





# Geneva International Centre *for* Justice

*Independent, non-profit, non-governmental organization*





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## ABOUT GICJ

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# INTRODUCTION

The Fortieth Regular Session of the United Nations Human Rights Council was held at the Palais des Nations in Geneva, Switzerland from 25 February to 22 March 2019. The session opened with a High-Level Segment featuring addresses by UN Secretary-General António Guterres, UN General Assembly President María Fernanda Espinosa Garcés, and High Commissioner for Human Rights Michelle Bachelet.

During the Fortieth Session the Council focused on various serious and urgent human rights issues across the globe. The Council heard the presentation of over 100 reports that addressed 39 themes and 50 country-specific situations. The Council also heard from 33 independent human rights experts, working groups and investigative bodies; held four panel discussions, conducted an annual meeting on the rights of the child, and heard statements by 93 dignitaries during the high-level segment; and adopted the outcomes of the Universal Periodic Review of 14 states.



*UN Photo / Jean Marc Ferré*

The President of the Council for 2019, Ambassador Coly Seck of Senegal, opened the fortieth session and officially welcomed the various dignitaries who would be addressing the Council during the high-level segment and the following four weeks of the session. He also stressed the important contribution made by civil society to the work of the Council and emphasized that the Council would not tolerate acts of intimidation or reprisals against civil society as a result of participation in the Council or other human rights mechanisms.

## Remarks of the UN Secretary-General

Mr. António Guterres began his remarks by identifying the Human Rights Council as the “epicentre for international dialogue and cooperation” on achieving human rights. He reminded attendees that human rights are inherent in each person and not dependent on nationality or any other classification. He said human rights inspire and drive progress, help sustain peace, and are vital to addressing the major problems in the world including the fight against terrorism.



*UN Photo / Jean Marc Ferré*

Mr. Guterres warned that human rights are “losing ground” in many areas of the world, but he also said there is hope due to powerful social justice movements by groups such as youth, indigenous peoples, and women. He highlighted several human rights issues where work is urgently required. He said gender equality has seen some progress but much more needs to be done. He asserted that gender equality is about power and there remains a very large gap in economic equality between men and

women. He was seriously concerned about shrinking civic space and the targeting of human rights defenders. He called “outrageous” the near-impunity enjoyed by those who target journalists with abuses and noted that surveillance resulting from big data and advanced technologies is having a chilling effect on the exercise of human rights. He also called out discrimination against sexual orientation and gender identity.



*UN Photo / Jean Marc Ferré*

The Secretary-General highlighted the rise in xenophobia, including antisemitism and Islamophobia. He noted how these attitudes spread quickly through social media and public discourse that targets groups as “others”. He mentioned UN efforts to enhance responses to hate speech and the scapegoating of vulnerable groups like migrants. He remarked on the deepening economic divide between countries and within societies and noted that the exacerbation of inequalities hinders growth and leads to instability.

Finally, Mr. Guterres thanked the Council for addressing the issue of climate change. He noted that over 150 countries have recognized the right to a healthy environment and mentioned his call for a climate summit to bring together governments, businesses and civil society to address this issue. He closed by reiterating that human rights underpin development and international peace.

## Remarks of the President of the UN General Assembly

Ms. María Fernanda Espinosa Garcés spoke about the increasing divisions in the world and the increasing threat of climate change. She asserted that the bases of multilateralism are being attacked, resulting in a threat to the international human rights framework. Increasing xenophobia and extreme nationalism is reminiscent of a past we should not repeat.

She recalled the 70<sup>th</sup> anniversary of the UDHR – a “jewel” of multilateralism. The architecture of international human rights has been built up over the last 73 years, and now, she asserted, we must address the “implementation deficit” of our recognized human rights. For example, the Council’s UPR process should be optimized to promote cooperation within and between countries. Overall, she praised the productivity of the Human Rights Council over its 13 years, including the development of better monitoring systems and more accountability.

Ms. Espinosa Garcés recalled several persistent human rights problems, such as major disparities between men and women, discrimination against indigenous peoples and people with disabilities. However, the major factor underlying human rights problems is inequality due to the extreme concentration of wealth. She stressed the need for the Council to be strong and to address issues without politicization. She called on the Council to



*UN Photo / Jean Marc Ferré*



equally address all human rights violations and abuses regardless of the perpetrator or location. She closed by stressing the need for the Council to protect the rights of each victim of a human rights violation to ensure that every person is able to live with dignity.

## Remarks by the UN High Commissioner for Human Rights

Ms. Michelle Bachelet recalled for the assembled dignitaries two lessons she had learned as head of state. First, there was rarely a gap between the interests of humanity and the national interest of her country. She asked, “How can any state’s interest be advanced by policies that damage the well-being of all humans?” She noted that this applies to all issues, including climate change, discrimination, and inequalities.



UN Photo / Jean Marc Ferré

Her second lesson was that human rights-based policies are effective. She maintained that they deliver better outcomes by addressing grievances and suffering and building hope. Overall, social justice policies help develop stronger economies and more robust development. However, she recognized that achieving outcomes in the real world requires balancing many issues. The balancing process is not easy, she said, nor is it about perfection, but applying courage and vision will lead to progress. No country has a perfect

human rights record, but she stated her belief that all states have the ability to meet the expectations and obligations to respect human rights. She offered the support of her office to all countries in their efforts to promote human rights.

She closed by rejecting attitudes of defeatism and noted how recent youth marches for climate policy have inspired her. She commended the Council for its record in establishing special procedures as early warning mechanisms to investigate human rights issues and called for new efforts toward early action. She said her office is ready to continue coordinating efforts of UN agencies and actions by states to support human rights. She also stressed the need to engage with civil society to advance dignity, equality and justice for all.

## Council Resolutions and Decisions

The Human Rights Council adopted 23 resolutions at the end of its 39th Session. The following issues and countries covered by GICJ were the subject of resolutions:

### Countries

- **Iran** (A/HRC/RES/40/18)
- **Libya** (A/HRC/RES/40/27)
- **Mali** (A/HRC/RES/40/26)
- **Myanmar** (A/HRC/RES/40/29)
- **Occupied Palestinian Territories** (A/HRC/RES/40/13, A/HRC/RES/40/22, A/HRC/RES/40/23, A/HRC/RES/40/24)
- **South Sudan** (A/HRC/RES/40/19)
- **Syria** (A/HRC/RES/40/17)

### Issues

- **Countering Terrorism** (A/HRC/RES/40/16)
- **Freedom of Religion or Belief** (A/HRC/RES/40/9, A/HRC/RES/40/25)

A summary of the resolutions and the debate accompanying their adoption can be found in the Appendix.

# GICJ PARTICIPATION AT THE FORTIETH SESSION OF THE UN HUMAN RIGHTS COUNCIL

## Oral Statements

Geneva International Centre for Justice (GICJ) delivered 19 joint oral statements with International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), International-Lawyers.org, and Union of Arab Jurists during the Fortieth Session of the UN Human Rights Council. Several thematic issues and country-specific situations were addressed, including recommendations in most cases, under the various Agenda Items of the Council.

## AGENDA ITEMS

- Item 2: Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General.
- Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.
- Item 4: Human rights situations that require the Council's attention.
- Item 5: Human rights bodies and mechanisms.
- Item 6: Universal periodic review.
- Item 7: Human rights situation in Palestine and other occupied Arab territories.
- Item 8: Follow-up to and implementation of the Vienna Declaration and Programme of Action.
- Item 9: Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action.
- Item 10: Technical assistance and capacity-building.



## Thematic Issues

### ENVIRONMENT

*GICJ and International-Lawyers.org delivered two joint statements concerning the environment under Agenda Item 3 (Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development). During the Interactive Dialogue with the Special Rapporteur on Human Rights and the Environment the most marginalised and affected victims of air pollution was raised. During the General Debate the issue of climate change was brought to attention.*

#### **Item 3: Clustered Interactive Dialogue with Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment**

**4 March 2019**

Delivered by: Elisa Cifiello

Mr. President,

International-Lawyers.org and Geneva International Centre for Justice commend the Special Rapporteur on Environment for his comprehensive report and for opening the discussion on the dire effects of Air Pollution. While solutions exist to mitigate climate change, political will and necessary resources for effective implementation are lacking. Furthermore, states in Europe and America have failed to provide adequate support to less wealthy states to combat climate change.

We commend the Special Rapporteur for reporting adverse health effects of poor air quality and pollution on people's health and development, and for viable solutions countries have found to promote citizens' rights to clean air. However, low- and middle-income countries often do not have the economic resources to invest in cleaner solutions.

Families who often have no choice but to live next to toxic waste sites, are exposed to deadly fumes and invisible toxins. We need to protect our children. Today, 300 million children live in areas with high levels of toxic outdoor air pollution. Small exposure to chemicals in childhood can result in lifelong disease, disability, premature death, and reduced learning potential. The right to clean air is an intrinsic human right, and justice for victims of air pollution must be met.

We must focus on developing countries and find relevant solutions that will not hinder upon their economic growth. Poor air quality is the largest global health risk, and 92% of pollution-related deaths occur in low- and middle-income countries. We encourage the continuation of investigating the link between air quality and climate change, and to create a mandate on human rights and climate change.

Mr. Special Rapporteur,

You mention how poverty forces people to use polluting fuels. However, may you also provide adequate

and concrete recommendations specifically for governments in low-income countries to encourage the use of cleaner methods?

Thank you.



[Link to video statement](#)

### **Item 3: General Debate**

**11 March 2019**

Delivered by: Aida Sahraoui Soler

Mr. President,

International-Lawyers and Geneva International Centre for Justice regret that States have still failed to take adequate action on climate change in this Council and in the international forums.

The report of the Special Rapporteur on Environment that focuses on air pollution recognizes that climate change and air pollution are linked. We welcome that recognition but regret the failure to go further and call on the Council as well as UN member states to take action to ensure that the adverse effects of climate change are addressed.

Climate change has an impact on basic human rights such as the right to food, water and shelter, the right to life, and even the vital right to self-determination. Moreover, the consequences of climate change have affected communities within the developing world, including Indigenous populations.

It is already too late to prevent much damage to life and property according to climate change experts, and that is why, we need action to ensure compensation to injured people. We need an International Court of Climate Justice, to hold the states, that have failed to take action, responsible for all their internationally wrongful acts.

This situation needs urgent address. All stakeholders must be included in the solution to tackle the challenges of climate change.

We renew our call, for this Council to create a mandate of a Special Rapporteur on climate change.

Je vous remercie Monsieur le President.



[Link to video statement](#)

## **PEACE AND SECURITY**

*GICJ strongly condemns the use of force of any kind including as a means to end conflict and achieve peace. This stance was expressed jointly with International-Lawyers.org during the General Debate under Agenda Item 2.*

### **Item 2: HC/SG Country Reports & General Debate**

**20 March 2019**

Delivered by: Claudia Bennett

Mr. President,

International Lawyers and the Geneva International Centre for Justice would like to thank the High Commissioner for her annual report. We particularly note her comments on the importance of establishing lasting peace and security in nations that are today experiencing conflict.

It is imperative that the United Nations address humanitarian crises through peaceful means and without military intervention. The use of force is not a way to resolve international disputes. The UN will not survive if it cannot contribute to resolving conflicts peacefully and without the use of force. Moreover, the use of force inevitably leads to the violations of human rights.

The tragedy in Iraq is a prime example. Iraq was among the most developed States in the region until it was destroyed by the illegal use of force, allegedly under UN cover, by States seeking to impose their will. Yemen as seen the same fate, and now some Member States are contemplating the use of force against Venezuela. The UN can contribute to humanitarian assistance and peaceful means of resolution, but never the use of force.

Our former Advisory Board Member and President of the 63<sup>rd</sup> UN GA Miguel D'Escoto Brockman noted

“that violence just begets violence and suffering. If the UN is to survive, and especially, if it is to strive as a world institution fostering peace among people it must be based on the rule of reason, the rule of international law.”

Thank you.



[Link to video statement](#)

## **RACISM, RACIAL DISCRIMINATION, XENOPHOBIA, AND RELATED FORMS OF INTOLERANCE**

*Hate speech can and has led to some of the worst atrocities and crimes in human history. Regrettably, there has been a rise in hate speech in several forms. GICJ jointly addressed this worrying trend under Agenda Item 9 and also condemned the cowardly terrorist attacks that took place only days before the discussion.*

### **Item 9: General Debate**

**19 March 2019**

Delivered by: Ariana Smith

Mr. President,

We thank the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action for its recent report. We particularly note their call to States to implement legislation criminalizing racist and xenophobic hate speech, which incites violence, endangering all of society.

We also highlight the report’s recommendation that States focus on education and awareness of prejudices that may develop into racism, breed hateful speech, and provoke extreme violence. We emphasize that these prejudices may be conscious or unconscious, and recognition of both prerequisites of intolerant behavior is essential.

Hate speech legitimizes and fuels extreme violence, as seen all-too-recently in the mass murder of Muslim worshippers in New Zealand. We cannot accept these acts without affirmative action of our own

in support of the victims and survivors. Political leaders must fight the structural foundations of racism and xenophobia. Just as leaders can fan the flames of racism, they can likewise effectively guide our discourse and behavior toward that of tolerance and inclusion through considered, moral leadership.

Mr. President,

International-Lawyers.org and the Geneva International Centre for Justice strongly believe racism, xenophobia, and the hate speech that drives this phenomenon, are systemic problems that need systemic solutions. We urge the Council to redouble all necessary efforts to eliminate racism and quash violence-inciting hate speech on every level as well as to promote justice for all survivors of hate-based violence.



[Link to video statement](#)

#### **ITEM 9: General Debate**

**19 March 2019**

Delivered by: Giorgia Airoidi

Mr. President,

EAFORD and Geneva International Centre for Justice wish to reiterate recommendations already taken to initiate discussions and actions in preparation of the 20<sup>th</sup> anniversary of the Durban Declaration and Programme of Action.

The lack of commitment of the international community is evident in the increase of hate speech and hate-related crimes.

Hate speech by political representatives have an important impact on society, since they give legitimacy to discriminatory behaviours. It also contributes to widespread xenophobia and forms of intolerance that play a crucial role in the increasing commission of hate crimes around the world. The recent terrorist attack in the Mosques in New Zealand, which we strongly condemn, is just one example of this trend. The hate speech pronounced by a political representative clearly attempted to provide an excuse to violent acts, blaming the victims and the immigration system instead of rejecting the conduct itself and framing such incidents as harmful to society.

Mr. President,

EAFORD and Geneva International Centre for Justice believe that it is important that States engage themselves in the enactment of domestic legislation aimed at defining and criminalizing racist and xenophobic hate speech in accordance with international standards.



[Link to video statement](#)

### **Item 9: General Debate**

**19 March 2019**

Delivered by: Giulia Marini

Thank you, Mr. President.

We would like to draw the attention of the Council on the growing wave of hate speech all around the globe. We strongly condemn all forms of hate speech, especially from politicians. Fears about the others, and about those who are different, are recurring themes in human history. However, we cannot allow fear to turn into hate.

For instance, xenophobia and other forms of intolerance can lead not only to the denial of the most basic rights but also to hate crimes been committed. The unacceptable violent actions occurred last Friday in New Zealand are a clear example of this, as they were fueled by hate speech, fear-mongering and xenophobia.

Hate speech as an indirect form of racial discrimination has to be condemned in all circumstances. Therefore, our organization and Geneva International Centre for Justice appeal to all nations and individuals to combat the rising tide of anti-Islam, anti-migrant, anti-other sentiment.

Back in 2013, the Office of the High Commissioner for Human Rights launched the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. We call for States who have not done so to follow the guidelines set out in the Rabat Plan of Action and to enact law punishing hate speech. In addition, we also call on States to implement the DDPA and its program of activities. Thank you.





[Link to video statement](#)

## Country-Specific Issues

### CENTRAL AFRICAN REPUBLIC

*While commending the Central African Republic (CAR) for its developments amidst an armed crisis; GICJ and EAFORD jointly raised concerns about accountability and justice for victims of serious human rights abuses in CAR. This issue concern was raised during CAR's Outcome Review of the UPR.*

#### **Item 6: Consideration of the UPR on Central African Republic**

**14 March 2019**

Delivered by: Mr. Mutua K. Kobia

Thank you, Mr. President,

We welcome the Report of the Working Group on the Universal Periodic Review of Central African Republic. We note a number of significant advances and especially the establishment of the Special Criminal Court to investigate war crimes and crimes against humanity committed in the country since 2003. Furthermore, we acknowledge the criminal sessions held by the Bangui Court of Appeal.

However, EAFORD and Geneva International Centre for Justice remain concerned about perpetrators who continue to enjoy impunity for crimes of sexual and gender-based violence as well as justice for the victims of such crimes. If progress on accountability is not immediately made, the rights of civilians and the lives of the innocent, including women and children will continue to be threatened. We strongly urge the government of CAR to strengthen its justice system and to speed progress in opening further investigations of such crimes with the cooperation of the commission of inquiry and the International Criminal Court. Peace, stability, and security can only be achieved by realising the full rights and fundamental freedoms of women and girls.

In addressing justice for victims, we note CAR's acceptance and implementation of the UPR recommendations and in particular the establishment of Truth, Justice, Reparation and National

Reconciliation Commission. While this is significant, we note concerns not only in its operations but also in guaranteeing and protecting the fundamental right to access to justice and right to a fair trial. Financial and technical assistance is therefore essential, and we strongly encourage CAR to enhance cooperation with its neighbours, the Eastern African Community, and UN Special Procedures in addressing this issue.

In conclusion Mr. President,

We commend CAR for its developments and cooperation especially amidst difficult situations and wish every success in fully implementing the accepted recommendations; and in achieving and realising the rights for all women and girls especially considering the challenges and obstacles they face.

Thank you.



[Link to video statement](#)

## **CHINA AND MYANMAR**

*GICJ and EAFORD jointly addressed the various barriers in China and Myanmar that prevent victims of human rights abuses from achieving justice and enjoying fundamental freedoms.*

### **Item 4: General Debate**

**13 March 2019**

Delivered by: Mr. Christopher Gawronski

Mr. President,

EAFORD and Geneva International Centre for Justice would like to echo calls for urgent action to be taken to address serious human rights situations in China and Myanmar.

As has been noted by the High Commissioner for Human Rights, several Special Rapporteurs and numerous NGOs, ethnic and religious minorities in China face ongoing threats from summary executions, discrimination, arbitrary detention and torture. The Uighur people of Xinjiang province are a case in point with millions of Muslims subjected to intense monitoring of personal activities, intimidation, and involuntary detention and torture in so-called “vocational education centres.” The Chinese government has gone to great lengths to convince the world that human rights are protected in Xinjiang. However, we

wonder why China refuses to allow visits to the region by UN special procedures or other independent monitors.

Myanmar has also refused to allow visits by special procedures. Instead, the government persists with using a narrative of defending the state against terrorist elements to excuse the mass destruction of entire villages and the dislocation and ill treatment of millions of ethnic minorities in Rakhine State and other areas. Unfortunately, since the constitutional structure of the country gives the military a dominant role in politics and government, domestic human rights mechanisms will hardly be allowed to criticize the military and, therefore, will not result in full accountability for human rights violations.

Mr. President,

We call on the Council to continue to investigate and address these situations. We also urge China and Myanmar to allow UN special procedures to visit their countries. If, in fact, there are no human rights abuses occurring, then the visits should be welcome opportunities to demonstrate that fact to the world.

Thank you.



[Link to video statement](#)

## JORDAN

*GICJ jointly addressed a number of pertinent issues that need immediate progress in order to improve the human rights situation in Jordan. Namely, these were basic fundamental freedoms, the rights of women, and the right to participate in public and political life.*

### Item 6: UPR

14 March 2019

Delivered by: Benedetta Viti

Thank you, Mr. President,

We welcome the Report of the Working Group on the Universal Periodic Review on Jordan and appreciate the progress made by the Jordanian Government in laws, practice and policy relating to human rights which reflects a positive will; we hope it will continue to safeguard human dignity and fundamental

freedoms.

Despite the official efforts made to advance the human rights situation, there are still a number of challenges that hinder progress in this area, in particular:

- The Rights of women: every year about 15 to 20 women still face a crime by a male family member in the name of contravening social norms of “honour” and the Penal Code still allows reduced sentences for those who murder their spouses when discovered committing adultery.
- Right to the fundamental freedoms and the right to participate in public and political life: the government’s restriction on connectivity and the passage of law that chills freedom of expression rights online. From June 2016 to May 2017, the telecom operators in Jordan continued to block VoIP calling features on various communication applications, including Viber, WhatsApp, and Skype.

For the above reasons, EAFORD and Geneva International Centre for Justice encourage the Jordanian Government to:

- Continue working on the effective implementation of the Comprehensive National Human Rights Plan until 2025, with the broad participation of civil society
- Strengthen programmes aimed at building capacity for judges, prosecutors, lawyers and officials responsible for compliance with the law, in application of the standards of international organizations relating to women’s rights
- Provide shelter services and protection to vulnerable women threatened with honor crimes instead of protective imprisonment

Thank you, Mr. President.



[Link to video statement](#)

## IRAN

*Execution of minors and restrictions of freedom of association and peaceful assembly in Iran are serious human rights violations that GICJ jointly raised during the General Debate under Item 2.*

### Item 2: General Debate

20 March 2019

Delivered by: Mr. Christopher Gawronski

Mr. President,

We appreciate the report of the High Commissioner and wish to express concerns about the many human rights issues in Iran, especially regarding the ongoing execution of minors, campaigns against people who demonstrate for their basic human rights, and support for armed militias across the region.

The execution of minors is widely condemned, even by many countries that still use the death penalty. It is simply unconscionable that minors, who are still developing and do not fully understand the consequences of their actions, can be executed in the same fashion as adults.

In addition, people are protesting across Iran demanding their basic human rights such as an adequate standard of living, access to water, and decent wages. We are particularly concerned about the situation in Al Ahwaz, a region that contains great natural wealth, but with a predominantly Arab population that is desperately poor and subjected to systemic discrimination.

We are also concerned about the destabilizing actions taken by Iran throughout the region. In Iraq, Iran supports armed militias that foment violence and human rights violations across the country. In Yemen, Iran's support of the Houthi militia is in direct violation of Security Council resolutions and only serves to prolong the conflict and tragic humanitarian crisis in the country.

Mr. President,

EAFORD and Geneva International Centre for Justice call on Iran to end the practice of executing minors and to address the legitimate needs of its people, including the Arab population of Al Ahwaz. Also, we appeal to Iran to work toward peace in the region by ending its support of militias in Iraq and Yemen.

Thank you.



[Link to video statement](#)

## IRAQ

*GICJ and Union of Arab Jurists jointly called attention to the disregard of the basic human rights of thousands of Iraqis. Additionally, GICJ addressed the root causes to the illegal 2003 Invasion of Iraq that has yet to be accounted for.*

### Item 4: General Debate

13 March 2019

Delivered by: Mr. Najji Haraj

Thank you, Mr. President,

Does anyone in this room know the reality of the situation in Iraq? Unfortunately, there has been constant misinformation since the illegal 2003 US invasion. Today, Iraqis live without basic human rights, thousands have been forcibly disappeared or arbitrarily detained, unfair trials and extrajudicial executions are rampant.

Iraq is at the forefront of countries using the death penalty, but it is at the bottom of the list in development indicators, especially education and health. It is back to the top again in the level of corruption, which allows abuse of Iraqis basic human rights. And elections are neither fair nor independent.

Despite the presence of hundreds of UN employees in Iraq, including for the OHCHR, we are not seeing reports on Iraq in this room.

Therefore, we urge the Council to encourage all special mandate holders to urgently visit Iraq, and we urge this Council to create the mandate for a special rapporteur on the human rights situation in Iraq, who will monitor and report on the situation to this Council.

We urge the Council to listen to the Iraqi people, who demand an end to the human rights tragedy that has lasted for 16 years.



[Link to video statement](#)



## Item 4: General Debate

13 March 2019

Delivered by: Giulia Marini

Thank you, Mr. Vice-President.

Our organization and Geneva International Centre for Justice would like to draw the Council's attention on the human rights situation in Iraq where massive, grave and systematic violations keep occurring daily since the US invasion of 2003. Such violations include – among others - torture, enforced disappearances, arbitrary detention, media intimidation, suppression of peaceful demonstrations, and extrajudicial killings.

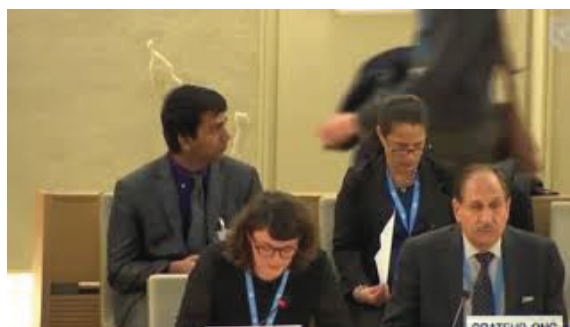
The treatment of human rights defenders is reaching a critical point. They face many restrictions and human rights violations, including the possibility of torture or death. Many of the people who have led and participated in demonstrations across the country have been kidnapped, detained and tortured in order to stop their activities.

Furthermore, prisons are severely overcrowded, as thousands of detainees and prisoners are held by governmental forces, and militias across the country. Overcrowding results in a lack of basic services - including properly functioning toilets, and the denial of food and proper medication.

Not to mention, the grave violations committed by ISIS are only added to the severity of the current situation. The control of ISIS in several areas in Iraq and Syria allow for the commission of atrocities such as crimes against humanity and the neglecting of human rights.

Finally, we encourage the idea of creating a mandate of Special Rapporteur for Iraq.

Thank you.



[Link to video statement](#)

## **MALI**

*GICJ jointly expressed concern over on-going impunity in Mali with regards to various human rights issues and recommended the creation of an independent and effective criminal justice system.*

### **Item 10: Dialogue with the Independent Expert on the situation of human rights in Mali (A/HRC/40/77)**

**19 March 2019**

Delivered by: Pia Marie Siebert

Mr. President,

EAFORD and Geneva International Centre for Justice would like to thank the Independent Expert on the situation of human rights in Mali for his report. We are deeply concerned about the lack of implementation of the Agreement of Peace and Reconciliation in Mali.

The fight against impunity is central to achieve reconciliation and an indispensable prerequisite for increasing trust in state action.

The precondition for effectively holding perpetrators accountable is legislation prohibiting all serious human rights violations. Therefore, we support the Independent Expert in urging Mali to enact a law which incriminates all gender-based violence including: Female Genital Mutilation. Where there is no national legislation incriminating the harmful practice, all efforts towards banning FGM will remain rather futile.

Further, we appreciate the ongoing and past proceedings before the International Criminal Court. However, cooperation with the national judiciary is crucial to achieve a gapless fight against impunity. To that end, we perceive that the creation of an independent and effective national criminal justice system together with an effective anticorruption institution is a precondition for ending impunity.

Otherwise, the victims' trust in the justice system, and the state as a whole, will continue to shrink while peace and reconciliation will recede even further into distance. The creation of an independent and effective justice system must be a priority, both in government policy and financially.

EAFORD and GICJ call upon all states to

- Firstly, support Mali in the protection of the civilian population;
- And secondly, contribute to the fight against impunity by not only providing financial resources but also helping to build capacity for the creation of an independent and effective criminal justice system.

Merci M. le Président.



[Link to video statement](#)

## **OCCUPIED PALESTINIAN TERRITORIES**

*On the human rights situation in occupied Palestine, GICJ jointly raised the issue of Palestinians being denied enjoyment of their own natural resources as well as the issue of environmental pollution. Another statement brought to attention the violation of the right of freedom of movement and the creation of the “Apartheid Road”. GICJ also jointly raised concern about the targeting of protected groups, particularly during the “Great March” protests.*

### **Item 7: Interactive Dialogue with Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967**

**18 March 2019**

Delivered by: Mr. Christopher Gawronski

Mr. President,

We thank the Special Rapporteur for his report and echo his calls to address the problem of Palestinians being denied the benefit of their own natural resources.

The law of belligerent occupation, like much of international humanitarian law, is meant to protect civilians from the ravages of armed conflict. As a result, the law is very clear that the daily administration of an occupied territory must be done for the benefit of the local population. The occupying power is responsible for preserving local civic life and respecting the legal rights of all civilians in the territory. This responsibility has been clearly violated in the occupied Palestinian territories with regard to natural resources.

But not only have natural resources been expropriated from private individuals without proper compensation and degraded by deliberate environmental pollution, Palestinians are denied access to justice for these wrongs. The occupation arrangement put in place by Israel effectively prevents Palestinians from obtaining legal redress for these wrongful acts against them and their resources or for the resulting health and financial harm they cause.

The occupation administration results in under-resourcing local Palestinian judicial institutions, near-total

denial of jurisdiction for Palestinian tribunals over Israeli parties, and, as a result, forcing Palestinians to resort to Israeli courts, which are widely viewed to have a systemic bias against Palestinian parties. We would like to know the Special Rapporteur's views as to what measures can be taken to provide Palestinians access to justice either within or outside the Israeli court system.

Mr. President,

Natural resources are literally the life support system of any country, including the occupied Palestinian territories.

EAFORD and Geneva International Centre for Justice call on Israel and the international community to enforce international humanitarian law by ensuring Palestinian civilians have effective access to justice to protect their lives, their communities, and their country.

Thank you.



[\*Link to video statement\*](#)

## **Item 7: General Debate**

**18 March 2019**

Delivered by: Georgia Eraldi

Mr. President,

We would like to draw the attention of the Council to the discriminatory and inhumane segregation system the Palestinian people are facing. We maintain that it constitutes the crime of Apartheid according to the Rome Statute.

The situation violates the right of movement of Palestinians due to a system of walls and checkpoints that prevent them from accessing essential services. Most recently, Israel created what has become known as the "Apartheid Road" where Palestinian and Israeli traffic are separated by a wall, which is an emblematic symbol of the Apartheid regime.

We argue that Israel's decision not to renew the mandate of TIPH aims at conferring a powerful discretion

both on settlers and the IDF to act against Palestinians' human rights. It therefore aims at increasing the limitations imposed on the daily life of Palestinians, pushing them to abandon the city of Hebron, thereby helping Israel's annexation goals.

Mr. President,

EAFORD and Geneva International Centre for Justice strongly believe that the impunity of Israel for the crime of Apartheid should come to an end and accountability should prevail. We therefore call on this Council to take all the necessary actions to end the discrimination and segregation of Palestinians, and to support the right of self-determination of the Palestinian people.



[Link to video statement](#)

#### **Item 7: General Debate**

**18 March 2019**

Delivered by: Aida Riera

Mr. President,

International-Lawyers.org and Geneva International Centre for Justice calls upon the council to put an end to the human rights abuses occurring against Palestinians in the Occupied Palestinian Territories.

Specifically, in Gaza, unarmed civilians and protected groups including children, medical personnel, journalists, and persons with disabilities, are being victim of live ammunition by Israeli soldiers, particularly during the "great march" protests. Protected groups must not be targeted during conflict, and we need to seek justice for innocent victims in such situations.

Palestinians living in Gaza face systematic violations of their political, civil, economic, social and cultural rights, largely due to longstanding restrictions of movement of people and goods. The Gaza blockade has not only undermined the living conditions of the 1.9 million Palestinians in Gaza but has also worked to restrict full access to the rights of health, work, and adequate living standards.

Mr President,

As all actions taken point towards the intention to destroy the Palestinian people, at least in part. We urge the Council to investigate whether Israel is committing genocide against the people of Palestine.

Thank you.



[Link to video statement](#)

## **SOUTH SUDAN**

*In addressing the most marginalised and affected persons in South Sudan, GICJ jointly recommended technical and financial assistance, enhanced security, and positive engagement with relevant parties.*

### **Item 4: Interactive Dialogue with the Commission on Human Rights in South Sudan (A/HRC/40/69)**

**12 March 2019**

Delivered by: Mutua K. Kobia

Thank you, Mr. President,

We thank the Commission on Human Rights in South Sudan for their latest report; and while we acknowledge the recent developments there is great concern about the overall human rights situation that deeply affects the marginalised and impoverished people in the country. Grave human rights violations and abuses that amount to war crimes and crimes against humanity continue to ravage the country, tear apart communities, and worse still perpetrators at all levels continue to enjoy impunity.

EAFORD and Geneva International Centre for Justice remain deeply concerned about atrocities of targeted sexual and gender-based violence and justice for the victims. As in the Commission's Report, we welcome the creation of a specialised sexual and gender-based violence court, notwithstanding its functionality and effectiveness that remains of deep concern.

While reconciliation and healing, both physical and psychological, is a monumental challenge it is urgent and necessary for the victims of horrible crimes and serious human rights violations including their families who are seriously affected. Humanitarian and aid workers and many who attend to those who are suffering are in dire need, not only of technical and financial assistance but security as well.



Mr. President,

We strongly urge the government of South Sudan to advance, enhanced and steadfast communication with UN Special Procedures and the international community toward reparations and justice for victims. Additionally, we strongly recommend all parties involved in advancing peace efforts to take all necessary measures to include close cooperation and positive engagement with civil society organisations, and the full and effective participation of women and victims of human rights abuses.

In light of this we ask the Commission on Human Rights in South Sudan, “what immediate challenges and obstacles exist that restrict access to and inclusion of the most marginalised and affected victims of the conflict in South Sudan?”

Thank you.



[Link to video statement](#)

## **SYRIAN ARAB REPUBLIC**

*In addressing peaceful solutions and paths toward peace in Syria, GICJ and EAFORD strongly recommend combating impunity and making good use of universal jurisdiction in collaboration with other states and NGOs.*

### **Item 3: General Debate**

**11 March 2019**

Delivered by: Pia Marie Siebert

Mr. President,

Since March 2011, civilians in the Syrian Arab Republic have had to face the most atrocious crimes: they have been killed, injured, displaced and their property destroyed. Whole families have disappeared. Numerous civilians have been arbitrarily detained and systematically tortured.

The responsibility to hold the perpetrators of these borderless crimes accountable is on each and every state. These crimes go to the core of our human dignity.

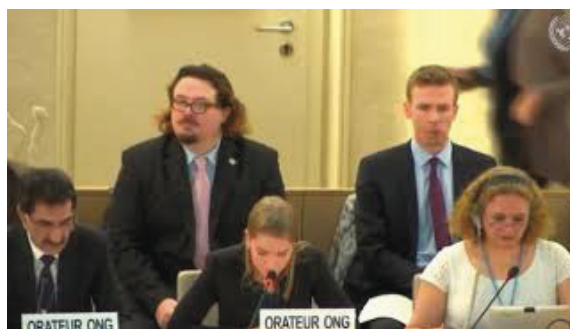
Apart from the creation of a special tribunal or referring to the International Criminal Court, universal jurisdiction is a powerful tool that allows each and every state to prosecute war criminals in its national courts and therefore, to tackle impunity and to ensure justice for victims.

EAFORD and Geneva International Centre for Justice would like to underline that accountability is a precondition for sustainable peace in Syria and other ongoing conflicts in the Middle East and it has to be the foundation of any peaceful solution.

We urge each and every state to assume its responsibility to combat impunity by:

- Referring cases to the ICC
- Creating ad hoc special tribunals
- And making effective use of the available powerful tool of universal jurisdiction in collaboration with other states and NGOs.

Je vous remercie M. le Président.



[Link to video statement](#)

## **VENEZUELA**

*GICJ jointly addressed the grave humanitarian situation millions of Venezuelans face in their country and cautioned against military intervention or sanctions, which will only worsen the situation for civilians in the country.*

### **Item 2: General Debate on HC/SG Country Reports**

**20 March 2019**

Delivered by: Giulia Marini

Thank you, Mr. President.

We welcome the annual report and the oral updates of the UN High Commissioner for Human Rights. We would like to address to this Council our concerns on the situation occurring in Venezuela.

As reported by the UN High Commissioner for Refugee, in the last few years over 3 million Venezuelans fled the country. This exodus, the largest in the recent history of Latin America, is due to the ongoing humanitarian crisis affecting Venezuela. People continue to leave the country due to the lack of food, medicine, and essential services. In this regard, we hope that there would be no further actions worsening the humanitarian situation.

Our organization and Geneva International Centre for Justice are deeply concerned by the growing calls for military intervention in Venezuela. Today marks the 16<sup>th</sup> anniversary of the invasion of Iraq. Until this day, the Iraqi people are suffering from the devastating aftermath of the invasion, occupation, and military campaigns. The international community cannot let the same thing happen in Venezuela.

Mr. President, we would like to remind the Council and its members that any military intervention can only worsen the current situation. Likewise, sanctions will lead to the starvation of the population and to collapse of the health system. We agree with the Special Rapporteur on the negative impact of the unilateral coercive measures that dialogue should be the foundation of peaceful settlement of disputes. Therefore, the international community should engage in constructive dialogue with the Government of Venezuela to find solutions to the very real challenges being faced.

Thank you.



[Link to video statement](#)

## GICJ's Co-Sponsored Side Event

### Environmental Justice: Exploitation of Palestinian Natural Resources

THE 40<sup>th</sup> SESSION UNHRC  
Human Rights in the Occupied Palestinian Territory

**Environmental Injustice:**  
Exploitation of Palestinian Natural Resources

Tuesday, 19 March • 12:00 - 13:00 • Palais de Nations, Room XXVII

**Speakers**

- Mr. Michael Lynk**  
Special Representative and  
Chairman of Human Rights in  
the Occupied Territories  
February 2017
- Mr. Alfred de Zayas**  
President of the International  
League of Human Rights  
International leader

**Moderator**

- Ms. Daniela Dagnan**  
Former Senior  
Human Rights  
Officer at Amnesty  
International  
Chair of the Author

Logos of participating organizations: UNHRC, UN Human Rights Council, Amnesty International, Human Rights Watch, International League of Human Rights, and others.

On 19 March 2019, Geneva International Centre for Justice (GICJ) and partner organizations hosted an event on the exploitation of Palestinian natural resources by Israel.

Over the decades of occupation, the Palestinian people have been systematically deprived of their land, including the attendant natural resources and environmental quality. Land confiscations, barrier walls and maritime security zones have all limited the ability of Palestinians to enjoy the full measure of the natural resources that are a part of the occupied territories. In the case of the West Bank specifically, the UN Special Rapporteur on the Occupied Palestinian Territories put it plainly when he said that the natural resources “are largely controlled by Israel and primarily exploited for its benefit.”



In addition, Israeli businesses, citizens, and government actors are responsible for significant environmental pollution that has caused severe health impacts and loss of livelihood for thousands of Palestinians.

Local data show elevated incidents of serious health problems, such as cancer, in areas subjected to serious air pollution, toxic waste, and the like. The continued presence of these pollutants causes cumulative effects leading to long-lasting environmental damage and long-term health problems for current and future generations of Palestinians.



This event featured two prominent experts on the nature of the issue and the prospects of addressing the problem at the international level: Mr. Michael Lynk, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and Mr. Alfred de Zayas, Former United Nations Independent Expert on the promotion of a democratic and equitable international order.

[Click here](#) for the full summary.

## Written Statements

Geneva International Centre for Justice (GICJ) submitted 12 joint written statements with other NGOs prior to the 40th Regular Session of the United Nations Human Rights Council (HRC). Eleven of the statements were published on the HRC website. The statements covered several specific country situations and included recommendations to the Council, member states, and other relevant bodies and stakeholders.

### CENTRAL AFRICAN REPUBLIC

#### **Attacks on Aid Workers and Situation of Children in Central African Republic**

Central African Republic (CAR) is a resource-rich country but poor in economic and development standards. Since December 2013, armed groups in CAR have been fighting over the resource-rich lands; however, they mostly target innocent civilians and basic facilities including sites where displaced people take shelter. For the year 2018, 396 incidents involving humanitarian workers were recorded, which was a 17.5% increase from the previous year. In early January 2019, violence broke out in Bambari, and violence and insecurity in Bakouma (Mboumou prefecture) caused 6,183 displacements. The security situation has also worsened in Alindao and other parts of the country.

The situation of children in CAR is extremely alarming and needs to be seriously addressed. One in four children are either displaced or a refugee. Worse still, the armed conflict has deteriorated the health and nutrition situation for children. The attacks on humanitarian and aid workers adversely impacts their efforts toward attending to the needs of children. If progress on accountability is not immediately made, the threat to rights of civilians and the lives of the innocent people, including women and children, will drastically increase.

Geneva International Centre for Justice (GICJ) recommended the Human Rights Council:

- Create a fund to support technical assistance and capacity building for the judiciary system and schools.
- Provide human rights training and education to government authorities and security forces.

### IRAQ

#### **Discrimination in Iraq**

It is well-established that discrimination of any kind is prohibited under international human rights law. However, Iraq's government creates discriminatory policies and engages in acts of discrimination. A key law used to engage in discriminatory behaviour is Iraq's Anti-Terrorism Law (Law No. 13 of 2005), which is used to justify wide-spread and ethnically- and religiously-motivated occurrences of arbitrary arrests, executions, enforced disappearances and torture.



Iraq's government also supports the discriminatory behaviour of the militias operating in Iraq, despite numerous and repeated examples of human rights abuses by these militias. Shockingly, laws and government policy officially protect the militias from accountability. Thus, the militias engage in discrimination and countless other human rights violations with impunity.

After years of discriminatory policies, including a system of sectarian representation in the government, the anti-government demonstrations occurring around the country since 2011 have made it clear that most Iraqis are fed up. Therefore, Geneva International Centre for Justice (GICJ) recommended that the government of Iraq:

- Create a law against hate speech by public officials.
- Ban militias.
- Seek justice and remedies for victims of discrimination.



**Mosul: No Plan for Reconstruction or Reparations**

It has been a year and a half since ISIS was driven from Mosul, yet much of Mosul's infrastructure and buildings remain in shambles and civilians are still in desperate need of humanitarian assistance. Everyone who fled during the occupation of ISIS are now facing harassment and humiliation from the Iraqi Security Forces and its affiliated militias when trying to return to their homes in the city. Tens of thousands of displaced people are residing in camps just outside the city while others are struggling to rebuild their homes and businesses despite ongoing security concerns.





Shockingly, citizens are left to rebuild the city or work out their own relocation largely on their own. A national strategy and funding are needed to assist with relocation and rebuilding. The Iraqi government must recognize that the citizens of Mosul have a right to reparations aimed at restoring their dignity and all that was damaged or destroyed during the ISIS occupation and government military campaign. Justice for Mosul should be encouraged and supported by the international community in a way that incorporates all relevant actors. Reconstruction and reparations cannot be completed overnight, but a start must be made soon.

Geneva International Centre for Justice (GICJ) recommendations included:

- UN should establish an independent international commission of inquiry.
- Iraq should join the International Criminal Court to assist with prosecution of human rights violations.
- Iraqi government should ensure protection and support to victims of human rights violations in Mosul and should dedicate resources to begin rebuilding the city.

### **Threats to Human Rights Defenders in Iraq**

Thanks to the efforts of human rights defenders, governments are held to account and victims of human rights violations can receive justice. However, in Iraq these defenders put themselves in harm's way every day through the simple act of advocating for human rights. Protest leaders, such as Mehdi Salah and Ghassan Abdul Hussein were detained, interrogated and beaten for their role in organizing and participating in demonstrations against the deplorable conditions now existing across Iraq. Human rights organizer Souad Al-Ali and lawyer Jabbar Abdul Kareem, both active in defending the rights of protesters, were killed in broad daylight.



Since 2003, Iraq has been the most dangerous country for journalists. Media workers covering demonstrations are accused of inciting unrest, and journalists are beaten, humiliated and threatened with arrest when reporting on protests. Media offices have been raided and lawsuits filed against broadcasters for reporting on corruption and other critical issues that reflect poorly on those in power. Some areas in the country have been entirely closed to the media and require a special permit for journalists to do their work.

Geneva International Centre for Justice (GICJ) recommended the government of Iraq:

- Cease punitive actions against human rights defenders.
- Hold perpetrators accountable for violating the rights of human rights defenders.
- Disband all militias.

## MYANMAR

### **Myanmar: Continuing Violence, Impunity and Discrimination of Minorities**

One year and a half since that gloomy August 2017 in Rakhine, the dramatic nightmare lived by Rohingyas and other persecuted ethnic minorities in Myanmar seems very far from a happy end. Not a single effort seems to have been deployed by the government of Myanmar to grant citizenship and fundamental rights and liberties to the Rohingya minority, which has been living in its territory for centuries. And so, the decade-long discrimination continues unabated.

Concerning the desperate exodus of Rohingya fleeing from appalling acts of violence, we highlight the high risk of impunity for those who committed despicable crimes under international criminal law including genocide. Further concerns must be raised about the escalation of violence and the deteriorating security situation in certain areas of the country. We stress the imperative of delivering justice to victims and the urgent need to build democratic institutions for peaceful coexistence among various ethnic and religious groups living in Myanmar.



*Recently arrived Rohingya refugees play at the UNHCR Transit Centre in Kutupalong, Bangladesh.  
© UNHCR/Adam Dean*

Given the political instability in Myanmar and the risks of impunity for persisting discrimination and atrocities perpetrated against its minorities, Geneva International Centre for Justice (GICJ), among its recommendations, urged the government of Myanmar to:

- Allow immediate and unimpeded humanitarian access, fully cooperate with international community.
- Create adequate conditions for the safe return of Rohingyas, grant them full citizenship, full enjoyment of fundamental rights and liberties.
- Investigate and punish the perpetrators of sexual violence committed against Muslim women and girls living in Rakhine, Kachin and Shan States, and put psychological and medical support at the disposal of women and girls who have suffered sexual violence.

Furthermore, GICJ called upon the members of the Security Council to immediately refer the case to the International Criminal Court.

## PALESTINE

### Human Rights Situation in Palestine and Other Occupied Arab Territories

The Question of Palestine is inextricably linked with the history of the United Nations and is one of the longest unresolved issues on the UN agenda. Countless human rights violations have occurred since the onset of the Palestinian-Israeli conflict. As Israel marks 70 years of independence, there are some 5.4 million Palestinians living as refugees, the vast majority of whom are descendants of the people who fled or were expelled from their homes during the 1948 war that accompanied Israel's creation.



Health and well-being are rights for every person and family, including food, medical care, housing and education. Targeting these rights by attacking the workers or restricting the supplies that support these rights is a serious violation of international law. Unfortunately, Palestinians experience these violations on a regular basis. Many health workers have been killed or injured in recent years. Palestinian-owned structures have been seized or demolished by the Israeli authorities in East Jerusalem and Area C. People who are homeless or living in inadequate housing describe their experience as a struggle for dignity and life. Demolitions also include schools, which violates the right of all children to a primary education regardless of their location, ethnicity or status as a refugee.

Geneva International Centre for Justice (GICJ) recommendations included:

- The UN High Commissioner for Human Rights ensure protection and support for health workers in war zones and to improve access to health services.
- All governments ensure the effective integration of housing policy and social protection with core human rights obligations.

### **The Deteriorating Situation in Gaza**

The current situation in the Gaza Strip requires an immediate response from the international community to put an end to the escalation of violence perpetrated by Israeli soldiers against Palestinian demonstrators. During the ongoing demonstrations by Palestinians in Gaza, which are part of the Great March of Return, the Israel Defence Force employed unjustified violence and excessive force against unarmed demonstrators near the border. The protests are legitimately calling for the implementation of Palestinians' right of return and for the end of the siege of Gaza, which began in 2007.

In spite of the establishment of a Commission of Inquiry in 2018 to investigate the alleged human rights violations against demonstrators, the wilful killing of Palestinians in Gaza has not stopped. We argue that this constitutes a war crime for which the Israel Defence Force must be held accountable. In addition, the Gaza blockade is causing devastating effects upon Gaza's health system and a catastrophe for the economic system. The situation is the result of a planned policy carried out and intended by Israel.

In some of its recommendations Geneva International Centre for Justice (GICJ), called on:

- The international community to strongly condemn the indiscriminate use of lethal force on unarmed demonstrators by Israeli forces.
- UN bodies to promote the respect of the fundamental rights to freedom of assembly and freedom of expression of Palestinian people.
- The international community to take appropriate measures against the impunity of Israeli soldiers regarding actions that clearly violate international law.
- All the UN bodies, especially those competent on health issues, to make an unequivocal commitment for the protection of medical infrastructure in Gaza in order to ensure the fulfilment of the Palestinians' right to health and medical care.



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## Israel's Segregation System Against Palestinians

The policies and practices of racial oppression and segregation faced by the Palestinian people are due to a complex Israeli occupation system that includes separation walls, checkpoints, separate roads and settlements. The current situation in the Occupied Palestinian Territories perpetrated by Israel constitutes the crime of Apartheid as defined in the Rome Statute.

The separation wall, along with the associated regime of legal and administrative obstacles, was indeed the first “warning” of the Israel’s intention to impose a system of segregation, precluding Palestinians’ right of freedom of movement and access to essential services. The recent opening of what has become known as the “Apartheid Road”, a road with a wall separating Palestinian and Israeli traffic, is an emblematic example of the restriction of movement and the segregation faced by Palestinians.

The decision of Israel announced in January not to renew the mandate of the international civil observer mission in Hebron (TIPH) poses a serious threat to the security of Palestinians civilians and will increase the limitations imposed on their daily life and strengthen the segregation they face.

In this context Geneva International Centre for Justice (GICJ) recommended, among others, that:

- The international community endeavour to end the Palestinian people’s segregation carried out through different measures by Israel’s regime.
- The international community take a clear position against the decision of Israel to end the Temporary International Presence in Hebron (TIPH) and to endorse the introduction of a permanent international presence in order to ensure the protection of Palestinian civilians in the West Bank against the abuses of Israelis.
- All the Member States to satisfy their legal duty under international law to take proper action in order to prevent segregation policies which might constitute the crime of apartheid.



© Olivier Fitouss in <https://www.haaretz.com>

## East Jerusalem: The Eviction of Palestinians from Their Land

In East Jerusalem, Israel's attempts to completely evict Palestinians from the Holy City have worsened, especially since the decision by US President Trump to relocate his country's embassy to Jerusalem in December 2017. Last December witnessed several cases of arbitrary arrests, house demolitions and attacks on civilians, especially in the Al-Aqsa Mosque area.

Campaigns of arrests are carried out against Palestinians under the justification of vague charges, in violation of international standards, such as the right to be informed of the reasons of the detention, and the right to a legal defence, and of the Fourth Geneva Convention. Investigations, prosecutions and court procedures are informed by an obvious racial discrimination against the Arab minority. Israel's house demolition policy is an attempt to expel Palestinians from the city by denying them building permits. Israel also criminalizes any Palestinian identity expression or popular celebrations in the city of Jerusalem and tries to prevent such nationalist manifestations by re-arresting former detainees.

In this context, Geneva International Centre for Justice (GICJ) recommended, among others:

- All concerned UN bodies to implement UN General Assembly Resolution 181 concerning the status of Jerusalem and pressure the government of Israel to take responsibility for the protection of Jerusalem and its Palestinian population as residents of an occupied territory.
- The international community to put pressure on Israeli occupation forces to stop the media campaign against Palestinian activists and young men, to stop the policy of house raids and searches, including the intimidation of women and children.
- The Human Rights Council to put pressure on Israel to stop the policy of racial discrimination against Palestinians in interrogation, prosecution and trial procedures.
- The international community to press for the abolition of the policy of administrative detention.
- The international community to dissuade the American administration from its arbitrary decision to relocate its embassy to Jerusalem.



© AP Photo/Dan Balilty in <https://www.aljazeera.com>

## SUDAN

### **Attacks against Freedom of Association and Assembly in the Republic of Sudan**

On 19 December 2018, the Sudanese population began protesting actions taken by the government of Sudan concerning the country's economic crisis. Government policies had led to a significant increase in prices and a shortage of basic services. After several days of protests, the demands of the protestors escalated beyond the economic issues to seeking a change in government by demanding that President Omar Al-Bashir, who has been the president of the Republic of Sudan for 29 years, step down. As soon as the protests escalated to demonstrations across the country, police and security used rubber bullets, tear gas, and live ammunition to disperse the crowds.

On the ground sources have revealed that from the start of the protests 54 people had been killed and 656 people had been arrested as of 3 February 2019. Regrettably, the numbers have increased since. Furthermore, as of 10 February 2019 the number of women arrested stood at 134. Unfortunately, the repression of the human rights to freedom of association and assembly is a long-standing issue in Sudan predating the protests that began on 19 December 2018.

Among its recommendations, Geneva International Centre for Justice (GICJ) urged the government of the Republic of Sudan to:

- Remove all national laws that restrict the freedom to associate and peacefully assemble.
- Put in place measures, policies, and laws that promote and protect Sudanese citizen's right to freedom of association and assembly.

## TUNISIA

### **Democratic Transition in Tunisia: Progress and Challenges**

In recent years, the government of Tunisia has been pushing for progress toward democratic transition in the country. However, some obstacles continue to stand in the way of democracy and the full human rights enjoyment. Commendable actions include the creation of the Truth and Dignity Commission, the adoption of the anti-racism law, the abolition of certain discriminatory provisions against women, the creation of the national commission for the prevention of torture and the establishment of a national program against human trafficking. Nevertheless, concerns remain about the prolonged state of emergency, restrictions on peaceful demonstrations, the deradicalization of foreign fighters, the population's frustration over unemployment and economic stagnation, and a sense of abandonment especially among young people and in disadvantaged areas.





*Tunisian President Beji Caid Essebsi, in a speech during the 40th regular session of the UN Human Rights Council*  
© ANSA

Geneva International Centre for Justice (GICJ) encouraged Tunisia to pursue the implementation of institutional reforms and new legislation in full compliance with international human rights standards and, among others, recommended that Tunisia:

- Extend the mandate of the Truth and Dignity Commission and provide it with enough resources to thoroughly investigate all the complaints received.
- Elaborate a strategic plan to deal with the deradicalization of foreign fighters and take measure to fight against radicalization in overcrowded prisons.
- Initiate and maintain a social dialogue with civil society on social grievances and economic concerns, and develop social and economic policies in favour of the most disadvantaged areas of the country.

## **YEMEN**

### **Situation in Yemen**

Yemen is a country in crisis. Most Yemenis – tens of millions of people – face destitution, famine, and cholera because of a civil war that has been precipitated and prolonged by the political ambitions of the Houthi militia. The best way to bring an end to the violence and instability in Yemen and give Yemenis a chance to create a long-term political resolution is to work within the legal framework established by the Security Council.

This Security Council framework includes three clear positions regarding important elements of the conflict. First, any solution for Yemen must be decided by Yemenis. The Security Council has provided explicit support to the National Dialogue Conference as well as regional efforts to aid the Yemeni government in developing a lasting political solution to the crisis. Second, there is only one legitimate government of

Yemen. The Security Council has been unwavering in its attitude that the legitimate government of Yemen can only be one selected through a political process and not one imposed by force of arms. Finally, the Houthi militia must be prevented from threatening international peace and security. Since Houthis took control of the Yemeni capital in 2014, the Security Council and its Sanctions Committee have clearly identified the Houthi militia as the primary actor perpetuating war and instability in Yemen.

The international community has a responsibility to do more in Yemen than just document human rights violations and send humanitarian aid. We need to end the war. The key to ending the war is to understand and address its primary causes using the framework of the Security Council outlined above. Therefore, Geneva International Centre for Justice (GICJ) recommended the following:

- All states comply with the Security Council’s travel, finance and military supply embargo against the Houthi militia and its allies.
- All states support the legitimate government of Yemen in working toward a peaceful political solution to the crisis.
- All states and UN entities avoid actions that may prolong the conflict.



Source: UNICEF

# APPENDIX - COUNCIL RESOLUTIONS & DECISIONS

## Iran

### HRC Resolution 40/18: Situation of human rights in the Islamic Republic of Iran

- Adopted as submitted: 22 yes, 7 no (18 abstentions) on 22 March 2019
- Draft resolution submitted by North Macedonia, Republic of Moldova, Sweden, United Kingdom
- Vote requested by Pakistan

### Summary of the resolution

- Extends the mandate of the Special Rapporteur on the situation of Human Rights in the Islamic Republic of Iran for 1 additional year.
- Special Rapporteur to submit a report on the implementation of the mandate to the Human Rights Council at its forty-second session.
- Calls on the government of Iran to cooperate fully with the Special Rapporteur.

### Introduction of the Resolution

Sweden introduced the resolution on behalf of Moldova, North Macedonia, and the United Kingdom, and explained that the resolution is the same as last year's resolution and only aims to extend the mandate of the Special Rapporteur for 1 year to improve the HR situation. The sponsors called on the government of Iran to facilitate the Special Rapporteur's work and allow him to enter the country.

### Comments of Concerned Country

Iran, speaking as the concerned country, called the appointment of the Special Rapporteur an unjust scheme established by certain States to pursue their political agenda towards Iran. The States that are promoting the resolution sell weapons in the Middle East and are allies to States that extensively violate human rights on a daily basis.

### Support of the Resolution

Bulgaria (on behalf of the European Union) called for Iran to cooperate with the United Nations and to facilitate the entry of the Special Rapporteur to Iranian territory. Hoped that the text would be adopted by consensus.

### Opposition to the Resolution

Pakistan spoke against the resolution saying that it does not promote engagement with the subject state or enhance its capabilities to achieve human rights. Further, it does not have the support of the concerned country. Cuba said the resolution was politicized and, like other resolutions, discriminated against countries of the global South.

## Other Comments on the Resolution

Uruguay, Brazil, and Iraq announced their decisions to abstain from voting. Uruguay did not originally support the creation of the mandate but was concerned about human rights violations in Iran especially the execution of minors. Brazil was also concerned about the reported human rights abuses. Iraq stressed the need to promote negotiation and cooperation with Iran.



*Source: Iran News Update*

## Libya

### HRC Resolution 40/27: Technical assistance and capacity-building to improve human rights in Libya

- Adopted as submitted without a vote on 22 March 2019
- Draft resolution submitted by Angola (on behalf of the Group of African States)

#### Summary of the Resolution

- Expresses full support for the UNSMIL and for the action plan presented on 20 September 2017, as well as deep concern at the human rights violations and abuses committed in Libya against migrants and the horrific accounts of human trafficking.
- Supports efforts of the Government of National Accord to improve human rights and the meeting between the Chair of the Presidency Council, Fayeza Serraj, and the Commander of the Libyan National Army, Khalifa Haftar.
- Calls upon the government of National Accord to continue to implement the recommendation made by the Special Rapporteur and to carry out its decisions to cooperate with the Working Group on Arbitrary Detention and the International Organization for Migration.

#### Introduction of the Resolution

Angola (on behalf of the Group of African States) introduced the resolution and explained that it was simply an update of last year's resolution and took into account the numerous challenges facing Libya. The

resolution was the result of intense bilateral and multilateral discussions with all stakeholders interested in the development of human rights in Libya.

### **Comments of Concerned Country**

Libya, speaking as the concerned country, thanked the sponsors and the cosponsors of the resolution. Libya is moving towards stability and security and hopes that all parties, such as the army, will endorse the constitution at the conference organized by the UNSMIL. Libya requested countries to adopt the resolution by consensus.

### **Support of the Resolution**

The United Kingdom noted the national conference scheduled for April this year is key to achieve peace and national accord in Libya. The regional initiatives outlined in the resolution will contribute to achieving peace.

## **Mali**

### **HRC Resolution 40/26: Technical assistance and capacity-building for Mali in the field of human rights**

- Adopted as submitted without a vote on 22 March 2019
- Draft resolution submitted by Angola (on behalf of the Group of African States)

### **Summary of the Resolution**

- Expresses deep concern about the security deteriorations in Mali and continued human rights violations and breaches, especially the escalation of intercommunal violence in the past year.
- Welcomes a variety of measures taken by the Mali government, including the signing on 15 October 2018 between the government of Mali and the United Nations of the Pact for Peace in Mali, the launch of an accelerated process of disarmament, demobilization, reintegration and integration for 1,600 combatants, and the cooperation of the Malian authorities with international human rights mechanisms.
- Extends the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year.

### **Introduction of the Resolution**

Angola (on behalf of the Group of African States) introduced the resolution and expressed concern about the situation in Mali. Increased fighting between extremist groups has led to deterioration of the human rights situation. This resolution supports the disarmament campaign and reintegration of combatants.

### **Comments of Concerned Country**

Mali, speaking as the concerned country, thanked the Council for its support and expressed the govern-

ment's desire to implement the provisions of the resolution despite the difficult context.

## Support of the Resolution

Bulgaria (on behalf of the European Union) expressed belief that the text reflects well the situation in the field and welcomed the progress and commitment by the authorities in Mali. The EU remained concerned about the new violence taking place affecting human rights in Mali.



*Source: Amnesty International*

## Myanmar

### HRC Resolution 40/29: Situation of human rights in Myanmar

- Adopted as submitted: 37 yes, 3 no (7 abstentions) on 22 March 2019
- Draft resolution submitted by Romania (on behalf of European Union)
- Vote requested by China

### Summary of the resolution

- Reiterates the urgent need to ensure that all those responsible for crimes under international law in Myanmar are held to account through credible and independent national or international criminal justice mechanisms.
- Expresses concern about reports of new internal and cross-border displacements of civilians due to the ongoing conflict in Rakhine State, and similar displacements in the Chin State due to a spillover of the conflict.
- Calls upon the Government of Myanmar to fulfil its commitment to release unconditionally all remaining political prisoners and reiterates its call for the immediate and unconditional release of media workers, human rights defenders and activists detained, charged and arrested under restrictive laws.



- Urges the Government of Myanmar to expedite efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, in particular against the Rohingya.
- Calls upon the Government of Myanmar, including its military and security forces, to take further steps to reform the Constitution and other legislation, and to strengthen democratic institutions, good governance and the rule of law.
- Extends the mandate of the Special Rapporteur on the situation of human rights in Myanmar for a further period of one year.

## **Introduction of the Resolution**

Romania (on behalf of the European Union) first thanked Myanmar for being in contact during the drafting process. The report of the fact-finding mission on Myanmar contains findings of grave human rights violations committed by the Myanmar military. The EU regretted the decision of Myanmar's government interrupting its cooperation with the mandate holder and called on the government of Myanmar to permit free access to UN bodies. They welcomed some of the steps taken by the government of Myanmar, including the establishment of a joint committee to amend the constitution of Myanmar. The EU believed the resolution would send a strong signal in support of transition processes in Myanmar and the victims of human rights violations.

## **Comments by Concerned State**

Myanmar, speaking as the concerned country, strongly rejected the draft resolution. The government believed the resolution was based on a one-sided narrative of events and was a politicized effort that abused UN mechanisms. Myanmar believed the resolution demonstrated a selective application of human rights norms on a country that is in a democratic transition and deliberately ignored the treat of terrorism that is the real cause of the humanitarian situation. The resolution would also exacerbate problems within communities in Myanmar and between Myanmar and the international community.

## **Support of the Resolution**

Bangladesh, a cosponsor, believed the resolution took account of the unaddressed human rights concerns in the country. Despite claims of progress by the Myanmar Government, the country had not created conditions for the safe, dignified, voluntary and sustainable return and reintegration of the Rohingya community. As a consequence, bilateral agreements between Bangladesh and Myanmar could not be realized. Therefore, Bangladesh will keep supporting all decisions that address the human rights situation in Myanmar.

Egypt expressed support of the resolution, especially due to the situation of the Rohingya refugees, in spite of some reservations on particular provisions. Iraq also expressed deep concern on the humanitarian crisis on Myanmar. Iraq, however, noted its opposition to references to the ICC in the text of the resolution.

## **Opposition to the Resolution**

China recognized the progress made by the government of Myanmar. While they condemned acts of violence in Rakhine State, they supported Myanmar's efforts to maintain stability in the country. China was opposed to international community pressure and lack of respect for Myanmar's sovereignty. References



to the Security Council and the ICC are very controversial and just create a worse situation on the ground.

### **Other Comments on the Resolution**

Japan thanked Bangladesh for all its cooperation and shared the concern of other countries on the situation of Myanmar. However, Japan would abstain because it felt the international community should be patient with Myanmar and allow the independent commission to conduct an independent investigation.



*Source: UNHCR/Roger Arnold*

## **Occupied Palestinian Territories**

### **HRC Resolution 40/13: Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem**

- Adopted as submitted: 23 yes, 8 no (15 abstentions) on 22 March 2019
- Draft resolution submitted by Pakistan (on behalf of Organization of Islamic Cooperation)
- Vote requested by Australia

#### **Summary of the resolution**

- Recalls all the relevant rules of International law and International humanitarian law, including the 2004 Advisory Opinion by the International Court of Justice on the separation wall.
- Recognizes the report of the Independent Commission of Inquiry on the protests in the Occupied Palestinian Territory and the work of other UN bodies as well as Palestinian and Israeli actors.
- Requests implementation of recommendations contained in the reports of fact-finding missions and commissions related to the Occupied Palestinian Territory and notes Israel's violation of legal obligations and serious non-cooperation with human rights bodies and recommendations.
- Requests a strengthened presence in the Occupied Palestinian Territory of the Office of the High Commissioner for Human Rights to follow up the implementation of recommendations and to provide the Human Rights Council with an update at its 42nd and 43rd sessions.

## **Introduction of the resolution**

Pakistan (on behalf of Organization of Islamic Cooperation) explained the objective of the resolution as ending impunity. The resolution was moved from agenda item 7 to agenda item 2 in order to avoid politicization. The OIC called for compliance with all international obligations and asked for more United Nations presence on the ground, especially in the Gaza Strip, to ensure accountability.

## **Comments of Concerned Country**

Israel criticized the commission's work as biased saying that its report fails to comprehend Israel's legal position. According to Israel, many legal experts have shown that there are defects in the commission's work. Hamas is daily threatening Israeli civilians living in proximity of the border and the commission ignores these facts on the ground.

Palestine noted that the commission was not allowed to move freely in order to investigate. Last March there were no Israeli casualties, but 186 Palestinian civilians died. The commission said it is very urgent to talk about responsibility for crimes in the area, however Israel dominates all the mechanisms, which paralyses the international community's ability to act.

## **Support of the Resolution**

The Tunisian delegation affirmed that any kind of violation remains a violation, whoever is behind it, because no State is above International Law. Many reports showed and still show huge violations by Israel. Philippines expressed support for the two-State solution, which will help achieve the peace process in the Middle-East. Spain believed the commission of inquiry was needed to ensure accountability. Violent acts against Israel from the population in Gaza are not acceptable; however, Israel should use proportionate means to defend itself.

## **Opposition to the Resolution**

Australia pointed to many problems with this resolution, especially its failure to mention Hamas. Australia urged both Israel and Palestine to respect international law and called for an independent investigation. Czech Republic considered the resolution to be profoundly unbalanced because the protests in Gaza have not been only civilian in nature and the resolution fails to call for responsibility by Hamas. Brazil noted its support for the establishment of the commission of inquiry and its solidarity with the families of the victims. However, Brazil could not support the resolution. Austria believed the commission did not consider the wider context in Gaza.

## **Other Comments on the Resolution**

United Kingdom could not support the commission because it was biased by non-state actors like Hamas. However, it appreciated the fact that the resolution was brought under agenda item 2 rather than item 7. Although Iceland felt Israel should refrain from using lethal force against civilians, the resolution should have addressed accountability more broadly. Uruguay believed Israel has a right to self-defence but that the use of force in Gaza was excessive. Peace requires stopping violence and respecting international law.

## **HRC Resolution 40/22: Right of the Palestinian people to self-determination**

- Adopted as submitted: 41 yes, 3 no (2 abstentions) on 22 March 2019
- Introduced by Pakistan (on behalf of the Organization of Islamic Cooperation)
- Vote requested by Australia

### **Summary of the Resolution**

- Calls upon Israel to immediately end its occupation of the Occupied Palestinian Territory, including East Jerusalem.
- Expresses grave concern at the fragmentation and the changes in the demographic composition of the Occupied Palestinian Territory.
- Calls upon all States to ensure their obligations of non-recognition, non-aid or assistance regarding the serious breaches of peremptory norms of international law by Israel.
- Urges all States to adopt measures as required to promote the realization of the right to self-determination of the Palestinian people.

### **Introduction of the Resolution**

Pakistan (on behalf of the Organization of Islamic Cooperation) advocated that the realization of the right to self-determination is an essential condition for the promotion and protection of human rights and fundamental freedoms. Therefore, the draft focusses on the inalienable rights to self-determination of Palestinian people and recognizes the Palestinian right to live in freedom, justice and dignity in an independent State of Palestine. It also supports the two State solution and urges the international community to assist the Palestinians people in the early realization of the right to self-determination.

### **Comments of Concerned Country**

Palestine (speaking about all the resolutions under agenda item 7) invited the States to consider and reflect on the event held by Israel's Delegation in front of the UN (with the participation of the US) attacking agenda item 7 and accusing the HRC of being anti-Semitic. Item 7 should remain on the Council's agenda as long as Israel continues its violations. On the issue of the right to self-determination, Palestine recalled the recent statement by Israeli Prime Minister Netanyahu that Israel is a country for its Jewish residents only. This statement made Israel's claim to be the only democratic State in the Region shameful. Palestine noted the recent Israeli law that claimed that self-determination is limited to the Jewish people and declared that settlements serve ideological values.

### **Support of the Resolution**

South Africa spoke in favour of the resolution and noted it is impossible to enjoy any rights without the right to self-determination. This is a matter of national importance for South Africa, which believes that an Apartheid State is being created. Mexico welcomed the resolutions related to the human rights situations on OPT and pointed at the vulnerable conditions of Palestinian people, especially of those living in Gaza. Brazil welcomed the initiative to consider a draft resolution on Palestine under agenda item 2, considering it a very important development. In spite of a significant number of resolutions adopted on the human rights situation in the OPT under agenda item 7, there has not been a real impact on the ground and the situation in Palestine remains a source of concerns. Brazil believed the Council should think about a way

to overcome the divisions on this issue to strengthen the dialogue and reduce polarizations. Argentina had recognized the State of Palestine in 2017 and strongly supported the right of Palestinian people to self-determination. It also reiterated its support of Israel's right to be recognized and to live in peace and security.



*Source: MPN News*

### **HRC Resolution 40/23: Human rights situation in the Occupied Palestinian Territory, including East Jerusalem**

- Adopted as submitted: 39 yes, 3 no (5 abstentions) on 22 March 2019
- Introduced by Pakistan (on behalf of the Organization of Islamic Cooperation)
- Vote requested by Australia

#### **Summary of the Resolution**

- Calls upon Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or eviction of Palestinians.
- Urges Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and emphasizes the need to preserve and develop Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population.
- Demands that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip.
- Calls upon Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment, and to fully respect and abide by its international law obligations towards all Palestinian prisoners.



- Calls upon Israel to end all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory

### **Introduction of the Resolution**

Pakistan (on behalf of the Organization of Islamic Cooperation) introduced the draft resolution stating that it aims to address human rights violations in the OPT, including the use of lethal force against Palestinian civilians and violations of their right to life, liberty, security of persons, freedom of movement, livelihood, education, and property, among others. It maintained the full applicability of international human rights instruments and the Fourth Geneva Convention to the OPT and demanded that Israel comply fully with those obligations.

### **Comments on the Resolution**

No comments were made.



*Source: Middle East Eye*

### **HRC Resolution 40/24: Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan**

- Adopted as submitted: 32 yes, 5 no (10 abstentions) on 22 March 2019
- Introduced by Pakistan (on behalf of the Organization of Islamic Cooperation)
- Vote requested by United Kingdom

## Summary of the Resolution

- Demands that Israel immediately cease all settlement activities in all the Occupied Palestinian Territory and calls for the full implementation of all relevant Security Council resolutions.
- Condemns the continuing settlement and related activities by Israel, including the construction and expansion of settlements, the confiscation and destruction of property, and the forcible transfer of Palestinians.
- Calls upon Israel to take and implement serious measures, including the confiscation of arms and enforcement of criminal sanctions, to prevent all acts of violence by Israeli settlers.
- Urges all States and international organizations to ensure that they are not taking actions that either recognize, aid or assist the expansion of settlements or the construction of the wall;
- Calls upon business enterprises to take all measures necessary to comply with their responsibilities under the Guiding Principles on Business and Human Rights and relevant international laws and standards with respect to their activities in or in relation to the Israeli settlements and the wall.

## Comments of Concerned Country

Palestine (speaking about all the resolutions under agenda item 7) invited the States to consider and reflect on the event held by Israel's Delegation in front of the UN (with the participation of the US) attacking agenda item 7 and accusing the HRC of being anti-Semitic. Item 7 should remain on the Council's agenda as long as Israel continues its violations. Regarding the issue of settlements, Palestine maintained that voting against this resolution would be contrary to article 49 of the Geneva Convention and article 87 of the Rome Statute. While some States still argue about the issue, the Israeli Government grabs more land daily to build settlements.

## Comments on the Resolution

Brazil, while maintaining the Illegality of the Israeli settlements, did not support this resolution and chose to abstain. Brazil favours streamlining agenda item 7 by reducing the number of resolutions. Iceland expressed support of the Palestinian right to self-determination and opposition to Israel's illegal settlements activities, however it opposed a separate agenda item to deal with human rights issues in Palestine and believed the resolutions under agenda item 7 often overlap with each other.

## South Sudan

### HRC Resolution 40/19: The situation of human rights in South Sudan

- Adopted as submitted without a vote on 22 March 2019
- Introduced by Albania, Norway, and United Kingdom

## Summary of the Resolution

- Urges all parties to the conflict to fully respect the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access of 21 December 2017, and expresses concern about ongoing violations of the permanent ceasefire.

- Condemns, and calls on all parties to halt, ongoing violations and abuses of human rights and violations of international humanitarian law, including the targeted killing of civilians and widespread sexual and gender-based violence, the recurring unlawful recruitment and use of children by armed groups, arbitrary arrests and detention, torture, and the arbitrary denial of humanitarian access among other abuses.
- Expresses grave concern that up to 6.2 million South Sudanese people are classified as food insecure and that 4.2 million people are displaced.
- Extends the mandate of the Commission on Human Rights in South Sudan for a period of one year.

## **Introduction of the Resolution**

The United Kingdom introduced the draft resolution saying it was crucial to support accountability for human rights violations and to provide support to the mechanisms of the peace agreement signed in September 2018. The UK thanked the delegation of South Sudan for constructive discussions, which would hopefully allow for adoption of the resolution by consensus.

## **Comments of the Country Concerned**

South Sudan, speaking as the concerned country, expressed its disagreement with the allegations of rape and gang rape contained in the report of the Commission. They said that these allegations were found false after investigation from a domestic fact-finding committee. The Government has signed peace agreements with all groups to stabilize the security situation. South Sudan believed it should be removed from the HRC agenda because of the progress made in the improvement of the human rights situation. Nevertheless, the Government welcomed the adoption of the Resolution by consensus.

## **Support of the Resolution**

Bulgaria (on behalf of the European Union) expressed deep concern about the human rights abuses in South Sudan and called on all parties, especially the Government, to hold perpetrators and bring them to justice. The EU called on the parties to the peace agreement to ensure transitional justice and accountability mechanisms. Egypt reiterated its desire for peace and stability in South Sudan and welcomed the signature of the peace agreement and the Government's efforts toward its implementation. Egypt supported the resolution, although it felt the judicial component of the Commission's mandate in the resolution was outside the competence of the HRC.

## **Syria**

### **HRC Resolution 40/17: The human rights situation in the Syrian Arab Republic**

- Adopted as submitted: 28 yes, 5 no (14 abstentions) on 22 March 2019
- Introduced by United Kingdom (on behalf of France, Germany, Italy, Jordan, Kuwait, Morocco, the Netherlands, Qatar and Turkey)
- Vote requested by Cuba



## Summary of the Resolution

- Condemns violations and abuses of international human rights and humanitarian law committed by all parties to the Syrian conflict, the use by the Syrian authorities of banned munitions, especially chemical weapons, and all attacks on civilian objects and medical and health personnel.
- Expresses concern at the suffering of children, about the human rights situation and humanitarian access throughout Syria, and at the findings that sexual and gender-based violence against women, girls, men and boys has been a persistent issue in the Syria since the uprising in 2011.
- Expresses concern about the number of deaths among individuals detained by the Syrian authorities, at the situation of the 6.2 million internally displaced persons across Syria, and at reports that the Syrian authorities are arbitrarily preventing internally displaced persons from accessing and returning to their homes, among other issues.

## Introduction of the Resolution

United Kingdom introduced the resolution, describing it as giving an overview of what is happening on the ground in Syria, providing the key findings of the Commission of Inquiry, and reflecting the findings on the use of chemical weapons. The UK asserted that extending the Commission's mandate is important to continue the investigation and to listen to the voice of the victims. Qatar added that the resolution reflects the concerns of the international community towards the grave violations of human rights in Syria committed by the Syrian regime and its allies. It also stresses the obligation to ensure accountability.

## Comments of Concerned Country

Syria rejected the draft resolution as unbalanced and going beyond the scope of the Council's technical expertise. The mandate of the Commission should be renewed. Syria decried that the resolution puts the government and terrorist groups on the same level and said the cosponsors were accomplices in an international plot against Syria.

## Support of the Resolution

Bulgaria (on behalf of the European Union) explained that this resolution includes new positive elements that are very important. The EU and the UN co-chaired the Brussels conference that succeeded to mobilizing aid to Syrians inside and outside Syria. The Bulgaria reiterated the EU's support of the Commission of Inquiry and its one-year renewal. Australia believed the Council must continue to shed light on atrocities in Syria, including the use of chemical weapons, and hold those responsible to account. Peru (on behalf of Brazil, Mexico and Panama) called on all States to stop weapon sales to all parties in the conflict. Uruguay felt the resolution lacked an explicit reference regarding the responsibility of all parties to the conflict, not just the Syrian authorities, but would vote in favour, because the resolution contributes to finding a peaceful solution.

## Opposition to the Resolution

Cuba voiced its support for a negotiated solution to the Syrian conflict but felt the resolution would insight acts and cause the deaths of innocents. Iraq said the only solution was to bring all parties to the Syrian conflict to a single negotiations table without any foreign interference and in support of the effort

of the Special Envoy. The resolution does not treat all parties to the conflict with the same level of responsibility and ignores the effect of coercive measures on the totality of human rights in Syria. Egypt believed the resolution does not address all the issues of the Syrian crisis and contains clear political preferences. The resolution is unbalanced and will increase international polarization regarding the Syrian situation. China agreed that the resolution, as with previous resolutions on Syria, is not conducive towards a political solution.

## Countering Terrorism

### **HRC Resolution 40/16: Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

- Adopted as submitted without a vote on 22 March 2019
- Introduced by Mexico

#### **Summary of the Resolution**

- The resolution renews for other 3 years the existing Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

#### **Introduction of the Resolution**

Mexico, when introducing the resolution, highlighted that for the first time since 2005 there have been some changes to the draft resolution calling attention to victims' rights.

#### **Support of the Resolution**

Egypt (on behalf of Algeria, Jordan, Morocco and Saudi Arabia) highlighted the resolution's importance because it allows the Human Rights Council to speak with one voice against terrorism. Egypt, however, expressed its disappointment for failing to incorporate the effects of terrorism to the mandate of the Special Rapporteur. Bulgaria (on behalf of the European Union) agreed that the Council should stand united against terrorism, but said the Mandate needs to keep its current focus since the effects of terrorism are broadly covered by other entities inside the UN system. Widening this mandate would ultimately bring a shift away from the human rights responsibility of states onto the actions of non-state actors. Australia supported the extension of the Special Rapporteur's mandate as laid down in this resolution. The United Kingdom commended the efforts of Mexico to accommodate different perspectives. Any further expansion of this mandate will require deep analysis.

## Freedom of Religion or Belief

### **HRC Resolution 40/9: Freedom of Religion or Belief**

- Adopted as submitted without a vote on 21 March 2019

- Introduced by Romania (on behalf of European Union)

### Summary of the resolution

- Condemns all forms of violence, intolerance and discrimination based on or in the name of religion or belief and expresses concern at instances of religious intolerance, discrimination and violence.
- Empathizes that no religion should be equated with terrorism and condemns the increasing acts of terrorism.
- Calls upon the States to step up their efforts to promote and protect freedom of thought, conscience and religion or belief and underlines the importance of education in promoting tolerance and respect for diversity.
- Extends the mandate of the Special Rapporteur and urges all Governments to cooperate fully with the Special Rapporteur.

### Introduction of the resolution

Romania (on behalf of European Union) introduced the resolution by emphasizing the importance of the freedom of religion and belief as a fundamental priority for the EU Human Rights Agenda. The EU stands-up for the promotion of freedom of thought and conscience everywhere in the world. Moreover, the EU called on all States to cooperate with the Special Rapporteur and thanked the permanent missions and members of civil society who support this issue.

### Comments on the Resolution

No comments were made.



*Family members of worshippers killed in mosque shooting in Christchurch, New Zealand.  
Source: Washington Post*

## **HRC Resolution 40/25: Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion**

- Adopted as submitted without a vote on 22 March 2019
- Introduced by Pakistan (on behalf of Organization of Islamic Cooperation)

### **Summary of the resolution**

- Expresses deep concern at the continued serious instances of derogatory stereotyping, negative profiling, stigmatization of persons on the basis of their religion or belief, and advocacy of religious hatred.
- Calls on States to take actions to foster a domestic environment of religious tolerance, peace and respect, and to ensure that public functionaries in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief.
- Requests the High Commissioner for Human Rights to prepare and submit to the HRC at its forty-third session a comprehensive follow-up report on the efforts and measures taken for the implementation of the action plan of this resolution.

### **Introduction of the Resolution**

Pakistan (on behalf of Organization of Islamic Cooperation) underlined the importance of this initiative in the current times of raising of xenophobia, Islamophobia and populism. This resolution provides a necessary framework to combat intolerance and violence based on religion or belief at the international level. At the heart of this resolution there are practical steps and an action plan, which needs to be effectively implemented by the States in non-selective manner to combat intolerance. Pakistan said that it should be the shared objective of all UN member States to push back racism, xenophobia, hate crimes and intolerance around the world.

### **Support of the Resolution**

Bulgaria (on behalf of the European Union) said that the recent events in New Zealand have shown the importance of this resolution. There is no space for violence toward women, men and children in their place of worship or for the ideologies behind such violence. Tunisia called the resolution an important step to put an end to intolerance, negative stereotyping, stigmatization and violence against persons based on religion and belief. We have to accept diversity and consider it an enrichment for humanity. The United Kingdom said that no country is immune to intolerance even those where the law protects freedom of religion or belief, so countries must continue working to tackle intolerance.

# ABOUT GICJ

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**Members of the GICJ team at the 40th Session of the UN Human Rights Council:**

*Giorgia Airoldi, Elisa Cifiello, Christopher Gawronski, Mutua K. Kobia, Giulia Marini, Pia Siebert, Aida Sahraoui Soler, Ramez Sharaiha, Benedetta Viti and Executive Director Naji Haraj.*

*GICJ was joined by visitors from Just Atonement, Inc.: Claudia Bennett, Vaughn Rajah, Ariana Smith and Executive Director Inder Comar.*

GICJ is an independent, non-profit, non-governmental organization dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is headquartered in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes. Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for their victims through all legal means available.

## **Mission**

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

## **Work**

GICJ has been tackling issues of justice and accountability since it was established. GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network around the world. Through these channels, GICJ is able to receive documentation and evidences of human rights violations and abuses as they occur in several countries. GICJ continues to bring this information to the attention of relevant UN bodies in order to gain justice for all victims.

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