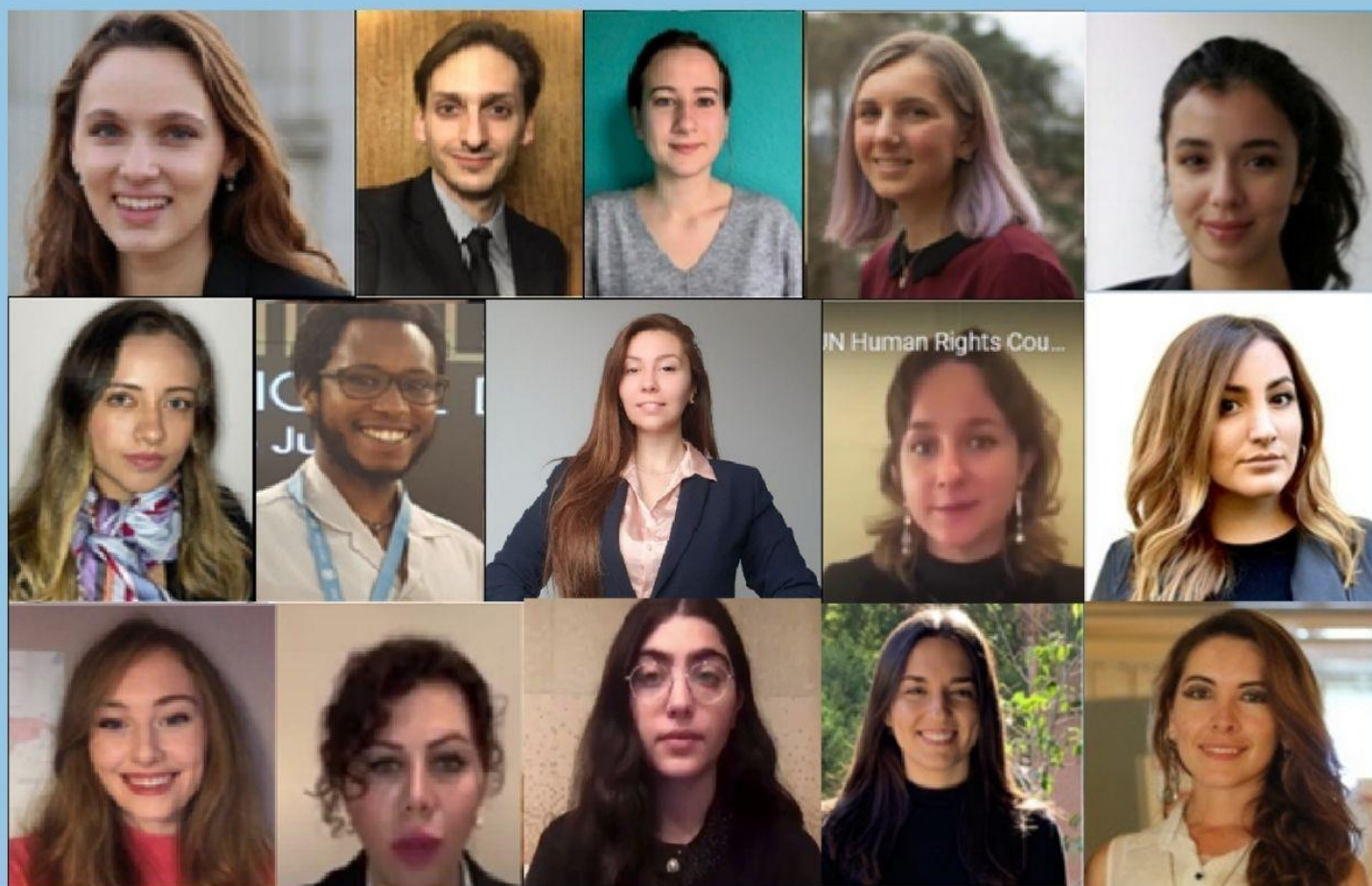




Geneva International Centre *for* Justice

## 46th SESSION OF THE HUMAN RIGHTS COUNCIL

(22 February to 24 March 2021)



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## Introduction

The Forty-Sixth Regular Session of the United Nations Human Rights Council (hereafter the Council) was held at the Palais des Nations in Geneva, Switzerland from the 22<sup>nd</sup> of February to the 24<sup>th</sup> of March 2021. Throughout the session, COVID-10 remained a focal point as the international community continued to grapple with the prolonged crisis and its deep-rooted effects. The majority of the session was conducted virtually, and health protocols for all those physically in Geneva were strictly enforced. Delegates and organizations were encouraged to send in pre-recorded video statements to participate in the Session.

Geneva International Centre for Justice (GICJ) submitted 14 oral statements and five written statements to the 46<sup>th</sup> session of the Council.

## Opening Statements

**Ms. Nazhat Shaheem Khan, President of the Human Rights Council**, opened the session. She spoke on the continued safety precautions for the 46<sup>th</sup> session, and encouraged delegations to conduct everything, including side events, virtually. Ms. Khan noted that the 46<sup>th</sup> session, as the first regular meeting of 2021, is considered the main session of the Human Rights Council, and that it is also the first session conducted almost entirely virtually.



The statements of Ms. Khan were followed by a statement by video from **Mr. Volkan Bozkir, President of the UN General Assembly**. Mr. Bozkir began with congratulating the Ms. Khan for her election as president and for her work during her tenure so far. He reiterated the purpose of the United Nations system as a place for conversation and dialogue, and stated that despite ideals on the contrary, human rights are still not universally protected and perpetrators are still not held to account for their actions. Mr. Bozkir congratulated the Council and General Assembly for stepping up to meet this crucial moment in history, and continuing to further their mandates. Continuing on, Mr. Bozkir spoke on the COVID-19 pandemic, stating that it is

essential that responses to the pandemic, especially with regards to vaccine access, are centered around human rights. Finally, he applauded the Council's use of Special Sessions to address urgent human rights concerns, and reiterated the full support of the General Assembly throughout the 46<sup>th</sup> session of the Human Rights Council.



**Mr. António Guterres, UN Secretary-General** then gave a statement via video message. Mr. Guterres began with welcoming the engagement of member states and civil society with the work of the United Nations. He continued with speaking about issues relating to the COVID-19 pandemic. Mr. Guterres presented COVID-19 as a reminder that gains in human rights can be easily undone and perils can strike at any time. The pandemic has aggravated vulnerabilities and inequalities and reopened new issues with regard to human rights and the Secretary General affirmed that vaccines must be seen as a global public good, which are accessible to all.

Next, Mr. Guterres spoke on the issue of data privacy, which he called a mounting human rights issue that must be at the center of plans for the development of any national legislation regarding data. Further, he stated two calls for action to the international community on the issues of: (1) racism, discrimination and xenophobia and (2) gender inequality. Regarding the first, Mr. Guterres stated that the rise of white supremacy and neo-Nazism are a transnational threat and that states must take concrete action on this front. Regarding the second, the Secretary General said that the pandemic has had the most significant impacts on women, who constitute the largest percentage of essential workers and also do the majority of work in the home globally. In closure, Mr. Guterres reiterated that States must act swiftly and decisively to remedy these issues.



Next, **The United Nations High Commissioner for Human Rights, Ms. Michelle Bachelet** addressed the Council. She re-stated sentiments regarding the COVID-19 pandemic that had also been expressed by both the President of the General Assembly and the Secretary General. Ms. Bachelet highlighted that the pandemic has shown the realities of discrimination, racism and xenophobia and that we have only just begun to witness its long-term impacts. She emphasized the need for all countries to rebuild better with investments in strong social support systems. Further, the high commissioner underlined the important factor that transparent and accountable government plays in ending the pandemic. Finally, Ms. Bachelet promoted the body of resources that the UN has developed to support states when creating their responses to the pandemic and help them with curbing inequalities.

Lastly, **Mr. Ignazio Cassis, Head of the Federal Department of Foreign Affairs in Switzerland** addressed the council on behalf of the host country. Mr. Cassis reiterated that the COVID-19 pandemic has simultaneously uncovered underlying inequality and discrimination and also created novel challenges that the international community must rise to meet. Mr. Cassis said that the pandemic has taught us that we need to work together to solve human rights challenges and expressed his content that UN institutions have been able to continue their important work despite the pandemic.

## List of Human Rights Council Agenda Items

1. Organizational and procedural matters.
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.
3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.
4. Human rights situations that require the Council's attention.
5. Human rights bodies and mechanisms.
6. Universal periodic review (UPR).
7. Human rights situation in Palestine and other occupied Arab territories.
8. Follow-up to and implementation of the Vienna Declaration and Programme of Action.
9. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action.
10. Technical assistance and capacity-building.

## Oral Statements

For the 46<sup>th</sup> Session of the Human Rights Council, GICJ delivered a total of 14 statements in various general debates and interactive dialogues. These statements addressed country-specific human rights situations and violations, in addition to advancing the dialogue on various thematic human rights issues.



## HIGH-LEVEL SEGMENT

### **Democracy under threat: How to build back better and achieve the 16<sup>th</sup> Sustainable Development Goals**

*Delivered by Ms. Zina Jalal on 24 February 2021*

Madam President, distinguished members of the Council,

As we know too well, many challenges currently interfere with efforts to foster democracy. These challenges show us that democracy, whilst precious, is extremely vulnerable. In fact, it is not solely new and flourishing democracies that have been compromised by these challenges, but also the Long-standing democratic systems.



The 16th Sustainable Development Goal is dedicated to peace, justice, and strong institutions. In reality, is far from reaching its targets. Widespread conflict, corruption, limited access to justice, weak institutions, among many other barriers, act as major obstacles in many countries. These weaknesses can cause far-reaching problems, from serious human rights violations to the erosion of the rule of law.

Moreover, the spread of the Covid-19 pandemic has exacerbated many crises and has served as a further threat to global peace and security. Many governments have also engaged in abuses of power, having failed to disseminate COVID-19 data to the public and have interfered with their people's right to information. Others have used these circumstances, mid pandemic, to accelerate their authoritarian agenda and restrict democratic space.

As was also evidenced recently in Myanmar there have been serious attempts to overthrow governments. In other regions of Africa and the Middle- East, where the COVID 19 pandemic has reduced the level of international scrutiny, there still exists consistent human rights abuses, and war crimes.

In my country, Iraq, the current situation is extremely concerning. Corruption, impunity, arbitrary arrests, enforced disappearances, extrajudicial killings and torture are commonplace. In particular, recent demonstrations have marked an increase in gross human rights violations. Since October 2019, hundreds of thousands of citizens, of all sects, have been spilling onto streets to call for an end to the sectarian system and government corruption. They have been met with violence, which resulted to thousands killed and injured, while over 700 disappeared. These acts go unpunished, and these instances of impunity with the militias influence are grave threats to peace and democracy.

Madam President,

There are many challenges that it is difficult to mention, but we call on the Human Right Council to accelerate progress towards peace and justice in order to strengthen democracy and sustainable development.

Thank you.

[Link to the video](#)

AGENDA 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

*Interactive Dialogue on the oral update by the Special Rapporteur on the situation of human rights in Eritrea*

**Human Rights Situation in Eritrea**

*Delivered by Ms. Clélia Jeandin of GICJ on 26 February 2021*

Thank you, Madam President,

It is regrettable that the human rights situation in Eritrea has not significantly improved and basic institutional systems are still not in place.

We are greatly concerned with arbitrary detentions, enforced disappearances, torture, sexual violence, and the restriction of freedom of expression and association among other grave human rights violations. These violations further regress any potential for peace. As in the Special Rapporteur's latest report numerous serious human rights violations are committed through and by international operations, for example, trafficking of women and girls.



In light of this situation, EAFORD and Geneva International Centre for Justice strongly urge the international community to protect human rights in Eritrea by building durable solidarity within and across states. As well, necessary measures in accordance with international law must be taken towards ending direct or indirect funding of specific groups who threaten the lives of innocent civilians.

Madam President,

We also express deep concern with the situation of explosive mines especially considering the high risk that threatens schools and children in Eritrea. Additionally, there is a great need to address humanitarian and climate disasters that exacerbates the plight of many, especially children who suffer waterborne diseases, malnutrition and other deficiencies.

Finally, we would like to ask the Special Rapporteur; going beyond legislation what steps need to be taken to involve women in the decision-making processes particularly in regards to ending gender-based violence against women and girls and especially those in detention.

Thank you

[Link to the video](#)

*General Debate*

**Palestinian Prisoners denied their Human Rights**

*Delivered by Mr. Mutua K. Kobia of GICJ on 26 February 2021*

Thank you, Madam President,

EAFORD and Geneva International Centre for Justice thanks the High Commissioner for her reports and oral update; and would like to draw attention to the High Commissioner's report on OPT and in particular on "Accountability for unlawful use of force and other violations of international human rights law". In



this regard, we emphasize Palestinian prisoners, especially those placed in solitary confinement and the many who are subjected to cruel and inhumane treatment. We also bring to attention the misuse and abuse of 'administrative detention'. This measure is considered extreme under international law but is being authorized by the Israeli Ministry of Defence and is frequently exploited to detain thousands of Palestinians for lengthy periods of time for their political opinions and engaging in non-violent political activity.

Furthermore, on top of repeated arbitrary arrests and extended detentions we have witnessed Palestinian prisoners being punished for going on "hunger strike". We recall that under international human rights norms, hunger strike is a civil and political right.

Finally, we remind the Council that: "Article 12 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms holds that states must take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights."

Thank you

[Link to the video](#)

## AGENDA ITEM 3 – PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

### *General Debate*

#### **A Call on Governments to Protect Human Rights Defenders**

*Delivered by Ms. Alexandra Grigorescu of GICJ on 5 March 2021*

Thank you, President,

International protection of human rights defenders, who are being constantly threatened and attacked, is a widely-needed step.

We are concerned about the dire reality of Latin America, which is the most affected region by threats and killings against human rights defenders. Prevalent impunity makes such pattern of violence very likely to continue. Those particularly vulnerable to attack are human rights defenders working on issues like indigenous peoples, environment or the impacts of business activities. They suffer all kinds of intimidations while governments remain indifferent.

In certain countries, human rights defenders are viewed as “enemies of progress”. Public opinion often turns against them and little to nothing is done to protect them from attacks by private actors.

In this regard, we condemn the brutal repression unleashed over protestors in Iraq by both security forces and militias. The October 2019 demonstrations, where thousands of Iraqis spoke up against corruption, sectarianism, and human rights violations, were met by a ruthless response from the government. This reaction left hundreds dead and thousands wounded, on top of arbitrary arrests and enforced disappearances.

EAFORD and Geneva International Centre for Justice urge governments to ensure that human rights defenders can continue with their activities in a safe environment by establishing administrative and judicial mechanisms which can effectively protect them from threats and attacks.

Thank you, President

[Link to the video](#)



## AGENDA ITEM 4 – HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

### *General Debate*

#### **Militia Groups Continue Attacking Demonstrators and Human Rights Defenders in Iraq**

*Delivered by Ms. Hannah Mulhern of GICJ on 12 March 2021*

Thank you, President

We take this opportunity to highlight the deplorable human rights violations still occurring in Iraq.

As this Council is aware, demonstrations have been ongoing in Iraq since the beginning of the October uprising in 2019. Whilst the intensity of these protests have varied over the past 17 months, the violations have continued nonetheless and the number of deaths and injuries are rising every day.



Despite repeated calls by Iraqi citizens, civil society organisations and UN Bodies, security forces and militia groups continue to use live ammunition against demonstrators and human rights defenders, with at least 10 people killed since the beginning of this Session. This is to be added to the figure of over 700 other protestors and human rights defenders killed since 2019.

Victims are also being kidnapped, forcibly disappeared, electrocuted, their revolutionist tattoos removed with acid, assassinated, and on some occasions, their bodies dismembered. These are stories that must be communicated in order to demonstrate the very real and tragic impact on the lives of many Iraqi's. These human rights violations also occur outside the context of protests, where human rights defenders are targeted for their online presence, journalism and advocacy.

Impunity for these acts must be tackled and accountability must follow. If we are to continue on this path of willful inaction, there will be unimaginable damage to the people of Iraq, their livelihoods, their ability to access to education and work, and their infrastructure.

Thank You.

[Link to the video](#)

## *General Debate*

### **Human Rights Situation in Iraq**

*Delivered by Mr. Naji Haraj*

Thank you,

Through this brief statement, I would like to remind the international community, through the Human Rights Council, about the widespread crimes and violations that are being committed on a daily basis against the Iraqi people. These violations have continued since the US invasion in 2003, and have intensified with the control of terrorist groups such as ISIS and militias.



The United Nations Committee on Enforced Disappearances has indicated that there are up to one million forcibly disappeared persons in Iraq, and we confirm that most of them disappeared under the authority of the militias, including more than 16,000 in 2015.

Today, Iraqi prisons are crowded with arbitrary detainees for no basis other than their sectarian affiliation or their political stance. The prisoners are being tortured and are faced with degrading treatment.

Since October 2019, millions of young Iraqis have voiced their concerns against these practices, and have sought to that the sectarian quota system to be replaced by a civil democratic system. Since then, more than 800 protesters have been killed and tens of thousands injured.

Iraq is among the worst countries in the systematic targeting of human rights defenders and journalists, and even the rights of women are being eroded.

For this reason, we reiterate our call for the establishment of an international investigation committee for Iraq, in order to investigate all these atrocities and hold those responsible accountable.

Thank you.

[Link to the video](#)

## AGENDA ITEM 6 – UNIVERSAL PERIODIC REVIEW

### *Adoption of reports by the Universal Periodic Review Working Group of - Bulgaria A/HRC/46/13, A/HRC/46/13/Add.1.*

#### **Universal Periodic Review Outcomes for Bulgaria**

*Delivered by Ms. Nora Futtner of GICJ on 17 March 2021*

Thank you, President.

We want to thank Bulgaria for its participation in the Universal Periodic Review and its commitment to addressing human rights concerns. In this regard, we would like to draw attention to the ongoing discrimination and prejudice against Roma people that exists in Bulgarian society, which was emphasized by many countries in their



recommendations. This has become especially apparent in the face of the human rights violations inflicted on the Roma population in Bulgaria during COVID-19.

In March of 2020, the government locked down seven Roma neighborhoods, physically barring residents from leaving with fences and military personnel. Roma neighborhoods in Bulgaria often do not have their own pharmacies or supermarkets, so the forced isolation meant that many were unable to access fundamental necessities.

We note that Bulgaria made a voluntary pledge to the Human Rights Council to strengthen ethnic and religious tolerance. Bulgaria should stand by this pledge by supporting Roma communities, instead of taking discriminatory actions against them.

Additionally, we are very concerned about the issue of domestic violence in Bulgaria, which was raised by dozens of states during the UPR process. We welcome Bulgaria's recent efforts on combatting this issue and adopting measures in-line with the recommendations made by the Special Rapporteur on violence against women and the Commissioner for Human Rights of the Council of Europe.

However, despite these measures, domestic violence remains a life-threatening issue for Bulgarian women. In the first three months of the pandemic, it was reported that eight women were killed by their partners. It is concerning that the true scope of the issue is unknown as Bulgaria currently has one of the lowest reporting rates of violence against women in the European Union.

EAFORD and Geneva International Centre for Justice call on the Council to urge Bulgaria to stay vigilant about this issue and ensure that all existing protection and support mechanisms for women are effectively implemented. Bulgaria should also immediately take steps to ratify the Convention on Preventing and Combatting Violence Against Women and Domestic Violence.

Thank you.

[Link to the video](#)

**Adoption of reports by the Universal Periodic Review Working Group of - Libya A/HRC/46/17,  
A/HRC/46/17/Add.1.**

**Universal Periodic Review Outcomes for Libya**

*Delivered by Ms. Claudia González of GICJ on 15 March 2021*

Thank you, President,

We welcome the report of the Working Group on the Universal Periodic Review of Libya and while looking forward to its adoption, we express our concern over the persisting human rights violations and serious breaches of international law that have caused hundreds of civilian casualties.



We believe independent judicial mechanisms need to be established to investigate, prosecute and punish perpetrators of these serious crimes committed in the country since the intervention of NATO in 2011.

Libya's justice system has thousands of detainees continuing to be held in prolonged arbitrary detention without charges. This, coupled with the lack of independent mechanisms to lodge complaints for alleged torture in detention centers, is of extreme concern. As recommended in the Outcome Report, we encourage Libyan authorities to take legislative and vigorous practical measures to eradicate torture and ill-treatment, and set in place early detection mechanisms.

Additionally, the situation of migrants, refugees and internally displaced persons is particularly worrying, as they continue to be subject to arbitrary detention, torture, abduction for ransom, extortion, forced labor and sexual violence by smugglers, traffickers, armed groups and State officials. As this was a subject of several recommendations, we urge Libyan authorities to take action to halt these violations and to immediately ratify the Convention on the Status of Refugees.

Further, it is regrettable that Libya has not taken any step towards the ratification of the Rome Statute of the International Criminal Court and we urge the new authorities in Libya to ratify this statute and other relevant human rights instruments.

International Lawyers and Geneva International Centre for Justice emphasize the important role of transitional justice and reiterate our call for the establishment of effective judicial and reparation mechanisms to deliver justice to all victims and hold perpetrators accountable. Impunity for the serious violations committed against the Libyan people since 2011 must be ended.

Thank you.

[Link to the video](#)



## AGENDA ITEM 7 – HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER OCCUPIED ARAB TERRITORIES

### *General Debate*

#### **Justice and Accountability for Palestinian People**

*Delivered by Ms. Laura Calderón Pachón of GICJ on 21 March 2021*

Thank you, President,

We welcome the High Commissioner's reports on the human rights situation in the Occupied Palestinian Territory and we share her concern with regards to the expansion of the Israeli activity's settlements and their violations of the rights of Palestinian people, as well as the absence of accountability for all the violations in the OPT.



Palestinian people are under grave human rights violations including violations to the right of life, physical integrity, discrimination, gender-based violence against women and girls, freedom of movement, arbitrary detentions, tortures and ill treatments. EAFORD and the Geneva International Centre for Justice urge the Council to do all in its mandate to stop all these violations and protect the rights of the Palestinian people.

Further, the invalid decision of Israel to impose law, jurisdiction and administration in the occupied Syrian Golan amounts to a war crime that can possibly involve individual criminal responsibility of those involved. Additionally, international bodies have confirmed the illegality of Israeli settlements in the OPT and the occupied Syrian Golan assuring it lacks international legal effect and demanded Israel to rescind forthwith its decision.

We are looking forward to the investigation by the International Criminal Court over war crimes committed. We urge all States cooperation as justice and accountability must be ensured and the Palestinian people's rights must be restored.

Thank you, President

[Link to the video](#)

## *General Debate*

### **The Palestinian People need concrete support to achieve their right of self-determination**

*Delivered by Ms. Irene Sacchetti of GICJ on 21 March 2021*

Thank you, President,

It has been more than a century of Palestinian oppression by a brutal occupation with tremendous systematic human rights and humanitarian law abuses. However, all our efforts to raise awareness of these violations are void if no genuine actions are taken to enable the Palestinian people to achieve their right of self-determination and be free from this long occupation.



Despite numerous UN resolutions, Israel, the occupying power, continues to carry out massive, serious and widespread violations of international law at an alarming rate. We are deeply concerned over the ongoing large-scale house demolitions in the West Bank operated by the Israeli military, an unlawful means to forcibly uproot Palestinians from their territories. We believe that the international community needs to pressure Israel to stop all these practices which diminish Palestinians' inalienable rights. Further, Israel's blockade of Gaza is intensifying the sanitary and economic crisis, hindering access to healthcare and essential resources to nearly two million people during the present COVID-19 pandemic.

International-Lawyers.Org and Geneva International Centre for Justice believe that Israel's ongoing actions amount to the crime of genocide and we request the Council to initiate an investigation into this serious human rights violation. Such an investigation will assist the International Criminal Court that is now investigating individuals for crimes committed against Palestinians.

Thank you.

[Link to the video](#)

## AGENDA ITEM 9 – RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS OF INTOLERANCE, FOLLOW-UP AND IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION

### *General Debate*

#### **Implementation of the Durban Declaration**

*Delivered by Mr. Mutua K. Kobia of GICJ on 19 March 2021*

Thank you, Madam President,

We remain deeply concerned with the continuous rise of racist extremist movements and groups that have been encouraged and perpetuated by hate speech, often committed by people in positions of power including politicians.



At the same time, we are disappointed by the lack of political will to eliminate such a toxic environment that only breeds further hatred and spreads the scourge of racism and racial discrimination. This is especially worrying considering that solutions do exist yet there is no urgency, courage, or strong efforts being made to implement effective solutions. We also take note that racism is embedded in various systems and structures, which escalates its spread across various platforms and creates negative stereotypes as is seen with Islamophobia.

EAFORD and Geneva International Centre for Justice reminds this Council that the DDPA itself recognizes new manifestations of racism, racial discrimination, xenophobia and related intolerance that effect vulnerable groups. At the same time the DDPA promotes the incorporation of special measures to protect these groups from discrimination.

In conclusion, we strongly urge all states to fully implement the Durban Declaration and Programme of Action and put in place strategies and policies to fight against the evils of racism. Lastly, in commemoration of the 20th Anniversary of the DDPA we urge all states to publish the Programme of Activities for the International Decade and effectively disseminate publications in UN official languages.

Thank you

[Link to the video](#)

## *General Debate*

### **Islamophobia and Increase of Anti-Muslim Hatred**

*Delivered by Ms. Joy El Hajaly of GICJ on 19 March 2021*

Thank you, President,

We are deeply concerned over the rise of anti-Muslim hatred and the discrimination of Muslim citizens in several European countries.

The Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, mentions in his report the misunderstandings surrounding the issue of Islamophobia which has caused the discrimination of Muslims and the rise of racism and xenophobia.



Since the horrific attacks of 9/11 in the United States of America, the anti-Muslim discourse has increased in the U.S and across European countries, with the media and far-right politicians playing a prevalent role in shaping discourse around anti-Muslim hatred, further contributing to misunderstandings and misrepresentation of Islam. Due to the emergence of Islamophobia, there has been an increase in racism and discrimination towards Arabs, who are often associated directly with the religion of Islam.

The hate crime campaigns cannot be tolerated. In this regard, Ma'onah Association and Geneva International Centre for Justice strongly urge the Council and the international community to increase awareness of the issue of anti-Muslim hatred. We stand with the recommendations of the Special Rapporteur and emphasize that education is part of the solution to clarify misunderstandings.

We further call on the European Union to cooperate and find solutions to approach this increasing issue. Muslims suffer disproportionately from the consequences of terrorist attacks and Arabs are also discriminated against. Islamophobia and anti-Muslim hatred must come to an end.

Thank you, President.

[Link to the video](#)

*Presentation of report of Inter-Governmental Working Group on Durban Declaration and Programme of Action, High Commissioner Oral Update on Systemic Racism (res.43/1)*

**Impacts of Racism on Basic Human Rights**

*Delivered by Mr. Alejandro Fernández of GICJ on 19 March 2021*

Thank you, President,

We welcome the report submitted by the Working Group and support its findings to redouble efforts at the national and international level to eliminate racism and other forms of intolerance.



The COVID-19 pandemic has exposed the persistence of racial inequality across all levels of society. Unequitable access to healthcare services led to disproportionate rates of morbidity and mortality; inadequate housing made compliance with lockdown policies all the more challenging; unstable employment made it impossible to work from home; and derelict detention facilities offered fertile ground for the virus to wreak havoc.

Racism enhances the impacts of other man-made challenges such as poverty and climate change. These in turn have harmful impacts on the health of minorities and their access to health care.

As we begin the second half of the International Decade for People of African Descent, governments must go beyond words and take action. To fight racism is to fight for social justice. Universal healthcare, affordable housing, decent labour conditions, comprehensive social security and access to digital technologies should be our weapons. The Durban Declaration and Programme of Action expressly recognized that socioeconomic inequality is both a cause and a consequence of racism.

International Lawyers and Geneva International Centre for Justice urge States to increase public awareness about the commitments agreed upon in the Durban Declaration and to strengthen their efforts to realize the economic, social and cultural rights of marginalized communities around the globe.

Thank you, President

[Link to the video](#)

## AGENDA ITEM 10 – INTERACTIVE DIALOGUE WITH INDEPENDENT EXPERT ON THE SITUATION OF HUMAN RIGHTS IN MALI

### *General Debate*

#### **The fight against impunity and the escalating security situation in Mali must come to an end**

*Delivered by Ms. Natalia Brusco of GICJ on 28 March 2021*

Thank you, President,

We welcome the report of the Independent Expert on the situation of human rights in Mali and share his concerns that the sociopolitical crisis is prolonging the fight against impunity and escalating the security situation.



With the increase in attacks by violent extremist groups coupled with a rise in intracommunal and intercommunal attacks on villages, Mali remains in a state of instability. The Independent Expert noted that particular provisions of Malian law in relation to justice should be repealed, and we stand by this call as we believe appropriate legislation is an essential first step in order to begin building a stronger foundation where accountability and justice can be achieved.

International-Lawyers.org and Geneva International Centre for Justice urge the United Nations, other relevant actors, and the international community to act urgently to achieve stability in Mali as cooperation and solidarity are necessary to achieve justice. Also, we note that although there are delays in implementing the Agreement on Peace and Reconciliation in Mali due to the August 2020 coup d'état, the pandemic, and disagreements amongst the administration, the government must continue nonetheless in order to fight against impunity.

Lastly, we express our concern about foreign troops in Mali and urge the Council to remind Mali that it is jointly responsible for human rights abuses by foreign armed forces on its territory. Mali must meet its human rights obligations by upholding international law to ensure justice and accountability.

Thank you.

[Link to the video](#)

## Written Statements

GICJ submitted several joint written statements at the 46th Session of the Human Rights Council. These statements highlight human rights violations that need more attention by the UN, Member States, and the international community. A total of 5 written statements were published, the summaries of which can be found below.

### **Access to Water and Sanitation in Iraq**



In Iraq, people have been experiencing a water crisis for many years. Civilians face challenges in accessing potable water due to pollution, water scarcity, and high levels of salinity. The water in Iraq is, therefore, not safe or clean enough for daily use.

The population in Iraq exceeds 40 million people, and according to numbers presented by governmental and semi-governmental reports from 2017-2020, 83.4% of the population has access to clean drinking water. However, these reports cannot be relied on, as the reality reflects that a higher number of people do not have access to clean and safe water and sanitation services. Additionally, many people lack state-issued civil documents, making it difficult to include them in such statistics.

Due to the Iraqi government's failure to facilitate access to adequate and safe water, Iraqi people are forced to purchase supplies. The mass purchases of plastic bottled water is a major contributor to the plastic pollution in water sources, which causes harm to fish, plants, and other animals, besides, much of it ends up littering thoroughfares.

Moreover, many people filter raw water for everyday use, such as handwashing, showering, or cooking, due to the high salinity level in the water. This makes people who do not have the

ability to achieve such solutions particularly vulnerable to diseases, which is concerning during the COVID-19 pandemic.

Accessibility to potable water and sanitation services is, therefore, of great importance, as identified by the World Health Organization (WHO); water, sanitation, and hygiene are the primary factors to protect people from further spread of the COVID-19 virus.

The authors of this statement recommend the following:

1. The international community must hold the Iraqi government accountable for its violation of the right to water and sanitation and pressure them to:

- Fulfil the obligation to provide and ensure safe and affordable access to water and sanitation services.
- Provide the Iraqi people with the appropriate information regarding water pollution;
- Develop a plan, in consultation with international organizations, non-governmental organizations, and civil society, to provide accessible and affordable water and sanitation services;
- Establish an independent water and environmental task force to monitor the situation, coordinate with the various authorities, and consult with the affected population;
- Devise and implement effective long-term plans and strategies to prevent a water crisis which must be made public to ensure transparency and accountability;
- Take immediate and appropriate measures to ensure the Iraqi people's accessibility to water and sanitation services;
- Cease the violent crimes committed against the protesters, who are exercising their fundamental right to freedom of expression and demanding their basic right to access potable water.

2. The international community must pressure Iraq's neighboring States, Turkey and Iran, to stop cutting or blocking the flows of water to Iraq, as water scarcity has an immense negative impact on agriculture in Iraq and affects the Iraqi people's livelihoods.

[Link to full statement](#)



## Iraq: The Situation of Enforced Disappearances



The purpose of this statement is to reiterate that the Iraqi government must be held accountable for the widespread and systematic enforced disappearances that have occurred in Iraq since 2003. The international community must not be misled by the government's attempts to divert international attention and scrutiny into these enforced disappearances through their ingenuine responses to the issue and their masterful attempts at constructing an alternative reality. A clear diversion is the government's establishment of a defunct "Missing Persons Section" in the Human Rights Department of the Ministry of Justice, which has not done anything material to ascertain the whereabouts of disappeared persons. Another clear example is the government's denial of the existence of secret detention centres, which is a blatant lie.

The statement refutes all efforts by the Iraqi government to absolve itself of responsibility for these enforced disappearances by attributing blame on unknown groups, as there is overwhelming evidence that the government, and its Security Forces, are all directly responsible for the enforced disappearances and are indirectly responsible for enforced disappearances conducted by militias through their close affiliations with these groups. The political landscape in Iraq is deeply influenced by these militia groups, with political parties beholden to militias. This includes all branches including the executive government, legislature and judiciary.

The endorsing organisations of this joint statement recommend the following:

1. The Human Rights Council, particularly the Working Group on Enforced Disappearances:
  - Take a firm stance and condemn the situation of enforced disappearances in Iraq;
  - Pressure the Iraqi government to account for the whereabouts and circumstances of the thousands of enforced disappearances since 2003;

- Take all measures within their power to ensure the realisation of the Iraqi people's inalienable right to the truth, particularly disappeared persons and their family.
2. The Human Rights Council must establish an accountability mechanism to look into the enforced disappearances in Iraq since 2003, providing much needed answers to the families of the disappeared.
  3. The United Nations should establish an international tribunal to investigate and prosecute all human rights violations in Iraq since 2003, including enforced disappearances

[Link to full statement](#)

## The Human Rights Situation of Palestinian Prisoners amidst the COVID-19 Pandemic



The devastating effects of the COVID-19 pandemic have particularly affected those most vulnerable groups, exacerbating their already dire living conditions, as in the case of Palestinians in the Occupied Palestinian Territory (OPT), which are already characterised with a weak health system and inadequate health care. Palestinian prisoners in Israeli detention, including prisoners in vulnerable groups such as children, women, older persons and those with chronic conditions are extremely exposed to infection with the virus. This is because prison facilities remain extremely inadequate and inappropriate to ensure health and safety to prisoners, especially due to Israel's reckless disregard of preventive measures.

Despite repeated warnings against a COVID-19 outbreak among Palestinian prisoners, many of them suffering from medical conditions, Israel has neglected to take appropriate protections, safeguards, and precautionary measures to combat the spread of the pandemic, as cautioned by the Mr. Michael Lynk, the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, in his recent report (A/HRC/44/60). Instead, Israel have demonstrated to clearly discriminate Palestinian Prisoners, providing preferential treatments to Israeli prisoners by arbitrarily denying Palestinians equal access to medical services, consultations with their legal representatives or family visits, and releasing hundreds of Israeli prisoners due to COVID-19, who were considered low-risk offenders or medically vulnerable.

As the global pandemic rages, Israel continues arbitrary and unlawful searches of Palestinian prisoners, assaults, and ongoing mistreatment, thereby violating human rights and humanitarian law with complete impunity. While other countries around the globe are adopting constructive measures in their prison systems, Israel has failed to take appropriate measures where Palestinian prisoners in the occupied territories are concerned. Consequently, the statement highlights Israel's need for adherence to WHO and UN guidelines for the

treatment of prisoners during the COVID-19 pandemic, which are grounded in international law. There is an urgent need for international cooperation and action towards ensuring the protection of Palestinian prisoners in the occupied territories.

The statement called on the international community to condemn and hold Israel to account for its failure to implement appropriate measures to protect Palestinian prisoners from COVID-19, and for its violation of human rights and humanitarian law. Further, pressure on Israel to comply with international law obligations, WHO guidelines and the minimum standards of the Nelson Mandela rules on the treatment of prisoners should be exerted. Lastly, the Human Rights Council must monitor the situation of Palestinian prisoners in the OPT and demand that Israel allow the Special Rapporteur unrestricted access to the occupied territories, including its prison systems.

[Link to full statement](#)

## The Status of Jerusalem



This written statement focuses on Israel's ongoing human rights violations in East Jerusalem, which must be recognised as systematic efforts to alter the status, character, demographic and geological structure of Jerusalem. In fact, despite Israel unilaterally declared Jerusalem as its capital, this does not change the fact that the status of Jerusalem has yet to be determined under international law.

Since Israel's occupation of East Jerusalem following the 1967 war and its subsequent annexation in 1980 coupled with Israel's declaration that Jerusalem is its capital, the UN remains opposed to alter the status of Jerusalem, as remarked throughout years by numerous UNGA and UNSC resolutions, providing that the issue should be resolved through negotiations in line with relevant UN resolutions as Israel's actions have no legal effects (UNGA resolution ES-10/19 of 21 December 2017). With regard to the annexation of East Jerusalem under Jerusalem Law 1980, the UNSC does not recognize any changes to the previous 3 June 1967 lines (UNSC resolution 2334 of 23 December 2016).

However, following Israel's establishment in 1948 and Jerusalem illegal occupation in 1967, there has been a systematic strategy to transfer Israeli populations into Jerusalem and displace Palestinians, by constructing and expanding Israeli settlements, large-scale infrastructures as the "apartheid wall", declared illegal and contrary to international law by the International Criminal Court in its advisory opinion. Further, Israel's expansion threaten many Palestinians who have been squeezed in overcrowded neighbourhoods and who are facing the risk to have their house demolished or evicted. The ongoing large-scale house demolitions operated by Israeli military, as a means to forcibly uproot Palestinians from their territories, violate international law and human rights law.

The statement called on the international community to pressure Israel to comply with international human rights law in the occupied territories, to end its illegal occupation and to allow access to the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967. Further, Israel must rescind all measures taken to alter the status of Jerusalem and resume constructive dialogue towards a just resolution. Lastly, the Human Rights Council must defend the legitimacy and necessity of agenda Item 7 and condemn Israel's illegal actions.

[Link to full statement](#)

## The COVID-19 Crisis in Latin American Prisons



*Photo credit: La Nación*

Prisons in Latin America have been historically affected by overcrowding, substandard sanitation and poor healthcare, and were thus especially vulnerable to the decimating effects of COVID-19. Emergency measures adopted across the region to tackle the spread of the virus were limited in scope and deficient in implementation, while their results, too meager to remedy their long-standing structural deficiencies that Latin American prisons have been dragging for decades, did little to avert the soaring rates of morbidity and mortality that rampaged through detention facilities.

Most countries organized their policies on three axes: the reduction of overpopulation; the improvement of sanitary and medical conditions; and the restriction of visitations. Though adequate in principle, their execution was often ineffective and presented numerous shortcomings.

First, promises to intensify cleaning and disinfection in detention premises were sparsely implemented. For instance, lack of hygiene products and clean water, inadequate healthcare and vermin infestations prompted riots in several prisons in Colombia, one of which resulted in 23 dead inmates.

Moreover, even though some countries achieved a substantial reduction of their prison population through either amnesties, pardons or court ordered house arrests or early releases, occupancy levels remained above maximum capacity.

Suspension of visits, on the other hand, frequently led to violent protests and caused a severe shortage of food and medicines, which were regularly supplied by visitors. In Venezuela, 47 prisoners died during the suppression of a riot in the Los Llanos penitentiary, where a ban on visitations had put inmates at the brink of starvation. In Argentina, the lack of food caused by

the suspension of visits in the prisons of Coronda and Las Flores prompted a revolt, during which five inmates were killed. Prisoners in a detention facility in Colima, Mexico, also organized a mutiny to protest the month-long suspension of visits.

The UN Human Rights Council should urge States to:

- *Conduct* regular testing on inmates and penitentiary personnel.
- *Distribute* face masks and other hygiene products among inmates.
- *Perform* periodic and comprehensive disinfection works in detention premises.
- *Provide* prisoners with COVID-19 who develop serious symptoms appropriate medical care, including transfer to civil hospitals, without expense.
- *Balance* the sanitary benefits of suspension of visits against the emotional harm that it causes to both inmates and their loved ones, and hence enforce it only when other less restrictive measures would be ineffective.
- *Reduce* overpopulation in prisons.
- *Use* force in accordance with the principles of necessity and proportionality.

[Link to full statement](#)



## Reports

After attending various general debates and interactive dialogues, GICJ created multiple reports summarizing the meetings and outcomes. GICJ has published a total of 16 reports on various human rights topics that were covered during the 46<sup>th</sup> Human Rights Council Session.

### **A step towards accountability for international crimes against Palestinians**

*By: Ms. Alexandra Grigorescu*

Palestine is suffering for a considerable amount of time heinous human rights violations and humanitarian law abuses as a result of a brutal occupation of its territory by Israel, which continues to carry out massive violations of international law. Israel gained control over Gaza, the West Bank and East Jerusalem in consequence of the Six-Day War in 1967, and ever since, these territories have been affected by waves of hostilities like the Hamas' electoral victory in 2006 or the 2014 Gaza conflict.

The UN Security Council and the International Criminal Court (ICC) considered the annexation of East Jerusalem as a violation of the *ius cogens* norm prohibiting the acquisition of territory by military force.

The peace talks between Israel and Palestine were followed over the years by a number of negotiations, but to date, they have not reached any final peace agreement so a number of issues like security, determination of borders, the control of the city of Jerusalem, or the refugees situation remain unresolved.

After years of ongoing serious violations in the Occupied Palestinian territories, in December 2019, the ICC Prosecutor announced the conclusion of the preliminary examination of the Situation in Palestine and determined that all the statutory criteria under the *Rome Statute* for the opening of an investigation have been fulfilled.

On 3rd March 2021, the ICC opened an investigation into war crimes in Palestinian territories including the period covered by the 2014 Gaza war. The prosecutor said the ICC will look into *crimes* that are alleged to have been *committed since 13th June 2014*.

The ICC Office of the Prosecutor continued to gather information on alleged crimes committed in the 2014 Gaza conflict as well as in the West Bank and East Jerusalem since 13 June 2014 and has come to the conclusion that there is a reasonable basis to proceed with an examination on the situation in Palestine.

Geneva International Centre for Justice (GICJ) welcomes the news that the International Criminal Court (ICC) will conduct an investigation in accordance with the Rome Statute into the Situation in Palestine and looks forward for a just and lasting peace in the region. This can be achieved by guaranteeing justice for the victims of the crimes and by giving the Palestinian people their right to freely determine their political status and to advance their economic, social, and cultural development in their State of Palestine.

## **The road towards accountability for violence against children**

*By: Ms. Laura Calderón Pachón*

The Special Representative on Violence Against Children at the level of Assistant Secretary-General, focused on the process of building, implementing and monitoring violence against children. Under her mandate, she has developed guidelines for State actors to produce analytic reviews on the situation of children in their countries, highlighting current beneficial practices and remaining challenges. Her goal is to reach all country's by providing guidance and supporting close cooperation with the United Nations.

The COVID-19 pandemic has shown many devastating short-, medium- and long-term consequences for children and their rights, especially for those most vulnerable. It has exacerbated existing inequalities by increasing children's exposure to violence and thus, their vulnerability to risks. When analyzing violence against children, this can be referring to domestic violence, sexual violence online and cyberbullying. Additionally, the medium- and long-term effects of the current global socioeconomic crisis is likely to increase poverty and risk factors related to violence against children.

Thereby, many vulnerable children and their families remain left behind. The international community must work together to ensure justice and accountability for children affected by violence starting with a strong and effective data collection for monitoring systems. What is crucial now is strengthening collaboration with other key mandates working to protect children's rights within the United Nations system as well as regional organizations in the civil society and see children as agents of change.

Geneva International Centre for Justice (GICJ) believes that children must be protected under any circumstance, and even though the pandemic has become an obstacle, States must assure child protection services. During conflict and post-conflict situations, States need to implement the necessary methods to defend children and reintegrate them within society. Additionally, States must prosecute perpetrators committing grave violations against children in order to hold them accountable and seek justice for the victims and their families. As the pandemic exposed a big obstacle, children are now viewed as a necessary part of the solution to raise awareness and prevent any kind of violence by raising their voices. Thereby, GICJ calls upon all States to apply all further mechanisms to eliminate all forms of violence against children.

## **UN Commission of Inquiry on Syrian Arab Republic: The Perpetrators must be held accountable**

*By: Ms. Sarah Tayara*

In the 46<sup>th</sup> session of the Human Rights Council, States and non-governmental organisations came together in the Interactive Dialogue with the Commission of Inquiry on the Syrian Arab Republic to discuss the flagrant human rights situation since the beginning of the decade long conflict. Mr. Pinheiro, Chair of the International Commission, highlighted that the tragedy of the Syrian conflict was both “lamentable and preventable”, and that the country remained a tinderbox. After 10 years of the most egregious human rights violations, the end of the Syrian people’s suffering does not seem near.

Despite mentioning a wide array of salient issues, Mr Pinheiro drew attention to the illegal targeting of healthcare facilities and healthcare workers by government forces, the dire state of the millions of internally displaced Syrians and refugees, and the arbitrary hostage abduction and torture of hundreds of thousands of Syrians whose location and condition remains unknown by their loved ones.

He concluded by urging all parties in the Syrian conflict to call and immediate nationwide ceasefire and to put the needs of the Syrian people first.

In response to the report, Mr. Hussam Edin Alaa, speaking on behalf of Syria, claimed that the Commission was harbouring a heavily politicised agenda. He insisted that the report intended to smear the reputation of the Syrian regime which, he claims, has only been fighting terrorist organisations over the last 10 years and is not responsible for the deprivation, torture and hardships of its civilians. Russia, Iran and China, amongst other countries followed Syria’s condemnation of the ‘politicised agenda’ of the report and its threat to Syria’s sovereignty.

Turkey and the European Union, amongst others, adopted an opposing stance, strongly denouncing the Syrian regime’s abhorrent conduct and blatant disregard for the life and rights of its population over the last 10 years. Drawing on the report, these States condemned the use of chemical weapons, the ongoing attacks against civilians and the Syrian regime’s persistent obstruction for a necessary political solution.

Geneva International Centre for Justice (GICJ) joins Mr. Pinheiro in the strongest condemnation of the countless human rights violations committed against innocent civilians in the Syrian conflict. We call for an immediate political ceasefire under UNSCR 2254, and for the release of political prisoners and illegally detained civilians. Finally, we urge the international community to do more to ensure that the perpetrators of injustices and violations of the Syrian people are held accountable, and that the strategic use of civilian lives and dignity will no longer prevail with impunity.

## **Human Rights and the Global Water Crisis: Water Pollution, Water Scarcity and Water-Related Disasters**

*By: Ms. Irene Sacchetti and Ms. Joy El Hajaly*

The Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, Mr. David R. Boyd, delivered a report A/HRC/46/28 at the 46th session of the Human Rights Council, discussing the enjoyment of human rights interlinked with the unfolding global water crisis.

The report (A/HRC/46/28) stresses that safe and sufficient water is one of the substantive elements of the right to a safe, clean, healthy and sustainable environment. It also remarks the root causes and consequences of the global water crisis, focusing on water pollution, water scarcity and water-related disasters, their catastrophic consequences on a wide range of human rights and the negative impacts on most vulnerable and marginalized groups. By highlighting that States have procedural and substantive obligations to ensure safe and sufficient water, which are not options but legally binding, Mr. Boyd outlines good practices adopted to combat the water crisis and to achieve the SDG 6. Also, the report provides a seven-step process for States to follow through a rights-based approach to water governance, and urges businesses to respect rights-related responsibilities and to make efforts to ensure safe and sufficient water for all.

At the 46th session, the Special Rapporteur underscored that still an unimaginable amount of people around the globe lack of safe water and suffer from waterborne diseases. He also stressed that the ongoing climate crisis is exacerbating water-related issues, the enjoyment of numerous rights and creating deep inequalities in water distribution. Consequently, the Special Rapporteur encouraged States to increase international cooperation and to take a rights-based approach to achieve the SDGs Agenda 2030, promoting a scale up in investments for improving water governance and assisting low income States. The Special Rapporteur also reminded States that water is a priority for our existence and it should not be a victim of abuses and conflicts, but made available and accessible to everyone. Finally, Mr. Boyd called on the Human Rights Council to support the initiative for a resolution to recognize the right to a safe, clean, healthy and sustainable environment, as this UN body has the task to spark universal progress of human rights' protection.

Several countries and regional groups supported the international recognition of the right to a safe, clean, healthy and sustainable environment as it is a key precondition for the full enjoyment of multiple human rights such as the right to life, health, water, food, education, an adequate standard of living, development and the right of the child. The importance of protecting the environment, ecosystems and biodiversity has been highlighted by the COVID-19 pandemic, which demonstrated the consequences of human's negative impact on the planet. The African Group as well as Asia and Pacific Group and other regional groups united in their statements, by expressing concern for the climate emergency, acknowledging that is threatening water resources and other natural resources, especially in small islands and developing States, and calling for an increase in international cooperation and efforts to tackle the climate crisis. Lastly, most States welcome the seven steps programme presented by the

Special Rapporteur, which would facilitate their obligations to ensure a rights-based approach to water management.

Geneva International Centre for Justice (GICJ) together with International-Lawyers.Org, submitted a joint statement to the Human Rights Council, reminding that still billions of people lack access to drinking water and die worldwide annually due to waterborne diseases. GICJ believes that the international community must focus on finding a relevant solution for vulnerable, marginalized groups and low-income countries who require special monitoring, as they often have insufficient financial resources to meet water's security targets. By underlying that this is a pivotal moment to take an aligned action to address the water crisis, GICJ strongly recommends states to accelerate and strengthen the full implementation of the key seven steps of rights-based water governance as they promote the achievement of Sustainable Development Goal 6 under Agenda 2030.

## **Hate Speech, Social Media, and Minorities**

*By: Ms. Irene Sacchetti and Ms. Joy El Hajaly*

The Special Rapporteur on Minorities Issues, Mr. Fernand de Varennes, delivered two reports A/HRC/46/57 and A/HRC/46/57/Add.1 to the 46th session of the Human Rights Council, discussing respectively the widespread targeting of minorities through hate speech in social media as well as reporting on his official visit to Kyrgyzstan in 2019.

The first part of the report (A/HRC/46/57) provides an overview of the Special Rapporteur's activities associated with the mandate, as well as his efforts to increase awareness of minority issues among United Nations Member States and to consolidate the organization of regional annual forums, specifically the Forum on Minority Issues. The thematic part of the report stresses that in 2020 hate speech against minorities spread drastically around the world, and racism, prejudice, scapegoating, and incitement to violence was widespread within social media. It also remarks that restrictions of any form of freedom of expression must remain an exception when falling in one of the three categories acknowledged in international human rights law; however, States have failed to protect minorities against prohibited forms of hate speech. Mr. Varennes emphasizes that States authorities and social media platform's owners should recognize that hate speech is a minority issue, and should thereby take further steps to fully implement their human rights obligations involved and ensure the participation of minorities in their policies and human rights' bodies assessment.

The second report concerning the country's visit of the Special Rapporteur (A/HRC/46/57/Add.1) provides an overview of the positive steps and developments operated by Kyrgyzstan towards addressing a range of human rights concerns, including the ratification of UN Treaties, collaboration to tackle discrimination, hate speech and hate crimes against minorities. The overall aim of the report is to outline the existing legislation, policies and practices for protection of minorities of the country concerned and to address existing lacunae or gaps by identifying possible improvements of laws and policies and Kyrgyzstan's implementation of human rights obligations. In fact, further elaboration is needed in promoting the protection of human rights of persons belonging to national or ethnic minorities as well as religious and linguistic ones, as a weak implementation persists.

At the 46<sup>th</sup> session, the Special Rapporteur, by underscoring that the Holocaust did not start with gas chambers but with hate speech, expressed his concern over the rise of hate speech in social media, which mainly targets minorities. He therefore stressed that an international treaty to regulate hate speech in social media is urgently needed, focusing on the most harmful forms of hate speech against minorities so that States know how to behave. As challenges become global, the response needs to be global and a clear, consistent, comprehensive regulatory framework is the answer. This means that freedom of expression remains the main right that must not be affected, even when considering the severest or less severe forms of hate speech acknowledged by the three restrictions grounded in international human rights law. Pertaining to the visit to Kyrgyzstan, the Special Rapporteur encouraged the need for a more comprehensive anti-discrimination legislation. Finally, he pointed out that there are still difficulties to ensure rights to certain minorities and vulnerable groups, such as the inclusion of

minority cultures in schools, the limited participation of minorities in public life, and the lack of recognition of sign language.

Several countries and regional groups supported the international need for a comprehensive legal framework to regulate hate speech in social media as to ensure a full respect of human rights and to avoid illegal contents' spread online. A number of countries expressed concern over the rise of Islamophobia as well as migrants' discrimination. Muslim minorities and migrants suffer from multiple impacts within their daily life and the enjoyment of their rights and fundamental freedoms are constantly at risk. Kyrgyzstan, the country concerned, responded to show that legislative gaps are being addressed and further elaborated to protect minorities and strengthen the people of Kyrgyzstan.

Geneva International Centre for Justice (GICJ) believes that freedom of expression is a fundamental and inalienable right all human beings deserve, and therefore it should be carefully protected. However, too often, freedom of expression results in hate speech and further targets and discriminates minorities and vulnerable groups. GICJ therefore calls on States to adopt or review a specific legislative framework against certain forms of hate speech in social media, consistent with international obligations. Further, social media platforms should implement monitoring systems to control and prevent hate speech, by including a human rights-based approach in their programs. Finally, we invite the international community, together with relevant UN bodies, to initiate the negotiation for a new treaty extensively addressing the issue of hate speech and other forms of violence in social media.

## **The International Community must step up to restore justice and democracy in Myanmar**

*By: Ms. Clélia Jeandin*

The people of Myanmar are going through an unprecedented political and humanitarian crisis. On February 1, 2021, the Tatmadaw (Myanmar's military forces) proceeded to arrest dozens of NLD (National League for Democracy) members including the party's leader Aung San Suu Kyi and seized power. The coup followed 10 years of democratic transition and revived painful memories of the country's past as a military dictatorship. The Tatmadaw's systematic dismantling of democratic institutions established in the last decade is very concerning for hopes of a peaceful crisis resolution. Moreover, security forces have demonstrated no restraint in responding to civilians' anger: as of April 13 2021, over 700 people have reportedly been killed during protests, in addition to the thousands being arbitrarily detained.

The Special Rapporteur on the situation of human rights in Myanmar Thomas Andrews provided a comprehensive account of the current situation in Myanmar, along with recommendations for member states. As protests are bringing together more and more people, the security forces' responses have become increasingly disproportionate, with new laws that criminalize protesters being implemented, along with the normalization of surveillance and frequent nationwide telecommunications shutdown being reported. Andrews also highlighted the country's human rights situation in the months preceding the coup: ethnic minorities, especially Rohingyas, still face important discriminations and violence from the authorities. The sanitary crisis exacerbated vulnerable minorities' situation, humanitarian relief is urgently needed for them.

During the Interactive Dialogue with the Special Rapporteur on 11 and 12 March, Andrews put forward different recommendations aimed at states and international companies in order to generate international support and end the crisis. He notably recommended to stop the flow of revenues, arms, and aid to structures operated by the military authorities. He also encouraged states to deny recognition of the Tatmadaw as Myanmar's legitimate government and to initiate investigations of their crimes. While his statement was supported by a majority of states participating to the ID (notably the EU, UK and US), states known for their disapproval of UN-initiated sanctions such as Russia, China and Venezuela expressed their disagreement with the Andrews's statement. They deemed the HRC's atmosphere to be politicized and condemned a general bias towards Myanmar's current situation. The Myanmar representative denied Andrews' accusations, and stressed the domestic nature of the ongoing crisis. He maintained the military authorities' allegations of fraud regarding the November 2020 elections and announced that measures would be taken to verify voters lists again.

GICJ condemns that Tatmadaw's actions and supports Andrews' statement. The international community must act in order to put an end to the crimes committed by the military authorities and restore justice and democracy in Myanmar.



## **Human Rights Situation in Yemen, Resolution 45/15 and the Group of Eminent Experts in Yemen**

*By: Ms. Joy El Hajaly*

For the 46<sup>th</sup> Regular Session of the Human Rights Council, the Group of Eminent Experts on Yemen (GEE) submitted its latest report, which was discussed on 25 February 2021 along with the Resolution 45/15. On October 6, 2020, the Human Rights Council adopted Resolution 45/15, which depicts the human rights situation in Yemen, reaffirms the Council's support of the Secretary-General and his Special Envoy in Yemen, and welcomes the report of the GEE, among other concerns. The report of the GEE focused on alleged violations which occurred between July 2019 and July 2020. Through the report, the GEE established the breaches of international law committed by the parties involved and suggested a list of recommendations directed towards the different groups involved in the parties as well as external groups.

The interactive dialogue on February 25<sup>th</sup>, 2021, began with the statement of Mr. Kamel Jendoubi, Chairperson of the GEE, in which he reiterated the main issues drafted in the report and focused on different topics, such as the lack of women representation in sustainable and peaceful resolutions, and the problematic detentions in Yemen. As a response, the country concerned, Yemen, declared its opposition towards GEE's mandate by highlighting that the group is unreliable and politicized. Yemen urged the Council to consider compliance with Resolution 26/45, notably Article 10, as this will allow the national commission in Yemen to monitor abuses and violence in the country.

Throughout the interactive dialogue, it became clear that two divided opinions and statements were prominent. Most of the countries in the African Group and the Asia and Pacific Group have agreed that national sovereignty must be ensured for the government of Yemen. These countries have also agreed that the mandate and the report presented by the GEE lacks transparency. On the other hand, the Western European Group along with certain countries from different regional groups have agreed that the GEE's report is transparent and trustworthy. For instance, the European Union and the Nordic-Baltic states are concerned with the legitimacy of the Yemeni government and have reiterated their support for the mandate of the GEE. Many NGOs, such as Women's International League for Peace and Freedom, Reporters Without Borders, and Save the Children International, declared their support for GEE's report, and provided additional information about the situation in Yemen, such as the gender-based and sexual violence or the detained journalists under the authority of the Houthi court.

Geneva International Center for Justice (GICJ) believes that the human rights situation in Yemen is appalling and that all parties involved are committing grave violations of international law and international humanitarian law. GICJ urges the international community to pressure the parties involved to cease all acts of violence against innocent civilians. The community must do so by reiterating the violations of applicable human rights law and international humanitarian law. We strongly recommend states to support the efforts made by the Special Envoy of the Secretary-General for Yemen, to achieve sustainable peace and ensure the cessation of hostilities. The needs of Yemeni citizens must be prioritized. Tens of thousands have died. More than 20 million are in need of protection and assistance. The country is heading towards the worst famine that the world has seen in decades. The world must provide support through peaceful political participation and accountable governance.

## **The Use of Torture Worldwide Remains a Flagrant Violation of International Law**

*By: Ms. Claudia Gonzalez Garcia*

On March 8 and 9, 2021, Mr. Nils Melzer, Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, held an interactive dialogue with the HRC where he presented his latest thematic report on the effectiveness of States' cooperation with his mandate and the main findings of his visit to the Maldives in 2019.

In his opening statement, Mr. Melzer spoke about his country visit and his thematic report, expressing his concern over the generalized lack of "full cooperation" of States with his mandate. The Special Rapporteur noted that this is a trend that has remained largely unchanged since the establishment of the mandate 35 years ago, and urged States to strive for the standard of "full cooperation" and to ensure complete compliance with their legal obligations arising from the prohibition of torture.

Following Mr. Melzer's intervention, the Maldives delivered a statement as the country concerned which was followed by the intervention of 43 interested delegations. During the session numerous countries expressed their concern over the findings of the Special Rapporteur, including the European Union, Switzerland and Germany, among others. Other delegations such as Libya, Ecuador, Iraq or South Africa mentioned some key mechanisms and measures taken nationally to prevent and eliminate torture, and others pointed out specific instances of torture, including Armenia and Azerbaijan, which spoke about the conflict in Nagorno-Karabakh, the State of Palestine, which noted the use of such practice by Israel, or Ukraine, which claimed that torture and other human rights violations are being committed within its temporarily occupied territories.

Ten non-governmental organizations also delivered statements during the interactive dialogue, pointing out several cases and instances of torture. Some spoke about the situation in Brazil, Colombia or Mexico, others expressed their concern over the use of torture against Tibetans, others referred to the gross violations of human rights committed in Baluchistan (Pakistan), while others, including the World organization against Torture, referred to the cases of Chile, Belarus, Hong Kong or Bangladesh.

During the interactive dialogue, the Special Rapporteur intervened twice in order to respond to the questions and comments made by the delegations and to wrap up the meeting. Mr. Melzer provided answers to various questions formulated by the EU, Russia, the UK or Cyprus among others, and closed the session by announcing a second part to his thematic report as well as a new round of consultations to inform his next report on accountability for torture.

Geneva International Centre for Justice (GICJ) is deeply concerned over the continued use of torture worldwide, which constitutes a flagrant violation of international law. GICJ calls all States to comply with their international obligations and employ all means available to stop all instances of torture within their territories and ensure accountability. Additionally, GICJ urges them to collaborate thoroughly with the Special Rapporteur by providing comprehensive responses to all official communications as well as by facilitating the realization of country visits.

Finally, GICJ also calls on the Special Rapporteur to act on the challenges described by States in the questionnaire he issued in August 2020 and emphasize the need to achieve the standard of "full cooperation", as it will facilitate the eradication of torture and ill-treatment worldwide.

## **Human Rights Violations in Venezuela Must Come to an End**

*By: Ms. Claudia Gonzalez Garcia*

On March 11, 2021, Ms. Michelle Bachelet, United Nations High Commissioner for Human Rights, held an interactive dialogue with the HRC where she gave an oral update on the human rights situation in Venezuela.

In her update, Ms. Bachelet addressed several topics, including reports of extrajudicial killings and arbitrary executions, the scarce access to basic services, the aggravation of the humanitarian situation in the country, and the vulnerability of Venezuelan migrants to human trafficking networks. The High Commissioner also spoke about the shrinking civic space for civil society and the harassment and intimidation to which journalists, human rights defenders and members of the opposition are subject, and emphasized that ahead of the upcoming electoral cycle, authorities have the obligation to protect fundamental freedoms.

Following Ms. Bachelet's update, Venezuela delivered a statement as the country concerned. The representative regretted that the oral update lacked the necessary balance and expressed concern at the fact that the High Commissioner presented facts that had not been duly verified with Venezuelan authorities. Additionally, he addressed some of the issues brought up by Ms. Bachelet, emphasized the adverse effects of unilateral coercive measures (UCMs) on Venezuelans and reiterated its commitment to work together with the OHCHR.

Twenty-five interested delegations delivered statements during the session. Many of them expressed their concern over the human rights situation in Venezuela, including Brazil, Spain, the UK, Argentina and Colombia, and others rejected the legislative elections held in the country in December 2020. Additionally, many of the countries that delivered statements during the interactive dialogue rejected the unilateral sanctions imposed on Venezuela, including Russia, Iran, China and Nicaragua, and some others joined Venezuela in rejecting mandates that do not enjoy the consent of the State concerned.

Ten non-governmental organizations also intervened during the session. Some of the representatives noted the devastating impact of UCMs, and others spoke about the human rights violations committed in the country, including the increase of arbitrary executions. Moreover, some of the organizations referred to the humanitarian crisis undergoing the country and others emphasized the need to ensure accountability for human rights abuses.

In her final remarks, the High Commissioner mentioned that her Office continues to provide technical assistance on key issues, including the prevention of torture, the improvement of living conditions in detention centers and the strengthening of investigations into human rights abuses. Additionally, she explained that her office is initiating a mid-term evaluation of the Memorandum of Understanding with a view to strengthening cooperation, called for sanctions to be lifted and emphasized the need for a serious and responsible political dialogue to put an end to the crisis undergoing the country.

Geneva International Centre for Justice (GICJ) expresses its concern over the continued violations of human rights committed in Venezuela, including the numerous reports of arbitrary executions and the persecution of political opponents, human rights defenders and media

workers. Additionally, GICJ acknowledges the devastating consequences of UCMs on all Venezuelans and urge all parties concerned to promptly lift them.

The Venezuelan State, in turn, must address and stop all human rights violations committed within its territory, conduct independent investigations on all allegations of human rights abuses and bring perpetrators to justice. Finally, GICJ urges authorities to fully implement the recommendations of the OHCHR and call for free and fair elections to be held in the country for the benefit of all.

## Human Rights Defenders Must Be Protected

*By: Ms. Hannah Mulhern*

Special Rapporteur on the Situation of Human Rights Defenders, Mary Lawlor, began the Interactive Dialogue at the 46<sup>th</sup> Session by noting that there were three issues. Firstly, with regard to individual communications, she shared a drop in responses from states of 10% from the previous reporting period. Second, with regard to the situation for human rights defenders in Peru, she spoke of the large numbers of human rights defenders, and specifically environmental human rights defenders, which are faced with stigmatisation, criminalisation for their acts, persistent and problematic practices during social protests, and a lack of protection when they are facing risk. Third, she discussed her recent report on the killings and threats against human rights defenders, acknowledging that she stands ready to assist States in tackling this issue.

As the country concerned, Peru took the opportunity to address the Council and thanked the Special Rapporteur for her report and also the previous Special Rapporteur for his visit. They underlined their openness to work with UN Special Procedures, which has, in the past, helped them to generate discussion and initiate collaboration between people and institutions concerned with the protection of HRDs in Peru.

States from the Latin American Region were largely complementary of the report and the timeliness of the findings. Other states such as China, Kyrgyzstan, the Philippines, Cuba, Tanzania expressed their unhappiness with the report. They expressed their concern and objections to the report and urged the Special Rapporteur to operate in an objective manner without bias. They also expressed concern at the broad use of the term Human Rights Defender, warning that it is being used widely as a term used to disguise connections and ties to terrorist organisations. Iraq and Libya also expressed some minor concerns with small elements of the report.

The Special Rapporteur stated that she has unwavering respect for Women Human Rights Defenders. The gender dimension in threats is very present, where children are also targets of threats, as well as the prevalence of sexual violence against WHRD's.

She declared that she was bound by the mandate, and independent from the UN and civil society whilst being guided by the Declaration of Human Rights Defenders. She also noted the definition of HRDs, which certain countries had raised concerns over. She alerted them to the fact that the Declaration of Human Rights Defenders, which contains the definition of HRD's, was a document which was adopted after 13 years of negotiation. She noted her own experience over the last 40 years and reiterated that she too is aware of what constitutes a HRD and indeed that she knows the difference between a HRD and a terrorist.

The Special Rapporteur, in answering questions regarding best practices, directed States to some practices she underlined in her report, currently being rolled out in Latin America. In answering questions about sources within the report, she confirmed that information comes from civil society and written submissions from states, regional bodies, and HRDs, as well as research materials. For statistics, she uses multiple sources from civil society and OHCHR.

In concluding, the Special Rapporteur thanked everyone for the support they have articulated and suggests the grouping of a pool of States from different regions willing to work with her in the mandate. She stated that recommendations are not rocket science and depend on political will and the embedding of the role and protection of HRDs in policy and law. Until impunity is targeted, words mean nothing. She found that public education is necessary for protection and that the overall goal of HRD protection would benefit from early education. Finally, she reiterated her commitment to continue engaging with communications relating to reprisals.

## **Counter-Terrorism is not a Bypass on Human Rights**

*By: Ms. Hannah Mulhern and Ms. Clélia Jeandin*

On March 4, the Special Rapporteur on Countering Terrorism Fionnuala Ní Aoláin presented her report on the human rights impact of counterterrorism and countering (violent) extremism policies and practices on the rights of women, girls and the family. In her report, the SR underscored how national security policies too often include extreme policies (mass surveillance, arbitrary detention, intrusion of security forces in the family sphere, citizenship stripping, sanctions, stigma, discrimination) that have caused increasing concern for the security of women, girls, and the family in the past 20 years.

A number of questions arose from the participating states, which mainly regarded the possibility of including a gendered approach in the support provided to victims of terrorism; the repatriation of refugees and especially children currently detained in camps, and the challenge of gender equality in the counter-terrorism sphere. SR suggested that state structures acknowledge gender specific psycho-social and other rehabilitative needs. Support structures need to adopt a more comprehensive approach to reproductive rights and sexual health (e.g. legal provisions and social entitlements). Children are also particularly affected by terrorism. SR notably cited the living conditions in refugee camps that have been established in conflict-affected zones, especially Iraq and in the Syrian Arab Republic. The return of foreign fighters and their families from conflict zones would also enable the end of these camps. Lastly, national plans of action must be established in order to integrate women in counterterrorism and encourage gender mainstreaming. Some NGOs also took the opportunity to share their experiences and knowledge of the misuse of counter-terrorism laws in countries such as Turkey, The Philippines, Iraq, China and Burkina Faso.

The Special Rapporteur welcomed the efforts of many countries which had made efforts to put victims at the forefront of their national plans in targeting terrorism. Also, in answering questions regarding how to place gender equality at the centre of a national approach to protect victims of terrorism, she led people back to her report which stated the need for gender specific psychosocial support and rehabilitative support for girls and women. She also underlined the work of the International Parliamentary Union in UNODC, who, in conjunction with her mandate, are working to develop frameworks which could be used in developing national approaches. Again, she reiterated the importance of repatriation from camps and preparing the ground for return.

The Special Rapporteur also welcomed what Indonesia said about community-based reintegration and also Kazakhstan's practice when repatriating persons. She noted the importance of action plans and strategies and noted the importance of both women's peace and security national plans, as well as Counter terrorism action plans. However, she underscored the value of closing the gap between these two plans. Regarding best practices, she noted the positive work of NATO and France in including women.

She also considered what Egypt had said regarding root causes, recognizing the importance of establishing the structural issues that bring about these root causes of terrorism, namely poverty, educational attainment, and economic gaps. She believes that root cause analysis must include a gender equality analysis and also affirmed the importance of addressing the marginalization of Muslim communities. The Special Rapporteur concluded by borrowing the term from Greece delegation 'counter terrorism is not a bypass on human rights, and, specifically, is not a bypass on the rights of women and girls.

## **The International Community Must Embrace the Durban Declaration and Programme of Action**

*By: Ms. Nora Futtner*

On Friday, March 19<sup>th</sup>, 2021 the Human Rights Council commenced the General Debate on Agenda Item 9, regarding racism, racial discrimination, xenophobia and related forms of intolerance and the follow-up to and implementation of the Durban Declaration and Programme of Action (DDPA).

Mr. Thabang Matjama, Permanent Representative of Lesotho, took the stage to present the most recent report of the Working Group. Mr. Matjama explained that the aims of the report were to discuss the situation of racial discrimination worldwide, review progress toward the International Decade, and propose activities for the 20<sup>th</sup> anniversary of the DDPA. He underlined that this anniversary represents an important milestone, and an opportunity for states and stakeholders to renew their commitment toward eradicating racism. The report identified that one major obstacle of progress is a lack of knowledge about the DDPA and Mr. Matjama said that addressing this should be a central priority of the Council.

Delegates from 31 member states made statements during the debate. All re-emphasized their commitment to the full realization of the DDPA and fighting all forms of racism, xenophobia and related intolerance. Most also mentioned the impact of COVID-19 on exposing and worsening these issues and expressed the need to take this into account when building-back after the pandemic. In total, twenty-seven observer states made statements. Common topics included the impact of COVID-19 on exacerbating discrimination (especially among migrants), access to the COVID-19 vaccine, hate-motivated violent acts around the world, and hate speech.

Geneva International Centre for Justice (GICJ) stands in full support of the Durban Declaration and its Programme of Action, believing it to be a central pillar in the fight against racism, xenophobia and related intolerance. We join the ranks of those who asked the Council to allocate more effort toward the promotion of the DDPA, especially online platforms. The DDPA remains largely unknown by the general public, despite it having existed for over two decades. It is likely that many young activists are unaware of the toolset that is provided by the DDPA because they have not been introduced to the document.

Geneva International Centre for Justice submitted three oral statements to this discussion, jointly delivered with either The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) or Ma'onah Association. These statements addressed issues of Islamophobia, the impact of racism on basic human rights, and the implementation of the Durban declaration.

GICJ strongly believes that this year marks an opportunity for the international community to come together and reignite the right against racism and xenophobia. The events of the past year, including the COVID-19 pandemic and the rise of anti-Muslim and anti-Black speech and actions, have unveiled new dimensions of discrimination that require action on the grassroots and international levels. Due to the urgent need to cooperate in order to address these new forms of discrimination, we call upon all stakeholders, including relevant UN bodies, to place ending racism and xenophobia at the highest priority level.



## **The Situation of Human Rights in Iran**

*By: Ms. Nora Futtner*

On March 9<sup>th</sup>, Mr. Javaid Rehman, Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, presented his report to the United Nations Human Rights Council. In particular, Mr. Rehman emphasized issues relating to Iran's response to COVID-19, sanctions, arbitrary detainment, violations during the November 2019 protests, the death penalty, rights of minorities, and women and girls' empowerment.

Mr. Esmail Hamaneh, representing the delegation of the Islamic Republic of Iran, stated that Iran had a 'courageous' and 'efficient' COVID-19 response and that the country has done its best to minimize suffering despite the "terrorism" of sanctions. He signaled his dismay that the United States is continuing the legacy of the Trump administration's maximum pressure campaign, despite a change in leadership. To conclude, Mr. Hamaneh stated that Iran remains resolute in promoting and protecting human rights and that it plans to continue engagement with the United Nations human rights mechanisms.

Twenty-nine delegations in total chose to participate in the interactive dialogue. The majority of statements welcomed the report of the Special Rapporteur, and made recommendations relating to issues such as Iran's use of the death penalty, impunity for the violations during the 2019 protests, women's and girls' rights, harassment of human rights defenders and activists, and discrimination against LGBTI individuals and ethnic and religious minorities. Ten NGOs made statements during the interactive dialogue on issues such as Iran's high execution rates, impunity for the 2019 protests, torture and arbitrary detainment, of human rights defenders, journalists and dual nationals, and discrimination against members of the Bahá'í religion.

Geneva International Centre for Justice (GICJ) welcomes Iran's engagement with the council, the insightful report by the Special Rapporteur on the Situation of Human Rights in Iran, and the recommendations made by States and NGOs. GICJ echoes the concerns of the Special Rapporteur and looks forward to the extension of the mandate, believing it to be crucially important in light of the current state of human rights in the country.

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), together with GICJ, submitted an oral statement to the Council regarding this agenda item. First, the statement emphasized the widespread impunity for the violations of human rights that occurred during November 2019 protests, where Iranian security forces killed at least 304 people. Second, the statement addressed the violations that occurred in the aftermath of the protests, when the Iranian Revolutionary Guard Corps detained approximately 7,000 peaceful protestors and subjected many of them to acts of torture while denying them access to lawyers.

For years, GICJ has followed human rights in Iran and has witnessed little progress. It is clear that Iran will take any and all steps to crush dissent in the country, whether that be through intimidation and harassment, or execution. In light of this, the international community, including relevant UN bodies, NGOs and civil society must increase pressure in Iran to end these practices, by foregrounding human rights progress in all future engagement with Iran.

## The Role of the Youth in the International Decade for People of African Descent

*By: Ms. Nora Futtner*

The International Decade for People of African Descent (hereafter ‘The International Decade’) was established through General Assembly Resolution 68/237 in the acknowledgement that people of African descent living around the world often experience intersecting and complex forms of discrimination that infringe upon their fundamental human rights. The theme of the International Decade, spanning from 2015-2024 is “People of African descent: recognition, justice and development,” and the associated programme of activities is to be implemented on national, regional and international levels. On March 12<sup>th</sup>, the 46<sup>th</sup> Regular Session of the Human Rights Council held a panel on the progress toward the International Decade, with a specific focus on the role of youth in realizing the goals.

UN Deputy High Commissioner for Human Rights Ms. Nada al-Nashif, launched the discussion with an overview of the current concerns impeding the full realization of the goals for the International Decade and an expression that we are at a ‘critical moment’ toward their attainment. Two decades after the implementation of the Durban Declaration and Program for Action, systemic discrimination against people of African descent continues unrelentingly, in direct violation of the United Nations Charter. In closing, Ms. Al Nashif underlined that this is an opportunity to take action, and “grasp the roots of systemic discrimination” to undo centuries of injustice.

Four expert panelists contributed their personal stories and expertise to the discussion. Professor Rozena Maart emphasized the importance of young voices to create resilience and stated that without important young leaders, there would not have been the organized resistance to Apartheid that occurred. Ms. Alicia Quevedos Canales, a Specialist on Afro-Peruvian Policies at the Ministry of Culture in Peru, emphasized the importance of **recognizing** forms of racism and discrimination, **redistributing** power and economic opportunities and **representing** the voices of people of African descent in positions of political authority. Mr. Pradip Pariyar, Executive Chairperson of the Samata Foundation and Young Global Leader at the World Economic Forum (Nepal), spoke about caste-based discrimination and race-based discrimination as parallels. Ms. Marie-Sarah Seeberger, Member of the World Jewish Congress Jewish Diplomatic Corps emphasized that genocide, ethnic cleansing and discrimination continue to take place today and that minorities must work together to fight against hatred and discrimination.

Several countries and organizations also participated in the discussion, sharing stories about potential best-practices to combat discrimination.

Geneva International Centre for Justice (GICJ) is heartened by the active participation of so many Member States in the discussion and is pleased to hear the ways in which youth participation on this issue is being foregrounded. GICJ, in its years of examining human rights issues around the globe, has witnessed the transformative power of youth engagement in ending injustice. GICJ also contends that resistance to oppression is most effective when those who have been oppressed are given leading roles. As mentioned by several delegations, youths of African descent have been experiencing layered forms of social and economic oppression for decades, which has only been exacerbated during the COVID-19 pandemic. It is for these reasons that youths of African descent must be given the proper tools and access to become leaders in the realization of the goals for the International Decade. However, as mentioned by Ms. Canales, the panelist from Peru, it is important to ensure that the participation of youths of African descent is substantive and enduring.

## A Binding Treaty on Transnational Corporations and Human Rights

By: Ms. Jennifer Tapia Boada

At the 26th meeting of the 46th session of the Human Rights Council, the Chair of the Open-Ended Intergovernmental Working Group on TNCs and OBEs with respect to human rights presented its Report, which compiles the comments made by stakeholders and the conclusions reached at the 6th session of the WG, held in October 2020. The mandate of the WG is to elaborate an international legally binding instrument to regulate the activities of transnational corporations and other business enterprises. The 6th session, held in October 2020, oversaw the 2nd revised draft of the treaty as prepared with the help of informal consultations with stakeholders. The 7th session of the Working Group will take place in October 2021, a process that will contribute to the legal development of international human rights law.

Geneva International Centre for Justice expresses its strong support for all efforts conducive to the final adoption of a legally binding treaty on TNCs and human rights. However, GICJ believes that the adoption of the binding treaty is the first step of many necessary ones to prove its success, such as the ratification and implementation of the treaty at the domestic level, the harmonization of legal procedures, and the establishment of domestic enforcement and follow-up mechanisms.

GICJ welcomes the new developments of the *second revised draft* of the treaty for ensuring greater access to justice for victims as well as the provisions related to International Judicial Cooperation. GICJ calls on States to strengthen these provisions for guaranteeing victims protection.

The scope of the treaty should provide a specific focus on business of transnational character, in light of the legal gaps originated by the extraterritorial complexity of these entities. Moreover, underscoring the primacy of human rights over trade and investment treaties throughout the text is crucial to the instrument and GICJ strongly supports their specific reference in the *second revised draft*.

It is also crucial to strengthen implementation provisions (Art.16) by adding a reference to occupied territories as well as minority groups and stateless persons to the list of those facing heightened risks of human rights abuses.

GICJ encourages civil society organisations to continue to document cases of human rights abuses by TNCs and business' operations. GICJ also encourages CSOs, the media, and academia to continue to be seized of the negotiation process towards the final adoption, with a view to reaching a worthwhile treaty that is truly focused on the interests of the most affected communities. However, until the treaty is adopted, GICJ believes that the United Nations Guiding Principles (UNGPs) continue to be the fundamental norm for business and human rights, and GICJ calls on all States to commit to its principles.

Lastly, GICJ reiterates that besides the future legally binding treaty, there are already human rights instruments that are binding upon States, which should act as crucial guidance for TNCs and other business enterprises, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, and the eight ILO core conventions.

## **The Impact of COVID-19 in the Americas**

*By: Ms. Laura Calderón Pachón and Mr. Alejandro Fernández*

In February 2021, during the 46th regular session of the Human Rights Council, the High Commissioner Michelle Bachelet delivered her oral update on the human rights situations in several Latin-American States, with special consideration to the impact of the COVID-19 pandemic.

Ms. Bachelet reported on her Office's activities in Colombia, Guatemala, and Honduras, among other countries. She stressed that leaders are expected to make difficult decisions in order to address the multiple challenges posed by COVID-19. However, the best way to approach these challenges is to involve the public, enabling a wide array of views, experiences and needs to take part in the decision-making process. She highlighted that people were the best resource for better policies, so that every society had to involve the public when constructing solutions. Today, people should manifest their demand to actively participate in shaping policies. The High Commissioner drew the attention to the UN Guidance Note on Protecting and Promoting Civic Space to show the importance of making this development a reality.

During the oral update, she presented her insight on the human rights situation in Afghanistan, Belarus, Central African Republic, Colombia, Cyprus, Korea, Kongo, Eritrea, Guatemala, Honduras, Nicaragua, the occupied Palestinian territory, Sri Lanka, Ukraine and Venezuela. The High Commissioner called on the authorities to amend national legislation to seek justice and accountability for victims and underscored that healthcare, childcare and social protection were essential to remedy the economic pain the pandemic had caused.

Among other topics, Ms. Bachelet expressed concern for the fact that fundamental rights and civic freedoms continue to be curtailed in the name of national security and the COVID-19 response. In particular, activists, lawyers and human rights defenders continue to face arbitrary charges and arrests.

Geneva International Centre for Justice (GICJ) is extremely concerned for the lack of effective cooperation and solidarity among States to guarantee an equitable distribution of vaccines. It has been amply proven in the past year that the pandemic is a global problem which merits global solutions. No State, no matter how comprehensive its own vaccination campaign has been, can lock itself away and expect to remain unharmed while the virus is running wild beyond its borders.

Vaccines need to be made available to all countries. Low-income States should not be left out of the allocation of vaccine doses. Those countries that concentrate the largest pharmaceutical industries should refrain from giving their own population preference over foreign markets and from blocking the export of essential supplies for the manufacturing of vaccines abroad. By the same token, vaccines should be provided to every person, at no cost and without consideration to the recipient's migratory status.

## Key Takeaways and Achievements

The 46th session of the Human Rights Council has shown both the utmost resilience of GICJ's interns and the required team coordination necessary to yield successful results. With the entire session taking place remotely, a lot of preparation leading up to the session was necessary, and intense training of interns located both in the office and remotely in over 8 countries was imperative.

Training consisted of teaching interns the process of drafting and editing statements, the differentiation between interactive dialogues and general debates, and the significance of various UN bodies and actors. With a multitude of recorded video statements delivered to the Human Rights Council, interns were guided to produce thorough statements with important messages.

Geneva International Centre for Justice was able to include a record number of interns in the session due to its remote setting. Fighting for human rights in solidarity and striving to achieve justice and accountability for many human rights violations across the world, GICJ excelled in an environment of trust and unity.

## Lessons Learned

The 46<sup>th</sup> session of the Human Rights Council showed the strength and unity of Geneva International Centre for Justice in a time of uncertainty with the COVID-19 pandemic. Being the first fully remote session of the Human Rights Council, the session was certainly a test to challenge the adaptability and efficiency of the interns. Nonetheless, the team was able to adapt with advance planning, new strategies, and a devoted mindset.

We were able to surpass our goals and expectations because of the versatility of our team and the determination we held collectively. GICJ will continue to strive to uphold human rights, whether remotely or in-person, as the fight against human rights violations is continuous and we will always work to make sure our voices are heard.

## Conclusion and Reflections

GICJ is proud to have a confident and motivated team of interns who were able to adjust to the remote setting of the 46<sup>th</sup> session of the Human Rights Council. "Solidarity" is our main takeaway as we reflect on this session because without the unity and teamwork of our organization, we would not be where we are today. Solidarity is what enables us to stand up for justice and seek accountability, fighting against any and all human rights violations.

Although it has been a year since the start of the COVID-19 pandemic, GICJ has been nothing but resilient in these troubling times. Now, more than ever before, the world is experiencing a heightened crisis with the pandemic halting other human rights activities, and preventative measures for many violations being pushed to the side. We must not let our current reality

become the norm, but instead we must continue to advance and push through the catastrophes of the pandemic and persist in fighting against all human rights violations.

GICJ will continue to stand in solidarity as an organization. We will strive to be in solidarity with victims of human rights crimes and violations, and most importantly, we will be resilient in making sure our mission to fight for justice and accountability never ceases.



