

## **HRC56: Civil society presents key takeaways from the session**

States have an obligation to pay UN membership dues in full and in time. The failure of many States to do so, often for politically motivated reasons, is causing a financial liquidity crisis, meaning that resolutions and mandates of the Human Rights Council cannot be implemented. This is a breach of legal obligations, a betrayal of victims and survivors of violations and abuses, and a waste of the time and resources we have collectively invested over the last 4 weeks. The cuts to Special Procedures' activities, including fewer country visits and the cancellation of the annual meeting, greatly limit rights holders' ability to engage with mandate holders and it hinders their access to situations on the ground, and their engagement with domestic authorities for human rights change. Pay your dues!

We deplore the double standards in applying international law and the failure of certain States to push for accountability and ending impunity for all atrocity crimes, when these involve geopolitical interests, despite the clear relevance to thematic principles they endorse. We also deplore initiatives and threats by some States to undermine or sanction the vital work of international justice and accountability bodies, including the International Court of Justice and the International Criminal Court. This undermines the integrity of the framework, the legitimacy of this institution, and the credibility of those States. From Afghanistan to China, to Eritrea to Myanmar, to Palestine to Sri Lanka, to Sudan to Ukraine, resolving grave violations requires States to address root causes, applying human rights norms in a principled and consistent way. States promoting or supporting thematic resolutions must apply these same principles universally, including in their approach to country-specific issues. The Council has a prevention mandate and States have a legal and moral duty to prevent and ensure accountability and non-recurrence for atrocity crimes, wherever they occur. We urge all States to implement resolutions consistently, both nationally and internationally, and to align their actions with the universal human rights standards they claim to uphold, especially in responding to atrocity crimes. We urge States to enhance objective criteria for action, with predictable parameters, consistent actions and a demonstrable way forward to addressing human rights crises.

We welcome the renewal of the mandate of the Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement (EMLER) by consensus. We welcome the resolution's request to strengthen the administrative and substantive support to the Mechanism, and to provide the resources necessary for it to effectively fulfill its mandate. This renewal is a recognition of the value of its unique work over the past three years, as well as the need for experts to continue investigating States' law enforcement practices and their impact on Africans and Afrodescendant people and communities, including the legacies of colonialism and transatlantic slave trade in enslaved Africans. As recognised by the resolution, systemic racism particularly,

against Africans and people of African descent needs a systemic response. In this regard, EMLER's reports offer a powerful tool for much-needed transformation that governments everywhere should implement. We urge States to ensure full cooperation with EMLER towards the effective fulfillment of its mandate, including by implementing its recommendations and responding promptly to its requests for information and country visits.

This session was again marked by increasing attempts at retrogression on well-established human rights standards pertaining to sexual and reproductive rights and other thematic issues related to gender and sexuality. Nevertheless, civil society organisations continue to work together across movements to ensure the resilience of the multilateral system and the upholding of human rights standards. Out of the 26 draft resolutions presented this session, 5 had a stronger focus on gender and sexuality issues and took important steps in developing human rights standards in these areas. Specifically, we welcome the adoption of the resolution on HIV, the resumption of the tradition of adopting this resolution by consensus and the inclusion of a reference to sexual and reproductive health and rights. We welcome the adoption of the resolution on the Elimination of all forms of discrimination against women and girls requesting human rights-based, gender-responsive and intersectional approaches to poverty reduction; while also expressing concern at the multiple attempts to weaken the resolution which the strongest human rights standards on women and girls are reflected, including through amendments. We also welcome the new resolution on Technology-facilitated gender-based violence, the procedural resolution on Accelerating progress towards preventing adolescent girls' pregnancy and the resolution on menstrual hygiene management, human rights and gender equality.

We welcome the adoption of the resolution on Eritrea, renewing the Special Rapporteur's mandate.

The resolution on the situation of Rohingya Muslims and other minorities is essential to keep the situation of Rohingya high on the agenda of the Council. However, the resolution's calls for repatriation of Rohingya refugees to Myanmar in the current context where remaining Rohingya in Myanmar are once again confronting the dire prospects of recurrence of grave atrocities they faced in 2016 and 2017 contradict and undermine the fundamental objectives of the resolution to ensure protection of Rohingya and to create conditions for their safe, voluntary, dignified and sustainable return.

We welcome that the Council decided to devote its annual resolution on climate change and human rights to address just transition. However, we regret that some fundamental points are missing in the resolution. The recognition of the right to a clean, healthy and sustainable environment by the Human Rights Council (res 48/13) and the General Assembly (res 76/300) has been a landmark achievement. Yet, we regret to see that once again, the resolution on human rights and climate change has failed to include this

right more explicitly. Parties to the UNFCCC have already acknowledged that when taking action on climate change, States should respect, promote and consider the right to a clean, healthy and sustainable environment, among other rights (decision 1/CP.27). This resolution also failed to call upon States to transition away from fossil fuels. As has been repeatedly stated by the UN Secretary General, the High Commissioner for Human Rights, and several Special Rapporteurs, fossil fuels are the root cause of the triple planetary crisis, and the main driver of climate change. Despite the support expressed by numerous delegations, this resolution is deliberately silent in recognizing the positive, important, legitimate and vital role that environmental human rights defenders play in the promotion and protection of human rights and the environment. As recognized by the HRC resolution 40/11, EHRDs are one of the most exposed and at risk around the world. Many of these attacks include Indigenous Peoples and defenders raising concerns about climate related projects, transition minerals mining and renewal projects. We will not have a just transition in the context of climate change without listening and consulting EHRDs. It is time that the annual resolutions on human rights and climate change align itself to the recent developments and strongly reaffirm a commitment to effective, rights- and science-based climate action.

We welcome the Council's continued efforts to address the human rights impacts of arms, including by highlighting human rights obligations of States and responsibilities of the arms industry and other businesses contributing to its operations. The adoption of the resolution on human rights and the civilian acquisition, possession and use of firearms is another significant contribution to these efforts. The OHCHR report requested by the resolution, —which will explore the root causes and risk factors of firearms-related violence and its impact on the enjoyment of the right to participation, particularly of individuals in vulnerable or marginalised situations, — presents a key opportunity to highlight critical concerns surrounding civilian firearms and their broader human rights impacts and to promote an effective response to these concerns.

We welcome a new resolution on freedom of opinion and expression, which rightly highlights how this right is an enabler for all other human rights and sustainable development. Among other key issues, the resolution has been updated to express concern at the growing trend of strategic lawsuits against public participation and calls on governments to adopt and implement measures to discourage such legal harassment. In this vein, it mandates a report and expert workshop to explore the impact of strategic lawsuits against public participation. We urge all States committed to freedom of opinion and expression to co-sponsor and fully implement the commitments of the resolution.

We welcome the adoption of the resolution on Independence and Impartiality of Judges and Independence of Lawyers, focusing on the use of Digital Technologies, including Artificial Intelligence. We welcome the inclusion of language addressing serious concerns relating to the potential negative impact on international fair trial standards,

including equality of arms, confidentiality and the protection of legal professions, as well as risks connected to judicial independence and impartiality, the perpetration of existing stereotypes, discrimination or harmful biases. We also welcome the emphasis on the need to always ensure human oversight, scrutiny and accountability with respect to the use of artificial intelligence in the administration of justice.

We continue to deplore this Council's exceptionalism towards serious human rights violations committed by the Chinese government. Despite China's efforts to instrumentalise allied countries and GONGOs to portray itself as a constructive actor during its UPR adoption, NGO statements pointed to evidence of Beijing's lack of willingness to engage in good faith with the UN system, including: a 30% rejection rate higher than its last UPR, acts of reprisals against civil society committed during the UPR cycle, disregard for calls from Western and Global South States to implement Treaty Body recommendations and to provide unfettered access to UN experts. We urge China to genuinely engage with the UN human rights system to enact meaningful reform, and ensure all individuals and peoples enjoy internationally protected human rights. Recommendations from the OHCHR Xinjiang report, UN Treaty Bodies, and UN Special Procedures chart the way for this desperately needed change. In the absence of genuine efforts, it is equally imperative that this Council establishes a monitoring and reporting mechanism on China as repeatedly urged by over 40 UN experts since 2020.

We regret that the Council failed to uphold its obligations to the Libyan people. We are concerned that the resolution on Libya falls short in addressing the urgent need to end impunity for widespread and serious human rights abuses across the country. It ignores the findings of the Independent Fact-Finding Mission on Libya, which documented likely war crimes and crimes against humanity perpetrated by State security forces and armed militia groups, and recommended the creation of an independent international investigation mechanism. Moreover, the resolution overlooks the inability of OHCHR and UNSMIL to conduct capacity-building activities in much of Libya due to threats of violence and governmental non-cooperation. Additionally, it neglects the severe suppression of civil society through arbitrary arrests, enforced disappearances, abductions, social media monitoring, harassment, and other forms of intimidation.

We regret that the Council failed to adequately respond to the situation in Saudi Arabia. Saudi Arabia is not fit to sit at the Human Rights Council, as it is responsible for the commission of atrocity crimes, a pattern of reprisals against those who cooperate with the UN, and the repression of civil society. The human rights situation in the country is dire, with the criminalisation of women human rights defenders, arbitrary detention and the application of the death penalty, among other abuses. We call on all UN States at the General Assembly not to vote for Saudi Arabia in the upcoming HRC elections.

We regret that once more, civil society representatives faced numerous obstacles to accessing the Palais and engaging in discussions during this session, as well as

continuing and worsening incidents of reprisals and transnational repression here in Geneva against those seeking to cooperate with the Council. We are concerned by the barriers imposed to access room XX and that the majority of informal consultations on resolutions were held exclusively in person. We remind UN member States, as well as UNOG, that the Council's mandate, as set out in HRC Res 5/1, requires that arrangements be made, and practices observed to ensure 'the most effective contribution' of NGOs. We reiterate that an inclusive approach to participation requires that the UN addresses the limited space for civil society engagement. Undermining civil society access and participation not only undermines the capacities and effectiveness of civil society but also of the Council itself.

**Signatories:**

- Asian Forum for Human Rights and Development (FORUM-ASIA)
- Cairo Institute for Human Rights Studies (CIHRS)
- CIVICUS
- Egyptian Initiative for Personal Right (EIPR)
- FIDH
- GIN SSOGIE – The Global Interfaith Network For People of All Sexes, Sexual Orientations, Gender Identities and Expressions
- Gulf Centre for Human Rights
- IFEX
- International Service for Human Rights (ISHR)
- Washington Brazil Office