

## [HRC42 | Key issues on the agenda of September 2019 session](#)

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The UN Human Rights Council (the Council) will hold its [42nd regular session](#) at Palais des Nations in Geneva from 9 September to 27 September 2019.

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### **Don't miss these side events organised by ISHR:**

- [Human Rights Council Elections 2019: discussions of candidate States' visions for membership](#), Wednesday 11 September 2019, 10:00-11:30, Room XXV
- **Rule of law in China**, Tuesday 17 September, 10:00-11:00, Room IV
- **Ending Reprisals**, Wednesday 18 September 2019, 16:30-17:30, Room VIII, co-sponsored by the Cairo Institute for Human Rights Studies and Forum-Asia.
- The Continued Silencing and **Imprisonment of Saudi women's rights activists**, 24 September 2019, 13:00-14:00, Room VIII, organised by ISHR, CIVICUS, Women's March Global and the Gulf Center for Human Rights

## **#HRC42| Thematic areas of interest**

Here are some highlights of the session's thematic discussions.

### **Reprisals**

On 18 September, the Assistant Secretary General for Human Rights will present the Secretary General's [annual report on the cooperation with the United Nations](#), its representatives and mechanisms in the field of human rights ('the Reprisals Report') to the Council in his capacity as UN senior official on reprisals. This dedicated dialogue was mandated by the resolution on reprisals in September 2017.

The dedicated dialogue provides a key opportunity for States to raise concerns about reprisals, and demand that Governments involved in existing cases provide an update on any investigation or action taken toward accountability. During the first interactive dialogue on reprisals held in September 2018, several States condemned the issue of reprisals, while one State, Germany, made explicit reference to an individual victim of reprisals, Egyptian lawyer Ibrahim Metwally. ISHR urges other States to follow the positive example set by

Germany to acknowledge the personal impact of reprisals, and use the dedicated dialogue to raise individual cases of reprisals from the report.

Ghana, Fiji, Hungary, Ireland and Uruguay will present a draft resolution at this session of the Council on cooperation with the UN. The draft resolution aims to strengthen the responses by the UN and States to end to acts of intimidation and reprisals. We urge all delegations to support the adoption of the draft resolution and resist any efforts to undermine and weaken it.

Reports of cases of intimidation and reprisal against those cooperating or seeking to cooperate with the UN not only continue, but grow. Intimidation and reprisals violate the rights of the individuals concerned, they constitute violations of international human rights law and undermine the UN human rights system. The UN has taken action towards addressing this critical issue including:

- Establishing a dedicated dialogue under item 5 to take place every September;
- Affirmation by the Council of the particular responsibilities of its Members, President and Vice-Presidents to investigate and promote accountability for reprisals and intimidation; and
- The appointment of UN Assistant Secretary General on Human Rights, Andrew Gilmour, as the Senior Official on addressing reprisals.

However, ISHR remains deeply concerned about reprisals against civil society actors who try to engage with UN mechanisms, and consistent in its calls for all States and the Council to do more to address the situation.

During the organisational meeting held on 26 August 2019, the President of the Council stressed the importance of ensuring the safety of those participating in the Council's work, and the obligation of States to protect those who cooperate with the Council.

In line with [previous calls](#), ISHR expects the President of the Human Rights Council to publicly identify and denounce specific instances of reprisals by issuing formal statements, conducting press-briefings, corresponding directly with the State concerned, publicly releasing such correspondence, and insisting on undertakings from the State concerned to investigate, hold the perpetrators accountable and report back to the Council on action taken.

## Other key thematic reports

On 13 September, the President of the Economic and Social Council will provide the annual briefing to the Council on the discussions of the high-level political forum, including on gaps, challenges and progress in the implementation of the 2030 Agenda for Sustainable Development.

The Council will consider on 13 September two reports on the death penalty: the report of the UN Secretary General on capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, and the [summary report of OHCHR on the biennial high-level panel discussion](#) on human rights violations related to the use of the death penalty, in particular with respect to the rights to non-discrimination and equality. The Council will also consider a resolution on the issue.

The Council will hold dedicated debates and consider the reports of several mandates relating to civil, political, economic, social and cultural rights. In some instances, it will also consider the renewal of the mandate:

- The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of **hazardous substances and wastes** will present his report on the principles on [human rights and the protection of workers](#) from exposure to toxic substances on 9 September.
- The Special Rapporteur on the human rights to **safe drinking water and sanitation** will present his report on [human rights to water and sanitation in spheres of life beyond the household with an emphasis on public spaces](#) on 9 September as well as his country visit reports to [Lesotho](#) and [Malaysia](#)
- The Special Rapporteur on contemporary forms of **slavery** will present her report on current and emerging forms of slavery and country visit report to Italy on 9 September.
- 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 will present their annual report and country visit reports to [Chad](#) and Austria on 9 September.

- The Working Group on **Enforced or Involuntary Disappearances** will present a report on public policies for effective investigation of disappearances, as well as its annual report and country visit report to Ukraine, on 11 September.
- The Special Rapporteur on the promotion of **truth, justice, reparation and guarantees of non-recurrence** will present his [report](#) and country visit report to Sri Lanka on 11 September.
- The Special Rapporteur on the **right to development** will present his [annual report](#) and country visit report to Cabo Verde on 11 September.
- The Independent Expert on the enjoyment of all human rights by **older persons** will present her [annual report](#) and country visit reports to Uruguay and Mozambique on 11 September.
- The Special Rapporteur on the negative impact of **unilateral coercive measures** on the enjoyment of human rights and the Independent Expert on the promotion of a **democratic and equitable international order** will present their annual reports on 12 September.
- The Working Group on **Arbitrary Detention** will present its annual report and country visit report to Bhutan on 13 September.
- The Special Rapporteur on the rights of **indigenous peoples** will present her annual report and country visit reports to [Ecuador](#) and Timor-Leste on 18 September. The Council will also consider during the same debate three reports of the Expert Mechanism on the Rights of Indigenous Peoples.
- The Working Group of Experts on People of **African Descent** will present their annual report and country visit reports to Belgium and Argentina on 23 September

## #HRC42 | Country-specific developments

### China

The harassment, surveillance, and mass detention of more than one million Uyghurs and other Turkic Muslims in the People's Republic of China continues to be the most pressing issue with regards to China for the international community to address. Repeated efforts to ensure unfettered and independent access to the region to monitor and report have been stymied by government steps to arrange a series of Potemkin-like visits to so-called 'vocational training centres'; to amplify a rhetoric that emphasises preventive detention as a counter-extremism policy; and to vehemently deny allegations of rights abuses, including torture, ill-treatment and deaths in the camps.

Recent reporting that the camps are being closed is refuted by family members of those disappeared, while some media outlets have looked at official Chinese data to expose exponential increases in prosecution and incarceration rates in the Uyghur-majority region of Xinjiang.

At the same time, China has continued its crackdown on human rights activists - Jiang Tianyong, a well-known lawyer and victim of reprisals for his engagement with UN experts, has been 'free' for six months, but remains under heavy-handed surveillance, unable to see independent medical professionals or travel abroad to reunite with his wife and daughter. Citizen journalist Huang Qi was sentenced to 12 years, despite serious concerns about deteriorating health. Grassroots activist Ji Sizun died in custody after months during which officials refused access to adequate healthcare. And Chen Jianfang, a woman human rights defender and recipient of a prize in honour of Cao Shunli, is being held incommunicado in an unknown location - effectively disappeared for her rights activism.

Such deep failures of rule of law and due process led to the massive public rejection of an extradition bill proposed by the Hong Kong government. Moves to adopt the amendments anyway set off a series of public protests in early June, which have evolved into pro-democracy protests which bring hundreds of thousands to the streets each weekend. Violence and tensions have increased, with reported use of live ammunition to fire warning shots, as well as threats to consider imposing effective martial law. Demands include accountability for police violence and a cessation to the use of 'rioting' charges to judicially harass peaceful demonstrators and pro-democracy leaders.

This will be China's last session as a Council member before taking a mandatory year break during 2020. But

stepping down from Council membership should not mean stepping out of the spotlight - States should take the opportunity now to build consensus around a range of challenges to the universal respect and promotion of human rights in China.

## **Saudi Arabia**

Saudi women human rights defenders have been at the forefront of campaigns to abolish the male guardianship system, grant women the right to drive, and combat violence against women. However, despite the recent lifting of travel restrictions on Saudi women, many WHRDs remain on trial for their activism, and many remain in detention. While the Saudi government has provisionally released seven women human rights defenders since the joint statement in March 2019, they still face unfair trials before a judicial system that lacks independence and many continue to be arbitrarily detained as the charges they face are solely related to their activism. In April 2019, the Saudi authorities arrested at least 14 additional individuals, reportedly for their support of the women's rights activists, including a feminist writer who was six months pregnant at the time and the son of one of the women human rights defenders who was provisionally released.

In this context, the September session provides an invaluable opportunity for the Council and States to follow up on [the joint statement delivered](#) on behalf of 36 States by Iceland, which inter alia, called for the release of all those all individuals detained for exercising their fundamental freedoms, including naming ten women human rights defenders. During the June session, a broad range of cross-regional States called for accountability and guarantees of non-recurrence during the discussion of the Special Rapporteur on extrajudicial, summary or arbitrary executions' report on the killing of Saudi journalist Jamal Khashoggi.

The impunity for the killing of Khashoggi extends to the situation of Saudi women human rights defenders as well. There was no credible and effective investigation into the allegations of torture and ill-treatment against the women's rights activists. Prominent woman human rights defender Loujain Al-Hathoul was asked by the Saudi authorities to appear in a video recording denying the torture she was subjected to, in exchange for her release, which she has refused.

ISHR calls on States to advancing a HRC resolution establishing a monitoring mechanism over the human rights violations in the country and calling explicitly for the immediate and unconditional release of the detained Saudi women human rights defenders and to drop all charges against them, including those provisionally released. Given the clear impact of the March joint statement, there is a window of opportunity for the Council to increase its impact on the ground by decisive follow-up action.

## **Egypt**

ISHR remains deeply concerned about the [situation of human rights defenders](#) in Egypt and the continued intimidation and reprisals they face for seeking or engaging with the United Nations. With Egypt's UPR coming up in November 2019, ISHR calls on States to use the interactive dialogue on reprisals and the general debate item 5 to urge the Egyptian government to refrain from committing any acts of intimidation and reprisals for those engaging with the UPR, recalling its international obligations to prevent such acts, investigate the allegations and provide victims with effective remedy.

ISHR recalls that defenders who engaged with Egypt's UPR in 2014 have since then faced travel bans, closure of NGOs, assets freezing, and are facing up to 25 years imprisonment in the 'NGO Foreign Funding case no. 173.' ISHR also recalls that individuals and communities who [engaged](#) with the Special Rapporteur on the right to housing during her visit in September 2018 faced systematic reprisals. All other scheduled visits by the Special Procedures have been postponed as a result. Furthermore, during the 64th session of the African Commission on Human and Peoples' Rights that was held in Egypt in April/May 2019 in, civil society [faced](#) restrictions, reprisals and intimidation of civil society engaging or seeking to engage with the Commission.

## **Venezuela**

Is it time to establish a Commission of Inquiry on serious human rights violations in Venezuela? [Several Venezuelan human rights organisations and international NGOs think so](#) and are calling on States to take this step at the upcoming session of the Human Rights Council. This call echoes recommendations [made by](#)

[OHCHR](#) over a year ago. On 10 September, the High Commissioner is scheduled to provide an update to the Council, as a follow up to her [report delivered in July](#). She is expected to outline further deterioration in the situation in the country. ISHR is pleased to be joining partners in hosting a side event on the human rights situation in Venezuela on 9 September at 14:30 in Room VIII of the Palais des Nations.

## Burundi

The Commission of Inquiry on Burundi will present its oral briefing on 17 September. ISHR continues to remain highly concerned about the human rights situation in Burundi and its refusal to cooperate with the Council's mechanisms. ISHR calls on States to renew the mandate of the Commission of Inquiry.

The work conducted by the CoI provides critical oversight of the human rights situation in Burundi. The Burundian Government suspended one of the last remaining independent civil society organisations, Words and Actions for the Awakening of Consciences and the Evolution of Mentalities (PARCEM), suspended the operating license of the Voice of America, revoked the license of the British Broadcasting Cooperation (BBC), and forced at least 30 international non-governmental organisations to cease their activities. On 17 July 2019, the Ntahangwa Court of Appeal upheld the 32-year prison sentence against HRD Germain Rukuki. With 2020 elections approaching, the scrutiny provided by the CoI remains vitally important.

Burundi must be held accountable for the ongoing crackdown on civil society and we encourage Council members to publicly condemn the policies of harassment, as well as arbitrary arrest and detention of human rights defenders in Burundi.

## Other country situations:

The High Commissioner will present her oral update to the Council on 9 September. The Council will hear reports on and is expected to consider resolutions addressing a range of country situations, in some instances involving the renewal of the relevant expert mandates. These include:

- Interactive dialogue with the Special Rapporteur on **Myanmar** and the international fact-finding mission on the situation of human rights of **Rohingya Muslims and other minorities in Myanmar** on 17 September as well as the presentation of the report of the Independent Investigative Mechanism on Myanmar on 10 September. Among other things, the FFM sheds light on the economic interests of Myanmar's military and the [strong connections between the Tatmadaw and businesses and investors](#).
- Enhanced interactive dialogue on the report of the High Commissioner on the human rights situation in **Nicaragua** on 10 September
- Interactive dialogue on the report of the Group of Eminent Experts and the High Commissioner on the human rights situation in **Yemen** on 11 September (mandate renewal)
- Interactive dialogue on the oral update by the Commission on Human Rights in **South Sudan** on 16 September
- Oral update by the High Commissioner on the situation in **Venezuela** on 10 September (mandate renewal)
- Oral update by the High Commissioner on the Commission of Inquiry on Gaza, **Palestine** on 10 September
- Interactive dialogue on the updated written report of the Commission of Inquiry on **Syria** on 17 September
- Interactive dialogue with the High Commissioner on the situation of human rights in **Ukraine** on 24 September
- Enhanced interactive dialogue on the report of the High Commissioner on the situation of human rights in the **Democratic Republic of the Congo** on 24 September (mandate renewal)
- Interactive dialogue with the High Commissioner on the situation of human rights in **Libya** on 25 September
- Interactive dialogue with the Special Rapporteur on the situation of human rights in **Cambodia** on 25 September (mandate renewal)
- Interactive dialogue with the Independent Expert on the situation of human rights in **Somalia** on 25 September (mandate renewal)
- Interactive dialogue with the Independent Expert on the situation of human rights in **Sudan** on 25 September (mandate renewal)
- Interactive dialogue with the Independent Expert on the situation of human rights in the **Central African Republic** on 26 September (mandate renewal)
- The Council will consider the report of the High Commissioner on the situation in **Georgia** on 26 September

## Adoption of Universal Periodic Review (UPR) reports

During this session, the Council will adopt the UPR working group reports on Albania, Bhutan, Brunei Darussalam, Costa Rica, Côte d'Ivoire, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Dominica, Equatorial Guinea, Ethiopia, Nicaragua, Norway, Portugal and Qatar.

ISHR supports human rights defenders in their interaction with the UPR. We publish and submit [briefing papers](#) regarding the situation facing human rights defenders in some States under review and advocate for the UPR to be used as a mechanism to support and protect human rights defenders on the ground. This session of the Council will provide an opportunity for the [Democratic Republic of the Congo](#) and [Côte d'Ivoire](#) to accept recommendations made in relation to human rights defenders, as proposed in ISHR's briefing papers.

## #HRC42 | Council programme, appointments and resolutions

During the organisational meeting for the 42nd session held on 26 August 2019, the President of the Human Rights Council presented the [programme of work](#). It includes three panels of discussion and 65 reports. States also announced at least 27 resolutions.

### Appointment of mandate holders

The President of the Human Rights Council has [proposed](#) a candidate for the mandate of the Independent Expert on the situation of human rights in the Central African Republic, to be appointed in this session.

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.

The Human Rights Council will also elect this session Advisory Committee members for seven vacant seats: two for the Group of African States, one for the Group of Latin American and Caribbean States, one for the Group of Western European and other States, two for the Group of Asian and Pacific States, and one for the Group of Eastern European States.

### Resolutions to be presented to the Council's 42nd session

At the organisational meeting the following resolutions were announced (States sponsoring the resolution in brackets):

1. **Arbitrary detention** (mandate renewal, France)
2. Technical assistance and capacity-building for **Yemen** in the field of human rights (Arab Group)
3. Contemporary forms of **slavery** (mandate renewal, United Kingdom)
4. Cooperation with the United Nations, its representatives and mechanisms in the field of human rights - 'the **reprisals resolution**' (Fiji, Ghana, Hungary, Ireland, Uruguay).
5. Human rights and **indigenous peoples (mandate renewal of the SR)**, Guatemala, Mexico).
6. Human rights and **indigenous peoples** (Guatemala, Mexico).
7. Elimination of harmful practices on people of **albinism** (African Group)
8. Protection of the rights of **workers exposed to hazardous substances** and waste (African Group)
9. Human rights in the **administration of justice**, including juvenile justice (Austria).
10. **Older persons** (mandate renewal, Argentina, Brazil).
11. Promoting international cooperation to support **national human rights follow-up systems**, processes and related mechanisms (Brazil, Paraguay).
12. The question of the **death penalty** (Belgium, Benin, Costa Rica, France, Mexico, Mongolia, Republic of Moldova, Switzerland).
13. World program on **human rights education and training** (Slovenia)
14. The role of **prevention** (Australia, Hungary, the Maldives, Morocco, Poland, Ukraine, Uruguay).

15. The right of everyone to the enjoyment of the highest attainable standard of **physical and mental health** in the implementation of the 2030 Agenda for Sustainable Development (mandate renewal, Brazil)
16. The human rights to **safe drinking water and sanitation** (mandate renewal, Germany and Spain).
17. **Technical cooperation and capacity building** in the field of human rights (Brazil, Honduras, Indonesia, Morocco, Norway, Qatar, Singapore, Thailand, Turkey).
18. Human rights situation in **Yemen** (Belgium, Canada, Ireland, Luxembourg, Netherlands)
19. The human rights situation in the **Syrian Arab Republic** (France, Germany, Italy, Jordan, Kuwait, Morocco, Netherlands, Qatar, Turkey, United Kingdom of Great Britain and Northern Ireland)
20. The **right to development** (NAM)
21. Situation of human rights in **Burundi** (European Union)
22. Advisory services and technical assistance for **Cambodia** (Japan)
23. The right to **privacy in the digital age** (Brazil, Austria, Germany, Lichtenstein, Mexico)
24. Assistance to **Somalia** in the field of human rights (Somalia, United Kingdom)
25. Technical assistance and capacity-building to improve human rights in the **Sudan** (African Group)
26. The human rights situation in **Venezuela** (Argentina, Canada, Chile, Colombia, Costa Rica, Guatemala, Guyana, Honduras, Mexico, Paraguay, Peru)
27. Situation of human rights of Rohingya Muslims and other minorities in **Myanmar** (the Organization of Islamic Cooperation)

Furthermore, according to the voluntary calendar for resolutions, it is possible that more resolutions could also be presented at this session. Read the calendar [here](#).

## #HRC42 | Side events

### ISHR side events

- [Human Rights Council Elections 2019: discussions of candidate States' visions for membership](#), Wednesday 11 September 2019, 10:00-11:30, Room XXV. The event is co-sponsored by the Permanent Missions of the Czech Republic, Denmark and Fiji. It is intended to give [candidates an opportunity to present their visions for Council membership](#) and to respond to questions from a range of stakeholders on how they propose to realise the pledges and commitments they may have made in seeking election.
- **Rule of law in China**, Tuesday 17 September, 10:00-11:00, Room IV, organised by ISHR, International Bar Association, World Uyghur Congress and Tibet Advocacy Coalition.
- **Ending Reprisals**, Wednesday 18 September 2019, 16:30-17:30, Room VIII, co-sponsored by the Cairo Institute for Human Rights Studies and Forum-Asia. The panel will include the Assistant Secretary General Andrew Gilmour and human rights defenders. It will discuss and expand on the Secretary-General's report on cooperation with UN mechanisms, the nature and extent of reprisals and consider efforts to date to address the issue.
- **The Continued Silencing and Imprisonment of Saudi women's rights activists** on 24 September 2019, 13:00-14:00, Room VIII, organised by CIVICUS, ISHR, Women's March Global and the Gulf Center for Human Rights. The panel will share the experiences of Saudi women human rights defenders, reflect on the reality they face in prison, and discuss what further efforts can be taken to ensure their immediate release and provide guarantees for a safe and enabling environment for them to continue their work.

### Other key side events

States and NGOs are holding a series of events. You can download the list of NGO events [here](#).

- **Why is a Commission of Inquiry on Venezuela needed?** on 9 September at 14:30 in Room VIII, organised by Amnesty International, ISHR, ICJ and Human Rights Watch.
- **Situation of the Right to Memory, Truth in Brazil: From the Transitional Policies to Denial** on 10 September at 15:30-16:30 in Room XXII, organised by Centro de Estudios Legales y Sociales, Conselho Federal da Ordem dos Advogados do Brasil, Instituto Vladimir Herzog and Centro de Estudos sobre Justiça de Transição.
- **Privacy in the Digital Age: Priorities for Protecting Rights Online** on 11 September, organised by Article19.

- **Ensuring credible HRC action on Sudan** on 12 September at 12:30-13:30 in Room XVI, organised by Defenddefenders.
- **Investigating Unlawful Deaths** on 12 September at 13:30 to 14:30 in Room XVI, organised by the International Commission of Jurists (ICJ) and the panel will include the Special Rapporteur on extrajudicial, summary or arbitrary executions (by video link).
- **Civic space restrictions as an early warning of a deteriorating human rights situation** on 16 September at 13:00 in Room IV, organised by CIVICUS.
- **Indigenous Justice and Human Rights** on 17 September at 13:00-14.30 in Room VIII, co-organised by the UN Special Rapporteur on Rights of Indigenous Peoples and the International Commission of Jurists (ICJ).
- **Human rights in Myanmar** on 17 September 2019 at 16:00-17:00, in Room IV, organised by Forum-Asia.
- **The situation of human rights in Brazil** on 19 September 2019 at 13:30 in Room VIII, organised by Conectas.
- **Access to Information** on 19 September at 16:30 in Room XXII, organised by Article 19 and the Permanent Mission of the Kingdom of the Netherlands.
- **Libya: How to advance accountability for Human Rights Violations and Abuses in Libya** on 20 September 2019 from 15:00 to 16:30, organised by the Netherlands, the International Commission of Jurists, the Cairo Institute, Human Rights Watch and Lawyers for Justice in Libya.
- **Human rights in Cambodia** on 24 September 2019, 13:00-14:00 in Room XXV, organised by Forum-Asia.
- **The First Year of the Transitional Justice System in Colombia** on 19 September at 12:00 to 13:00 in Room XXI, organised by the Colombian Commission of Jurists and the ICJ.

Read [here the three year programme of work](#) of the Council with supplementary information.

Read [here ISHR's recommendations](#) on the the key issues that are or should be on the agenda of the UN Human Rights Council in 2019.

Photo: Jean-Marc Ferre