

HRC53 NGO joint end of session statement

This is a joint statement.¹

We welcome the resolution put forward by the OIC to ensure the full implementation of the **United Nations database of businesses facilitating Israeli settlements in the Occupied Palestinian Territory** as well as the [recent](#) publication of the partial update to the database issued by the Office of the High Commissioner for Human Rights on 30 June 2023. The effectiveness and credibility of the HRC and OHCHR has suffered considerably from the chronic under-implementation of the database by this Council. The resolution put forward at the 53rd session represents an important step forward, and it is crucial that future updates are conducted annually, regularly, including both the addition and removal of businesses from the database, as appropriate, to ensure accurate and comprehensive information for all stakeholders [involved](#). We regret that some States failed to vote in favor of the resolution to ensure the full implementation of the database. We believe this failure constitutes a dangerous example of double standards and urge States who abstained or voted against the resolution to begin to approach this issue in line with international human rights standards and their duties as UN member States.

We welcome the fact that the resolution on **civil society space** addressed the limitations to civil society access and participation in decision-making processes, including at the UN, and called on States to "enable and institutionalize meaningful online participation in hybrid meetings" and to establish "a transparent, fair and gender-responsive accreditation processes". We welcome that the resolution acknowledges the significant role played by civil society in the promotion and protection of human rights, including with regard to monitoring, documenting and raising awareness about human rights violations and abuses, but we regret that the role of civil society in the prevention of human rights violations, as well as the Council's prevention mandate, was not highlighted. We also welcome that the resolution emphasizes undue restrictions of civic space, including on funding of civil society actors, nonetheless we express concern that it does not address the misuse of restrictive laws in a more comprehensive manner. We appreciate the call upon States to establish or enhance information-gathering and monitoring mechanisms, including by benefiting from data collected by civil society, for the collection, analysis and reporting of data on threats, attacks or violence against civil society, and the request to the High Commissioner to prepare a report identifying challenges and best practices in regularly assessing civic space trends drawing on the views of civil society, amongst others. This may lead, in the longer term, to the development of a collective methodology including indicators and benchmarks that will permit the effective and systematic monitoring of civic space developments on the international level. We also call on States to prevent the deterioration and closure of civic space and provide support to build civil society resilience.

¹ International Service for Human Rights (ISHR), Cairo Institute for Human Rights Studies, Asian Forum for Human Rights and Development (FORUM-ASIA), International Bar Association's Human Rights Institute (IBAHRI), International Federation for Human Rights (FIDH), Commonwealth Human Rights Initiative, Center for Reproductive Rights, DefendDefenders (East and Horn of Africa Human Rights Defenders Project), Gulf Centre for Human Rights.

We welcome the focus of the resolution on human rights of **migrants** on human rights violations in transit. However, the resolution fails to answer the call from [over 220 CSOs](#) for the Council to establish an investigative mechanism on deaths, torture and other grave human rights violations at and around international borders. The focus on monitoring in the intersessional panel requested must be used as a stepping stone towards a response from the Council that matches the severity of the situation. The 53rd session opened as yet another horrific incident unfolded with hundreds presumed dead at sea. The normalisation of deaths caused by border management policies and practices, as well as criminal networks, must end. It is unclear what scale of atrocity will prompt this body to act.

We welcome the adoption of resolutions on **child and early forced marriage** and on **violence against women and girls**, despite hostile amendments contravening international human rights law, UN technical guidance and WHO Guidelines. The resolution on **child and early forced marriage** on the theme of forced marriage, identifies root causes of forced marriage and calls for practical guidelines to be developed by the OHCHR which can help States work to prevent and eliminate forced marriage, centering the autonomy of women and girls. The resolution on **violence against women and girls** looks at systemic violence against women and girls in criminal detention systems. The resolution centers the respect, protection and fulfillment of human rights for women and girls in criminal detention, in addition to the Bangkok and Mandela Rules.

We welcome the adoption of the resolution on '**the impact of arms transfer on human rights**'. Ensuring arms related risks to human rights continues to be part of the Council's work is critical - both those acquired by civilians and those transferred. We look forward to the stocktaking intersessional workshop on the role of States and the private sector in preventing, addressing and mitigating negative human rights impacts of arms transfers.

We welcome the resolution on **new and emerging digital technologies**, which reinforces the need to respect, protect and promote human rights throughout the lifecycle of artificial intelligence systems. The resolution mandates an enhanced role of the OHCHR in providing its expertise on the human rights implications of these technologies, including artificial intelligence, to other UN bodies, mechanisms, and processes. We believe that bolstering this existing expertise is vital in ensuring a consistent human rights-first approach to the growing number of UN initiatives relevant to this topic. We also particularly welcome that the resolution stresses that certain applications of artificial intelligence “present an unacceptable risk to human rights”. We now call on States to put this language into practice and ban those technologies that cannot be operated in compliance with international human rights law.

We welcome the adoption of the resolution extending the **mandate of the UN Special Rapporteur on Independence of Judges and Lawyers** for three years.

We regret the adoption of a new resolution on **countering religious hatred** constituting incitement to discrimination hostility or violence. While we are dismayed over the rise of hate against persons on the basis of their religion or belief worldwide, this resolution ultimately aims to protect not individuals but rather religious books and symbols that do not enjoy protection

under international human rights law. We note that prohibitions on the defamation of religions fuel division and religious intolerance by shutting down interfaith dialogue, and can facilitate human rights violations against religious minorities. While the burning of holy books is considered disrespectful and offensive by many, this is not an act of incitement in and of itself, and such acts should only be challenged through open space for dialogue, debate, and dissent. By evoking language on the defamation of religions, this resolution puts over a decade of progress in jeopardy and [risks](#) undermining the consensual, positive action plan to combat religious intolerance achieved in landmark Resolution 16/18 in 2011.

We regret that the resolution on the **contribution of development to the enjoyment of human rights** weakens the interdependence of human rights and sustainable development. We reiterate deep concerns at the long-term goal of this initiative, in light of the penholder's remarks during negotiations that the 'contribution of development to human rights' is a methodology 'conflicting with' human rights-based approaches to development (HRBA) widely-endorsed by the [Secretary-General](#), [UN agencies](#) and States. We regret the inclusion of undefined domestic concepts such as '[better life](#)', '[high-quality development](#)' and '[people-centred approach to development](#)', and the failure to consider middle-ground proposals to reallocate resources to meet the [OHCHR's needs for additional capacity on HRBA to development](#). We lament that the penholder disregarded strong concerns shared across all regions, including from developing countries as reflected in the abstentions of Costa Rica, Chile, Georgia, India and Paraguay, despite commitments to seek consensus and engage constructively.

We welcome the adoption of the resolution on **Belarus**, which re-mandates the Special Rapporteur for a further year. The Special Rapporteur on **Belarus** remains critical to civil society, whose options for seeking redress for human rights violations at an international level were further reduced recently when Belarus withdrew from the First Optional Protocol of the ICCPR.

We welcome the adoption of the resolution presented by **Colombia** seeking to enhance technical cooperation to implement the recommendations made by the Commission for the Clarification of Truth, Coexistence and Non-Repetition in the country - a resolution looking towards a future of peace.. The text highlights the OHCHR report's findings that violence disproportionately affects, inter alia, human rights defenders, Indigenous Peoples, people of African descent, peasant leaders, women and girls, as well as persons on the basis of their sexual orientation or gender identity. We regret however that Pakistan, on behalf of the OIC except Albania, tabled an amendment to remove the reference to 'sexual orientation and gender identity', and in doing so did not respect Colombia's decision to acknowledge the vulnerability of populations inside its own territory, and meant that a vote was called on the resolution.

This year's strengthened resolution on **Eritrea** is in line with civil society's ask to substantively address violations Eritrean authorities commit at home and abroad and to move beyond merely procedural resolutions that extend the Special Rapporteur's mandate. We encourage States to go even further next year and to reinstate fully substantive resolutions on Eritrea's human rights situation, as was the rule before 2019.

We welcome the adoption of the Item 10 resolution on **Ukraine**, maintaining the Council's regular dialogues with the High Commissioner on the human rights situation in Ukraine. The work of the OHCHR in Ukraine is critical, complementary to the work of the International Commission of Inquiry on Ukraine, and it is important that HRC is kept abreast of this work.

While we believe the resolution on **Rohingya and other minorities in Myanmar** is an important step to maintain the situation of Rohingya and other minorities in Myanmar high on the agenda of the Council, we regret that the resolution failed to reflect the reality of the situation on the ground in Myanmar especially following the 1 February 2021 military coup. It calls for immediate commencement of repatriation of Rohingya refugees in direct contrast to conclusions and recommendations of the Special Rapporteur, the High Commissioner as well as Rohingya themselves that conditions for safe, voluntary, dignified and sustainable return for Rohingya do not exist in Myanmar, and that their return under the current circumstances could lead to the recurrence of violence that led to their displacement.

The holding of a Special Session on **Sudan** on 11 May 2023, does not preclude, but rather should be seen as the start of a process toward, stronger resolutions. Civil society will continue to push for the establishment of an investigative mechanism, which is the least the Council can do for the victims and survivors of the conflict and violations and abuses committed in the country in the last three decades. We highlight the need for a holistic, comprehensive response by the international community. In this regard, the Final Communiqué of the First Meeting of the IGAD Quartet Group of Countries for the Resolution of the Situation in the Republic of Sudan resolved to request that "*the East Africa Standby Force (EASF) summit ... convene in order to consider the possible deployment of the EASF for the protection of civilians and guarantee humanitarian access*" and committed "*to work closely with the international community to put in place a robust monitoring and accountability mechanism that will be instrumental in bringing perpetrators to justice.*"

We deplore the sustained failure of this Council to respond meaningfully to the human rights situation in **China**, gradually undermining its credibility and ability to scrutinise countries on the basis of objective, impartial UN documentation, including the OHCHR Xinjiang report. We further regret the failure of the joint UN Office on Genocide Prevention and the Responsibility to Protect to act in line with its mandate on the CERD's historic referral of the situation in Xinjiang, weakening the UN's genocide-prevention architecture. The CESSCR, the CEDAW, the CERD, the OHCHR, the ILO, as well as Special Procedures through three joint statements, nearly 30 press releases and 100 letters to the government since 2018, have provided more than sufficient evidence pointing to systematic and widespread human rights violations. 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.

We regret that the Council failed to adequately respond to the situation in **Egypt**. Since the [joint statement delivered by States in March 2021](#) at the Council, there has been no significant

improvement in the human rights situation in Egypt despite the launching of the national human rights strategy and the national dialogue. The Egyptian government has failed to address, adequately or at all, the repeated serious [concerns expressed by several UN Special Procedures](#) over the broad and expansive definition of “terrorism”, which enables the conflation of civil disobedience and peaceful criticism with “terrorism”. The Human Rights Committee [raised](#) its concerns “that these laws are used, in combination with restrictive legislation on fundamental freedoms, to silence actual or perceived critics of the Government, including peaceful protesters, lawyers, journalists, political opponents and human rights defenders”. Egyptian and international civil society organisations have been [calling](#) on the Council to establish a monitoring and reporting mechanism on the human rights situation in Egypt, applying [objective criteria](#) and in light of the Egyptian government’s [absolute lack](#) of [genuine will](#) to acknowledge, let alone address, the country’s deep-rooted human rights crisis.

We regret the Council’s repeated failure to address the situation in **India** including to exercise its prevention mandate in relation to the potential escalation of violence against religious minorities and Dalits and Adivasis into mass atrocity crimes with unchecked hate speech and incitement to violence by Hindu nationalist leaders, the most recent illustration of which is the ongoing communal violence in the Northeastern state of Manipur. We remind the Council that this is happening in the context of systematic rollback of fundamental freedoms, the rule of law and independent institutions as well as the ongoing criminalisation, harassment and intimidation of human rights defenders, activists, journalists, and dissidents, and targeting of civil society organisations using national security and counter-terrorism infrastructure. Silence of the Council further enables impunity and makes the international community complicit.

We regret that the Council failed to adequately respond to the situation in **Saudi Arabia**. In light of the ongoing diplomatic rehabilitation of crown prince and de facto ruler Mohammed bin Salman, the Saudi authorities’ brazen repression continues to intensify, as ALQST has documented. Some notable recent trends include, but are not limited to: the further harsh sentencing of activists for peaceful social media use, such as [women activists](#) Salma al-Shehab (27 years), Fatima al-Shawarbi (30 years and six months) and Sukaynah al-Aithan (40 years); the ongoing detention of prisoners of conscience beyond the expiry of their sentences, some of whom continue to be held incommunicado such as human rights defenders [Mohammed al-Qahtani](#) and Essa al-Nukheifi, and; regressive developments in relation to the death penalty, including a wave of new death [sentences](#) passed and a surge in executions (47 individuals were executed from March-May 2023), raising concerns for those currently on death row, including several [young men](#) at risk for crimes they allegedly committed as minors. We call on the Council to respond to the calls of NGOs from around the world to create a monitoring and reporting mechanism on the ever-deteriorating human rights situation in Saudi Arabia.

We regret that the Council failed to exercise its prevention mandate and address the deteriorating human rights situation in **Tunisia**. Civil society organizations, the High Commissioner and UN Special Procedures all have [raised alarm](#) at the escalating [pattern of human rights violations](#) and the rapidly worsening situation in Tunisia following President Kais Saied’s power grab on 25 July 2021 leading to the erosion of the rule of law, attacks on the

independence of the judiciary, reprisals against independent judges and [lawyers](#) and [judges associations](#), a [crackdown on peaceful political opposition](#) and abusive use of “counter-terrorism” law in [politicized prosecutions](#), as well as attacks on freedom of expression and threats to freedom of association. A [wave of arrests](#) that started in February 2022 [continued](#) to include at least 40 members of peaceful political opposition. On 21 February 2023, President Saïed made inflammatory comments that triggered a [wave of anti-Black violence and persecution](#) – including assaults and summary evictions – against Black African foreign nationals, including migrants, asylum seekers and refugees. Between February and early March 2023, [police indiscriminately arrested](#) at least 850 Black African foreign nationals, apparently based on racial profiling. Since July 2, 2023 Tunisian security forces [collectively expelled several hundreds of Black African migrants and asylum-seekers to the Tunisian-Libyan borders](#) without any due process, along with reports of beatings and sexual assaults. The [High Commissioner](#) has addressed the deteriorating situation in the three latest global updates to the HRC. Special Procedures issued at least 8 communications in less than one year addressing attacks against the independence of the judiciary, as well as attacks against freedom of expression and assembly. Despite the fact that in 2011 Tunisia extended a standing invitation to all UN Special Procedures, and received 16 visits by UN Special Procedures since, Tunisia’s recent postponement of the visit of the Special Rapporteur on the independence of judges and lawyers, is another sign of Tunisia disengaging from international human rights mechanisms and declining levels of cooperation.