

Key Outcomes at the 46th Session of the UN Human Rights Council

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At the 46th Session of the UN Human Rights Council (HRC), February 22 – March 23, the United States actively reengaged with the Council after a two-and-a-half-year absence and announced its candidacy for a member seat for the 2022-2024 term. With introspection about the United States' own human rights struggles, particularly in addressing systemic racism, we galvanized more than 155 members of the international community to join us in acknowledging the corrosive legacy of racism and racial discrimination and to proactively address this shameful legacy to make lasting progress. During HRC 46, the United States helped advance responses to dire human rights situations through resolutions, joint statements, and interventions including on: Belarus, Burma, Burundi, Egypt, Eritrea, Iran, Nicaragua, North Korea, Russia, Sri Lanka, Syria, Venezuela, South Sudan, and Yemen.

South Sudan: The United States rejoined the core group on South Sudan, also comprised of the United Kingdom, Norway, and Albania, to renew the mandate of the Commission on Human Rights in South Sudan for another year. The Commission is the only mechanism currently collecting and preserving evidence of violations of international humanitarian law and human rights abuses with a view to promoting accountability and addressing human rights and transitional justice issues in South Sudan from a holistic perspective. We stand ready, as ever, to work with the government of South Sudan and other regional partners to improve the lives of the South Sudanese people.

Burma: The United States co-sponsored a resolution led by the European Union that highlighted ongoing human rights concerns, including for Rohingya, and recalled developments since February 1. The United States, along with the core group, supported language that condemned the military's actions and expanded monitoring and reporting. The resolution also renewed the mandate of the Special Rapporteur and continued support for the Independent Investigative Mechanism for Myanmar. We continue to urge the military to restore the democratically elected government, release those unjustly detained, and refrain from violence against the people of Burma.

Sri Lanka: The United States co-sponsored a resolution led by the United Kingdom on "Promoting reconciliation, accountability, and human rights in Sri Lanka." The United States, in collaboration with the Sri Lanka Core Group and likeminded countries, worked to include a mandate for OHCHR to collect, analyze and preserve information and evidence and to develop possible strategies for future accountability processes for violations of human rights and international humanitarian law. We hope to continue working through UN mechanisms and partner countries to support this major step towards accountability.

Syria: The United States co-sponsored a resolution led by the United Kingdom, France, Germany, Italy, Jordan, Kuwait, Netherlands, Qatar, and Turkey that highlighted ongoing atrocities by the Assad regime in Syria and renewed the mandate of the Independent International Commission of Inquiry on Syria (COI). The United States successfully advocated to include a request for OHCHR to resume a civilian casualty count. Given that the 46th session of the HRC coincided with the 10th anniversary of the peaceful Syrian uprising, the United States reaffirmed the need for accountability, the release of those arbitrarily detained by the regime, and a political resolution to the conflict. The United States stands with Syrian survivors of the Assad regime's crimes and will continue to strongly support Syrian human rights defenders, the COI, the International Impartial Independent Mechanism for Syria, and other UN mechanisms and agencies as they document the regime's egregious abuses.

Belarus: The United States co-sponsored the EU resolution condemning the continuing human rights abuses in Belarus surrounding the fraudulent August 9, 2020 presidential election. The resolution calls for the immediate establishment of a strong OHCHR mandate, which would empower OHCHR to collect, preserve, and analyze evidence of human rights abuses surrounding the presidential election, identify those responsible for human rights violations, and provide recommendations on accountability and justice. This mandate enhances and complements the existing Special Rapporteur mandate.

Nicaragua: The United States cosponsored the resolution led by Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, Paraguay, and Peru on the promotion and protection of human rights in Nicaragua and collaborated with partners to reinforce the call for accountability for officials, security forces, and armed groups responsible for human rights abuses. We strongly supported the HRC's call for meaningful electoral reform in advance of November elections and respect for human rights and fundamental freedoms, including the unconditional release of all those arbitrarily or unlawfully detained.

The United States also cosponsored the **Iran** and **North Korea** resolutions which renewed the country-specific mandates for those Special Rapporteurs. In addition, the United States co-sponsored resolutions on technical assistance and capacity building in **Mali** and **Georgia**, which were run in cooperation with the countries involved and received widespread support.

The United States strongly opposed the “**Mutually Beneficial Cooperation in the Field of Human Rights**” resolution, led by China, which sought to promote an approach to human rights whereby States cooperate to advance the interests of governments over promoting and respecting the human rights and fundamental freedoms of individuals. Despite efforts by the United States and likeminded Member States to negotiate problematic language in Geneva, China did not respond constructively to our edits and the resolution passed by a vote (26 votes in favor, 15 votes against, 6 abstentions).

Thematic Issues: The United States co-sponsored resolutions on:

- Freedom of Religion or Belief; Albinism;

- Human Rights, Democracy, and the Rule of Law;
- Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Economic, Social, and Cultural Rights;
- Privacy; and
- Least Developed Countries and Small Island Developing States Trust Fund decision.

Joint Statements: Overall, the United States led two joint statements and signed onto 12 thematic or country-specific joint statements. The United States led a Joint Statement on **Racism**, securing signatures from 156 countries, including all members of the Africa Group. The joint statement called on countries to take steps to address racism and racial discrimination, as well as examine and eliminate practices and policies that marginalize members of ethnic and racial minority groups. Fifty-three countries also co-sponsored a U.S.-led Joint Statement on **Human Rights Accountability**. This effort was prompted by a series of apparently coordinated statements by delegations insisting that states cannot interfere in the “domestic affairs” of others by criticizing their human rights records. The joint statement made clear that state sovereignty cannot be used as a shield to prevent scrutiny from the Council, and that states continue to have responsibility to protect human rights. We reinforced this sentiment by joining the statement of the Group of Friends for **Responsibility to Protect** for the first time in Geneva. We also joined statements on **Human Rights and COVID-19 Measures; Protection of Journalists; Ending Death Penalty as a Punishment for Blasphemy and Apostasy; and Human Rights of Migrants**.

For the first time since 2014, the United States also joined over 30 countries and cosponsored a Finland-led statement to express concern over the trajectory of human rights and fundamental freedoms, including freedom of expression, in **Egypt**. The United States also co-signed a Polish-led Joint Statement criticizing **Russia**’s ongoing attempts to silence its critics and attack independent media and civil society. In particular, the statement condemns Moscow’s poisoning of prominent Kremlin critic Aleksey Navalny with the nerve agent Novichok and his and others’ continuing unjust detention in Russia. The United States also signed onto country-specific joint statements on **Belarus, Venezuela, and Ethiopia**.

U.S. Universal Periodic Review (UPR): The HRC adopted the UPR outcome of the United States, the culmination of a multi-year process reviewing our domestic human rights record. The United States accepted in whole or in part 280 out of 347 recommendations it received from other UN Member States during the third cycle UPR, or approximately 81%. Acting DRL Assistant Secretary Lisa Peterson delivered remarks via pre-recorded video, outlining the U.S. approach to the recommendations received and further explaining the Biden Administration’s priorities on racial justice, nondiscrimination, migration, climate change, and COVID-19 response, among others.

Agenda Item 7: The United States continues to oppose the HRC’s one-sided and biased approach towards Israel through its stand-alone Israel-specific Agenda Item 7. During HRC 46, two resolutions were merged under Agenda Item 2 (resolutions on accountability and the human rights situation in the Palestinian territories), leaving only

three resolutions in Agenda Item 7 (Israeli Settlements, Self-Determination for Palestinians, and Human Rights in the Golan). The number of nations speaking against Israel during the Item 7 debate also decreased.