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## Introduction

The Thirty-Eighth Regular Session of the Human Rights Council (HRC or Council) was held at the Palais des Nations in Geneva, Switzerland from the 18<sup>th</sup> of June to the 6<sup>th</sup> of July 2018. The Council addressed numerous grave human rights situations in various regions of the globe and on a number of issues and on specific situations. These were delivered by 24 independent human rights experts, working groups and investigative bodies and 105 reports addressing 36 themes and 44 country situations were delivered; additionally, four panel discussions were held and 11 oral updates were heard; the Universal Periodic Review outcomes of 14 states were adopted and statements by six high-level dignitaries were heard. In all, representatives from 147 states, 260 non-governmental organizations and 16 national human rights institutions (NHRIs) participated in this Council's Session.

The **President of the Human Rights Council, Ambassador Vojislav Šuc** (Slovenia) opened the Session by extending a warm welcome to eight delegates from small island States and the least developed countries whose participation was made possible by the Voluntary Technical Assistance Fund. He also stressed that the UN and the Council has zero tolerance for harassment and sexual harassment and emphasised he would follow on allegations received



UN Photo / Jean-Marc Ferré

concerning acts of reprisals and intimidation on civil society and NHRIs in connection the HRC, its mechanism and procedures.



UN Photo / Jean-Marc Ferré

In his last global update before the HRC, the **United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein** brought to attention the universality of human rights. He noted with great concern over growing attacks against the Universal Declaration of Human Rights and that the United Nations was conceived to prevent the rebirth of chauvinistic nationalism that imperilled the world. He emphasised that peace could only

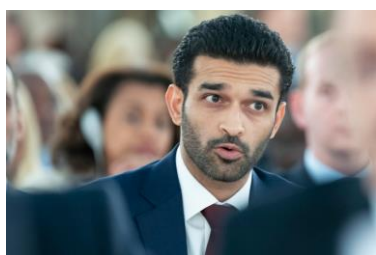
be attained if states work for the human rights of all people and this can be achieved when decisions to cooperate with the international human rights system are made, which will lead to the creation of openings towards a harmonious society. He recognised human rights as the most constructive movement in the era and that he leaves a strong Office that is committed to a gargantuan task that faced heavy headwinds yet made progress.

The **Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, Boris Johnson** applauded the High Commissioner for Human Rights (HC), Al Hussein, for his tireless service and that he gave a voice to people who would have otherwise suffered in silence and through him the Council exposed grave human rights violations in specific countries. However, he also said that Britain remained critical of Agenda Item 7<sup>1</sup> and that it would vote against all resolutions introduced under this agenda item unless things changed. The



UN Photo / Jean-Marc Ferré

**Secretary-General of the Supreme Committee for Delivery and Legacy of Qatar, Hassan Al Thawadi** he also



thanked the HC, Zeid for his invaluable role and noted that recognized his role in supporting the reform process in Qatar. He accentuated the value of sporting diplomacy and noted that sport including the World Cup is "*a precious opportunity to celebrate common humanity and advance progress for human rights in the region.*"

UN Photo / Jean-Marc Ferré

On the 19<sup>th</sup> of June the United States of America officially announced its membership withdrawal from the Human Rights Council. In a Press statement by the President of the Human Rights Council, Vojislav Šuc recognized the United States as being a very active participant at the Council in a constructive manner and continued by highlighting the Council's efforts to tackle the most serious of human rights issues across the globe. Moreover, the Council "provides a unique setting" to hear the views and opinions which other organizations are either unwilling or unable to tackle. It is also exception in that it is the only intergovernmental body that responds to the most serious human rights issues worldwide with the active participation of civil society.



He made similar remarks the following day while addressing the Council on the decision by the United States to withdraw from the Council adding, that there is little chance that human rights issues are discussed elsewhere. Additionally, he said the Council serves as an early warning system "ahead of impending or worsening crises" and the significant role of the Council is evidenced by the dozens of independent human rights experts and investigative bodies including the High Commissioner of

***"In times when the value and strength of multilateralism and human rights are being challenged on a daily basis, it is essential that we uphold a strong and vibrant Council recognizing it as a central part of the United Nations for the 21st century."***

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<sup>1</sup> HRC Agenda Item 7: Human rights situation in Palestine and other occupied Arab territories.

Human Rights and other relevant participants who assess numerous human rights situations across the globe to the international community.

GICJ also released [a statement](#) expressing its regret that the United States withdrew its membership from the Human Rights Council and noted its contributions to the Council and most importantly its international responsibilities and commitments towards conflict resolution and addressing chronic issues. GICJ critically denounced Ambassador Niki Haley's reasoning for the US's withdrawal from the Council and also highlighted the serious human rights violations committed by the United States including the Vietnam War, the Invasion of Afghanistan, and the Invasion and Occupation of Iraq. To this end, GICJ "believes that if the United States is really willing to play a 'leading' role in human rights, it should strive to do so from inside, rather than away from, the human rights mechanism."

The Council adopted 20 resolutions on a variety of issues and extended country mandates on Belarus and Eritrea, dispatched two international human rights experts to the Democratic Republic of Congo, called on all parties in Syria to work towards a genuine political transition, and appointed five Special Procedure Mandate holders.

## Opening Statement by the UN High Commissioner for Human Rights

His Excellency, the High Commissioner for Human Rights Mr. Zeid Ra'ad Al Hussein, began the opening statement and global update of human rights at the 38<sup>th</sup> session of the Human rights Council with drawing on some "final reflections". How could the same political leaders who negotiated the most translated document in the world, pouring the universal values into that Charter, and saying that universal human rights were picked from a Western imagination? Why other countries didn't withdraw from the UN, if they think that the UN is a solo tune from a Western instrument? His Excellency responded to his own reflections by saying that human memory is weak and to many people history matters only when it can be unsheathed and flung into political battle.



Photo source: voanews



According to his Excellency, chauvinistic nationalism is the most destructive force to imperil the world and it's the exact opposite and enemy of the UN. The *raison d'être* of the UN is rights, justice, the protection of peace and social progress and only when States cooperate, peace can be attainable. The High Commissioner said that refusals of access constitute a serious affront to their work and that the government should give them access to see the situation on the ground. The situation in Syria is due to the leadership's contempt and disregard for Human Rights. These acts made by the government, its allies and extremists have totally destroyed the country. "we will continue our extensive remote in monitoring of human rights violations in Syria" said his Excellency. In Myanmar the situation is still being against human rights of the Rohingyas in Rakhine State; enforced disappearances, torture and inhuman treatment, rape, forced labour, recruitment of children into armed forces. The High Commissioner said that he reiterates that no repatriation should occur in the absence of sustained human rights monitoring on the ground, in the areas concerned. His excellency encourages the Council to establish a commission of inquiry for more comprehensive investigation of the human rights situation in Kashmir.

Israel is denying any access to the Occupied Palestinian Territory by Special Rapporteurs or by Commission of Inquiry. So, his Excellency urge Israel to provide access to all human rights mechanisms. He also encouraged the Chinese authorities to enable all actors to contribute to all the international human rights mechanisms, and to cooperate with them in a spirit of open and mutual partnership, to improve respect for the rights and



Photo source: @UN\_HRC

freedoms of China's people. Turkey received many visits, in 2016, relating to freedom of expression, torture and enforced disappearances, but the High commissioner encourage the State to allow more visits in the future. There are 15 States that have more than five pending visits such as **Bahrain, Belarus, Bolivia, Colombia, Democratic Republic of the Congo, Egypt, Ethiopia, Iran, Jamaica, Nicaragua, Pakistan, Turkmenistan, Uganda, Yemen and Zimbabwe. These countries must cooperate with the mechanisms. Mr Zeid Ra'ad Al Hussein** called on the United States to immediately end the practice of forcible separation of children and encouraged the Government to at last ratify the Convention on the Rights of the Child, to ensure that the fundamental rights of all children, whatever their administrative status, will be at the centre of all domestic laws and policies.



Photo source: UN Geneva

*"I am convinced that the human rights ideal has been the most constructive movement of ideas in our era – and among the most successful."* Mr. Zeid Ra'ad Al Hussein

## Summary of Meetings

The 38th Session of the Human Rights Council included various thematic issues such as 'violence against women', 'right to education', 'peaceful assembly and association', 'summary executions', 'freedom of expression', 'extreme poverty', 'internally displaced persons' etc. that GICJ followed, as well as country-specific situations such as Belarus, Burundi, Central African Republic, the Democratic Republic of Congo (DRC), Israel, Mali, the Syrian Arab Republic, Ukraine among others. Below are two summaries on 'the human rights situation in Myanmar' and on "Racial Discrimination", which GICJ has closely focused on in the past year.

## Interactive Dialogue with the High Commissioner for Human Rights on the situation in Myanmar

### Oral Update by the High Commissioner for the Human Rights-Zeid Ra'ad Al Hussein

The violence broke out on the 25th of August 2017 and thousands of Rohingyas have been fleeing to Bangladesh amongst other neighbours since then. In recent months, Myanmar despite agreeing and signing



an agreement in January with Bangladesh to allow the physical repatriation of Rohingyas, it is still pursuing the ethnic cleansing which led 700,000 Rohingya to flee since August 2017.

In May, Myanmar signed a Memorandum of Understanding with UNDP and UNHCR. Not a single Rohingya refugee has returned under the agreed-upon framework, and many if not all returnees have been detained, convicted and charged stating that these are "Administrative detainees ». More than that, it has been reported that around 90 Rohingyas have been detained after trying to flee by boat but were faced with engine problems and several new arrivals have been declared missing. As of April 2018, 140 Rohingya reached Malesia and Indonesia and some have died in route. Refugees were interviewed and reported the extreme human rights violations.



*A Rohingya boy helps an elderly relative up a path at Kutupalong extension site given by the Bangladesh government. Photo source: UNHCR/Paula Bronstein*

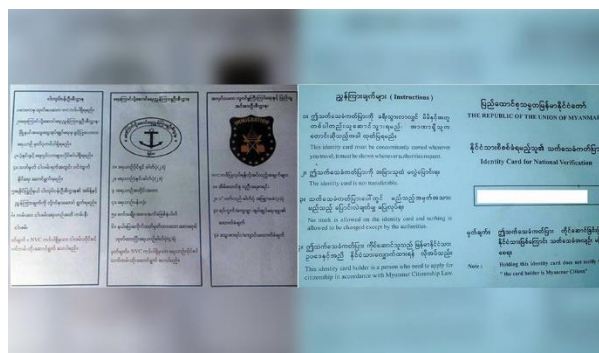
It is obvious today that Rohingyas have been facing several problems both outside Myanmar and inside Myanmar including villages burned, soldiers shooting randomly on the streets, people disappearing for failing to pay bribes, systematic persecutions in Rakhine, nationality is given based on ethnicity, restrictions on rights related to health, education, politics etc.

The Alleged perpetrator is the National Army (ARSA), however, the extreme human rights violations have started way before the ARSA's existence.

#### **Speaking about Certificates, the High Commissioner briefed about the following:**

- 1982 Citizenship Law provides citizens based on ethnicity barring Rohingya's which by nature violates Rohingya's fundamental rights.
- 1989-handed over the registration certificate received in the 1950s
- 1995-temporary registration certificates.
- 2015-with the national election approaching, the national certificate was revoked.

The latest form of the document is the National Verification Cards (NVC) - core discussion on the status of Rohingya's which is basically a document that does not recognize the citizenship status. An unbearable pressure was put on several Rohingya to accept the NVCs and those who opposed have been beaten up or their children have gone missing.



In May 2018, Myanmar established a committee to investigate the terrorist attacks allegedly carried out by ISIL and the International Criminal Court has initiated an inquiry concerned with Crimes against Humanity and Genocide.

Myanmar has only whitewashed and must remember that the international committee is aware of the numerous Human Rights violations. As well put by Mr. Zeid, Myanmar sincerity to tackle this grave human right violation will not be measured by the number of agreements signed but by actual evidence and thus Myanmar should grant immediate access to the current special rapporteur and he urges the Security Council to refer this case to the ICC in order to be properly probed. Furthermore, a framework for the rehabilitation of the Rohingya should be developed and the failure of the international community to recognize Rohingya should be reviewed. Finally, he highlighted the importance that should be given to the Right to life and to the Right to security and that citizenship should be granted to those who were born in Myanmar.

*Following is the brief on the statements made by the Member States:*

### **Myanmar (Concerned country)**

Myanmar expressed its disagreement with the High Commissioner's statement and reports stating that the narrative provided by the High Commissioner is completely misleading and elevating the situation including flawed statements such as - Para 11, Para 36. Much information is distorted, leading to imprecise memories which are misleading member states' decision making. One argument he made to explain the numerous refugee seekers is that it is not because they are Muslims faced with an ethnic cleansing situation but rather describing terrorism as the root cause. Myanmar's representative at the Human Rights Council confirmed that actions are being taken against perpetrators, emphasizing that Myanmar strongly condemns violations of Human rights. Even more than that, the government took the decision to establish an independent committee to investigate in accordance with national and international frameworks. He concluded stating

that the Monsoon season had put the camps under dire conditions and that Myanmar is trying its best to help the humanitarian catastrophe.

#### **Interested Delegations:**

The European Union, the OIC along several other interested parties did welcome Myanmar's efforts to deal with the Rohingya crisis as well as praising Bangladesh for hosting Refugees however the information provided by the UN, UNHCR and the OHCHR still suggest the existence of widespread human rights violations conducted by both the military and security forces in Myanmar. Violations include tax abuses, detention of journalists, violation of the right to freedom of speech, systematic use of rape as a form of warfare, the stigmatization of rape victims when attempting to get medical care, prohibition of access to humanitarian assistance and in particular during the monsoon season, racial and religious discrimination such as demolishing mosques etc.

Several other interested parties such as the Republic of Maldives, Qatar, Pakistan, Kuwait Switzerland, Iraq, United Kingdom, Brazil, Tunisia, Libya, Azerbaijan, Bangladesh have condemned these grave human rights violations and suggested to the Human Rights Council the following regarding this deteriorating situation:

- *Ensuring accountability* via allowing the access to the Special Rapporteur/appoint UN Special Envoy in Myanmar;
- *Allow the International Criminal Court' jurisdiction*: testimonials might even qualify as crimes against humanity as well as the escalation of the conflict might actually amount to crimes of genocide. Ensuring non-repetition, reconciliation and peace would not be achieved without prosecuting and sanctioning the perpetrators;
- *Reveal to the public* the tripod memorandum of understanding;
- *Work with the UN Fact-Finding Mission* on top of *allowing full access to the High Commissioner to Rakhine State* as it is the root cause of the conflict;
- *Developing* an independent commission of inquiry;
- *Restoration and reconciliation* of the "Rule of Law";
- The Security Council should *prioritize* the Rohingya crisis;
- *Ensuring a safe return* of Rohingya (IDP's and refugees) and *granting* them citizenship;
- *Continuous* dialogue;
- *Normalize* all human rights mechanisms in Myanmar;
- *Consider* Kofi Annan's committee recommendations;
- *Cooperate* with other countries with the process of repatriation such as suggested by Indonesia;
- *Respect* of Human Rights resolutions such as suggested by Egypt.

### Concluding remarks of the High Commissioner for the Human Rights-Zeid Ra'ad Al Hussein

As a response to Myanmar's statement the HC called out the representative of Myanmar, "In the four years that I have been High Commissioner I have heard many preposterous claims. This claim, that I have just stated now, almost creates a new category of absurdity. Have some shame sir. Have some shame. We are not fools" and he later added that if Myanmar had nothing to hide, they should allow UN agencies access to the concerned region " if you are serious, allow us in," he said to the Myanmar official.

He added that countries able to exercise universal jurisdiction should intervene. As a response to the request of some countries to reveal the Memorandum of Understanding, he said that he has already asked for the copy to reveal it but the government of Myanmar disagreed to deliver it to the public and thus it is not in his power to do so. He also challenged the interested parties that have promised to intervene to act on their promises and reminded the council that if this situation is not dealt with accordingly to the international law, other countries might think that they can get away with committing grave human rights violations.

*"if a member state of this organization can force out 700,000 in almost three weeks with practically minimal response by the international community how many others in this chamber are beginning to entertain something similar, how much of an invitation it is to them to try something similar? I appeal to the Human Rights Council to think very seriously about this."* Zeid Ra'ad al Hussein

### Interactive Dialogue with Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The interactive dialogue conducted with the Special Rapporteur and the interested countries under Item 9 concerned the contemporary forms of racism, racial discrimination, xenophobia and related intolerances.

Some countries such as Austria, Mexico, Togo on behalf of the African group, the United Arab Emirates on behalf of the Arab group drew the attention of the Human Rights Council about specific concerns related to the discrimination in all its forms, **degrading treatment, inhumane acts and torture, hate crimes against migrants, refugees, Muslim minorities and people of African descent** such as in the form of political campaigns like in the example of the United States that is **promoting racism** against migrants according to the Bolivian Republic of Venezuela.

Togo on behalf of the African group specifically highlighted that economic and political policies do not justify discrimination and the international community should not forget about history. The same goes for Mexico which believes that **normalizing racism and xenophobia through public policies**, hate speeches to induce **pejorative stereotypes** is shocking. Pakistan as well reiterated the same concerns about the political discourse and the hate speeches that are practiced in the name of freedom of expression stating that new generations would be foolish to forget history, that business contracts cannot cancel human dignity and condemns politically motivated and misjudged media campaigns.

Several interested parties addressed to the Human Rights Council specific concerns such as Finland that highlighted the need to change the law related to **detention centres based on monetary status** and requested the United Kingdom to conduct inquiries about the existence of Islamophobia in its territories. Cuba requested the condemnation and the sanctioning of **Nazi behaviours**.

Other countries were more concerned about the existing discrimination against their own people such as Ukraine. The Eastern European country expressed its fear of Russia resulting from the targeted systematic **discrimination based on ethnicity** both in Crimea and in the occupied part of eastern Ukraine. It also reminded the council of Russia's unwillingness to act on its obligations by respecting the International Criminal Court decision to lift the bans on Ukraine. **Qatar** is another example of a concerned country particularly when it comes to decisions legalizing discrimination as described by their representative (as an example, **nationality-based discrimination**: an imposed blockade by Saudi Arabia and the Arab Emirates has deprived several children of their right to education) and thus lifting the blockade, accountability and compensating the victims are needed as mentioned by their delegation.

In this regard, the United Kingdom, China, and Egypt along with the above-mentioned countries emphasized the following recommendations:

- The importance of *respecting* the Durban Declaration Against Racism Racial Discrimination, Xenophobia, and Related Intolerance and the Plan of Action 2001;
- *Address* the exhaustion of resources and staff issue meant to fight discrimination and *promote* the Vienna convention;
- *Promote* civil, political, economic, and social rights;
- *Combat* colonialism and racial discrimination;
- *Urge* the EU and member states to intervene in situations of legalizing discriminatory policies.

#### **Other remarks by member states:**

The UAE on behalf of the Arab Group said, "Racism should be fought and criminalized and impunity prevented".

Respect for International Human Rights Law and the principles inherent by Nelson Mandela: promote diversity and tolerance in particular when it comes to vulnerable groups: minorities, women, children, migrants, refugees, people with disabilities, and people of African Descent.

Consolidate the DDPA and the resolution of the UNSC.

Consider global and regional measures to tackle the issue and punish individuals.

**Observer states:**

Some observer countries expressed their personal concerns such as India's focus on the **South-North discrimination** (unequal treatment based on gender, political opinion, colour, age...), or Azerbaijan that believes in **double standards** hindering the possibility of peaceful coexistence by giving the example of the suffering of Azerbaijan caused by Armenia's occupation. Turkey as well believes that discrimination in the form of **Islamophobia** as an example is very much present in eastern Europe and represents a concrete and serious threat to the regional social harmony. Trinidad and Tobago described itself as a multi-ethnic, multi-religious, multi-cultural society and this despite **slavery and colonialism**, however the country is still striving to promote tolerance, inclusiveness and respect.



## Council Resolutions and Decisions

Below are three noteworthy meetings that took place during the final days of the 38<sup>th</sup> Session of the Human Rights Council; **Human rights situation in the Syrian Arab Republic, Eritrea** and on **Civil Society Space**.

### The human rights situation in the Syrian Arab Republic

#### C/HRC/38/L.20 Vote Item:4 - 39th Meeting, 38th Regular Session Human Rights Council

**6 Jul 2018 - Vote on Draft Resolution - [A/HRC/39/L.20](#) - "The human rights situation in the Syrian Arab Republic" - Submitted by France, Germany, Italy, Jordan, Kuwait, Morocco, Qatar, Saudi Arabia, Turkey, United Kingdom of Great Britain and Northern Ireland - ADOPTED (26 YES | 20 NO | 5 ABSTENTIONS)**

Amendment - A/HRC/38/L.28 - REJECTED

Amendment - A/HRC/38/L.29 - REJECTED

Amendment - A/HRC/38/L.30 - REJECTED

Amendment - A/HRC/38/L.31 - REJECTED

Item 4: Human Rights Situation in the Syrian Arab Republic (L.30 amendment)

#### Introduction of the draft resolution L.20 by the United Kingdom

**United Kingdom** (on behalf of a group of states: France, Germany, Italy, Jordan, Kuwait, Morocco, Qatar, Saudi Arabia, Turkey, United Kingdom of Great Britain and Northern Ireland):

*The situation in Syria* looks no closer to improvement: violent military offensive is underway carried out by the regime and its allies including Russia in the south. More than 330,000 people have been forced from their homes. There is an urge to cease hostilities, protect civilians and abide by International Law and International Humanitarian Law.

*Purpose of the resolution:* There is a need for accountability and to reach peace and stability. The text includes violations such as arbitrary detentions, sexual and gender-based violence, and IDPs. Women should participate in the political process. Calls for adoption without a vote: the text should be adopted by consensus.

#### Introduction of written amendments

- **Russian Federation:** the initiative of the so-called friend of Syria is of political nature (propaganda) and not ensure human rights protection. The armed groups support the co-sponsors of this resolution which lacks balance. Members states should express their opinions publicly about the amendment L27: the council

should call upon all states to not support terrorism in Syria. There is also concern over the terrorist use of chemical weapons. Where did they get these resources?

Probing questions about chemical weapons causes, development, origin? Where is the evidence? Who should bear the responsibility with the terrorists? The council should search for those responsible of the use of chemical weapons. It is obvious that they are financed: professionally supported. "We have seen a lot of business people not acting in good faith". An objective and impartial investigation should be conducted in this regard. According to L31: the country pushed back several centuries in its development and human rights are impacted.

- UK: president question: what are the views of sponsors on the amendment?

- A vote on the amendments.

#### **General comments:**

- **Slovakia on behalf of the (EU):** recent escalation of violence in the southeast part of the country including airstrikes by the regimes and its allies: destroyed infrastructure and forced civilians to flee. EU calls for an immediate session: no military solution to the Syrian conflict. Supported by Russia and Iran and therefore EU supports the resolutions. Strongly condemn use of chemical weapons, breach of international law. Investigate their use. Expresses concern about the deteriorating humanitarian situation in Afrin. Call for the international criminal court to penalize grave breaches of human rights. Furthermore, it supports the full participation of women in the political process considering its profound concern about gender/sexual based abuses. The EU will continue the intensive humanitarian diplomacy. In this regard, the EU and the UN will co-chair on April 24th and 25th a meeting to support Syrians. The EU asks member states to vote in favour of L20.

**Venezuela** supports the amendment presented by the Russian Federation (support L28, L29, L30, and L31).

**Australia** said the commission of inquiry (COI) has made it clear that crimes against humanity and war crimes continue in Syria. Australia welcomes the focus of the text on the gender-based violence which has been an uprising concern perpetrated by associated militia and ISIL (particular responsibility). The use of chemical weapons anytime anywhere under any circumstances is apparent and carried out with impunity. Australia calls the member states to support the text and oppose the amendment. **Switzerland** co-sponsored L20. Notes the systematic and repeated violations and said it is essential to involve the COI and international independent entities along the civil society to cooperate. Requested the country be referred to the ICC and noted the ongoing violence to the Southeast of the country and the number of displaced people in this area.

### Concerned country: Syria

Unrealistic draft resolutions aimed at dedicating the HRC to serve political interests disconnected from human rights values. Obfuscate the reality: funding of terrorist by co-sponsors. Co-sponsors of L10 are to impose a block out with Syria. Pressure the UN, unacceptable between Syrian in terms of targeting assistance.

Reaffirm commitment to the IHL, emphasis on war crimes and Crimes Against Humanity require accountability. Draft resolution ignores the crimes committed by the international coalitions and this draft only postures these allegations. Draft denies terrorist sponsors states violated UN charter and international law. Refuse the fact that the HCR compelled to consider issues that the HCR is technically unequipped and goes against its mandate.

Willing to cooperate with UN mechanisms according to UN charter, refuse CEOI report; Success of political solution Syrian led, self-determination to fight terrorism. British resolution and language used do not achieve these aims and thus opposed to this resolution. They are willing to cooperate with the UN mechanisms. The drafts reflect politicization and unprofessionalism.

### Action on L.28, explanation of votes:

**Germany** highlighted the fight against terror and that L.28 is redundant and diverts attention from other grave violations of human rights, and therefore, opposes L.28. **Mexico** condemns all terrorism in all forms. Noted the language proposed by Russia does not reflect the balance reached by the Council to excuse the violations of human rights and fundamental freedoms and said there must be compliance with International Law, International Human Rights Law, International Humanitarian Law (IHL) and International Refugee Law.

*Request by UK to vote on L.28; For: 10 - No: 21 - Abstention: 15 – **Amendment L.28 is rejected.***

### Action on L.29, explanation of votes:

The **UK** is against the amendment L.29 tabled by Russian because it is unnecessary and a distraction using strong language and noted desist on any chemical use in Syria is on paragraph 33. Additionally, L.27 clearly condemns terrorism and violence and thus it is inconceivable that Russia is genuinely interested in investigating the use of chemical weapons. UK reminded that Russia used veto 6 times to block investigations to verify its use. Part of the Russian narrative is, anyone not supporting Russia and the regime is considered to be the "enemy".

### Against L.29:

**Australia** is against L.29 while noting stockpiling and use of chemical and that three-quarters of CWC states develop to do these. Also noted that Russia and Syria voted against it in The Hague. There is no formal way to deal with the use of chemical weapons. Australia asks the council to vote against L.29.

*Request by UK to vote on L.29; For: 7 – No: 22 – Abstention: 16 - **Amendment L29 is rejected.***

**Action on L.30, explanation of votes:**

**Belgium** said the terminology is vague and pushes to impunity actions against everyone who opposes the regime. Plus, the text already includes the right and clear language to condemn violations.

**Qatar** supports Belgium stating the reason being that the resolution already contains paragraphs which are exhaustive in how to treat terrorist groups. This amendment opens the opportunity to attack anyone including the Syrian people.

*Request by the UK to vote on L30; For: 10 – No: 21 – Abstention: 15 - **Amendment L30 rejected.***

**Action on L.31, explanation of votes:**

**Slovakia (on behalf of the EU)** said that facts presented are inaccurate and the primary responsibility rests in Assad's regime noting the denial of humanitarian access and the use of chemical weapons. The EU has been the largest donors of humanitarian aid, twelve billion euros have been donated: restrictive measures exempt humanitarian uses. There is no embargo on Syria, there are sanctions but never for humanitarian uses: food and medicines are still sent to Syria. The regime used these exemptions to support itself: EU restrictive measures are therefore targeted. **Georgia** also said the amendment is factually incorrect and that sanctions target key individuals and sectors. The amendment is just a distraction and thus Georgia is voting against and call upon the council to do so.

*Request by UK to vote on L.31; For: 9 - Against: 21 - Abstention: 16 - **Amendment L31 is rejected.***

**Action on L.20 as a whole, explanation of votes:**

**Ecuador** condemns those who provided funding and weapons and that crimes committed go against international law and IHL (women, journalists, IDPs, hospitals, cultural goods, places of worships, children, people with disabilities, freedom of movement, starvation, use of civilians as human shields, etc.). **Venezuela** mentioned selectivity and politicization of the council gives no benefit to the victims. It reiterated the importance of sovereignty and self-determination of Syria.

**Cuba** reiterates support for the search for peace in Syria with the full respect of its sovereignty and territorial integrity. It condemns all acts of terrorism and all the double standards in addressing them. The role of the international community is to provide assistance to safeguard peace and stability and not to incite actions that would lead to the death of people or increase insecurity or fuel geopolitical interests in the region by outside actors. **China** said the political solution is the fundamental way to promote HR in Syrian, respect of the sovereignty and territorial integrity, combatting terrorism and L.20 does not conform with these principles. **Mexico** was profoundly concerned about the serious violations in Syria and thus will vote for the L.20 adoption. **Brazil** was deeply concerned about gender violence based, violence against detainees, violence in Eastern Ghouta is not included, the use of chemical weapons. Mechanisms with clear competence and expertise in the field must be undertaken. The right to peace such as all human rights is promoted and

protected. We should reflect on the recommendations of the COI and thus we should not provide arms and support and find a political solution. We welcome the language used including women's participation. **Iraq** said the standards of selectivity had deviated the work of the council from attaining its objective. The draft resolutions contain ideas that proceeded the results of the COI and some parties were described as terrorist parties. Additionally, it does not take into account the progress on the ground and does not refer to the international solidarity in terms of reconstruction, it does not involve the return of refugees, it does not refer to the relief funding, and does not consider the besieged areas of the terrorist groups. Thus, it is unbalanced and does not serve the political needed solution but only serves armed groups and does not address the actual challenges faced by the Syrian people. **Egypt** noted the principle position that does not receive the acceptance of the concerned country. It believes the resolutions lack balance, and objectivity (politicized). Unofficial sources and non-UN source have been used adding to the fact that the resolution includes more than one reference to the ICC (Egypt do not agree with the ICC) and finally the draft resolution welcomes accountability based on a UNSC resolution that Egypt abstained to vote upon in previous times and thus Egypt will abstain to vote on L.20.

*Cuba and China called for a vote; For: 26 - No: 5 - Abstention: 15 - **The resolution L.20 is therefore adopted.***

## Situation of human rights in Eritrea

**B/HRC/38/L.15/Rev.1 Vote Item:4 - 38th Meeting, 38th Regular Session Human Rights Council**

**6 Jul 2018 - Vote on Draft Resolution - [A/HRC/38/L.15/Rev.1](#) - "Situation of human rights in Eritrea" - Submitted by Djibouti, Somalia – ADOPTED without a vote.**

### **Introduction of the Resolution by Djibouti and Somalia**

**Djibouti:** Draft resolution's main purpose is to extend the SR mandate of one year. The Special Rapporteur was not possible to announce any meaningful improvement. Additionally, the previous reports established in 2014 by the council are still relevant and worrisome. The deputy high commission: this state of affairs remains unchanged, clear reference to the lack of progress in terms of Human Rights. The resolution will help the council continue its work to allow a fresh start to Eritrea.

**Somalia:** Recognize the transparency of the SR report and support the extension of its mandate. Somalia continuously supports Eritrea's people to a life free from harm. Acknowledge the progress made in terms of economic and social rights however the victims of violations should be heard and Human Rights should be placed at a very high level in Eritrea as in the international community. Ask for this resolution to be adopted by consensus.

### **General comments:**

- Slovakia (on behalf of the EU): concerned about the HR situation in Eritrea and about the lack of progress in particular concerned with the lack of accountability and ongoing human rights violations (in relation to national service). Supports the extension of the SR mandate. Urges the government to cooperate.

#### **Concerned country: Eritrea**

This is a politically motivated resolution: vilify, destabilize and isolate the country. The council has no interest in achieving peace and security in the country. Adoption of this resolution sends a clear message to the people of Eritrea will continue to condemn the vilification of their history and struggle for peace and justice, undermines dignified engagement and thus Eritrea rejects this resolution.

#### **Explanation of the votes:**

**Egypt** said that Africa has shown improvement and thus we would have preferred to use these to help the region. In Egypt, we believe in African solutions for African problems. Optimal framework to deal with the concerns. Egypt refuses the extension of the mandate, condemns the selective choices of the council. **China** is against the draft resolution, which should address human rights in an objective and impartial manner. Assistance and capacity building according to the needs of Eritrea. China will not join the consensus.

The **HRC President** asked if there is a request for a vote; None - [A/HRC/38/L.15/Rev.1](#) Adopted without a vote.

### Decision taken on Civil Society Space:

A/HRC/38/L.17/Rev.1 Vote Item:3 - 38th Meeting, 38th Regular Session Human Rights Council

6 Jul 2018 - Vote on Draft Resolution - A/HRC/38/L.17/Rev.1 - "Civil society space: engagement with international and regional organizations" - Submitted by Chile, Ireland, Japan, Sierra Leone, Tunisia - ADOPTED (35 YES | 0 NO | 11 ABSTENTIONS)

Amendment - A/HRC/38/L.36 - WITHDRAWN

Amendment - A/HRC/38/L.37 - REJECTED

Amendment - A/HRC/38/L.38 - REJECTED

Amendment - A/HRC/38/L.39 – REJECTED

#### **Introduction of the draft resolution L.17**

The resolution entitled **L.17/Rev.1 - "Civil society space: engagement with international and regional organizations"** was first introduced by **Ireland** on behalf of a cross-regional group (Chile, Ireland, Japan, Sierra Leone, Tunisia) and co-sponsored by a total of 57 states. Ireland's statement recognizes that « Globally,



the space for civil society is challenged and shrinking: actors continue to face threats, attacks, reprisals, and acts of intimidation ». Ireland highlighted that the resolution is the result of a multilateral process and that it includes the challenges, values, and contribution of the civil society in general with a focus on regional and international organizations and with the purpose of protecting the space of civil society.

Second, **Tunisia** introduced the second part of L.17 stating that the current resolution draft is first based on previous ones and second that civil society is extremely valuable in protecting human rights and thus must have a noteworthy position to allow their participation to regional and international organizations however in a safe environment in order to be able to help protect human rights. Tunisia concludes by urging the council to adopt the resolution with a consensus.

### **Introduction of amendments (L36, L37, L38):**

The introduction of **Resolution L.17** was followed by China's introduction of all the **amendments: L.36, L.37, L.38** on behalf of Cuba, Pakistan, Russia, and China and on behalf of Cuba, Russia, and China L39. They value the role of civil society, however, L.17 has some shortcomings.

Starting with the first amendment L.36, **China** on behalf of the concerned countries withdrew this amendment to show their cooperation. When referring to past resolutions of the Human Rights Council and the United Nations General Assembly, the draft resolution should not only reflect civil and political rights but also economic, social and cultural rights, the right to development and combatting discrimination. Notwithstanding the oral updates of some added paragraphs, they still believe they are not enough.

The second amendment is L.37: they believe that provision of adequate resources is crucial for the work of civil society organizations, therefore, civil society organizations must ensure that the channel of their resources is legitimate and transparent.

Third, L.38 does support the enhanced participation of civil society but they believe that « more rights mean greater responsibilities ». In other words, the civil society should not be politicized and therefore it should respect the sovereignty and territorial integrity of states (represent a requirement for NGO's participation) and abide by United Nations charter.

Lastly, China points out in L.39 the controversy of the report of the high commissioner on procedures and practices of the civil society participation in the regional and international organizations. The draft resolutions do refer to these which they think are not appropriate and thus the reference should be removed. It concludes by asking for an "in favour" vote by the council.

### **The response of the co-sponsors:**

**Chile** was reluctant to vote for L37 because it believes that the resolution and its purpose, undermine the essence of the text and thus would not reflect the real challenges when it comes to participation from civil society. The same goes for **Slovakia** which spoke on behalf of the European Union stating that they support

the revision as orally revised and thus will vote against any amendments. Concurrently, **Pakistan** believes that the amendments will ensure more transparency and thus supports them and in either case, they will vote for this resolution to show their support. **Switzerland** was extremely receptive towards voting against this amendment and added that it regrets that after such negotiations and text, some states still present amendments knowing that the text is balanced to maintain the space for the civil society and that the presented amendments will weaken the current text.

#### **Explanation of votes:**

**Germany** spoke as a co-sponsor of this resolution and thus obviously and strongly supports the text as orally presented. The resolution addresses the challenges. States support civil society through non-discriminatory funding and see the amendments as unnecessary considering they would allow restrictions on funding civil society. HRC should not turn to national laws but to international law. Furthermore, Germany questioned the Human Rights Council asking: transparency is relative, then who decides what is transparent?

**Peru** supporting the latter country referring to L17 as clear in terms of setting out the legal framework for civil society and its work. The funding should not be regulated however it should be in line with the International law and thus it is unnecessary to regulate it since it is already included and under the agreed language and thus Peru is against the amendment.

#### **Action on L.37:**

**(For 14, No 22, Abstention 10) L37 rejected.**

#### **L38: explanations of votes**

**Chile** believed that the legal framework under which the civil society works is national legislation and it is in line with the UN charter and thus introducing additional language on sovereignty and territorial integrity would be underproductive.

**Australia** emphasized Chile's point of view by the argument that L38 is inconsistent with the principle of universality of Human Rights. The use of the principle of sovereignty does not excuse human rights violations.

#### **Action L38: (For 15, No 21, Abstention 10) Rejected**

#### **Action on amendment L39:**

#### **Explanations of vote:**

**Tunisia** explained in its oral statement that paragraphs are balanced and carefully drafted. Significant accommodations were made during the extensive negotiations and meetings. OP15 was revised to encourage good practice. OP19 took into consideration many concerns to include what is the most comfortable for states. The high commission report is standard practice. Such as Tunisia, **Belgium** opposes

the amendment which seeks to remove references to two reports published by the High Commissioner related to civil society engagement with international and regional organizations. It believes the reports contain valuable recommendations and should be mentioned in the resolution. According to space for civil society is not optional: Civil society needs to develop and operate (freedom of opinion, association...). Active involvement of civil society at all level in promoting good governance is indispensable to build a peaceful, purposeful and democratic society. Extensive, inclusive and transparent negotiations by the working groups and for those reasons call to vote against this amendment.

**Action on L39: (For 12, No 24, Abstention 10). Rejected.**

**Action taken on L17, Rev 1 as orally revised.**

#### **Explanation of the votes:**

**China** decided to abstain when voting since it believes that civil society should fulfil its duties towards the UN charter, the state, and the territorial integrity. Draft resolution does not reflect the rules that civil society respect and it does not reflect that civil society should abide by national laws. Channel of financial resources should be legitimate and transparent.

**The United Kingdom** pointed out that civil society improves the lives of countless numbers of people around the world. The resolution addresses a number of points that according to space for civil society is not optional. Everyone should promote the rights of the civil society: safe and open space to be able to operate and consequently, it supports the resolution.

**Panama** recognized that the text includes the key role played by civil society. It is a balanced text that reflects the concerns of many states, co-sponsors were flexible.

Egypt as China abstained to vote: the promotion of ESC rights of civil society, rule of law, ensure that all stakeholders are equal before the law, the right of the state to organize these activities (promote and protect). It respects the rights of individuals in society, however, criticizes the “not agreed upon terminology”.

Even though **Iraq** does not agree to some references: funding issue (funding needs to be transparent and legal, exceptional conditions facing some countries and given ECOSOC decision on the work of NGOs) and concerned with reservations OP19 it will vote for the resolution because it believes that there are positive elements: preserve the rights of the civil society.

**China requests a vote: Yes 35, ABST 11, No 0.**

**L17 is orally revised and therefore adopted.**

## Action on Texts under Agenda Item 3 on the Promotion and protection of all Human Rights, Including the Right to Development.

The Council calls on States, in a resolution [A/HRC/38/L.1/Rev.1](#) on the **elimination of all forms of discrimination against women and girls**, which was adopted without a vote, to work collectively towards establishing gender-responsive social protection systems to secure the access to nationally appropriate social protection without any kind of discrimination. The working group on the issue of discrimination against women was requested by the Council to engage with the Commission on the Status of Women, to participate in its work and to formally report.



The resolution ([A/HRC/38/L.3](#)) on **human rights and international solidarity** that was adopted by a vote of 31 in favour, 14 against and one abstention, was mainly based on the international solidarity, because the Council recognizes that it's a new foundational principle underpinning contemporary international law. The Council encourages independent Experts on human rights and international solidarity to participate in relevant international forums and events.



The resolution ([A/HRC/38/L.5](#)), that was adopted without a vote as orally revised, was on **human rights and climate change**. The Council took the decision to incorporate into the programme of work a panel on Women's rights and climate change. The Council also requests the Office of the United Nations High Commissioner for Human Rights to make an analytical study on the integration of a gender-responsive approach into climate action at local, national, regional and international levels.



The resolution ([A/HRC/38/L.6](#)), that is about **accelerating efforts to eliminate violence against women and girls: preventing and responding to violence against women and girls in digital contexts**, was adopted without a vote neither. The Council welcomes the panel discussion on violence against women and girls and requests the Office of the United Nations High Commissioner for Human Rights to present a summary report, at the fortieth session, on the discussion to the Council.

In the resolution ([A/HRC/38/L.9](#)) on the **elimination of female genital mutilation**, the Council also requests the United Nations High Commissioner for Human Rights to organize a two-day meeting in 2019 to eliminate female genital mutilation. The submission of a report on the outcome of the meeting at the forty-fourth session of the Human Rights Council, was also requested.

The **promotion, protection and enjoyment of human rights on the Internet** was resolution ([A/HRC/38/L.10/Rev.1](#)), that the Council adopted without vote. The Council calls on all States to bridge the gender digital divides, and to improve the use of information and communications technology to ensure the total enjoyment of human rights.





The **right to education: follow-up to Human Rights Council resolution 8/4**, was a resolution ([A/HRC/38/L.13](#)) adopted without a vote, by the Human Rights Council. The Council call on States to take measures to assure inclusive, accessible, equitable and non-discriminatory quality education. The Council also call on States to accelerate efforts to eliminate discrimination on gender-based and any other form of violence.



The resolution ([A/HRC/38/L.14](#)) on **human rights and the regulation of civilian acquisition, possession and use of firearms** was adopted without a vote, and the Council encourages the High Commissioner to write a report on the impact of the civilian acquisition, possession and use of firearms on Civil, political, economic, social and cultural rights, so that the report could be presented to the Human Rights Council at its forty-second session.

In a resolution, adopted without a vote, ([A/HRC/38/L.16](#)) on the **promotion and protection of human rights in the context of peaceful protests**, United Nations High Commissioner for Human Rights was asked by the Council to set up a thematic report on new technologies considering their impact on the human rights to congregations.





In a resolution adopted by a vote of 35 and 11 abstentions ([A/HRC/38/L.17/Rev.1](#)) on **civil society space: engagement with international and regional organizations**, the Council urges States to proceed towards preventing threats and all forms of discrimination and harassment, in addition to investigate in such claimed acts and to guarantee access to justice and accountability. The High Commissioner was asked to prepare a report, to track the progress under this subject.

In a resolution adopted with a vote ([A/HRC/38/L.18](#)) on **business and human rights: improving accountability and access to remedy**, the Working Group on the issue of human rights and transnational corporations were asked by the council to assemble a two-day global consultation on the role of national human rights institutions. A report must be represented subsequently to the Human Rights Council.

### Action on Resolutions under Agenda Item 4 on Human Rights Situations that Require the Council's Attention

In a resolution adopted without a vote ([A/HRC/38/L.15/Rev.1](#)) on the **situation of human rights in Eritrea**, the Council decides to extend the command of the Special Rapporteur on the situation of human rights in Eritrea for one year; he is requested to submit and present a written report to the Human Rights Council, and to engage in an interactive dialogue with the General Assembly on her report including this matter.



Special Rapporteur on the human rights situation in Eritrea. Ms. Sheila B. Keetharuth (Mauritius).

In a resolution adopted by a vote of 26 in favour, 5 against, and 15 abstentions ([A/HRC/38/L.20](#)) on the **human rights situation in the Syrian Arab Republic**, the Council claims that the overwhelming impact on the civilian population in Syria has to be restricted, and demands that all parties, the Syrian authorities and their allies in particular, to stop promptly from any utilization of chemical weapons and of carrying out attacks

against the civilian population; highlights the importance of achieving justice, and requests all parties to promote a genuine political progress according to the Geneva communiqué and Security Council resolution 2254 (2015).



### Action on Resolutions under Agenda Item 5 on Human Rights Bodies and Mechanisms

**The Social Forum** resolution ([A/HRC/38/L.2](#)), adopted by the Council without a vote, will meet for two working days in 2019 in Geneva and will focus on the promotion and protection of the rights of children and youth through education.

The resolution ([A/HRC/38/L.19/Rev.1](#)) on the **contribution of the Human Rights Council to the prevention of human rights violations**, was adopted by the Council who took the decision on convening two intersessional seminars with States and other relevant stakeholders on the contribution.

### Action on Resolution under agenda Item 9 on Racism, Racial Discrimination, Xenophobia and Related Intolerance

The Council decides to convene an intersessional high-level panel discussion in the resolution ([A/HRC/38/L.11](#)) on the **Incompatibility between democracy and racism**.

### Action on Resolution under Agenda Item 10 on Technical Assistance and Capacity Building

After adopting the resolution ([A/HRC/38/L.8](#)) on **technical assistance to the Democratic Republic of the Congo and accountability concerning the events in the Kasai regions**, the Council requests the High

Commissioner to send a team of international human rights experts to make a report on the implementation by the Democratic Republic of the Congo of the recommendations of the previous team of international experts.



## **Decisions and conclusions (Closing) - 40th Meeting, 38th Regular Session Human Rights Council**

### **6th of July, 2018: The Adoption of the draft report of the 38th Session (referendum)**

Vice president rapporteur: Juan Eduardo Eguiguren, Ambassador of Chile introduced the draft report of the 38th Session (referendum)

“Challenging and stimulating three weeks”:

The Council held interactive dialogues with the High Commissioner for Human Rights on his annual report and on his Office's updates on a number of country-specific human rights situations. The Council also discussed a wide range of topics on three panels discussions and interactive dialogues with 23 mandate holders as well as during general debates and considered the outcome of the Universal Periodic Review of 14 countries and appointed five special procedures to mandate holders:

1. 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 (Canada)
2. Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Mr. Javaid REHMAN (Pakistan)
3. Working Group on the issue of human rights and transnational corporations and other business enterprises, member from African States; Mr. Githu MUIGAI (Kenya)
4. Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Eastern European States; Ms. Elzbieta KARSKA (Poland)
5. Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, member from Western European and other States; Ms. SORCHA MACLEOD (United Kingdom of Great Britain and Northern Ireland)

## Participation by Geneva International Centre for Justice (GICJ)

During its participation in the 38th session of the Human Rights Council, GICJ, jointly with other organizations, delivered 20 joint oral statements, submitted 8 joint written statements, and co-organized 2 side events. The official copies of the written reports submitted to the Human Rights Council are available to download at the bottom of the page, alongside the summaries and videos of the side events.



During the Session, GICJ participated in discussions under numerous HRC Agenda items. We addressed and brought to the Council's attention several thematic issues concerning serious human rights violations, issues, and challenges faced by citizens and groups of persons.

### GICJ's Joint Oral Statements

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

***General Debate on the Oral Update by the High Commissioner on the situation of human rights worldwide and on the activities of his office.***

***19 June 2018***

Delivered by: Mr. Konstantinos Kakavoulis

***Mr. President,***

*We welcome the report of the High Commissioner and his oral update on the human rights situations worldwide.*

*We remain deeply concerned regarding several violations in Europe.*

*The emerging number of refugees and asylum seekers has not been adequately treated. Asylum seekers find themselves trapped in South-Eastern Europe, constantly facing the threat of being deported back to their country of origin or Turkey, which cannot always be considered as a safe third country.*

*While expecting the outcome of their asylum applications, they are subject to very poor reception conditions, while their integration in local societies is far from having been achieved.*

*EAFORD and Geneva International Centre for Justice stress that the great flux of asylum seekers, as well as the economic and political crises of the past decade, have increased racism and xenophobia. Despite several instruments in place, such as the CERD and DDPA, discrimination persists within home and destination countries.*

*We should always bear in mind that “no one leaves home unless home is the mouth of a shark.” The Human Rights Council and the international community should work towards ensuring that long-suffering people find -at least- a hospitable ambient, when they reach Europe.*

*Life is a miracle which has been gifted to all of us. We should always remember that everyone has the right to live, not just to survive.*

**Thank you.**

[Link to video statement](#)

## Annual Full-Day Discussion on the Human Rights of Women

### ***Panel 2: Advancing women’s rights in the economic sphere through access and participation in information and communication technologies (ICTs)***

**22 June 2018**

Delivered by: Ms. Sheefa Afath Shaik

**Thank you, Mr. President,**

*We thank the council for holding an annual panel discussion on women’s rights and we thank the panellists for their insightful discussions.*

**Mr. President,**

*While women still struggle to fight against discrimination from domestic places to working places even after a long struggle for gender equality, we are in an era where women and girls must fight for equality, non-violence, and against discrimination in digital spaces. With the increasing role of ICTs, there is a need to increase the role of women in this field and women should be able to equally enjoy the advantages of the ICTs as men without any digital gender divide.*

*EAFORD and Geneva International Centre for Justice, acknowledge the lack of access of ICTs for women but we are equally concerned about women and girls who do not even have access to basic education, let alone the access to ICTs.*

*We also raise the concern about those women and girls who are the victims of armed conflicts such as in Iraq, Syria, Yemen, and occupied Palestine and who suffer from extreme poverty. Today, having access to education is far from reality for these women and girls, how would they enjoy the right to access to ICTs?*

*In many developing and least-developed countries, majority of people do not enjoy access to internet, how would this become a reality to those millions who do not have a clue about the role of internet and the knowledge about ICTs*

*While access to ICTs has its advantages from economic to social perspective, we strongly agree that it should be provided and accessible to everyone, without being biased on their gender, and we draw the council's attention toward those women and girls who need to have basic education to access to the ICTs.*

**Thank you.**

[Link to video statement.](#)

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

***Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health by enhancing capacity-building in public health*** ([A/HRC/38/36](#), [A/HRC/38/36/Add.1](#), [A/HRC/38/36/Add.2](#))

**18 June 2018**

Delivered by: Mr. Siddharth Abraham Srikanth

**Thank you Mr. President,**

*IUS PRIMI VIRI and Geneva International Centre for Justice would first like to thank the Special Rapporteur for his report, and to draw the Council's attention to the acute public health challenges faced by refugees.*

*For instance, the large influx of Syrian refugees into Lebanon since the civil war broke out in 2011 has placed a considerable burden on the Lebanese health system, leading to its fragmentation as a result of extremely sporadic funding coupled with effective alternatives provided by aid organisations.*

*More specifically, Lebanon adopted a new policy in 2015 with the aim to reduce the refugee population, whereby they now have to pay an annual fee of 200 USD to maintain legal status. Unsurprisingly, this did not decrease the number of refugees in Lebanon, but rather merely stripped more than 60% of the refugees of their legal status, thus constituting a de facto deprivation of liberty.*



*In a somewhat domino effect, this illegal status means that the refugees are no longer allowed access to the labour market, thus depriving them of the opportunity of earning a living.*

*Furthermore, **Mr. President**, these refugees tend to limit their movements for fear of being arrested, which restricts their ability to access basic health services, and in turn amounts to a violation of their right to health as enumerated in the Special Rapporteur's report. Even when they are able to find these services, their financial situation owing to the aforementioned lack of work inhibits them from being able to afford any kind of medical treatment.*

*To this end, we would like to call upon the Lebanese government to abolish the annual fee for the renewal of refugee status and request the Special Rapporteur on health to further address health concerns faced by refugees, as well as to explore the option of public-private partnerships to address the care continuum.*

**Thank you for your time.**

[Link to video statement](#)

### **General Debate under Agenda Item: 3**

**25 June 2018**

Delivered by: Ms. Sheefa Afath Shaik

**Thank you, Mr. President,**

*The Yemeni population has been living in an ongoing civil war for more than four years now and is suffering from a grave humanitarian crisis, in which children are a category of the population that is most vulnerable. Besides being directly or indirectly affected by violations of international humanitarian law, minors are also facing several violations of their most basic human rights.*

*A high number of children are not going to school and do not have access to clean water or adequate sanitation. Furthermore, the food security crisis is highly alarming, with wide spread of malnutrition. As a result, minors are weaker and more vulnerable when affected by different diseases present in the country, such as cholera.*

*We are particularly concerned by the humanitarian situation in which the population is living in, and we want to stress the importance and urgency to establish a ceasefire agreement until a political solution will not be reached. This is essential in order to protect and save the life of many innocent children.*

*EAFORD and Geneva International Centre for Justice calls on all parties to the conflict to respect their human rights and international humanitarian law obligations. Furthermore, all forms of violence and human rights violations against civilians should be halted. In order to alleviate the great civilian's suffering, it is of vital importance that all parties to the conflict ensure secure access and safe working conditions to humanitarian professionals, as should be guaranteed according to international humanitarian law.*

**Thank you.**

[Link to video statement](#)

**General Debate under Agenda Item: 3****25 June 2018**

Delivered by: Ms. Jennifer D. Tapia

**Thank you, Mr. President,**

We welcome the report of the High Commissioner for human rights and we highlight the attention he gives to the plight of migrants. Migrants often find themselves outside their own country for the purpose of seeking protection from the gravest forms of persecution and other types of harm that have caused them to flee.

People fleeing from harm that is perpetrated by State and non-State actors, or even as a result of natural disasters deserve to be protected. The failure of a destination State to provide this protection constitutes a serious violation of international law. If States cannot protect the human rights fulfilment of those who are fleeing, they are then not able to answer the call that international human rights make upon them, thereby sliding below the minimum level of treating each other humanely.

Many Member States of this Council were built from the work and suffering of migrants, even sometimes from those who were forcefully brought to their country.

International Lawyers.org and Geneva International Centre for Justice hold that this Council must take actions condemning those that refused to provide protection to migrants who are fleeing from persecution and other forms of harm, and that it must have the courage to make an unequivocal statement in support of the human rights of migrants.

**Thank you.**[Link to video statement](#)**Agenda Item:4 Human rights situations that require the Council's attention*****Interactive dialogue with the Commission of Inquiry on Burundi ([A/HRC/38/10](#))*****26 June, 2018**

Delivered by: Mr. Mutua K. Kobia

**Thank you, Mr. President,**

*We would like to thank the Commission of Inquiry for their latest oral update and are looking forward to reading their full report when finalised. It is regrettable, however, that Burundi has continuously refused to fully cooperate with the COI on Burundi and has not implemented recommendations relevant to the promotion and protection of human rights.*

*EAFORD and Geneva International Centre for Justice remains deeply concerned with the overall humanitarian situation in Burundi and especially with the deadly massacre that took place earlier this year in May where*

women and children were among the victims. This incident is but a small reflection of the overall seriousness of the human rights situation in Burundi where fundamental freedoms are denied for much of the population and hundreds of thousands have been displaced. Furthermore, grave human rights violations including torture, extrajudicial killings and forced detentions persist without accountability of the perpetrators. Moreover, human rights defenders and journalists are no longer able to perform their duties due to deadly consequences as freedom of expression and association is restricted.

**Mr. President,**

We continue to call on the international community, and particularly the African Union and the East African Community to build solidarity and encourage Burundi to fully cooperate with the Commission of Inquiry on Burundi and to implement recommendations that will protect the human rights of the people of Burundi.

To this end, we ask the Commission of Inquiry for an update on the status of Burundi with the International Criminal Court, as well as what direct or indirect measures are being taken to address root causes and what steps if any are in place to include the full and effective participation of women and grass roots organisations towards solidarity and durable solutions in Burundi?

**Thank you,**

[Link to video statement.](#)

**Interactive dialogue with: Special Rapporteur on the situation of human rights in Myanmar (oral update)**

**27 June, 2018**

Delivered by: Ms. Jennifer D. Tapia

**Thank you, Mr. President,**

We would like to thank the Special Rapporteur for her update and her work on Myanmar, in spite of the impediments she is constantly facing to conduct investigations in the country.

With that said, we would like to stress on the repercussions of climate change on the fulfilment of human rights in Myanmar, on the basis that climate change is one of the most serious threats to human rights, especially for the most vulnerable communities. Myanmar is one of the three most vulnerable countries in the world to the effects of climate change. This country's economy and society is still largely dependent on agriculture, which is mostly rain-fed. Food and water security are under threat, while increasing temperatures and irregular rain patterns are prone to create favourable conditions for the spread of infectious diseases.

While debates are ongoing regarding the cease of eviction of Rohingya from the Myanmar territory and the potential return of the ones that are in exile, an important question arises: Will Rohingyas want to return to a country where not only grave crimes against them were committed, but also where constant threats to their security caused by climate change are taking place?

*International Lawyers.org and Geneva International Centre for Justice urge this Council to ensure that the State of Myanmar not only cooperate with its neighbouring countries to take a new approach to their shared resources, but also adopt protection measures in climate change matters in order to guarantee the fulfilment of the most fundamental human rights for its population, while being inclusive with all ethnicities, and all areas of the country in this protection.*

**Thank you.**

[Link to video statement](#)

#### **General Debate under Agenda Item 4**

**27 June, 2018**

Delivered by: Ms. Jennifer D. Tapia

**Thank you, Mr. President,**

*We would like draw attention to the deterioration of Iraq's Institutional System since the illegal invasion and occupation of 2003, and how its consequences are still surfacing and being exposed in present times. Regarding the recent national and parliamentary elections in Iraq, we note that they brought along reports of fraud, societal confusion about the electoral results, and acts of intimidation for voters.*

*We remark that the election process in Iraq has been hindered not only by technical shortfalls and political interference, but also by inconsistent results of the electronic machines, the necessity to go through a manual recount of votes, and the annulation of the ballots casted by displaced Iraqis and citizens living abroad.*

*In this regard, we urge this Council to ensure that the State of Iraq guarantees a fair and transparent outcome for the electoral process while respecting the will of its citizens and the correct fulfilment of their civil and political rights. We also urge this Council to ensure that those found responsible for rigging election results in Iraq are duly processed.*

*Additionally, International Lawyers.org and Geneva International Centre for Justice align to the Secretary General's recent remarks that the reconstruction of areas destroyed in Iraq during the liberation campaign must be a priority for offering a secure and dignified home for IDPs to return.*

**Thank you.**

[Link to video statement.](#)

**General Debate under Agenda Item 4****27 June, 2018**

Delivered by: Ms. Sheefa Shaik

**Mr. President,**

*Unjustifiable acts around the globe, many of which infringe upon human rights, are carried out under the pretext of combating terrorism. In today's world, the fight against terrorism is of the utmost importance. However, we should never allow a fight to condone infringements on human rights, this would mean we are fighting against humanity.*

*In Iraq specifically, systematic, and grave human rights violations are committed against the civilians. The authorities justify these actions by accusing the citizens of being terrorists or related to terror activities, whereas the reality is entirely unlike. Examples of these violations include mass campaigns of arbitrary arrests, disproportional violence against peaceful protesters, lack of fair trials, and the retrieval of confessions under torture.*

*The fight against terrorism has egregiously overlooked international human rights law. New policies aimed at reducing terrorism are worded vaguely, and ultimately work against the people who they are designed to protect. Nations should be able to follow an anti-terrorism agenda to protect their populations, but their counter-terrorist measures need to comply with fundamental international principles.*

**Distinguished delegates,**

*We come here together to stress the importance of human rights, each one of your countries is party to the Universal Declaration of Human Rights.*

*Isn't it time to hold true to your word?*

*Isn't it time we begin to recognize the fundamental human rights of those living in conflict affected areas? The fight against terrorism is tremendously important, but it will be impossible to succeed if the governments themselves disregard international human rights standards.*

**Thank you.**[Link to video statement.](#)

## Item:5 - Human rights bodies and mechanisms

### *General Debate under Agenda Item 5*

**28 June, 2018**

Delivered by: Ms. Jennifer D. Tapia

***Thank you, Mr. President,***

*We would like to express our serious concern regarding the protection of the right to health, as well as the impact of climate change on the realisation and fulfilment of human rights around the globe.*

*In this sense, we call on this Council's attention once again, as well as on the special rapporteur on the right to health, to urge the World Health Organization to promote the right to health and to put into practice the commitment it has made in its recently adopted 13th General Programme of Work, of insuring respect for the right to health by all states by adopting unequivocal resolutions at the World Health Assembly.*

*Additionally, International Lawyer.org and Geneva International Centre for Justice note that although climate change is perhaps the most serious threat to the human rights of the greatest number of people on this planet, we regret that insufficient action has been agreed by the international community to protect the most vulnerable populations from the most serious adverse effects of climate change. Thus, we urge this Council to appoint a special rapporteur on human rights and climate change who can encourage stronger international action to protect the human rights and the welfare of the billions of people who are being and will be under the threat and adversely affected by the concerning issue of climate change.*

***Thank you.***

[Link to video statement](#)

### ***Report of the Working Group on Business and Human Rights*** ([A/HRC/38/48](#))

**28 June, 2018**

Delivered by: Mr. Mutua K. Kobia

***Thank you, Mr. President,***

*EAFORD and Geneva International Centre for Justice welcomes the report of the Working Group on the issue of human rights transnational corporations and other business enterprises, and especially welcome the urgent discussion held on an international legally binding agreement and for civil liability in home countries of transnational companies. To date, there has been a serious lack of regulation and accountability with regards to grave violations by transnational corporations and worse still numerous documented incidents where TNCs have exercised their powers to attack, threaten, and eliminate actors, including human rights*

*defenders, who promote and protect the human rights of victims and who are also now seeing their access to justice disappear.*

*Furthermore, TNCs who commit atrocities on the environment, civilians, and human rights defenders with impunity have put in place schemes to win time against and that is costly to victims and defenders at the judiciary level.*

**Mr. President,**

*Considering these circumstances access to judicial remedies under the Guiding Principles is no longer a long-standing solution due to various legal and non-legal barriers, numerous legal loopholes, and corporate power. In addition, there needs to be a reversal of burden of proof where it should be the legal obligation of businesses, companies, and TNCs to demonstrate and prove their innocence. International human rights law must by all means remain above economic and business law.*

*To this end, we call for the protection of human rights and the need for an international legally binding agreement and to end corporate impunity.*

**Thank you.**

[Link to video statement.](#)

#### Item:6 - Universal Periodic Review

#### **Consideration of the Universal Periodic Review outcome of Mali ([A/HRC/38/7](#))**

**28 June, 2018**

Delivered by: Mr. Mutua K. Kobia

**Thank you, Mr. President,**

*EAFORD and Geneva International Centre for Justice welcomes the UPR report on Mali and commends the state on maintaining a moratorium on the death penalty and encourages the continual action to combat impunity, and the worst forms of child labour. Additionally, we congratulate Mali for its endorsement of Security Council resolution 1325 relating to women's participation in conflict management, the prevention and resolution of conflicts and the commitment to protect human rights defenders and specific protections for women human rights defenders and encourage and support Mali to fully implement these measures at all levels.*

*We acknowledge the challenges faced in the fight against terrorism and security concerns especially in the Sahel region. While the implementation of Resolution 2391 has been swift, there are unfortunately serious concerns over allegations of human rights abuses and violations related to the Joint Force of the Group of Five, which deserves investigation and justice towards the victims. On that note, the established military court*



*in response to the allegations must uphold international human rights standards and in compliance with human rights law.*

*To this end and in addressing and combatting terrorism, transnational crimes, and internal conflicts we urge the government of Mali to commit to dialogue in pursuit of peaceful resolutions; with regards to increasing security measures we call for enhanced, constructive collaboration and solidarity with the international community and all relevant UN bodies.*

*In conclusion, **Mr. President**, we appreciate the efforts and commitments of Mali to the universal periodic review.*

**Thank you.**

[Link to video statement.](#)

***Consideration of the Universal Periodic Review outcome of United Arab Emirates ([A/HRC/38/14](#))***

**29 June, 2018**

Delivered by: Mr. Yazeed Sharaiha

**Mr. President,**

*We welcome United Arab Emirates acceptance of most of the recommendations made in the review cycle and the efforts it has made to balance security concerns with its international human rights obligations.*

*We believe that the Acceleration of steps to ratify core international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights will make the UAE more committed to Human rights.*

*We call on the UAE to establish a moratorium on the death penalty, as a step towards the complete abolition of this practice.*

*We also encourage the UAE to quickly take concrete measures to ensure the right to freedom of expression, and review legislation preventing the exercise of the right to freedom of expression and to establish in national legislation the right to information, and mechanisms to guarantee its full respect and protection in the country.*

*We note that the UAE were developing procedures for investigating cases in line with the nature and needs of children, but we appreciate if the State develops specific operational policies to protect children from the risks of sexual harassment and abuse.*

**Thank you, Mr. President.**

[Link to video statement.](#)

**General Debate under Agenda Item: 6****29 June 2018**

Delivered by: Mr. Yazeed Sharaiha

**Thank you, Mr. President,**

*We would like to highlight once again on the relevance of the UPR cycles as they are based on the principle of equal treatment regarding the fulfilment of the human rights obligations of each State. In this regard, we note that the argument of receiving “biased resolutions” from the Council, besides not being a founded argument, it cannot constitute by any means an excuse for committing serious human rights abuses in States. The absence of Israel today was just an example of its disrespect and non-cooperation with human rights mechanisms.*

*In that regard, we remind the Council that the human rights of Palestinians, including their children and women, are still being violated without any inhibition whatsoever. Before Israel criticizes the so-called ‘discrimination’ against itself in the Council, it must first respect the fundamental laws of human rights. To that end, we repeat the fundamental recommendation to ensure equal rights of all citizens regardless of origin or religion.*

*That being said, we commend all states that have committed to cooperate with the Council and were present in the adoption process of their respective outcome reports today. In this regard we would like to highlight the cooperation shown by the UAE in accepting most of the recommendations and their implementation of the previous recommendation in a positive manner and encourage the state to continue its efforts to secure the fundamental rights of all its persons.*

*Finally, we would like to emphasize to importance of the implementation of the outcome reports by all stats.*

**Thank you, Mr. President.**[Link to video statement.](#)**Item 7: Human rights situation in Palestine and other occupied Arab territories****General Debate under Agenda Item: 7****2 July 2018**

Delivered by: Ms. Jennifer D. Tapia

**Thank you, Mr. President,**

*While we are discussing item 7, we would like to remind the international community that these discussions are still ongoing and will continue only because Israel has hitherto failed to implement all relevant UN resolutions that seek to protect the basic rights of Palestinian people.*

*In this sense, International Lawyers.org and Geneva International Centre for Justice note that the actions taken by Israel over the span of around 100 years demonstrate a systemic attempt to destroy the Palestinian people. We also note how there is no parallel in recent history where a people have been placed in such an inhumane situation for such an extended period of time.*

*We remind this Council that the crime of genocide is committed by a State or non-State actor which intentionally undertakes to destroy a people in whole or in part. Thus, we call on this Council to initiate an investigation into the activities carried out by the Government of Israel, and the violations to the human rights of the Palestinian people over such a long period of time, to determine whether or not the State of Israel is committing the International crime of genocide.*

*Additionally, we urge this council once again to take immediate measures to pressure the State of Israel to terminate all illegal settlement activities, and to stop the institutionalized and blatant discrimination against Palestinian people.*

**Thank you.**

[Link to video statement.](#)

#### **General Debate under Agenda Item: 7**

**2 July 2018**

Delivered by: Ms. Sheefa Afath Shaik

**Mr. President,**

*Despite all efforts by the international community to halt the relocation of the US Embassy from Tel-Aviv to Jerusalem, this relocation took place on May 14<sup>th</sup>. To choose the 14<sup>th</sup> of May as the day for the official opening of the Embassy shows a complete lack of respect and empathy towards the plight of the Palestinian people, who honour the more than 700,000 Palestinians who fled or were expelled from their homes in the 1948 war on the 15<sup>th</sup> of May.*

*Even though the US might have recognized Jerusalem as official capital of Israel and thus further distancing Palestine's connection towards Jerusalem, in direct violation of several UN resolutions with regard to the City of Jerusalem. EAFORD and Geneva International Centre for Justice believe that the US are no longer, or never have been honest peace brokers in the Israel/Palestine conflict, however, it does not change the internationally recognized status of Jerusalem.*

*While the deteriorating situation of human rights in Palestine persists over the decades there is little to no accountability whatsoever against the perpetrators and no justice for the victims under the occupation, which includes continuous demolitions and punitive demolitions, serious human rights abuses and grave violence, and deprivation of basic rights and dignity.*

*Israel maintains entrenched discriminatory systems that treat Palestinians unequally. Its prolonged occupation of the West Bank and Gaza involves systematic rights abuses, including collective punishment, routine use of excessive lethal force, and prolonged administrative detention without charge or trial for hundreds. We urge the U.N. to ensure protection for the Palestinian people, and to take all necessary measures to finally bring an end to the illegal occupation of Palestine*

**Thank you.**

[Link to video statement.](#)

## Item:8 - Follow-up to and implementation of the Vienna Declaration and Programme of Action

### **General Debate under Agenda Item: 8**

**2 July 2018**

Delivered by: Mr. Konstantinos Kakavoulis

**Thank you, Mr. President.**

*Unfortunately, States and stakeholders seem to disregard the significance of the correct implementation of the Vienna Declaration and Programme of Action.*

*While the VDPA calls for increased coordination on human rights within the UN system, States have shown a tendency to participate less in the activities of this Council –to even withdraw from it in certain cases.*

*The VDPA also reminds us that “Special emphasis should be given to (...) strengthening of a pluralistic civil society”.*

*EAFORD and Geneva International Centre for Justice stress that civil society reflects the plurality of voices that is the bedrock for any open and democratic society. The VDPA puts emphasis on the indispensable role played by civil society to remind governments of their human rights obligations, to highlight violations of human rights and to support them in their implementation.*

*To this end, we are particularly concerned regarding the shrinking NGO space within the UN system.*

**Mr. President,**

*The VDPA calls for enhanced cooperation between all relevant stakeholders if it is to achieve its objective. However, nowadays States seem to draw in on their national problems, to isolate themselves from the international community.*

*We wish to remind them that with the adoption of the VDPA, all States reaffirmed that human rights are universal, indivisible, interdependent and interrelated.*

*Let us always remember Helen Keller's famous words: "Alone we can do so little; together we can do so much."*

**Thank you.**

[Link to video statement.](#)

Item:9 - - Racism, racial discrimination, xenophobia and related forms of intolerance,  
follow-up to and implementation of the Durban Declaration and Programme of  
Action

**General Debate under Agenda Item:9**

**2 July 2018**

Delivered by: Ms. Jennifer D. Tapia

**Thank you, Mr. President,**

*Our organisations would like to emphasize the importance of the Durban Declaration and Programme of Action against Racism and Discrimination as the centre piece of United Nations policy on this issue.*

*With that said, we believe that the Durban Declaration is also the centre piece of Nelson Mandela's legacy and the legacy of South Africa. We hold that efforts to belittle it or distract focus away from it are an insult to this important legacy and should not be tolerated.*

*In addition, we would like to point out to the fact that some States have failed to effectively implement this Declaration, thereby failing to contribute to the complete elimination of discrimination from its deep roots.*

*International Lawyer.org and Geneva International Centre for Justice urge the Council to unequivocally reiterate its commitment to the Durban Declaration in its words and in its deeds. Additionally, we believe that an effective implementation of the Durban Declaration and Programme of Action into national legislation of each State is crucial for continuing with the efforts required for the elimination of societal and institutional discrimination reflected in hatred, societal behaviour, and incitement, thereby guaranteeing the realisation of human rights for all, without any form of distinction.*

**Thank you,**

[Link to video statement.](#)

## Item 10: Technical assistance and capacity-building

### *Interactive dialogue with the Independent Expert on the situation of human rights in Central African Republic (oral update)*

4 July, 2018

Delivered by: Mr. Mutua K. Kobia

**Thank you, Mr. President,**

*We welcome the oral update by the Independent Expert on Central African Republic and look forward to reading her full report when finalized. EAFORD and Geneva International Centre for Justice remain concerned with the human rights situation in CAR as recent reports have illustrated continued grave violations including gender-based violence, child combatants, and attacks and killings on civilians some of which have been attributed to intercommunal violence. We are also concerned about attacks on peacekeepers and the continued cross-border trafficking of weapons.*

*As noted by the UN High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein, and the independent expert, Ms. Bocoum, hate speech and the incitement of violence has provoked and sparked numerous instances of violence against particular groups on the basis of ethnicity and religion and to manipulate and deceive the population. Such issues in consideration of addressing root causes must be seriously looked into and concrete measures must be put into place to combat hate speech and the incitement of violence. In addition, practical steps and examples of best practices towards the promotion and protection of human rights and solidarity requires the assistance and support of this Council and the international community.*

**Mr. President,**

*In light of the deteriorating situation in CAR impunity persists and efforts to provide adequate protection and justice towards the victims is much too slow. To this end, victim and witness protection strategies, disarmament, truth and reconciliation initiatives, and peace and security measures urgently require technical assistance and the full and effective participation of women and the voices of grass roots organisations.*

*In conclusion, we would like to ask the independent expert what specific measures towards combatting hate speech and incitement to hatred and violence would be most effective in Central African Republic and what assistance can the international community provide towards achieving positive results in this regard?*

**Thank you,**

[Link to video statement.](#)

**General Debate under Agenda Item: 10****5 July 2018**

Delivered by: Mr. Siddharth Abraham Srikanth

**Thank You Mr. President,**

*International-Lawyers.Org and Geneva International Centre for Justice would like to highlight the imperative nature of technical assistance efforts to ensure the sustainable futures of the countries in question.*

*For example, despite Mali's commendable efforts to cooperate with the recommendations highlighted in its UPR, it will require continued technical assistance towards its peace agreement, combating forced child labour, and fighting terrorism in the Sahel region to achieve immediate positive results. In the Central African Republic, there is a dire need to support the rehabilitation of victims, finance the RCPCA, support the combating of hate speech, and reintegrate children formerly recruited by illicit armed groups.*

*In a distinct yet equally threatening scenario, many Pacific Island states face the existential hazard of rising sea levels. For Fiji, Tuvalu, Kiribati, and the Marshall Islands, the current predicted sea level rise would result in their almost total submersion by the year 2100, with changes in both geographic features and water temperatures having the additional potential to adversely alter the fishing stocks that these states heavily rely on for food security.*

*With negligible capacity to stem this threat themselves, these states depend on larger countries to implement reforms that might prevent a more drastic warming of the Earth's atmosphere. To that end, our organisations call upon the United States as one of the world's largest energy consumers to acknowledge climate change as a genuine threat and make expeditious provisions to put in place a more sustainable policy on the same.*

**Many thanks.**[Link to video statement.](#)**General Debate under Agenda Item: 10****5 July 2018**

Delivered by: Ms. Sheefa Afath Shaik

**Thank you, Mr. President,**

*We would like to call on the Council's attention once again on the potentially worst humanitarian crisis of the last 50 years, which continues to crop up in Yemen while utterly affecting the welfare of Yemeni people. We maintain that the imposition and constant renewal of the sanctions regime has brought devastating effects for the human rights fulfilment of Yemeni people, it has debilitated the already torn up country, and has altogether aggravated the humanitarian crisis in terms of access to food and medical supplies.*



*EAFORD and Geneva International Centre for Justice (GICJ) believe that efforts made by the international community for lifting the blockade, while addressing the causes of the ongoing civil war through peace negotiations and providing protection to civilians' human rights to restore their dignity is the best approach for starting the process of ameliorating the unfortunate plight of Yemeni People.*

*We remind the Council that nearly 20 million Yemenis are in need of humanitarian assistance, 3 million people are internally displaced. However, humanitarian aid can only temporarily ease the desperate situation in Yemen. Only a peace-reaching approach can lead to a definite solution. We thus urge the international community to intensify the efforts aimed at achieving lasting peace in the country.*

*We hold that a peace-reaching approach will lead to a definite solution for the current plight in Yemen, but we note that increased efforts for humanitarian assistance is urgently needed until definite solutions are reached for Yemenis' survival, welfare, restoration and human rights protection.*

**Thank you,**

[Link to video statement.](#)

## GICJ's Joint Written Statements

### Children in Yemen: the future of a whole generation is under threat



[Photo source: pri.org]

The Yemeni population has been living in an ongoing civil war for more than four years now and it is experiencing a grave humanitarian crisis. At the centre of this, children are one category of the population that is most vulnerable and affected by this ongoing conflict. In fact, they are facing several violations of their most basic human rights and are victims of different forms of violence. In addition, they are equally directly or indirectly affected by numerous

violations of international humanitarian law which have been committed from all parties to the conflict. This statement wants to illustrate some of the ways in which this war is affecting some of their basic human rights, such as their right to education and health. The statement equally outlines two worrisome practices that are taking place in this context: child marriage and child recruitment.

### Cancer: The Public Health Challenge for Syrian Refugees in Lebanon

Since the outbreak of the civil war in Syria in March 2011, over 11 million Syrians fled their homes. The majority have sought refuge in neighbouring countries such as Turkey, Lebanon and Jordan. Over one million refugees have settled in Lebanon since the outbreak of the war, making it the country with the highest per capita concentration of refugees in the world. This large influx of refugees has exacerbated the political, economic and security challenges of the country. Furthermore, it has equally placed a considerable burden on the Lebanese health system. Due to irregular funding, many Syrian refugees have died of cancer. This statement aims to illustrate some of the main challenges Syrian refugees are facing in terms of accessing health care, such as no access to legal status and financial hardship.



### Executions in Iraq

In Iraq, the number of executions continues to rise, even though article 15 of the Iraqi Constitution of 2005 enforces the right to life. With the adoption of the Anti-Terrorism law No.13 of 2005, Iraqi officials have a broad justification for implementing the death penalty and this resulted in the perpetration of numerous human rights violations, all under the pretext of combating terrorism. Furthermore, trials in Iraq are failing to respect international fair trial standards. The country has a weak judicial system, plagued by corruption, which frequently bases convictions on coerced confessions. This means that trial proceedings fail to meet international standards, allowing these executions to be based on discriminatory and sectarian motives – putting the lives of many innocent people under threat. The death penalty and extrajudicial executions in Iraq are used as tools of political repression, to eliminate political opponents, and to maintain a reign of terror over the Iraqi population at large.



[Photo source: independent.co.uk]

### Freedom of Expression and Association in Iraq

The freedom of expression and association are vital in any well-functioning political system and should therefore be protected at all costs. These rights are established in article 19 and 20 of the Universal Declaration of Human Rights and article 19 and 21 of the International Covenant on Civil and Political rights. Both of these treaties are signed and ratified by the Iraqi government and thus the country has an international obligation to comply with these rights. In Iraq however, these freedoms are often not respected. There are numerous cases of violence used against peaceful protestors and kidnapping of



activists, journalists and demonstrators. During and after the occupation of Iraq, Iraq became the most dangerous place for journalists. But even the defeat of ISIS does not keep journalists of fearing for their lives. Furthermore, it has become a trend that every protest in will end in violence. Moreover, the ruthless attacks against the peaceful civilian demonstrators by government forces are in serious violation of a number of fundamental human rights. The Iraqi government

has proved unable, or unwilling, to ensure protection and to respect the fundamental rights of its citizens. The climate of impunity surrounding these illegal practices, including attacks against civilian properties and abduction of journalists and human rights defenders, perpetrated by governmental forces must end.

### South-Eastern Mediterranean: The incorporation of the EU Asylum Directives in the South-Eastern EU Countries

GICJ jointly with other organizations submitted a written statement on the incorporation of the EU Asylum Directives in Greece, Italy, Malta and Cyprus, namely the countries which constitute the main points of entry of asylum seekers in Europe. The two EU Directives aim at establishing common procedures for the reception of applicants for international protection and for granting and withdrawing international protection.



The full and correct incorporation of the Directives in the national legal orders of the South-Eastern EU Member States constitutes an imperative need and the undersigning organizations urge that more action is

taken immediately towards this direction. To this end, the signing organizations made recommendations to the Special Rapporteur on the rights of migrants as well as the States concerned.

### **Myanmar: Freedom of the press should be urgently restored**

GICJ jointly with other civil society organizations brought the topic of freedom of the press in Myanmar to the attention of the Human Rights Council. The Myanmar government maintains tight control over the media sector through the use of harsh defamation and other laws. Authorities are increasingly abusing various draconian colonial and military era laws to repress reporting on a widening range of topics. The media landscape is marked by the delay of legislative reforms, and the increasing use of litigious tactics to hamper media freedom, while journalists are constantly being arrested and prosecuted.



[Photo source: ipi.media]

The government's repressive focus now is on censoring coverage of western Rakhine State, from where over 680,000 Rohingya Muslim refugees have fled military violence into neighbouring Bangladesh since August 25 last year. Most –if not all- journalists feel discouraged to remain in the country and continue reporting on the ethnic cleansing taking place against the Rohingya.

GICJ submitted that the prosecution and threats against journalists hampers the unveiling of the truth regarding the Rohingya crisis and the transition of Myanmar to democracy. There is an imperative need that freedom of the press is restored immediately and journalists be provided the opportunity to investigate the crimes taking place.



### Palestine Occupation – No End in Sight

In recent years, the human rights situation in Palestine and other Occupied Territories have continued to deteriorate. Additionally, measures taken and activities administered against the people of Palestine indicate that a peaceful resolution to end the conflict is slipping away.



[Photo source: dynamicnews.net]

The serious situation of human rights in the Occupied Palestinian Territories has been long-standing and the recent attacks against Palestinian protesters is not a one-time account. While it should not be taken lightly and is a serious offense by the perpetrators, it should serve to shed light on the occupation of the Palestinian territories by the state of Israel as a whole. The treatment and denial of rights such as the right to life, right to health, right to peaceful assembly and association, and the right to a nationality and family life among numerous others deserves the full attention of the Human Rights Council and the international community at large.

### Growing Racism and Xenophobia in Europe

In the past decade Europe has undergone economic and political crises and has experienced significant increases in migrants, especially refugees and asylum seekers. This is an important phenomenon to realise as blame for these crises and ensuing situations unjustly fall on minority groups. In addition, violent extremists who are on the rise have committed acts of violence and have sought to unrest societies and communities in Europe. However, the concerning responses to this phenomenon and towards hostile acts have been regrettably directed in the wrong directions by both civilians and politicians alike that has resulted in unfortunate circumstances and negative stereotypes.



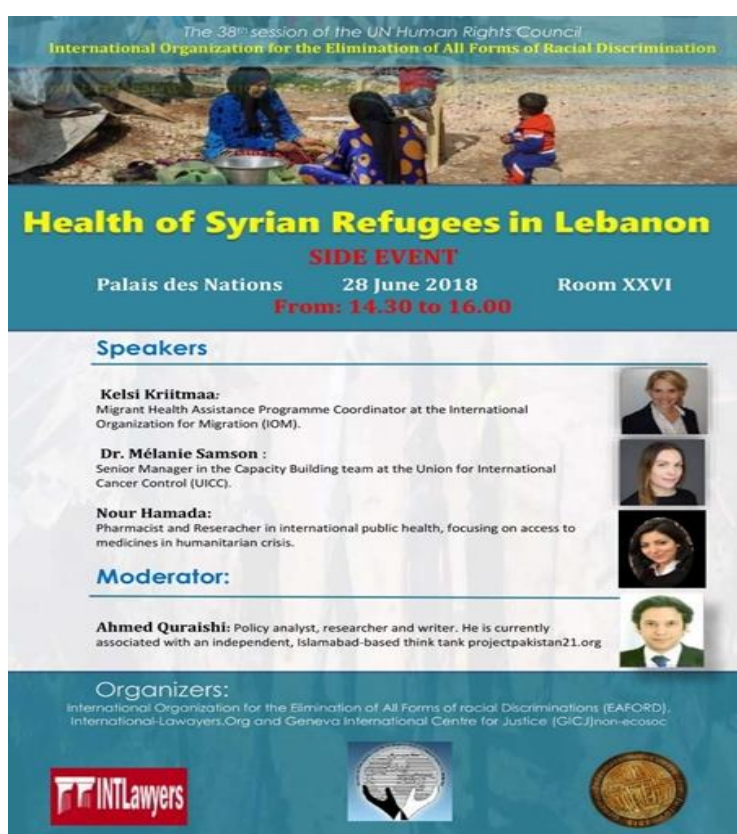
In addition to race-based violent attacks, hate speech and verbal slurs discrimination is still a serious issue in economic, social and political fields such as housing, employment, health services, education, political

[Photo source: dw.com]

participation and criminal justice among others. Moreover, the media is continuously being exploited to spread xenophobia, stereotypes, and untrue claims. Politicians, journalists, and opinion-makers have a crucial part to play in not only exposing racial hatred and discrimination but also in promoting diversity and respect for human rights against racism as emphasised under several existing conventions and resolutions.

## GICJ's Co-Sponsored Side-Events

### “Health of Syrian refugees in Lebanon”



The 38<sup>th</sup> session of the UN Human Rights Council  
International Organization for the Elimination of All Forms of Racial Discrimination

## Health of Syrian Refugees in Lebanon

**SIDE EVENT**  
Palais des Nations 28 June 2018 Room XXVI  
From: 14.30 to 16.00

### Speakers

**Kelsi Kriitmaa:**  
Migrant Health Assistance Programme Coordinator at the International Organization for Migration (IOM).

**Dr. Mélanie Samson :**  
Senior Manager in the Capacity Building team at the Union for International Cancer Control (UICC).

**Nour Hamada:**  
Pharmacist and Reseracher in international public health, focusing on access to medicines in humanitarian crisis.

### Moderator:

**Ahmed Quraishi:** Policy analyst, researcher and writer. He is currently associated with an independent, Islamabad-based think tank [projectpakistan21.org](http://projectpakistan21.org)

### Organizers:

International Organization for the Elimination of All Forms of racial Discriminations (EAFOED),  
International-Lawyers.Org and Geneva International Centre for Justice (GICJ)non-ecosoc

**INTLawyers**

The purpose of the event initiated by the Geneva International Centre for Justice was to tackle some of the issues faced by refugees and more precisely it focused on the current situation and health challenges of Syrian refugees in Lebanon. Indeed, Lebanon is one of the top host countries with about 1 million Syrian refugees and according to our speakers, a large number of them are faced with health issues and are unable to access medical care and this for various reasons such as the legal status that might not be in norm or because they cannot afford to pay for the medical attention or because of the unavailability of medical facilities. There is no doubt today for the international community that the right to health for everyone is of utmost importance since it crucially impacts the development of all countries and is actually part of the 2030 Agenda for Sustainable Development “Goal 3: Good health and well-being”.

Consequently, to these conditions, it has become even harder for Syrian refugees to access health care services and goods which is technically surprising considering the several refugee crises of the past decades, one could imagine that in 2018, there would be a better international response since it is by nature a global issue, policy makers play a considerable role in figuring out the reasons behind countries' failure to effectively respond to these issues.



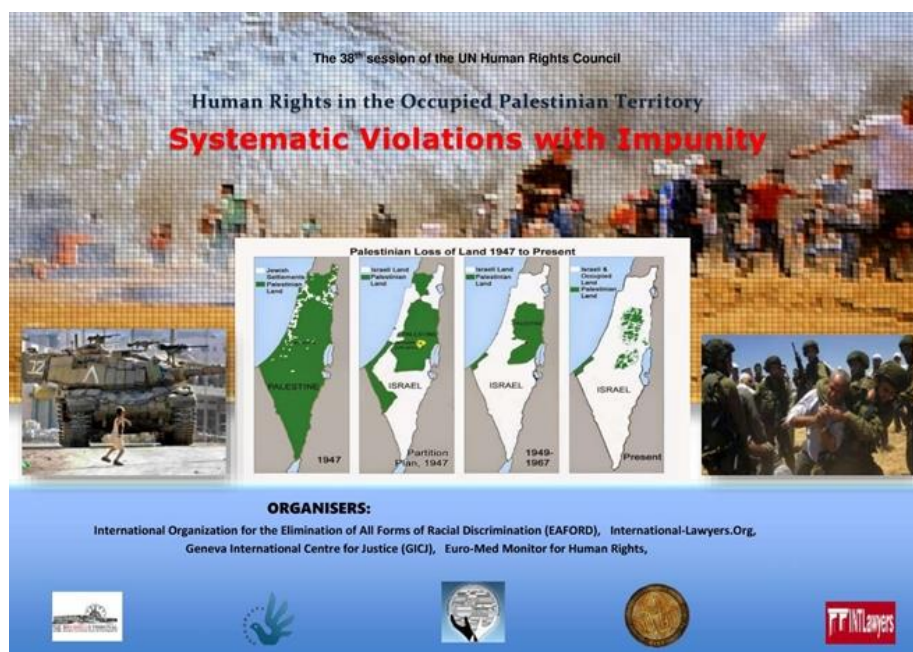
This side-event was co-sponsored by International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), International-Lawyers.Org, and Geneva International Centre for Justice (GICJ) and was moderated by **Mr. Ahmed Quraishi** - the distinguished panelists were, **Kelsi Kriitmaa** a Migrant Health Assistance Programme Coordinator at the International Organization for Migration; **Dr. Melanie Samson** who is a Senior Manager in the Capacity Building team at the Union for International Cancer Control (UICC); and **Nour Hamada** a Pharmacist and Researcher in international public health, focusing on access to medicines in humanitarian crisis.



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



## “Human Rights in the Occupied Palestinian Territory: Systemic Violations with Impunity”



Israel's prolonged occupation of the Palestinian territory involves systematic human rights abuses, including collective punishment, routine use of excessive lethal force, and prolonged administrative detention without charge or trial for hundreds. It builds and supports illegal settlements in the occupied West Bank, expropriating Palestinian land and imposing burdens on Palestinians but not on settlers, restricting their access to basic services and making it nearly impossible for them to build in much of the West Bank without risking demolition. Israel's decade-long closure of Gaza have made the lives of 1,9 million Palestinians living there unbearable. For that Gaza is described as the world's largest open-air prison.



This side event aims to bring to light the atrocities of the occupation, characterised by horrendous and unending human rights violations resulting in the continuous and systematic suffering of the Palestinian people. Through its constant non-cooperation with the United Nations System in general and international human rights mechanisms in particular, Israel has not only robbed the Palestinian people of their right to self-determination, but also repeatedly implements new and improved measures to deepen the suffering of the Palestinians. Our organisations thus call upon the international community to take a stand against this blatant and long-standing human rights catastrophe through this side event.

This side-event was co-sponsored by Geneva International Centre for Justice (GICJ) with International Organisation for the Elimination of All Forms of Racial Discrimination (EAFORD), International-Lawyers.Org, and Euro-Med Monitor and had the exceptional honour to have the contributions of special guest, **Mr. Michael Lynk** who is the current Special Rapporteur on the situation of Human Rights Situation in the Palestinian Territory Occupied since 1967 and joined via Skype and made his presentation based on the question, *“Can an Occupying Power become an Illegal Occupant if it abuses the Fundamental Principles that underly the modern Laws on Occupation?”*. The other distinguished panellists were **Ms. Aroub Soubh** who is a TV program presenter, she is the official Media Spokesperson for the Jordanian coalition, My Nationality is the Right of My Family, and Consultant at the Euro-Mid Human Rights Monitor and spoke on *“The Blockade of Gaza as a form of Apartheid”*; **Ms. Daniela Donges** who is a civil peace worker for Palestine, a former member of GICJ. She follows on the ground information concerning the situation in Palestine and she spoke on, *“Observations of Human Rights situation on the Ground and Laws that Entrench the Occupation”*; and **Ms. Eman Zuiter** who is a Human Rights researcher who works with Geneva International Centre for Justice since 2016 as well as with the Euro-Med Monitor since 2015 and she spoke on *“Excessive Use of Force against Peaceful Protestors”*.



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

## GICJ's Concluding Remarks:

The 38<sup>th</sup> Session of the Human Rights Council ended on the 40<sup>th</sup> meeting and concluded with the adoption of 20 resolutions on various human rights issues, the appointment of five Special Procedure Mandate Holders, and extended mandates on Belarus and Eritrea and took action to dispatch two international human rights experts to the Democratic Republic of Congo.

Geneva International Centre for Justice (GICJ) was again a very active participant during the 38<sup>th</sup> Session of the Human Rights Council by jointly submitting written statements, delivering oral statements, as well as organizing and participating in two side-events. In addition to following previous country-specific situations GICJ addressed the Universal Periodic Review of Israel, Mali, and the United Arab Emirates (UAE) and re-addressed climate change.

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# Geneva International Centre *for* Justice

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



*GICJ at the 38th session of the UN Human Rights' Council*

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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