

## [Alert to the Human Rights Council's 31st session](#)

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The UN Human Rights Council will hold its [31st regular session](#) at Palais des Nations in Geneva from 29 February to 24 March 2016.

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A highlight this session will be the opportunity for States to draw attention to serious violations of the rights of human rights defenders working on economical social and cultural rights. Norway will present a resolution on this issue. More details below.

### **10<sup>th</sup> anniversary of the Human Rights Council**

With 2016 marking the 10<sup>th</sup> anniversary of the Human Rights Council, it is timely to reflect on both the challenges the Council has experienced and the opportunities for its improvement.

This view was supported by the President of the Human Rights Council, who, speaking of the anniversary during the Council's organisational meeting, referred to his desire to continue to work towards a more efficient and effective human rights mechanism, within the parameters of the existing legal framework. He noted a common desire by States to improve the Council's working methods, which he had perceived during recent consultations with all the regional groups. At the same time he confirmed there were a small number of delegations that have reservations regarding the desirability of such efforts. He said it was important to progress the matter in an inclusive and transparent manner, despite the differing views held.

The United Kingdom, Switzerland and Germany supported the President's comments, saying the 10<sup>th</sup> anniversary provided an ideal opportunity to informally reflect on and work towards a more efficient and effective Council. Human Rights Watch also supported the reflections on the Council's functioning, emphasising the need for full civil society participation in any informal process.

Russia, Egypt, Saudi Arabia, Algeria, China, Cuba and El Salvador, however, said any discussion on improving the working methods and efficiency of the Council needed to respect the UN General Assembly resolutions addressing the review process. They argued that a formal review was conducted in 2011, and that there was no mandate for a review on the Council's 10<sup>th</sup> anniversary.

In ISHR's view, the 10-year anniversary provides both an opportunity to informally reflect on the Council's challenges, as well as an opportunity to develop - based on these challenges - clear and obtainable objectives

for its improvement. The challenges faced include, firstly, strengthening the Council's capacity to address serious country and thematic situations of concern and ensuring that perceived economic and political interests do not trump the duty to address human rights concerns. Secondly, giving Council membership greater meaning, including by ensuring Member States improve their cooperation with the Council and its mechanisms, and improve respect for human rights in their own countries. Thirdly, guaranteeing the safe, unhindered and effective participation of civil society, in line with the high bar set by the General Assembly in demanding the 'most effective participation' on an equal basis as other observers, such as States that are not Council members.

This is in line with views presented at a high-level [ISHR reception at which with the current and immediate-past presidents of the UN Human Rights Council](#) reflected on the Council's work and discussed challenges and opportunities to enhance its impact in the year ahead.

## **Organisational meeting**

During the organisational meeting for the 31<sup>st</sup> session, the new President of the Human Rights Council said all delegations and organisations should contribute to a constructive working atmosphere, stressing this to be essential for the effective functioning of the Council. He urged States to ensure that consultations on resolutions are scheduled in a timely and transparent manner, and that at least one informal consultation be held amongst States on each resolution. He also highlighted that it is in the common interest of all those engaging in this Council session that a climate free from intimidation or reprisals be maintained.

There is a heavy [programme of work](#) for the session, which includes ten panel discussions and 99 reports to be presented. As it did in previous sessions, the Council has limited the overall time for its interactive dialogues with special procedures to four hours, by reducing the individual speaking time for States. The overall time allocated to civil society was already limited to 30 minutes, and will remain unchanged. These time restrictions are applicable to the clustered dialogue only. Speaking times for non-clustered sessions shall remain the same (three minutes for members and two minutes for observers). The President urged all those speaking at the session to exercise self-restraint in the preparation of statements, and reiterated that time limits will be enforced.

## **Annual report of the High Commissioner for Human Rights**

The High Commissioner for Human Rights will present his [annual report to the Human Rights Council](#) during the session. The report gives an overview of the work of his Office from December 2014 to November 2015.

Reports discussing the activities of the High Commissioner's offices in Guatemala and Colombia will also be presented. These come at a key time given the recent presidential election in Guatemala and the upcoming signing of the Peace Accords in Colombia. An interactive dialogue with the High Commissioner will follow, providing an opportunity to highlight the integral role and significant risks faced by human rights defenders working in these countries.

## **Human rights defenders**

The Special Rapporteur on the situation of human rights defenders, Michel Forst, will present his annual report to the Council on 3 March. The report focuses on good practices to promote and protect the rights of human rights defenders. Presentation of the report will be followed by a dialogue.

Of significance this session is a substantive resolution that will be presented by Norway on the situation of human rights defenders. At the 22<sup>nd</sup> Council session in March 2013, a previous substantive resolution on human rights defenders, [resolution 22/6](#), was adopted, and at the 25<sup>th</sup> Council session the mandate of the Special Rapporteur on the situation of human rights defenders was renewed.

The resolution at this session of the Council follows on the heels of the [resolution on human rights defenders adopted at the General Assembly](#) in November 2015. The General Assembly resolution included a number of [new, important and substantive provisions](#), including on the vital role of advocacy and the work of defenders in contributing to sustainable development and the realisation of economic, social and cultural rights, and the

responsibilities of business enterprises with respect to engaging, consulting and protecting defenders.

This latest resolution provides an opportunity to recognise the critically important work of economic, social and cultural rights defenders, and the cross-cutting challenges they face, including restrictions not only on their rights to health, food, housing, social security and work, but also on their rights to freedom of expression, association, assembly and life itself.

As governments and businesses increase efforts to repress the work of defenders of economic, social and cultural rights, and with the international community often focusing on the protection of civil and political rights defenders, ISHR welcomes the resolution's focus. Economic, social and cultural rights activists have been identified by current and previous Special Rapporteurs on the situation of human rights defenders as [among the most isolated and stigmatised defenders](#).

It is integral that the resolution recognises the role of both State and non-State actors in the protection of human rights defenders, and enjoys broad State support for strong language demanding their protection.

On 7 March, ISHR - together with FIDH, CIVICUS, FORUM-ASIA, Peace Brigades International, the Global Initiative for Economic, Social and Cultural Rights, Protection International and the East and Horn of Africa Human Rights Defenders Project - will facilitate a high-level side event to shed light on the risks faced by economic, social and cultural rights defenders. It will draw on the report of the Special Rapporteur on human rights defenders to present good practices in furthering their protection. The event will take place at 13:30 in Room XVIII of Palais des Nations. More information on the event can be found [here](#).

## **Freedom of peaceful assembly**

The Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, will present a report prepared in collaboration with the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns.

The report outlines practical recommendations for the proper management of assemblies, as requested by the Human Rights Council in resolution 25/38. The Special Rapporteurs conducted consultations to inform this report. These consultations included meeting with representatives of 54 Member States to exchange perspectives and experiences on the proper management of assemblies; a consultation with experts from across Europe and Central Asia; and a meeting with an Advisory Panel convened to provide guidance throughout the course of the project. The process has provided the Special Rapporteurs with the opportunity to develop recommendations to better ensure the protection of all rights involved.

## **China**

The 31<sup>st</sup> session of the Council coincides with the anniversary of the death of Ms Cao Shunli; a tragic example of the results of criminalisation of the activities of human rights defenders in China and reprisals against them.

There has been a significant backsliding on human rights in China in recent months, in stark contrast to China's stepped-up international engagement on development, climate, and security issues. The situation on the ground continues to be one of astounding risks for defenders and near-total impunity for government actors. In January 2016, after [six months in 'residential surveillance in a designated location'](#), 19 of those detained as part of the so-called '709 crackdown' faced formal criminal charges, many of them for 'subversion of state power' or 'incitement to subversion', which carry excessive jail sentences.

China's increased interaction at the Council could be perceived as demonstrating a more mature approach to the international human rights mechanisms. However, its contributions to country-specific debates often are politically motivated, lacking in substance, or - on key thematic areas - directly contradict its actions at the domestic level.

In light of China's growing role at the Council, ISHR last year began to document China's engagement at each session. The first analysis from [the June 2015 Human Rights Council session is here](#), while the most recent analysis for the September session can be found [here](#). This analysis is intended to provide an overview of

China's contributions to the UN human rights mechanisms, in particular the Council, as well as an independent perspective on the human rights situation in the country.

With China's mid-term UPR report due in April, this session of the Council provides an opportunity to reflect on the recommendations made to the State and its responses to them. It is also an occasion to consider the role of civil society in pressing for and assisting with the implementation of accepted recommendations. With this in mind, ISHR, the Tibet Advocacy Coalition, The World Uyghur Congress and others are organising a side event to discuss good practices and ongoing challenges in fulfilling the potential of the UPR process. More information on the event can be found [here](#).

## **Burundi**

Following the special session of the Human Rights Council on Burundi in December 2015, on 21 March 2016 there will be an enhanced interactive dialogue with the High Commissioner on the human rights situation in Burundi.

This session will also see the Special Rapporteur on the situation of human rights defenders present his [mission report on the situation of human rights defenders in Burundi](#), following a visit in November 2014. In his report, the Special Rapporteur first describes the legal and institutional framework for the promotion and protection of human rights in Burundi. He then details the current situation and challenges faced by defenders in the exercise of their legitimate activities. These challenges include a lack of protection against and impunity for violations committed against them; illegitimate restrictions on the exercise of fundamental rights; criminalisation of legitimate activities; and stigmatisation. The report concludes with recommendations to the Government of Burundi.

During the special session on Burundi, ISHR made a [statement to the Human Rights Council](#) welcoming the enhanced UN human rights monitoring and investigation role envisaged in the [resolution adopted by consensus at the session](#). Regrettably, not only has the situation in Burundi deteriorated since then, but the Burundian Government has yet to accept and facilitate access for the mission of the Office of the High Commissioner for Human Rights, or to address the human rights concerns raised in the special session resolution.

Council membership comes with higher expectations on States in terms of their respect for human rights and cooperation with human rights mechanisms. As a member of the Human Rights Council, it is therefore even more important that the Government of Burundi be urged to demonstrate good faith attempts to address human rights violations in the country and give full and unfettered access to the [experts mandated by the Human Rights Council resolution](#).

## **Myanmar**

The interactive dialogue with the Special Rapporteur on the situation of human rights in Myanmar will take place on 14 March. The Special Rapporteur is expected to highlight the progress and ongoing concerns on the human rights situation in the country, particularly with a focus on the historical elections late last year.

A resolution to renew the mandate of the Special Rapporteur will also be considered by the Council. States must take this opportunity to highlight concern about the lack of progress in delivering on the commitment to establish an Office of the High Commissioner for Human Rights' presence in Myanmar; to refer to the need for developing a longer term strategy towards an accountability mechanism for human rights violations; and to call for the release of remaining political prisoners and the removal of ongoing restrictions and threats to defenders.

On 14 February a [joint open letter from a number of Burma/Myanmar civil society organisations](#) was sent to Permanent Representatives of Member and Observer States of the Human Rights Council regarding the situation of human rights in Burma/Myanmar. The organisations urged States to advocate for the renewal of the mandate of the Special Rapporteur to ensure systematic monitoring and evaluation of ongoing human rights violations in the country. Further, they said the Council and the Special Rapporteur should work towards establishing clearly benchmarked guidelines that will act as a road map for the future of human rights

in Burma/Myanmar.

## Other country-specific developments

Several **thematic reports** on the situation of human rights in specific countries or regions will be presented to the Council, including the reports of the experts on human rights in **Côte d'Ivoire**, the **Central African Republic**, and **South Sudan**. Each of these mandates is due to expire this year. The mandates on Côte d'Ivoire and the Central African Republic are expected to be renewed, while discussions about creating a mechanism on South Sudan are ongoing. In this respect, ISHR welcomes their renewal and the Council's continued attention to the human rights situation in these countries. The Council will also conduct **interactive dialogues** with the experts on these countries, providing an opportunity for local human rights defenders to highlight violations that have occurred.

The Council will adopt the UPR reports of 14 countries. This will provide an opportunity for [Australia](#), [Nauru](#), [Oman](#), [Rwanda](#) and [Myanmar](#) to accept recommendations made in relation to human rights defenders, as recommended by ISHR's [briefing papers](#) on these countries.

## Appointment of mandate holders

A new Special Rapporteur on the situation of human rights in the Palestinian Territories Occupied since 1967 will be appointed at this session, with candidates available [here](#).

The Council will appoint a member from the Eastern European States to the Expert Mechanism on the Rights of Indigenous Peoples. The Council will also appoint a member from the Latin America and Caribbean States, and the Asia-Pacific States to the Working Group on the issue of Human Rights and Transnational Corporations and Other Enterprises. All candidates are available [here](#).

In view of the pending appointments, it is relevant to recall that in appointing mandate holders, the President of the Council is required to give particular attention to the need to avoid actual or perceived conflicts of interest. Mandate holders should also be genuinely committed to the independence and effectiveness of the special procedures system, and have a demonstrated commitment to civil society engagement and participation.

## Officers of the Human Rights Council

Newly appointed members of the Bureau for the 10th cycle include:

- H.E. Mr CHOI Kyong-lim (Republic of Korea), President of the Human Rights Council
- H.E. Mr Ramón Alberto Morales QUIJANO (Panama), Vice President
- H.E. Mr Janis KARKLINS (Latvia), Vice President
- H.E. Mr Negash Kebret BOTORA (Ethiopia), Vice President
- H.E. Mr Bertrand de CROMBRUGGHE (Belgium), Vice President and Rapporteur

## Panel discussions

There are 10 panel discussions scheduled for this session:

- The annual high-level panel discussion on **human rights mainstreaming** on Monday 29 February at 15:00. The theme at this session of the Council is the 2030 Agenda for Sustainable Development and human rights, with an emphasis on the right to development.
- Russia will lead a high-level panel discussion on the **50th anniversary of the International Covenants on Human Rights: universality, indivisibility, interdependence and interrelatedness of all human rights**. It will take place on Tuesday 1 March at 9:00. In accordance with resolution 27/21, the OHCHR will prepare a report on the panel discussion.
- The Philippines and Bangladesh will lead a panel discussion on **climate change and the right to health** on Thursday 3 March at 9:00.
- Mexico and New Zealand are hosting an annual interactive debate on the **rights of persons with**

- disabilities.** The debate will focus on Article 11 of the Convention on the Rights of Persons with Disabilities, on the situation of risk and humanitarian emergencies. It will take place on Friday 4 March at 9:00.
- The European Union is organising an annual full-day meeting on the **rights of the child** with a focus on information and communications technology and child sexual exploitation. The meeting will be held on Monday 7 March, starting at 9:00.
  - A group of States including Colombia, Mozambique, Portugal and Brazil will lead a panel discussion on **human rights and HIV/AIDS epidemic** on Friday 11 March at 9:00.
  - A group of States including Bangladesh, USA, France, Mali, Morocco and Tunisia will lead a panel discussion on **preventing and countering violent extremism** on Thursday 17 March at 15:00.
  - Argentina, Brazil, Paraguay, Uruguay and Venezuela will lead a panel discussion on **the incompatibility between democracy and racism** on Friday 18 March at 9:00.
  - There will be a debate on **the state of racial discrimination worldwide**, in commemoration of the International Day for the Elimination of Racial Discrimination, on Friday 18 March at 15:00.
  - Annual thematic discussion on technical cooperation, focusing on **technical cooperation and capacity-building to promote and protect the rights of all migrants, including women, children, older persons and persons with disabilities**. The discussion will be held on Tuesday 22 March at 12:00.

## Resolutions to be presented to the Council's 31<sup>st</sup> session

(as announced at the organisational meeting on 14 February). (States sponsoring the resolution in brackets).

- **Resolution on human rights situation in South Sudan** (Albania, Uruguay, UK, US)
- **Resolution on the integrity of the judicial system** (Russia)
- **Resolution on minorities in the criminal justice system** (Austria, Senegal, Slovenia)
- **Resolution on promoting human rights through sport in the Olympic ideal** (Greece, Brazil, Congo, Japan, Morocco, Republic of Korea)
- **Resolution on the role of good governance** (Poland, Australia, Chile, Republic of Korea, South Africa)
- **Resolution on peaceful demonstrations** (Switzerland, Turkey)
- **Resolution on the right to adequate housing** (Finland, Germany, Brazil)
- **Resolution on the right to work** (Egypt, Greece)
- **Resolution on terrorism and human rights** (Egypt)
- **Resolution on human rights education training** (Morocco, Senegal, Switzerland, Slovenia, Thailand)
- **Resolution on the prevention of torture** (Denmark)
- **Resolution on economic, social and cultural rights** (Portugal)
- **Resolution on the protection of the environment** (Slovenia, Costa Rica, Morocco, Maldives, Switzerland)
- **Resolution on the situation of human rights in Iran** (Sweden, Macedonia, Moldova, USA)
- **Resolution on the human rights situation in Syria** (United Kingdom)
- **Resolution on combatting violence based on religion** (Pakistan)
- **Resolution on the Palestinian Territories Occupied since 1967** (Pakistan)
- **Resolution on human rights defenders working on economic, social and cultural rights** (Norway)
- **Resolution on technical assistance and capacity building in Mali** (African Group)
- **Resolution on technical assistance and capacity building in Libya** (African Group)
- **Resolution on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights** (African Group)

## Events

All events will take place at Palais des Nations in Geneva.

### ISHR events

- [Human rights crisis in Burundi](#), Friday 4 March, organised by ISHR and others. This event is scheduled for 15:00-17:00, Room XXIV.
- [Protecting human rights defenders](#), Monday 7 March, presented by ISHR. This event is scheduled for 13:30-15:00, Room XVIII.
- [Human Rights in China: UPR](#), Monday 14 March, organised by ISHR and others. This event is scheduled for 10:00-11:00, Room XVIII.

## Other key events

- **DiploHack: the results**, Monday 29 February, organised by the Permanent Representation of the Kingdom of the Netherlands, the Port Switzerland and Impact Hub Geneva. This event is scheduled for 13:15, Room XXIV.
- **Homelessness and housing rights**, Friday 4 March, organised by Global Initiative for Economic, Social and Cultural Rights. This event is scheduled for 11:00-12:00, Room XXVII.
- **Human rights in Burundi**, Friday 4 March, organised by East and Horn of Africa Human Rights Defenders Project. This event is scheduled for 15:00-17:00, Room XXIV.
- **Civil society and business**, Tuesday 8 March, organised by CIVICUS - World Alliance for Citizen Participation. This event is scheduled for 11:00-12:00, Room XXIII.
- **Human rights in Ethiopia: Protests**, Tuesday 8 March, organised by CIVICUS - World Alliance for Citizen Participation. This event is scheduled for 11:00-12:00, Room XXVII.
- **Human rights defenders in Asia**, Tuesday 8 March, organised by Asian Forum for Human Rights and Development. This event is scheduled for 15:30-16:30, Room XVIII.
- **LGBTI persons and torture**, Thursday 10 March, organised by Association for the Prevention of Torture. This event is scheduled for 13:00-14:00, Room XXIV.
- **Elections**, Thursday 10 March, organised by East and Horn of Africa Human Rights Defenders Project. This event is scheduled for 14:00-15:00, Room XVIII.
- **Human rights in Myanmar**, Friday 11 March, organised by Asian Forum for Human Rights and Development. This event is scheduled for 10:00-11:00, Room XVIII.
- **Human rights in Myanmar**, Friday 11 March, organised by Human Rights Watch. This event is scheduled for 12:00-13:30, Room XVIII.
- **Human rights in Australia**, Thursday 17 March, organised by Franciscans International. This event is scheduled for 11:00-12:00, Room XXVII.
- **Human rights in Bahrain: Assembly**, Monday 21 March, organised by CIVICUS - World Alliance for Citizen Participation. This event is scheduled for 12:00-14:00, Room XXIV.

Please note - This is a selection of the events from the draft full programme of NGO parallel events (as at 19 February 2016), [available here](#).