determination and return of the Palestinian people, all amounting to grave violations of international law. We call on governments to immediately stop providing political and military support to Israel, while Ministers manifest a genocidal intent against Palestinians. On 9 October 2023, Yoav Gallant, Israel's Minister of Defense, stated: "We are imposing a complete siege on [Gaza]. No electricity, no food, no water, no fuel – everything is closed. We are fighting human animals, and we act accordingly". We deplore the dehumanization of all people, including not mentioning Palestinian civilians' killings in statements in this Council. As we gear up to celebrate the 75th anniversary of the UDHR, we remind this Council that for 75 years, generations of people in Gaza and historic Palestine have not been born free and equal in dignity and rights. Until this is addressed, the cycles of violence will not end. As Israel continues to bomb the Rafah crossing, the international community has a duty to guarantee immediate humanitarian access to besieged Gaza. We call on States to establish an international protective presence in the OPT, as called for by UN Special Procedures. For 75 years, the international community has enabled impunity and failed to fulfill the right to self-determination of Palestinian people, including through their legitimate right to resist colonialism.

The Council has shown that it does have an important role to play in addressing violations amidst multiple human rights crises. We welcome the establishment of the mechanism on **Sudan** and the extension of the Special Rapporteur on **Russia**, inter alia, in this regard. But these stand in stark contrast to its failure to renew the critical mandate on **Ethiopia**, particularly in light of the expert finding of the acute

risk of ongoing and further atrocity crimes, as well as other Council blind spots where mounting human rights violations remain ignored. We stress the need for the Council to take a principled approach and to address situations on their merits.

We remain deeply concerned about **reprisals** against civil society actors who engage or seek to engage with UN bodies and mechanisms. We call on all States and the Council to do more to address the situation, including raise concerns about specific cases of reprisals and demand that governments provide an update on any investigation or action taken toward accountability. We welcome the adoption of the resolution on cooperation with the UN, including the reference to adequately resourced dedicated civil society focal points, however we are disappointed that several proposals by States and civil society to strengthen the text were not taken on board. The Secretary General's most recent report on reprisals notes increased physical and digital surveillance of those cooperating with the UN and application of laws aimed at punishing or deterring cooperation. While the resolution takes notes of these trends we regret that the resolution does not fully address how these should be addressed. We welcome the strong focus on prevention and emphasis given to accountability. Nonetheless, the preventative role the Council could play in regard to reprisals, as signs of deterioration in civic space conditions, is overlooked. In addition, States' monitoring and reporting responsibilities in relation to allegations of acts of intimidation or reprisal could be addressed more fully. Also, we welcome the call to the SG for adequate resources to be allocated to OHCHR to prevent and address allegations.

We welcome the resolution on **preventable maternal mortality and morbidity**, which reiterates that PMMM is a human rights issue that requires a human rights-based approach response, centering inter alia the principles of accountability, meaningful participation of primarily affected people, non-discrimination and equality and transparency. The resolution aims at garnering political will to curb maternal mortality and morbidity rates that have been stagnating and failing to meet SDGs targets. The resolution rightly highlights the full realization of the right to sexual and reproductive health and the provision of comprehensive sexual and reproductive health information and services, including comprehensive sexuality education and safe abortion (with the caveat of not when against national law), as pre-conditions to lower PMMM. We welcome the call to update the technical

guidance on a HRBA to PMMM. We however deplore the amendments put forward seeking to weaken the text and apply a protectionist lens to women's rights to bodily autonomy, taking away their agency and their status of full rights holders under IHRL.

We express our support for a new resolution on **the right to privacy in the digital age**, which contains strong new standards under the theme of data protection. The resolution also contains stronger language on remote biometric surveillance systems, such as facial recognition, stressing that they raise serious concerns with regard to their proportionality. While we applaud that the resolution acknowledges that some applications of new and emerging technologies may not be compatible with international human rights law, we call for future iterations to take a step further in establishing "red lines" and to call for bans of such technologies. We also urge the core group to address other emerging issues for the right to privacy in the future, such as social media monitoring.

We welcome the adoption of the resolution on the question of the **death penalty** aimed at ensuring that criminal justice systems are consistent with international human rights obligations in relation to capital punishment, with a focus on the relation between Art 6 and Art 14 of the ICCPR, particularly on the right to seek pardon or commutation of the sentence, and the right to have one's conviction reviewed by a higher tribunal according to law. In accordance with the safeguards guaranteeing the protection of the rights of those facing the death penalty, as set out in the annex to Economic and Social Council Resolution 1984/50. We welcome that any attempt by a number of States to undermine the aim of the resolution through a number of amendments, have been rejected.

We welcome the adoption of the resolution **from rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance** and the **mandate renewal of the Working Group of Experts of People of African Descent (WGEPAD)**. We welcome that the rhetoric to reality resolution, inter alia, strongly condemns the discriminatory treatment, unlawful deportations, excessive use of force and deaths of African migrants and migrants of African descent, including refugees and asylum-seekers, at the hands of law enforcement officials engaged in migration and border governance. It calls on States to ensure accountability and reparations for human rights violations at borders and

to adopt a racial justice approach, including by adopting policies to address structural racism in the management of international migration. However, we regret that it did not reiterate that the transatlantic trade in enslaved Africans and colonialism were grave violations of international law that require States to make reparations proportionate to the harms committed and to ensure that structures in the society that are perpetuating the injustices of the past are transformed, including law enforcement and the administration of justice. We urge all States to fully implement the Durban Declaration and Programme of Action (DDPA). We also call on States to fully cooperate with the WGEPAD and EMLER including by accepting country visits, and implementing their recommendations as well as those from the Permanent Forum and the High Commissioner's Agenda towards Transformative Change for Racial Justice and Equality.

We welcome the adoption of the resolution on the human rights situation in **the Russian Federation**, and the re-mandating of the Special Rapporteur. The human rights situation in Russia has drastically deteriorated in the past year, and the Special Rapporteur needs more time to report on the general situation in the country and the Council to equally be able to scrutinize the situation.

We welcome the adoption of the resolution on a **Working Group on the rights of Peasants and Other People Working in Rural Areas**. The resolution recognizes the contributions of peasants and other people working in rural areas in ensuring the right to adequate food and nutrition, a clean, healthy and sustainable environment, as well as to conserving and improving biodiversity. It calls upon all States and all stakeholders to cooperate fully with the Working Group on the Rights of Peasants and Other People Working in Rural Areas. The establishment of an interdisciplinary WG with balanced geographical representation will promote the effective and comprehensive implementation of the UNDROP and provide opportunities to share and promote good practices and lessons learned on the implementation of the UNDROP.

We welcome the adoption of the resolution on **Afghanistan**, which extends and strengthens the mandate of the Special Rapporteur. However, we are dismayed that the HRC once again failed to establish an independent investigative mechanism, despite compelling evidence for its need. This risks the entrenchment of impunity for crimes against humanity. This body must center rights holders and survivors, and

heed the call of Afghan civil society, who have consistently asked for such a mechanism. We urge States to recognise the situation of women and girls in the country as amounting to gender apartheid, and to support the codification of this crime in the draft Articles on Crimes against Humanity.

We regret that the item 10 resolution on **Yemen**, again fails to respond to the urgent need for accountability for past and on-going violations and abuses in Yemen.

We welcome the adoption of the resolution on the **enhancement of technical cooperation and capacity-building in the field of human rights and its focus on the Universal Periodic Review**. The resolution contains a number of key references to the positive role civil society plays in technical assistance, and the possible role multi-stakeholder partnerships between States, UN agencies and civil society can play in supporting the implementation of international human rights obligations by UN Member States. The establishment of an online repository of technical cooperation and capacity-building activities could help civil society identify advocacy opportunities in regards to country-specific situations, in collaboration with UN agencies, as well as opportunities to share best practices and capitalize on lessons learned in regard to technical assistance.

We welcome the renewal of the mandate of the Special Rapporteur on the situation of human rights in **Cambodia**. In a context defined by systematic targeting and silencing of human rights defenders, critics and political opponents, the Special Rapporteur's independent and objective assessment of the situation is more important than ever. However, we regret that the resolution once again failed to adequately reflect the reality of the situation and attempted to justify continuing restrictions on civil and political space on the basis of the country's political and historical particularities as well as national legislation that contradict its international obligations.

We welcome the resolution on the rights of **older persons** and its important focus on the right of older persons to live free from violence, abuse, and neglect. Now, more needs to be done to ensure that older persons' rights are protected in reality, including by establishing an international treaty on the rights of older persons.

We welcome the allocation of additional resources to the OHCHR in the area of **economic, social and cultural rights**, with the adoption of the resolution on ESCR and inequalities.

One year after the release of the OHCHR report finding possible crimes against humanity committed by **China** against Uyghurs and Muslim minorities, we deplore the sustained failure of this Council to engage in dialogue on the matter, let alone prevent the continuation of abuses. We regret the absence of a joint statement on China at the Council in 2023. The CESCR, the CEDAW, the CERD, the OHCHR, the ILO, as well as Special Procedures through three joint statements, nearly 30 press releases and over 100 letters to the government since 2018, have provided overwhelming evidence pointing to systematic and widespread human rights violations across the country. So long as the Council is not able to take principled action on the basis of objective criteria, other powerful perpetrators will feel empowered to continue committing atrocity crimes, relying on the Council's silence. We reiterate our pressing call for all Council Members to support the adoption of a resolution establishing a UN mandate to monitor and report on the human rights situation in China.

Finally, we note the outcomes of the **Human Rights Council elections**. We welcome that Russia's candidacy was defeated but regret the election of other members responsible for atrocity crimes, widespread civil society repression, and patterns of reprisals.

**Signatories:**

- International Service for Human Rights
- International Federation for Human Rights
- GIN SSOGIE NPC
- Cairo Institute for Human Rights Studies
- FIAN International
- Asian Forum for Human Rights and Development