



GICJ Report

The 35th Session of the UN Human Rights Council

6 - 24 June 2017



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Geneva International Centre for Justice (GICJ) Report on the 35th Regular Session of the Human Rights Council

Opening Statement by the UN High Commissioner for Human Rights

The 35th regular session of the Human Rights Council was held in Geneva from 6 - 24 June 2017. The Council adopted 36 resolutions on a wide range of issues and a Presidential Statement on Côte d'Ivoire. The Council also appointed four Special Procedure mandate holders and adopted and referendum the report of its thirty-fifth session.

In his opening statement, the UN High Commissioner for Human Rights, Mr Zeid Ra'ad Al Hussein, began by calling for an end to the occupation of Palestine, due to its harmful effect on both Palestinian and Israeli people. He then turned to a discussion of Daesh, and terrorism across the world, which the High Commissioner suggested should be 'prosecuted intelligently' by preserving the human rights of all, and by countering violent extremism by insisting on its opposite - peaceful inclusion. The High Commissioner devoted the remainder of his speech to states who continually refuse to co-operate with human rights mechanisms, which has included the intimidation of a great number of Special Procedure mandate-holders this year. He went on to say that members of the Council, and future candidates, have a responsibility to cooperate with the Council's mechanisms - yet many deny any visits, and have suspended all forms of cooperation with the High Commissioner's Office. As such, the High Commissioner reiterated to those countries who have become party to international human rights treaties, but do not respect them, that "to achieve progress in human rights takes a great deal more than the flourish of a signature at the bottom of a document." He concluded by positively saying that the 2030 Agenda can be used to develop new openings for human rights work, which will impact the lives of vast numbers of people, but he also warned that "the principal responsibility for opening those doors still rests on Governments, Excellencies, and on this Council."

Council Resolutions

During the 35th session of the Human Rights Council, Member States adopted 36 resolutions on a range of different issues. The Council expressed deep concern for the human rights situation in Syria – where the continuation of the conflict is endangering scores of civilians – and invited all Member States to support actively the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in Syria.

Furthermore, the Council appointed a Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members; and it extended the mandates of the Special Rapporteur on the right to education; the Independent Expert on human rights and international solidarity; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on extreme poverty and human rights; as well as the mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises.

With regards to the protection of women and girls, the Council adopted a resolution on the elimination of discrimination against women and girls – which called on all states to repeal all discriminatory laws – a text that promotes the full realization of the right to education by every girl, and a resolution urging all Member States to challenge gender stereotypes and the negative social norms, attitudes and behaviors that underlie and perpetuate violence against women and girls.

Additional resolutions addressed the independence of judges and lawyers and the importance of the enhancement of international cooperation in the field of human rights. Moreover, a further text adopted urged all states to ensure that taken to counter terrorism and violent extremism conducive to terrorism are not discriminatory and are in compliance with international standards.

Finally, the Council adopted, *inter alia*, two resolutions in relation to the Global Compact for safe, orderly and regular migration – the first requesting the High Commissioner for Human Rights to provide relevant inputs through the global compact, and the second deciding to organize a panel on the theme “Human rights, climate change, migrants and persons displaced across international borders”.

GICJ Participation

GICJ participated in the 35th session of the Human Rights Council by delivering 16 oral statements and submitting 20 written statements. The official copies of the written reports submitted to the Human Rights Council will be available to download at the bottom of the page, along with the summaries and videos of the side events.

Oral Statements

GICJ delivered several joint oral statements under items 2, 3, 4, 5, 6, 7, 8, 9 and 10 of the agenda of the Council. The oral statements which were delivered by GICJ, jointly with other NGOs, can be watched in the next section.

General debate under 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

Statement delivered by Ms. Ife Kolade

Mr. President,

We would like to thank the High Commissioner for his opening remarks which drew attention to the impacts of Daesh and other terrorist groups in Iraq. Indeed, years of military occupation and intervention have bred an environment where terrorist acts come not only from groups such as Daesh, but also from national security forces and militias. The acts of violence perpetrated against Iraqi civilians exacerbate their already dire living situation.

An estimated 3.3 million Iraqis are internally displaced while a further 11 million are in need of humanitarian assistance. Extreme poverty affects 13 percent of the population and poverty is identified as the most pressing need by 75 percent of Iraqis. Labour force participation is below 50 percent as there are fewer and fewer opportunities for employment.

Access to healthcare is also precarious as much of the health infrastructure, hospitals and clinics were lost during the war. Furthermore, the number of healthcare practitioners in the country remains woefully inadequate to serve the population. Mr. President,

Iraqis continue to endure not only limited services and economic hardship, but also fear as the efforts to eradicate Daesh continue. While the barbarity of Daesh cannot be understated, the counteractions undertaken by the Iraqi Security Forces and their affiliated militias pose a challenge for Iraqi civilians. Iraqi forces and militias are well documented to perform extrajudicial killings, torture and rape on those they suspect to be supportive of Daesh. These violations of basic rights and freedoms further complicate the already difficult living conditions of the Iraqi people. Whether it is combatting Daesh or holding state actors accountable, we certainly agree with the statement made by the High Commissioner that counter-terrorism can and must occur alongside preservation of human rights.

In Iraq, the consequences of the 2003 invasion remain long after the occupation has ended. It is time to change the narrative for Iraqis. The situation that persists is, in many ways, a consequence of international actions and the international community must no longer turn away.

[Link to video statement](#)

General debate under 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

Statement delivered by: Mr Mutua Kobia

Mr. President,

This is joint statement by EAFORD and the Geneva International Centre for Justice. We acknowledge the rise in human rights violations of terrorist groups, especially ISIS but we beseech the recognition of crimes committed by government militia groups that go under the radar. In this instance, we raise concern on the challenging situation in Iraq.

Over the years, coalition strikes have destroyed residential and civil areas killing and displacing innocent women and children. In Fallujah, for instance, households have been destroyed and children maimed by air strikes.

Additionally, images and videos displaying soldiers threatening and beating innocent men and arbitrarily killing prisoners have surfaced. On-ground reports and visual material show indiscriminate targeting of civilian households and properties, acts of abuse including rape, torture, summary executions, enforced disappearances and extra-judicial killings committed under the guise of fighting ISIS.

Despite acceding to the Convention on the Rights of the Child, challenges persist. Children have been and continue to be recruited into military training camps by armed militia groups.

For the protection and safety of the Iraqi people we *recommend* to the UN the establishment and exercise of a monitoring mechanism to investigate human rights violations and identify all perpetrators to be held in account.

We *call* the Iraqi government to dissolve the militias in Iraq and bring all perpetrators to justice and immediately halt affiliation and participation of children with terrorist militia groups.

[Link to video statement](#)

General debate under Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Statement delivered by: Ms Giulia Squadrin

Thank you, Mr. President

This is a joint statement of EAFORD and Geneva International Centre for Justice.

Our organizations would like to call the Council's attention on the deteriorating human rights situation in Iraq and Syria.

Following the U.S-led invasion and subsequent occupation, Iraq has entered a spiral of violence and impunity that has been further exacerbated by the advance of Daesh and by the reckless fight against terrorism. In fact, while violent terrorism must be opposed and condemned, the Iraqi security forces – supported by the militias and the U.S-led coalition – are indiscriminately targeting civilian households and properties, and are committing brutal abuses, including torture, rape, summary execution and enforced disappearance under the pretext of fighting ISIS. Furthermore, the Iraqi government is using the death penalty as a means of political repression, and continues to arbitrarily detain and kill innocent civilians on pure sectarian basis. Therefore, our organizations call on this Council to immediately dispatch an independent commission of inquiry to investigate into all violations committed during “liberation” campaigns by militias and governmental forces.

The conditions of defenseless civilians are, if possible, even worse in Syria, where the indiscriminate bombing and attacks committed by governmental forces, rebel groups and terrorist organizations have caused the death of over 400.000 persons, and have provoked one of the largest waves of displacement of the last decades. Moreover, the violence of the conflict is being further exacerbated by the employment of prohibited weapons and by brutal attacks committed in concomitance of the UN-led peace talks. As such, our organizations *call* on the international community to intensify the efforts aimed at protecting civilians and at achieving lasting peaceful solutions.

[Link to video statement](#)

General debate under Item 4: Human rights situations that require the Council's attention

Delivered by: Ms Alice Wickens

This is a joint statement by EAFORD and Geneva International Centre for Justice.

We wish to bring to this council's attention the dire situation in Iraq. While ISIS and the campaign against them has kept the country in the headlines, they are not the only reason its people are suffering. The Iraqi government and its Coalition are guilty too, for waging destructive campaigns, that have left innocent and unarmed civilians trapped in the cities like Mosul. This has ensured that Iraqi citizens are no longer just the victims of ISIS, but also frequent airstrikes, and the violent crimes of government forces and pro-government militias. These civilians remain under siege, dying of starvation, with no doctors, and no food.

Successive Iraqi governments have also utilised the rise of ISIS to authorise high execution rates, arbitrary arrests and to justify the detention of peaceful demonstrators - all under the guise of "fighting terrorism."

Distinguished delegates,

There aren't many things which are more corrosive to human rights than impunity. Yet, so far, this Council has failed to adequately address the crimes against humanity which are being committed everyday in Iraq - suggesting that liberation is far from anything Iraqi people may hope to witness anytime soon. For them, defeating ISIS is only the start of restoring Iraq - a task that will never be accomplished without first addressing justice, governance, and accountability.

[Link to video statement](#)

General debate under Item 5 on the Report of the Forum on Business and Human Rights

Statement delivered by: Ms Ife Kolade

Thank you, Mr. President.

International-Lawyers.org and Geneva International Centre for Justice note the report of the Forum on Business and Human Rights and its concern with the respect of human rights by State-owned and supported enterprises.

We especially draw the Council's attention specifically to the practices of Canadian-owned mining companies. As 57 percent of all mining companies in the world are domiciled in Canada, there exists a unique opportunity for the country to be a global leader in spearheading respect for human rights within extractive industries. Regrettably, Canada still lags behind.

A recent report by the Justice and Corporate Accountability Project documents "30 targeted deaths and 709 cases of 'criminalization, during the period from 2000 to 2015, associated with the operations of 28 Canadian companies in Latin America." Recently, the Supreme Court of Canada cleared the way for a Guatemalan group to proceed against Canadian-owned Tahoe Resources, with a case seeking redress for abuses carried out at the company's Guatemalan mine.

The UN Working Group on Business and Human Rights observed after its recent ten-day fact-finding mission to Canada that a gap still remains between the human rights values Canada espouses and its will to provide effective remedies for victims of human rights violations, especially where they pertain to the business activities of Canadian companies overseas. This complex situation is especially exacerbated by the reality that government oversight in the countries in which the companies operate is often limited.

Our organisations join the Canadian civil society in *calling* on the government of Canada to establish an institution with a mandate to investigate human rights violations perpetrated by Canadian companies involved in the extractive industries anywhere in the world.

[Link to video statement](#)

General debate under Item 5 on the Report of the Forum on Business and Human Rights

Statement delivered by: Mr. Siddharth Abraham Srikanth

Thank you Mr. Vice-President,

This is a joint statement by EAFORD and the Geneva International Centre for Justice.

Our organizations are concerned by the observation presented in the summary report that many export credit agencies (hereon ECAs) and development finance institutions are yet to take effective steps to ensure the protection of human rights in the course of their supported projects.

Article 4 of the UN Guiding Principles on Business and Human Rights calls upon states to "take additional steps to protect against human rights abuses by business enterprises that are owned or

controlled by the State.” Despite this, many members of this very Council seem to lack the political will to carry out the aforementioned obligation.

In Australia, for example, although the ECA reluctantly halted its prospective lending to a coal mine in South Africa, it has not ruled out future financing of projects that may cause or facilitate human rights violations. Similarly, between 2007 and 2015, the ECA in the United States provided 315 million dollars in financing to businesses supplying African mines believed to utilize slave labour.

Mr. Vice-President,

The vital role to be played by states is especially pertinent when we speak about ECAs, as governments have the influence and authority to affect change within these institutions at a faster pace than perhaps other business operations. In that regard, and to that end, we *call* upon Member States to take immediate steps towards bringing the business practices of their export credit agencies in line with the Guiding Principles and all relevant international human rights instruments.

[Link to video statement](#)

General debate under Item 6 on the Universal Periodic Review (UPR)

Statement delivered by: Ms. Lisa-Marlen Gronemeier

Thank you Mr. President,

This is a joint statement by International Lawyers and Geneva International Centre for Justice. We are deeply concerned that Israel’s actions since its last UPR are in contravention to recommendations by Member States and a further testament to the State’s disregard for human rights and international law.

In direct contravention to UPR recommendations, Israel persists in its illegal occupation and the denial of Palestinian self-determination and the rights, including the right of return, of Palestine refugees, and continues its illegal settlement and annexationist activities. Israel rejected recommendations demanding the dismantling of the illegal Separation Wall in accordance with the ICJ advisory opinion and the end to the suffocating Gaza blockade.

(Contrary to recommendations, Palestinian citizens of Israel continue to face discrimination in, *inter alia*, access to justice, in property and housing rights, employment, education, health care, as well as in participation in political and public affairs.)

The State continues to refuse to abide by its international obligations, in particular the Fourth Geneva Convention, and continues to violate Palestinians' fundamental rights, including through excessive and lethal force, the devastating destruction of homes and villages, deportations, closures and curfews, and arbitrary detention under ill-treatment and torture.

Israel has also failed to comply with States' recommendations to investigate violations, including those amounting to war crimes, and continues to act with impunity. We *call* upon the international community to hold Israel accountable and force it to comply with its international obligations in the service of real democracy and just peace in the region and beyond.

[Link to video statement](#)

General debate under Item 6 on the Universal Periodic Review (UPR)

Statement delivered by: Mr Siddharth Abraham Srikanth

Thank you Mr. President,

This is a joint statement by EAFORD and the Geneva International Centre for Justice.

We would like to draw the Council's attention to the Republic of Iraq's lack of adherence to the accepted UPR recommendations.

After disregarding a majority of the recommendations received during the first cycle of its UPR (25 of which were not even responded to), Iraq received an alarmingly high 242 recommendations in the second cycle alone. In stark contrast to the elementary objectives of the Universal Periodic Review, human rights ideals have time and again been undermined in Iraq, despite the multitude of pertinent recommendations made by member states, even with regard to the most essential rights.

More specifically, the right to life is under constant threat by the militias of the Iraqi political parties, with the use of the death penalty remaining widespread as a means of political repression. The government and the judiciary continue to be plagued by corruption, and there alarmingly still exists no form of legal protection for female victims of violence, thus amounting to a complete lack of accountability for the perpetrators of these heinous crimes.

To make matters worse, freedom of expression and peaceful demonstrations of political dissent continue to be forcibly repressed by said militias, and the government has even gone far enough to create obstacles in order to delay or prevent a country visit by the Special Rapporteur on torture.

We thus *urge* the government of Iraq to start respecting its international commitments, to implement the accepted UPR recommendations, and to make expeditious provisions for UN special procedures to enter the country.

[Link to video statement](#)

Gender debate under Item 7 on the Human rights situation in Palestine and other occupied Arab territories

Statement delivered by: Ms. Ife Kolade

International-Lawyers.Org draws attention to continuing serious and widespread violations of Palestinians' human rights by Israel. This situation undoubtedly necessitates the continued attention of the Human Rights Council.

We regret that rather than address these violations by ensuring respect for human rights and condemning Israel's actions, some Member States of the Human Rights Council seek to instead hide their heads in the sand and pretend that nothing is happening. Such a stance is inconsistent with the obligations of the Council's Member States. Such intentional ignorance is a dark mark on the history of the States that are taking such an unfortunate stance and impugns the integrity of the Council itself.

Moreover, Israel's recent action to restrict, and, in some cases suspend, electricity to parts of Gaza indicates once again the continuation of an intentional and ongoing Israeli policy aimed at creating conditions of life for Palestinians in Gaza that evidences Israel's intention is to destroy the Palestinian people, at least in part. As every Member State of the Council is aware such actions give rise to the responsibility of all States to act to prevent these activities no matter where they occur because they constitute acts of genocide. The failure to fulfil this responsibility is not only an unfortunate example of irresponsibility by complacent States, but it may also give rise to the responsibility of these States for the international crime of genocide.

In light of this situation, we urge the Special Rapporteur to investigate whether Israel's action have reached the level of actions—over the better part of a century—that constitute the crime of genocide.

[Link to video statement](#)

Gender debate under Item 7 on the Human rights situation in Palestine and other occupied Arab territories

Statement delivered by: Ms. Jennifer Tapia

Thank you Mr. President,

This is a joint statement by EAFORD and Geneva International Centre for Justice.

Our organizations would like to express our serious concern about the human rights violations that daily occur against the Palestinian people.

69 years have passed since the occupation. Many reports show evidence of Israeli expansion through illegal settlement activities for the last 50 years. As a result, millions of Palestinians have fled their lands or are internally displaced.

We are also concerned about the discriminatory laws, racial oppression and segregation of the Palestinian population living under the constant threat of evictions, confiscation of their lands, restrictions on their freedom of movement, and deprivation of access to basic resources.

We *urge* this Council and all member states,

- To take immediate measures to pressure the Israeli government to fulfil its obligations under international human rights law and international humanitarian law;
- and to enable the Palestinian people to exert their right to self-determination; as well as the right to return home, for all displaced Palestinians.

Moreover, we *urge* this Council to call on the State of Israel,

- to terminate all settlement activities;
- stop institutionalized discrimination against Palestinians;
- and to exert all efforts to implement UN resolutions that guarantee the fundamental rights of the Palestinian people.

[Link to video statement](#)

**General debate under Item 8: Follow-up to and implementation of the Vienna Declaration and
Programme of Action**

Statement delivered by: Mr. Mutua Kobia

Thank you Mr. President,

This is a joint statement by EAFORD and Geneva International Centre for Justice.

Civil society as recognized in the Vienna Declaration and Programme of Action is critical to the functioning of the Human Rights Council regarding the assurance and awareness of human rights reporting and violations. For the sake of countless victims and their unheard voices it is warranted and paramount that the platform for civil society space must be increased and exercised.

The VDPA recognizes that, quote, “all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms”. Yet, in many instances economic and self-serving interests are continuously put ahead of the human person.

Forms of alien domination or foreign occupation are still active in all regions of the globe. Such as land grabbing by big businesses and extractive industries and discriminatory settlements that deliberately violate human rights, especially that of local, marginalized, and indigenous people, and even further, violators obstruct the activities of human rights and environmental defenders.

As well, harmful child labour, sale of children and children in armed conflict not only persist but are on the rise. For instance, within states currently engaged in armed conflict, militias or other governmental forces actively recruit and train children in military operations.

The VDPA calls for international cooperation and support, therefore;

We *urge* the Council to take immediate steps to better engage with civil society and we *ask* what necessary and practical steps civil society should take in order to be more effective at the Human Rights Council to; hold governments accountable, eliminate impunity, and encourage the political will of governments?

[Link to video statement](#)

General Debate under Item 9: Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action

Statement delivered by: Mr. Mutua Kobia

Thank you Mr. President,

This is a joint statement by EAFORD and Geneva International Centre for Justice.

The results of racial intolerance, discrimination, and hatred that led to the creation of the Durban Declaration and Programme of Action sadly persist. Multiple forms of racial discrimination are present in policies and national legislation of numerous states. Violations against identifiable groups such as Palestinians entrenched to a system of institutionalized racial discrimination qualify as crimes against humanity as recognized in the World Conference.

While Israel's Basic Laws do not explicitly guarantee equality and non-discrimination, some Basic Laws institutionalize discrimination, such as in the field of land policy. Such discriminatory legislation is buttressed by the para-statal status allocated to right-wing extremist organizations but can be revised under the DDPA.

Additionally, Israel's geographic and legal fragmentation of the Palestinian people facilitates inhuman acts as described in the Apartheid Convention. Palestinians' participation in life of their community is obstructed and conditions preventing their full development are deliberately created.

Palestinians are thus deprived of vital infrastructure, essential resources, and social services, as well as of equal access to employment, housing, education, and healthcare. Discriminatory laws governing entry and residence are enacted as well as family reunification that perpetuates practices that discriminate against the Palestinian population.

As in the current IWG report we highly *recommend* implementation of effective measures underlined in the DDPA, particularly regarding national legislation, which can lead to elimination of discriminatory laws and practices for the full enjoyment of human rights.

[Link to video statement](#)

General Debate Under Item 10: on Technical assistance and capacity-building

Statement delivered by Ms Ife Kolade

Thank you, Mr. President.

International-Lawyers.org and Geneva International Centre for Justice would like to, once again, draw this council's attention to the rapidly deteriorating situation in Yemen.

With over 2 million Internally Displaced Persons in a country of 26 million, and many more people affected by the conflict in other respects, the need for assistance in Yemen is truly widespread.

We would especially like to draw attention to the recent cholera outbreak which is estimated to have already affected over 135,000 people and killed 950, according to the World Health Organization. Both the Special Rapporteur on the Human

Right to Safe Drinking Water and Sanitation, and the Special Rapporteur on Health have noted that the lack of access to reliable and clean drinking water, in tandem with a broken sanitation system, have and will continue to enable conditions for the spread of cholera in Yemen.

The cholera outbreak, famine in certain regions, and lack of access to healthcare across the country will create the perfect storm for mass suffering and deaths if the international community does not take action. While humanitarian assistance will temporarily ease the pain and suffering, only a human rights sensitive approach to ending the conflict will produce a long-term solution.

We, therefore, *call* on the members of this council to increase their pressure on all parties to end its blockade of Yemen cities.

[Link to video statement](#)

General Debate under Item 10: on Technical assistance and capacity-building

Statement delivered by Ms Alice Wickens

This is a joint statement by EAFORD and Geneva International Centre for Justice.

We wish to call attention to the desperate situation in Yemen. This country remains under siege due to the radical Houthi militias, who are inflicting a campaign of horror and destruction on Yemeni citizens. The Houthi attacks are unjust acts of aggression, fuelled by Iran, a country which is exerting its influence and control throughout the entire region.

As the chaos continues, Yemen has been torn apart. In 2015, a senior UN aid official stated that 18 million Yemeni people were in need of some kind of humanitarian assistance. Two years later, this situation has only deteriorated, and in March 2017, the UN World Food Programme warned that just 3 months worth of food remained inside the country.

Mr President,

We wish to tell you that it is not too late to stop the devastation of Yemen. Nor is it too late to prevent children from being left to die of famine and curable diseases, while food security, sanitation, water, medicine and shelter all become increasingly unattainable.

Yet in order to do so, this Council and the international community must finally *take action to halt* the illegal interference of Iran and the Houthi militia, whose actions are hindering the achievement of peaceful settlements, and which are an assault on Yemen's sovereignty and security.

[Link to video statement](#)

Written Statements

During the 35th Session of the Human Rights Council, Geneva International Centre for Justice co-submitted twenty written statements, addressing the most concerning cases of human rights violations and abuses occurring in Yemen, Syria, Palestine, Iraq, South Sudan, and Myanmar. Each statement concludes with a series of recommendations that GICJ, and the co-signatories NGOs, wish to address to the UN bodies, and particularly to the Human Rights Council.

Iraq: A Silenced Nation

This statement considers the restriction on freedom of expression and peaceful assembly in Iraq. It shows that while on the face of it, Iraq's constitution does protect freedom of speech and expression, in practice, the government does the opposite. The law and regulations adopted since 2003 have heavily restricted social media and the freedom of the press - and in many cases, have been used to criminalise journalists and human rights defenders. Not only do Iraqi journalists face legal action for criticising the government, but also intimidation, harassment, and violence in the course of their reporting. In 2016, one report named Iraq as the deadliest country in the world for journalists, with more than 300 journalists killed between 1990 and 2015. This ongoing brutality and repression has forced media workers to self-censor, and ensured there are no longer any truly independent media outlets in Iraq. As a result, the statement urges Iraq to ensure that journalists are protected against

harassment and violence while performing their profession, and that all allegations of such harassment or violence are promptly and thoroughly investigated, and those responsible are held accountable.

[Link to full report](#)

Iraq: A Judiciary without Justice

This statement evaluates the independence of judges and lawyers in Iraq. It establishes that corruption has become so widespread that trials in Iraq fail to meet even the most basic human rights standards. The Iraqi judiciary, in particular, have had their independence compromised by the government due to threats, fear and bribes. The Iraqi government is also failing to ensure there is transparency in court proceedings, or ensuring there is due process and fairness in trials. Instead, Iraqis are being detained, convicted on inappropriate evidence, and sentenced to death shortly after being arrested. If there is a trial, judges frequently use evidence that is gained from secret informants to pursue criminal prosecutions, or confessions made by the detainee during torture, when they were forced to confess to crimes or terrorist acts. This allows detainees to be charged with crimes, often with terrorism, without any actual evidence. Further to this, this report includes evidence that when Iraqi citizens are executed by the state, the Justice Ministry releases little or no evidence as to their names, their convictions, any information about what they were convicted of, or whether they had a trial at all. As a result, it calls on Iraq to take all measures to amend their flawed justice system by ending arbitrary arrests, detention, unfair trials and the extrajudicial imposition of the death sentence.

[Link to full report](#)

Iraq: State Executions

This statement considers the use of state executions in Iraq, which demonstrate that the right to life is not a right respected by this country. The Iraqi government continues to use the death penalty and extrajudicial executions as tools of political repression, to eliminate political opponents, and to maintain a reign of terror over the Iraqi population at large. Since the adoption of the Anti-Terrorism Law No.13 of 2005, the majority of state executions have been justified by the pretext of “fighting terrorism.” Under this law, a person can be sentenced to death on any one of 48 charges, including extremely vague acts, such as “threats which aim to bring about fear among people.” This pretext of fighting terrorism is also being used to excuse the behaviour of the Iraqi security forces and pro-

government militia, who are arbitrarily detaining and executing thousands of Iraqi citizens, who, in most cases, are not terrorists, but abducted on a purely sectarian basis. The report concludes by calling for the international community to do all that is in its power to pressure the Iraqi government to uphold the human rights standards it has pledged to - ending the use of state executions which are so plagued with arbitrariness, prejudice, and error.

[Link to full report](#)

Human Rights Violations in Iraq

This statement assesses the key human rights challenges existing in Iraq - including systematic and institutionalised violations. It contends that corruption in Iraq has become endemic, with successive governments using public money for their own benefit - depriving Iraqi people of their basic needs. The state has also allowed the sectarian militia to grow unrestrainedly in power and size, who themselves gravely violate civilian rights. Worse still, successive Iraqi governments have utilised the rise of ISIS to authorise high execution rates, arbitrary arrests and to justify the detention of peaceful demonstrators - all under the guise of "fighting terrorism." This has given rise to some of the most prolific violations of international human rights law and international humanitarian law of this century. The statement further examines the climate of impunity in Iraq, which has allowed these serious abuses to occur. Finally, the statement calls for an independent and impartial inquiry into the gross human rights violations in Iraq - to finally ensure accountability and justice.

[Link to full report](#)

Conditions of women in Iraq, Yemen and the Syrian Arab Republic

This statement describes the inhumane conditions and suffering faced by women and girls in conflict-affected areas, in particular Iraq, Yemen, and Syria. In all three countries, women are overly affected by the violence of the conflict, are internally displaced, are deprived of adequate health care and basic livelihood items, are often marginalized by the humanitarian response and are not adequately included in the reconstruction and peace processes. Furthermore, women continue to be discriminated in law and practice, and obsolete and biased legal provisions often prevent them from enjoying equal rights and from obtaining adequate redress and compensation in case of violence. Therefore, the statement urges the concerned governments to immediately repeal all discriminatory

provisions and to ensure that all women, including those living in rural areas, in besieged or hard-to-reach areas, and in refugee camps can access appropriate health care, including reproductive care.

[Link to full report](#)

Internally Displaced Persons in the Syrian Arab Republic and Iraq

This statement examines the legal framework concerning the rights of internally displaced persons and explores the conditions of IDPs in Syria and Iraq. The six-years-long Syrian civil conflict has provoked a massive wave of displacement: today, 6.3 million people, including 2.8 million children are displaced inside the country. In Iraq, the advance of the Islamic State as well as the reckless ways in which the government and its affiliated militias are conducting the war on terror have forced 3.2 million people to internal displacement. To date, over 650,000 people remain strained in inadequate shelter where living conditions are below all international standards. Hence, this statement calls on the United Nations to constructively work alongside the Iraqi and Syrian government on political, technical and financial issues related to the protection, dignified return and integration of IDPs, and urges the Iraqi and Syrian government to ensure the safety and security of IDPs.

[Link to full report](#)

Summary executions in the Syrian Arab Republic

This statement denounces the heinous crime of summary executions and explores the grave breaches of international law committed by all parties involved in the Syrian conflict. Despite the national and international legal framework criminalizing summary executions, both government security forces and terrorist groups are responsible of arbitrary executions and unlawful killings. Summary trials often lead to death sentences; detainees are not given the chance to defend themselves nor to speak with a lawyer, and confessions obtained with the use of torture are often the only evidence provided (if any evidence is submitted at all). Therefore, this statement urges the Syrian government to comply with human rights and humanitarian law standards; particularly, put an end to illicit trials, torture and summary executions of persons deprived of their liberty and calls on the government to reinforce and respect the legal framework on civilian protection.

[Link to full report](#)

The Syrian tragedy continues

This statement examines the progress made by the UN-led peace process as well as the violent attacks committed in concomitance of the Geneva-based peace talks. The United Nations and Mr. Staffan de Mistura, UN Special Envoy for the Syrian Arab Republic, are promoting an inclusive Syrian-owned, Syrian-led peace process focused on governance, on the drafting of a new constitution, on counter-terrorism strategies and on the holding of elections in line with Security Council resolution 2254. Yet, the effective and constructive development of the peace process continues to be hindered by deadly and horrific attacks on civilian-inhabited areas and on humanitarian convoys, which have a dire impact on the peaceful settlement of hostilities. This statement calls on the United Nations to continue to provide a legal and institutional framework as well as an appropriate ground for the progress of the peace talks, and to promote inclusive, comprehensive, Syrian-led negotiations and ensure that women and minority groups are included in the decision-making and reconstruction process.

[Link to full report](#)

Uncovered at Last: Israel's Apartheid State

This statement outlines that Israel is guilty of policies and practices that constitute the crime of apartheid as legally defined in instruments of international law, as it collectively submits Palestinians to an entrenched system of institutionalized racial discrimination. Israeli authorities conduct, inter alia, house demolitions, deportations, indefinite administrative detentions, and closures and curfews of Palestinian towns and villages. Contrary to the Apartheid Convention, Israel obstructs Palestinians' participation in the life of their community and deliberately creates conditions preventing their full development. The statement calls upon Israel to comply with international criminal law and upon all Member States to make responsible and full use of their national legal systems in the service of the global common good.

[Link to full report](#)

Palestinians: A Displaced People

As this statement reveals, Palestinians have been facing the harsh realities and constant threat of displacement for seven decades. Israeli policies and practices continue to cause extensive displacement among the Palestinian population. The statements outlines how Israeli military operations, its persistent and systematic confiscation and destruction of Palestinian land and

property, evictions of Palestinians for the sake of Jewish settlements, its creation of a coercive environment, and the revocation of residency statuses result in largescale displacement of Palestinians. Their humanitarian and socioeconomic situation is precarious. The statement recommends to the United Nations and its relevant bodies to ensure the voluntary return, restitution, and compensation of Palestinian refugees and IDPs and an end to the prolonged occupation of Palestine and Israel's discriminatory policies and practices.

[Link to full report](#)

Education as Tool of Israeli Domination over the Palestinian People

The statement shows that contrary to its international obligations, Israel violates Palestinians' access, quality and equal enjoyment of the right to education through systematic illegal policies and practices. Palestinians face serious challenges with regards to education due to, inter alia, inadequate school infrastructure and a chronic shortage of classrooms, building restrictions, and hampered access to educational facilities owing to Israeli-imposed physical, bureaucratic and other obstacles. These factors result in high drop-out rates and low learning achievements. The denial of the right to be educated with respect to their cultural identity, language and values, severe movement restrictions, and military action are further discussed violations. The statement calls on the UN to guarantee the enjoyment of the right to education by Palestinians and reiterates that this right cannot be fully achieved without Palestinian self-determination.

[Link to full report](#)

Integrated System of Occupation of Palestinian Women

The statement examines how the Israeli occupation and institutionalized discrimination in conjunction with patriarchy exposes Palestinian women to subordination and continuing violence and marginalization. At the hands of the occupying Power, Palestinian women are subjected to physical and verbal abuse as well as to excessive use of force. Under the prohibited use of administrative detention, they face ill-treatment and forms of torture. Women are particularly affected by the closure and permit system, and its policy of land confiscation and house demolitions. The violent reality has increased intra-societal and -family violence against and oppression of women. Perpetrators of crimes against Palestinian women are largely endowed with impunity under the domestic legal systems. The statement recommends to the international community to take all necessary measures to ensure the

protection of Palestinian women and to assist in bringing perpetrators of violence against them to justice.

[Link to full report](#)

Stifling Palestinian National Expression and Resistance to Israeli Domination

As outlined in the statement, the Israeli State has a long history of violating Palestinian freedom of expression, association and peaceful assembly by, inter alia, closing down institutions, violently dispersing peaceful protests, and conducting large-scale arrests, in an effort to stifle Palestinian national expression and resistance to the Israeli system of occupation and apartheid. The statement assesses that this system would not be sustained if Israel did not persecute opponents and erode their fundamental rights. Israel's persecution of Palestinians is facilitated by its imposition of divergent legal systems and courts, including a repressive military regime, that apply discriminatory standards of evidence and procedure as compared to Jewish Israelis. The signatories to this statement recommend to the UN to ensure that Israel fully respect the fundamental freedoms of assembly, association, expression and movement.

[Link to full report](#)

Silencing Dissent: Israel's Persecution of Political Opponents

This statement reveals that recent years have seen an increase in restrictions, criminalization, and violence targeting anyone opposing the occupation and focusing on associated abuses – including Israeli and international actors. The space for civil society in occupied Palestine and in Israel is therefore further diminishing. The targeting by the government and Israeli right-wing groups of those actors that dare to stand up for human rights and democratic values in an effort to silence them further entrenches the occupation and places in jeopardy the enjoyment of human rights for everyone in the region. In light of this, the statement calls upon the UN to ensure that Israel cease and rescind its oppressive military orders and anti-democratic and restrictive practices and legislation targeting civil society activists and HRDs.

[Link to full report](#)

Hate Speech in the Context of Political Leaders and Parties

Hate speech, generally defined as “speech that attacks, threatens, or insults a person or group on the basis of national origin, ethnicity, colour, religion, gender, gender identity, sexual orientation, or disability”, has been used worldwide for various purposes including vilification of, or discrimination against certain groups (usually minority groups), hatred and xenophobic tendencies, and propaganda purposes. Intentions stem from intolerance and discrimination and lack of accurate information.

Article 20(2) of the ICCPR states: “any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”. Hence, States parties are required to prohibit, let alone engage in, hate speech.

GICJ recommended the international community to clearly define “Hate Speech”; that States ratify and apply ICCPR and CERD without reservations; enhance human rights discourse on hate speech and its regulation at the international and national level; and further study causes and effects of hate speech.

[Link to full report](#)

"Words of Fear and Loathing Can, and Do, Have Real Consequences"

There is a reporting crisis. Inaccurate/fake news and propaganda that negatively portrays people categorized under certain groups is on the rise. There is also grave concern on how political leaders use such propaganda to incite violence and genocide especially online¹.

Since 1973 the Durban Declaration has continuously called for the international community and national legislation to use media as a means of education on racism, racial discrimination, hatred, xenophobia and other related forms of intolerance and further as a means to dispel false information and the evils of racism. The Durban Declaration offers practical solutions at the international and national level.

GICJ recommended the development of a set of standards for journalists and media on the use of derogatory language backed by a media complaint mechanism; increase availability of resources for more accurate journalism; dispel false information and disseminate accurate and necessary information; and sign, ratify, and exercise the Durban Declaration.

[Link to full report](#)

Yemen: A Decade of Violence

The written statement describes the extent of the Yemeni humanitarian catastrophe, the commission of grave breaches of international humanitarian law and international human rights law and it points out the inefficiency of the international community's response through the United Nations to halt a decade of violence and ensure accountability. The perpetrators from all parties to armed hostilities commit war crimes and crimes against humanity in a widespread, systematic and organised manner. The Yemeni government is either unable or incapable to ensure cessation of hostilities and accountability. Moreover, the statement emphasises that the measures undertaken by the international community through the United Nations to address the situation in Yemen during the past decade are widely assessed as total failure. The statement details the UN General Assembly resolutions on the situation in Yemen and highlights the actions of the UN Security Council and Human Rights Council during the period of 2007-2017. Additionally, it concludes that the UN-brokered peace talks facilitated by the UN Special Envoy to Yemen has eventually ended fruitless. As the UN actions to date on the situation in Yemen were not efficient to protect civilians and resolve the political crisis in Yemen, it is recommended to immediately endorse an international independent investigation into alleged war crimes and crimes against humanity and to refer the situation in Yemen to the International Criminal Court.

[Link to full report](#)

Yemen: Denial of the Right to Education

The written statement alarms about the failure of the international community to ensure protection of civilians and resolution of the political crisis as ineffective. Especially, the statement emphasises that the right to education of the Yemeni children is denied. The number of civilians in need of humanitarian aid and protection grows continuously. Children, as the most vulnerable group disproportionately affected by the armed conflict, pay the highest toll. The written statement underlines that the armed hostilities led to widespread and systematic violations and abuses against children. It includes indiscriminate killings, maiming, recruitment and use of children by armed forces and armed groups, attacks on schools and use of schools for military purposes or as human shields, rape and other forms of sexual and gender-based violence, abduction and denial of humanitarian access. Moreover, the Yemeni children are denied of their right to education and a chance for brighter future. The statement describes killings and recruitment of child soldiers, closed schools and schools unfit for use, indiscriminate attacks on educational facilities, the right to education of children in

displacement and the impact of war on education of girls. Finally, the written statement calls all parties to conflict to comply with international humanitarian law, ensure protection of children and cease actions that impede children's safe access to education, the immediate stop of the ongoing recruitment and use of children by all parties to armed conflict, release of children from their ranks and provision of adequate rehabilitation and re-integration programs and other recommendations.

[Link to full report](#)

1. <https://www.pri.org/stories/2017-04-25/online-fake-news-and-hate-speech-are-fueling-tribal-genocide-south-sudan>

Geneva International Centre *for* Justice

Independent, non-profit, non-governmental organization

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

Mission

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

Work

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



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