



GICJ Report: UN Human Rights Council, Forty-First Session

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# Geneva International Centre *for* Justice

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



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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.

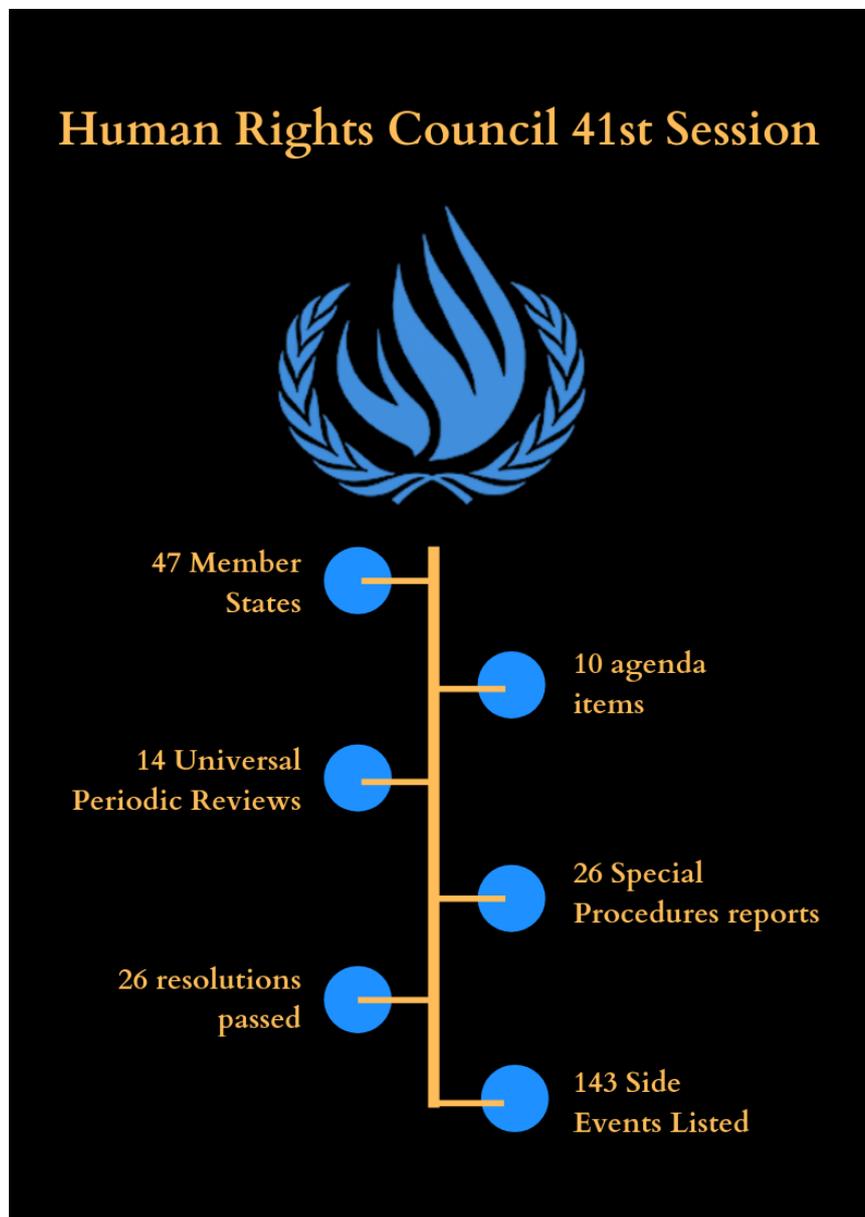
**Work:** GICJ has been tackling issues of justice and accountability since it was established. GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network around the world. Through these channels, GICJ is able to receive documentation and evidences of human rights violations 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.

# Contents

Introduction .....	1
Opening of Session and Council President Welcome .....	2
Remarks by the High Commissioner .....	2
Closing of Session and Remarks by the President .....	6
Council Resolutions.....	7
GICJ Participation at the 41st Session of the UN Human Rights Council.....	8
Oral statements .....	9
Thematic Issues.....	9
Business & Human Rights .....	9
Environment.....	12
Human Rights Defenders .....	13
Migrants .....	15
Racism, Xenophobia, and Related Forms of Intolerance.....	16
Country-Specific Issues .....	18
Afghanistan .....	18
Burundi.....	20
Central African Republic.....	21
Iraq .....	23
Myanmar.....	25
New Zealand .....	27
Occupied Palestinian Territories.....	29
GICJ’s Co-Sponsored Side Event.....	32
Imprisonment & Torture: Punishing Political Dissent.....	32
GICJ’s Human Rights Training .....	33
Written Statements .....	34
Iraq.....	34
Corruption in Iraq.....	34
Rule of Law in Iraq.....	35
Libya .....	36
Libya: Escalating Military Hostilities Undermine Peace Efforts .....	36
Myanmar.....	37
Myanmar: Continuing Violence, Impunity and Discrimination of Minorities .....	37
Myanmar: Broken Promises of Peace and Escalating Inter-religious Hostilities .....	38
Occupied Palestinian Territories.....	39
The Rise in Hate Speech by Political Representatives and on Social Media in Israel .....	39
Israel’s Treatment of Human Rights Defenders.....	40
Sexual Abuse of Palestinian Women in Detention .....	41
Appendix – Council Resolutions.....	43
Syria.....	43
Corruption.....	45
Discrimination against Women.....	46
Environment .....	49
Freedom of Assembly and Association .....	50
Internally Displaced People .....	51
Migrants .....	52
Right to Peace .....	54

# Introduction

The United Nations Human Rights Council held its forty-first regular session at the Palais des Nations in Geneva, Switzerland from 24 June to 12 July 2019. During the 41st Session, the Council focused on various serious and urgent human rights issues across the globe. The Council heard the presentation of numerous reports over three weeks that addressed a variety of themes and 12 country-specific situations. The Council also heard from 26 independent human rights experts, working groups and investigative bodies; held a panel discussion on climate change and women’s rights; conducted an annual discussion on the human rights of women; held a thematic discussion on technical cooperation; and adopted the outcomes of the Universal Periodic Review of 14 states.



## Opening of Session and Council President Welcome



*UN Photo / Jean Marc Ferré*

The President of the Council for 2019, Ambassador Coly Seck of Senegal, opened the 41st session and welcomed the High Commissioner for Human Rights, Ms. Michelle Bachelet, and the outgoing Director General of the Office of the United Nations in Geneva, Mr. Michael Møller, recalling his contribution to the work of the UN and thanking him for the accomplishments during his mandate. Mr. Seck then

welcomed the fifteen delegates of the least developed countries and small-Island States, which are participating for the first time in a regular session of the Council.

After the adoption of the programme of work for the 41st session, Mr. Seck recalled that Council resolution 16/21 created a task force to reflect on ways to improve access for and participation of persons with disabilities in the Council's work. Inclusion and participation of all should be the guiding principle of the work of the Council. For this reason, he invited delegations to consider requesting a new resolution on accessibility for meeting and debates including interpretation in sign language.

## Remarks by the High Commissioner

After the President's opening remarks, High Commissioner Bachelet presented her oral update on the situation of human rights worldwide and the activities of her office. She began her report by noting that 55,000 suspected Daesh fighters and their families have been detained in Syria and Iraq. She recalled that all individuals suspected of crimes, whatever their country of origin or the nature of their crime, should face investigation and prosecution with due process guarantees and not be detained in the absence of a lawful basis and independent judicial review. She called on States to make sure their nationals are treated in accordance with international law when detained or on trial in a foreign country. UNICEF estimates that there are 29,000 children of foreign fighters in Syria, most of them under the age of 12. She called on States to provide the same access to nationality to children of their nationals born in conflict zones as what is otherwise applicable; to inflict statelessness on children who already suffered so much is an act of irresponsible cruelty. She commended the efforts of a few countries to repatriate some nationals. She strongly encouraged member States to act in line with guidelines of the OHCHR regarding the human rights-based approach to the issue of foreign fighters and their families, and urged all States to take responsibility for their nationals and to help the relevant authorities in Syria and Iraq to address urgent humanitarian needs.

She continued by stating that the recent and continuing military escalation in Syria, especially Idlib and western Aleppo, are of extreme concern. She urged all parties to take the necessary measures to ensure the protection of civilians, to immediately cease the use of heavy weaponry in densely populated areas, and to release the thousands of Syrians held in appalling conditions of detention with a high risk of torture.



*UN Photo / Jean Marc Ferré*

She regretted Saudi Arabia's dismissal of the recent Special rapporteur on extra-judicial, summary or arbitrary executions' report and reiterated her strong condemnation of the mass execution of 37 men in April, some of whom were children when the alleged crimes occurred. She deplored Iran's continued practice of sentencing children to death and remained particularly concerned by the number of child offenders on death row. She noted progress in eliminating the death penalty this year – the 30th anniversary of the second optional protocol to the ICCPR aiming at the abolition of death penalty – including its ratification by Gambia and Palestine, the removal of the death penalty from the penal code in Benin and Burkina Faso, and the declaration of moratoria in Malaysia and the State of California.

In Tunisia she commended the government's commitment to enacting reforms that strengthen democracy, rule of law and respect for human rights, and called it an example for many countries striving to achieve constitutional and legislative reforms as well as transitional justice.

As digital technology transforms almost all sectors of economy and society, she asserted that the human rights framework will be essential to ensure that responses by technology companies and governments effectively address challenges such as the massive and arbitrary surveillance; the safety of human rights defenders, journalists, and other who rely on encryption and anonymity; maintaining freedoms of expression, association and assembly online, while addressing incitement to hatred and violence; interference in election through disinformation campaigns; and other potential threats presented by technology. In the upcoming months, the OHCHR will be developing focused guidance on the application of the UN Guiding Principles on Business and Human Rights to digital technologies.

She highlighted her concerns about violence and the incitement of violence based on religion in recent months and recent statements by some religious leaders inciting violence. In Sri Lanka, she noted that the recent terrorist attack has increased tensions and that the lack of unified approach regarding key human rights concerns risk adverse impact on general safety. She explained that attacks on religious

minorities are attacks on all of us, called for vigilance and to act both with great urgency and great care.

The OHCHR worked with the International Labour Organisation and International Monetary Fund (IMF) to help address inequality in social justice. She explained that social protection is a fundamental right and that measures to provide protection and security are indispensable for conflict prevention and sustainable development. She noted and applauded IMF's new strategic commitment to help countries make their social spending "adequate, efficient and sustainable in finance."

She reported about her mission in Cameroon in May 2019 and welcomed the authorities' openness to find a human rights-based solution to the challenges faced in the country. She outlined several positive things that followed her mission, but regretted reports of extensive burning of houses and crops, at least one extra judicial killing, and the arrest of 350 persons opposition demonstrators. She called on the authorities to uphold the rights to freedom of expression and peaceful assembly and to ensure due process. She encouraged them to view the opposition as partners in the broadly inclusive dialogue which will be indispensable to lay the foundations for sustainable peace in Cameroon.

She commended the inspiring and peaceful popular uprising in Sudan in June, with its call for democratic governance and justice but deplored the brutal crackdown by the security forces. She regretted that the government did not respond to the OHCHR requests for access to investigate allegations of serious human rights violations by the security forces during the crackdown. She urged Sudan to put an end to the repression of the people's human rights and to immediately end the internet shutdown.

In Myanmar, evidence indicates continuing persecution of the remaining Rohingya people in northern Rakhine state, with little or no effort by the authorities to create conditions for the voluntary, safe and sustainable return of refugees. She expressed her fears that the conflict is being used as a pretext to carry out attacks against Rohingya civilians and to cause further displacement.

In Hong-Kong, she commended the decision of the authorities to delay passage of the bill regarding extraditions, in response to the massive display of civic activism by a large proportion of the population. She encouraged the authorities to consult broadly before passing or amending this or any other legislation. In China, she explained that she had continued to raise issues related to Xinjiang and other matters bilaterally with the government, and discussions on the unfettered access to the province by the OHCHR are ongoing.



*UN Photo / Jean Marc Ferré*

Both in Panama in May and in Mexico in April, she witnessed important steps towards truth telling and acknowledgment of the bitter reality of human rights violations. In recent decades, victims, activists, members of truth commissions and political leaders across Latin America have struggled successfully to advance reconciliation in transitional justice but today, a worrisome trend of denial of the facts goes on, even extending to the passage of laws aiming to undo the progress made in seeking justice. Amnesty legislation was passed in Nicaragua earlier in June and attempts have been made recently to pass de facto amnesty law in Guatemala and El Salvador. She urged these, and all other countries, not to adopt regulations that prevent serious human rights violations from being prosecuted and duly punished. In Mexico, she noted that the OHCHR will be working with a new commission for truth and access to justice and will also assist the government's efforts to identify 26,000 unidentified bodies which have been uncovered to date.

In Philippines, she deplored the high number of deaths and persistent report of extrajudicial killings in the context of campaigns against drugs and said that even the officially confirmed number of 5425 deaths would be a matter of serious concern for any country. She called for comprehensive and transparent information from the authorities on the circumstances around the deaths and investigations related to allegations of violations.

She underlined that human rights defenders, including activists for land rights and rights of indigenous people, journalists, lawyers, members of the catholic clergy and others who have spoken out, notably the special rapporteur on the right of indigenous people, have received threats, sometimes publicly from senior government officials. This creates a very real risk of violence against them and undermines the rule of law and right to freedom of expression.

She welcomed Portugal's opened migrant policy aiming to offer migrants easy access to social and legal assistance and access to the labour market. Including and integrating migrants brings many benefits for host communities, she said, including net financial contributions. She deplored new legal measures in several countries that penalise NGOs that rescue people drowning at sea. Measure such as these clearly put the lives of children, men and women and our societies at risk and penalise compassion. The prosecution of ordinary people seeking to help people in distress also took place in the United States and elsewhere. Those who seek to help people in need should be honoured, not prosecuted. In Libya, the surge of conflict around Tripoli, which began in April, has had a serious impact on civilians. Migrants continue to be subjected to arbitrary detention in shocking and degrading conditions and many recent deaths in detention have been reported as well as torture, sexual

violence, and the trafficking and sale of children, women and men. She declared that Libya is not a port of safe return and that the international community must come together to support pathways to sustainable peace in the country.

In Haiti, accountability for violations and measures to ensure the broadest possible participation in decisions are essential to building in trust, preventing further human rights violations, and enabling a sustainable future.

She raised that in the coming months, the international community will come together for a series of crucial meetings to stem climate change and boost sustainable development, and she stressed that only principled and multilateral action could adequately address those and other challenges.

She ended by urging Member States to support the work of all UN human rights bodies and to stand for countries that protect the vulnerable and support the people's rights.

## Closing of Session and Remarks by the President



*UN Photo / Jean Marc Ferré*

During his closing remarks on 12 July, Council President Seck deplored that civil society groups participating at the Council continue to face intimidation and reprisals. He shared examples of cases that happened during the current session. In one case, delegates closely monitored civil society representatives and took pictures of their activities in Palais des Nations during the session. In another case, delegates made contact with civil society representatives during a parallel event to know their travel and return dates and then told them to present themselves to the authorities once they return to their countries.

He regretted to have to state once again that any intimidation or reprisal against any individual or groups who participate, or seek to participate, at the Human Rights Council is not acceptable. Civil society makes a crucial contribution to the work of the Council, so the Council has a responsibility to ensure that they have a safe space to work in. Mr. Seck called on all delegations to ensure such events are not repeated and to maintain the Council session as a safe space for civil society participation.

## Council Resolutions

The Human Rights Council adopted 26 resolutions at the end of the 41st Session. The following country and issues followed by GICJ were the subject of resolutions:

### COUNTRY

- **Syria** (A/HRC/RES/41/23)

### ISSUES

- **Corruption** (A/HRC/RES/41/9)
- **Discrimination against Women** (A/HRC/RES/41/6)
- **Environment** (A/HRC/RES/41/21)
- **Freedom of Assembly and Association** (A/HRC/RES/41/12)
- **Internally Displaced People** (A/HRC/RES/41/15)
- **Migrants** (A/HRC/RES/41/7)
- **Right to Peace** (A/HRC/RES/41/4)

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



## Oral statements

Geneva International Centre for Justice delivered 21 oral statements jointly with International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), International-Lawyers.org, and Kayan Feminist Organization during the 41st Session of the UN Human Rights Council. Several thematic issues and country-specific situations were addressed under the various Agenda Items of the Council.

### Human Rights Council Agenda Items

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

## Thematic Issues

### *Business & Human Rights*

*GICJ delivered two joint statements, one each with International-Lawyers.org and EAFORD, concerning business and human rights issues during two General Debates. Under Agenda Item 5, the statement addressed ongoing discrimination against women in the workplace and the overall responsibility of businesses to respect human rights. The second statement, for Agenda Item 9, specifically considered how extractive industries perpetuate racism and colonialism.*

## Item 5: General Debate

3 July 2019

Delivered by: Ms. Aditi Ramakrishnan

Thank you, Mr. President.

International-Lawyers.org and the Geneva International Centre for Justice thank the Working Group on Business and Human Rights for their report on last year's Forum.



[Link to video statement](#)

However, firstly, the report did not reflect much discussion on discrimination against women already in the workforce. Often, female

employees are subjected to sexism that is embedded into and normalized by our vernacular and practice. To this end, we advocate for mandatory Human Resources trainings, for codified best practice in mannerisms and speech, and for the abolition of disrespectful treatment toward women in the workforce.

Secondly, the Forum report highlights the role of investors in encouraging companies to respect human rights. But this role should extend not just to existing companies, but also to those in the making. We advocate for making it a compulsory prerequisite for startups to have a comprehensive human rights plan, adhering to the UNGPs or a future legally binding instrument, in order to receive capital.

Finally, we call on the Working Group to reinforce and codify the fact that businesses don't just have a crucial role in upholding human rights in their own activities and supply chains, as in the UNGPs, but also in society at large. The role of businesses in social welfare no longer ends with periodic CSR or charity work – it lies in the constant and continuous upholding of society's fundamental human rights.

Thank you, Mr. President.

## Item 9: General Debate

9 July 2019

Delivered by: Ms. Isabela Zaleski Mori

Thank you, Mr. President.

We are deeply concerned about the minimal efforts that are being put into implementing the Durban Declaration and Programme of Action, and we also regret the alarming human rights violations in the extractivism economy.



[Link to video statement](#)

Global extractivism is direct linked to colonial domination, which has reinforced racism, racial discrimination, xenophobia and related intolerance around the globe. Regrettably, the persistence of these attitudes continues to contribute to social and economic inequalities even today, especially towards indigenous peoples and communities of African descent.

Extractivist projects can threaten the very physical and cultural existence of these groups by severely violating their rights to health and life due to devastating environmental impacts. We therefore would like to remind this Council that the DDPA recognises and strongly condemns the suffering caused by colonialism, and we believe effective measures should be taken to prevent its reoccurrence.

Mr. President,

EA Ford and Geneva International Centre for Justice call upon States and transnational corporations to anchor governance, oversight and evaluation of the extractivism economy in the principles of sovereign equality, the right to self-determination and the right to development. And finally, we highly recommend states to support, adopt and fully implement the Durban Declaration and Programme of Action.

Thank you.

## *Environment*

*GICJ and EAFORD delivered a joint statement concerning climate change under Agenda Item 3. In response to an earlier discussion on the issue of women's rights and climate change, the statement highlighted the need for gender-sensitive responses to this global issue due to the intersectional forms of discrimination that can lead to gender-differentiated impacts of climate change.*

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

**1 July 2019**

Delivered by: Ms. Isabela Zaleski Mori

Thank you, Madam Vice-President.

We would like to draw the Council's attention to the human rights impacts of climate change, specifically the need for gender sensitive responses. Women are more dependent for their livelihood on natural resources that are threatened by climate change and face unequal access to decision-making processes that address climate issues. This is in addition to being more vulnerable to discrimination due to pre-existing gender roles and patriarchal stereotypes.

Intersectional forms of discrimination can also lead to gender-differentiated impacts of climate change concerning health, food security, and decent work. Such practice can exclude women from climate action, inhibiting the effectiveness of this action and worsening climate harms.



[Link to video statement](#)

So, how can measures to tackle climate change be effective if half the world's population has no voice or presence in discussing and developing the legal frameworks of mitigation and adaptation? Women can lead climate action and they need to be better represented in climate decision-making in all respects.

In conclusion, EAFORD and Geneva International Centre for Justice call upon the States to strengthen gender mainstreaming in climate change response activities, focusing on sustainable and equitable development, adaptation and mitigation, with a strong commitment to empowering women to build their own resilience.

Thank you.

## *Human Rights Defenders*

*GICJ partnered with Kayan Feminist Organization and EAFORD to deliver joint statements concerning human rights defenders in two different contexts. One statement, under Agenda Item 3, discussed the treatment of HRDs by Israel; the other, under Agenda Item 4, highlighted how NGO activities that protect the lives and human rights of migrants crossing the Mediterranean Sea are being criminalized.*

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

**1 July 2019**

Delivered by: Ms. Benedetta Viti

Mr. President,

We would like to draw the attention of the Council to the treatment of Human Rights Defenders by Israel, that has deteriorated steadily over the years and has now reached an alarmingly serious point.

Beyond the most popular cases that receive the attention of the international community, there are several others aimed at silencing criticism and preventing Human Rights Defenders from performing their work. A clear example is Israel's steady denial of entry permits for foreign nationals working as Human Rights Defenders in the West Bank and the procedures adopted against them. This is clearly aimed at frightening, deterring and dissuading individuals and groups from defending and promoting human rights in the Occupied Palestinian Territories.

Human Rights Defenders are also subjected to serious criminalization by Israel through the prohibition of peaceful protests in the Occupied

Palestinian Territories and arbitrary arrests often based on false criminal charges. We maintain that these actions demonstrate a systematic policy perpetrated by Israel aimed at designating as "public enemies" those that oppose the occupation and associated human rights violations.

Mr President,

Deflecting the attacks against Human Rights Defenders is a challenge to the international community. Kayan and Geneva International Centre for Justice urge this Council to take urgent action against Israel in the aim of ensuring the implementation of the Declaration on Human Rights Defenders.



[Link to video statement](#)

#### Item 4: General Debate

3 July 2019

Delivered by: Ms. Giulia Marini

Thank you, Mr. Vice-President.

Our organization and Geneva International Centre for Justice are seriously concerned about the ongoing human rights situation in the Central Mediterranean Sea. In particular, we would like to draw the Council's attention to the growing criminalisation of NGOs activities in this area by several States, some of which are currently serving as members of this Council.

In certain countries, the criminalization of NGOs engaged in search-and-rescue operations in the Mediterranean has resulted not only in the seizure of vessels and arrests of crew members, but also in the initiation of investigations and criminal proceedings against them.

The most recent example is the arrest of Sea-Watch 3 Captain Carola Rackete, who was arrested for saving the life of 42 persons in situation of distress at sea, a duty prescribed under international law. We welcomed the latest decision of the Italian judiciary authorities to free her and not to validate her arrest.



[Link to video statement](#)

NGOs present in the Mediterranean are conducting activities with the sole aim of providing migrants with humanitarian aid, thus compensating for the lack of action by States. Their presence at sea has prevented the number of deaths and casualties from being higher. Our organizations want to highlight that humanitarian assistance is not and cannot be considered a crime.

Thank you.

## *Migrants*

*GICJ and EAFORD delivered a joint statement concerning female migrants during an interactive dialogue under Agenda Item 3. The statement focused on addressing the needs of migrants with a gender sensitive perspective to ensure female migrants have the same access to economic opportunities as their male counterparts.*

### **Item 3: Interactive Dialogue with Special Rapporteur on the human rights of migrants**

**26 June 2019**

Delivered by: Ms. Isabela Zaleski Mori

Thank you, Madam Vice-President.

We welcome the report of the Special Rapporteur on the human rights of migrants, which focuses on the impact of migration on migrant women and girls through a gender perspective.

Today, more female migrants are migrating independently for work, for education and as head of households. But it is with deep regret that we note that female migrants may still face stronger discrimination in their host country and can experience double discrimination as both migrants and as women, in comparison to male migrants.



[Link to video statement](#)

Violence against women migrant workers and trafficking, continues to play a major role in migration. They are part of the broader scope of violence, as well as the gendered norms that drive it. Such norms impact the migration opportunities available to women, restricting their ability to access regular migration into skilled, safe and well-paid employment.

Madam Vice-President,

Although the gender stereotypes and expectations also shape the migration experience of men and boys, we must focus on female migrants, considering they are most likely to be “left behind” in progress towards the 2030 Agenda.

In conclusion, EAFORD and Geneva International Centre for Justice recommend member states to ensure that opportunities to promote safe and regular migration, consider gender factors and do not reinforce disadvantage due to a bias towards traditionally male employment sectors; and implement an adequate special prosecution unit for all perpetrators human rights abuses against migrant women and girls.

Thank you for your kind attention.

## *Racism, Xenophobia, and Related Forms of Intolerance*

*The alarming rise in hate speech around the world is especially apparent in politics and on social media. GICJ jointly addressed this issue with Kayan and EAFORD under Agenda Item 9 pointing out examples of this worrying trend in the Middle East, Europe, and America.*

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

**9 July 2019**

Delivered by: Ms. Benedetta Viti

Mr. President,

We would like to express grave concerns about the increasing phenomenon of hate speech and misinformation about specific groups used by politicians in order to foment hate, division and intolerance in society.

In spite of the important commitments expressed by the DDPA, which stresses on the obligation of states to eliminate discrimination, we mention the reduced funds and the undermining of the DDPA.

Politicians are taking advantage of increased global tensions, in order to influence the voting pattern among citizens. Populist movements



[Link to video statement](#)

prosper across the globe. It is the case of Israel, where far-right political representatives are publicly delivering hate speech against Arabs. Political instrumentalization and manipulation can evolve into violent acts, as words fuel extremism and trigger the worst human reactions.

Hate crimes against Palestinians are often direct or indirect, targeting their property, and worst their personal safety or their lives. Recently, on 16 May 2019, a Palestinian teenager from East Jerusalem, aged no more than 16, was hospitalized after being attacked by a group of Jewish teens shouting, "Death to Arabs".

Kayan and Geneva International Centre for Justice call on this Council to encourage world leaders to be committed to international treaties and avoid hate speech, preventing incitement to violence and atrocity crimes.

Thank you, Mr. President

## Item 9: General Debate

9 July 2019

Delivered by: Ms. Aditi Ramakrishnan

Madame Vice-President,

We express deep concern over the pervasiveness of racist hate speech in today's society, especially on social media.

This phenomenon is extremely prevalent in Europe and the Americas. For instance, in the Netherlands, racism and xenophobia find their way into politicians' public addresses, particularly targeting immigrants, refugees, and Muslims. In the United States, xenophobia is an unfortunate part of the rhetoric surrounding issues such as immigration, border control, and gun violence. Here too, politicians condone and employ the practice in their verbal comments as well as social media posts.



[Link to video statement](#)

Israel is another example where, every day, a huge number of inciting posts targeting Palestinians are published on social media, especially Facebook, by political leaders and state officials. Their content includes racist slurs, insults, and calls for violent actions. These are frequently addressed to Arab political representatives in the Knesset or to Palestinian personalities, such as the activist Ahed Tamimi.

Madame Vice-President,

International-Lawyers.org and the Geneva International Centre for Justice believe the exercise of one's freedom of expression should never come at the cost of the respect and equality of another. We advocate for this Council to take strong action to prevent impunity for perpetrators of hate speech, racism, xenophobia, and intolerance, and call for the effective implementation of the DDPA.

Thank you.

## Country-Specific Issues

### *Afghanistan*

*GICJ delivered two joint statements concerning the UPR review of Afghanistan. With International-Lawyers.org, the statement addressed violence against women and gender-based crimes. The other statement, with EAFORD, discussed the need to combat impunity for human rights violations.*

#### **Item 6: Consideration of the UPR on Afghanistan**

**4 July 2019**

Delivered by: Samia Haydar

Thank you, Mr President,

We welcome the report of the working group on the Universal Periodic review of Afghanistan.

While a legal framework to provide protection for violence against women has been established, there remain obstacles limiting women's access to justice.

We applaud the enactment of local laws on the elimination of violence against women as a major development as well as the steps undertaken by the government to implement and enforce the law. However, it is not implemented to the same degree in all provinces and is in many cases subject to mediation and to decisions based on cultural norms rather than the use of the legal framework to ensure accountability.



[Link to video statement](#)

Lack of easy access to justice and accountability for gender-based crimes is leading to ineffective implementation of existing legislations. The institutional, social and cultural obstacles need to be addressed in this instance.

Very few cases of violence against women, particularly cases of rape or sexual abuse, are reported compared with the actual prevalence rates. Women and girls are prevented from reporting acts of violence for reasons including stigma, shame and discrimination, as well as the insufficient protection mechanisms.

Mr President,

International-Lawyers.org and Geneva Centre for International Justice recommend that Afghanistan reinforce its measures protecting women and girls from violence and ensure the implementation of the legal frameworks permitting access to justice for gender-based crimes.

## **Item 6: Consideration of the UPR on Afghanistan**

**4 July 2019**

Delivered by: Giulia Marini

Thank you, Mr. President.

We welcome the Report of the Working Group on the Universal Period Review of Afghanistan.

We welcome the State's ratification to the Optional Protocol of the Convention against Torture and the attempt of national justice and judicial reformed developed in recent times.



[Link to video statement](#)

Our organization and Geneva International Centre for Justice remain of the idea that combatting impunity and ensuring justice to victims shall remain a top priority for Afghanistan. During the armed conflict, several violations of human rights law and humanitarian law have been committed against the civilian population by all parties to the conflict. Such violations include child recruitment, torture of detainees, summary executions and enforced disappearances.

Given the decision of the International Criminal Court Pre-Trial Chamber to reject the request of the Prosecutor to proceed with an investigation into alleged war crimes and crimes against humanity committed in in the contest of the armed conflict in Afghanistan, we urge Afghanistan:

- To investigate all incidents of civilian casualties and alleged crimes that occurred during the armed conflict
- To prosecute those responsible, either belonging to armed groups or security forces
- To provide remedies and reparations to the victims.
- To ensure the protection of civilians, and to ensure that all officers and soldiers of the Afghan national security and defence forces, as well as the officials in the judiciary and law enforcement, are fully trained on international humanitarian and human rights law.

Thank you.

## *Burundi*

*GICJ and EAFORD delivered a joint statement to the Commission of Inquiry on Burundi concerning violations of human rights by the Imbonerakure and other state-related actors. The statement called for accountability for past offenses and better protection of freedoms of expression and assembly to allow for peaceful protests by the people. The Commission responded to GICJ's statement during the interactive dialogue.*

### **Item 4: Interactive Dialogue with the Commission of Inquiry on Burundi**

**2 July 2019**

Delivered by: Isabela Zaleski Mori

Merci, Monsieur le Président.

We appreciate the attention to human rights abuses and violations committed by the Imbonerakure as highlighted in the Commission of Inquiry's previous report to the thirty-ninth session of the Human Rights Council. We also side with the Commission's position to establish responsibility of the Burundian State Government for these wrongful acts.

Intimidation and threats by the Imbonerakure continue to threaten democracy, including freedoms of expression, association and assembly, and political participation among others. Moreover, there is deep concern that such tactics were used to limit or restrict these freedoms prior to the 2018 vote on the referendum to extend the presidential term. Worse still, cases of summary executions, enforced disappearances, arbitrary arrests, torture and sexual violence against the spouses of victims associated with the opposition, have also been reported.



[Link to video statement](#)

Monsieur le Président,

Due to a non-functional judiciary system, arbitrary arrests have been executed with the use of the vaguely defined offence of “undermining the internal security of the State”.

EAFORD and Geneva International Centre for Justice call for:

- One, steadfast investigation into human rights violations committed by the Imbonerakure and the perpetrators being brought to justice, and
- Two, immediate measures toward the protection of the right to freedom of expression, association, and peaceful assembly.

Finally, we ask the Commission of Inquiry:

- How has the closure of the UN Human Rights Office in Burundi affected the Commission's work and what steps are being taken to deal with this situation?

Thank you.

*View the Commission of Inquiry's response to the statement.*



[Link to video response](#)

### *Central African Republic*

*While commending the Central African Republic (CAR) for the concrete steps taken toward peace, GICJ and International-Lawyers.org jointly recommended greater participation by the population in the peace process, especially the more vulnerable groups within the population. The statement also stressed the need for accountability for past human rights violations.*

### **Item 10: Enhanced interactive dialogue with the independent expert on the situation of human rights in the Central African Republic**

**10 July 2019**

Delivered by: Ms. Audrey Ferdinand

Thank you, Ms. Vice President.

We thank the Independent Expert on the situation of human rights in the Central African Republic for her oral update.

We commend the steps taken for the peace process, especially through the Bangui Forum on National Reconciliation, the signature of the Bangui Peace Agreement in February and the signature of a peace agreement for the Haut-Kotto region in Bria on April 2019.

We call for their full respect and for the application of sanctions in the event of breaches, as no peace process will take place as long as there is impunity.

We recommend greater participation of the population through consultations, especially of the most vulnerable as women, children, elderly,

disabled people and ethnical minorities, that are often disproportionately affected by conflict but have rarely a role to play during the peace process.

As the Independent Expert underlined in her 2018 report, violations have been perpetrated by both armed groups and national authorities.

It is necessary to put an end to these violations and ensure their non-recurrence to work towards reconciliation, peace and justice, in particular by creating strong and independent judicial institutions to investigate and make perpetrators accountable.

Ms. Vice President,

International-lawyers.org and the Geneva International Centre for Justice call the Office of the High Commissioner for Human Rights to support CAR in the construction of peace by providing technical assistance in the establishment of strong institutions and hope for the full cooperation of the Central African Republic.

I thank you.



[Link to video response](#)

## *Iraq*

*GICJ delivered two joint statements concerning the human rights situation in Iraq. These statements highlighted how the rule of law is not functioning in the country, the ongoing use of rape by army personnel, and the need to appoint a special rapporteur for Iraq.*

### **Item 2: General Debate on the High Commissioner's Oral Update**

**25 June 2019**

Delivered by: Mr. Christopher Gawronski

Mr. President,

We greatly appreciate the update of the High Commissioner, especially regarding the ongoing trials in Iraq of alleged former ISIS fighters, and the situation of their families and children. However, much more attention must be placed on the larger human rights situation in the devastated country.

The use of trials without due process to sentence alleged ISIS fighters to death is, as the High Commissioner mentioned, a grave problem in Iraq. However, this is just one example of the absence of the rule of law in the country. Many innocent Iraqis are now on death row without having been able to defend themselves, and even without knowing the accusations against them. The unfortunate reality is that Iraq's judiciary is not independent, and legal proceedings of all types are commonly subject to meddling by political interests including militias.

The High Commissioner has been provided information about other issues, including the systematic use of rape by army personnel in Iraq.

Rape has been used to target particularly vulnerable people such as the displaced people across Iraq. In terms of food security, just as Iraq is poised to enjoy a large harvest due to generous spring rains, militias are torching orchards and fields to keep Iraq reliant upon Iranian food imports while terrorizing entire rural communities.

Mr. President,

EAFORD and Geneva International Centre for Justice request the High Commissioner to further investigate these gross human rights violations, and we call on the Council to seek international cooperation to dissolve all the militias in Iraq in order to re-establish the rule of law.

Thank you.



[Link to video response](#)

## Item 4: General Debate

3 July 2019

Delivered by: Mr. Naji Haraj

Mr. President,

In the deliberations under Agenda Item 4 entitled Human rights situations that require the Council's attention, we examine various situations to take the necessary action so as to ensure the promotion and protection of human rights for all.



[Link to video response](#)

A State in which torture is practised on the widest scale, in which the death penalty is applied after swift and unfair trials, and in which hundreds of thousands of innocent people are placed in prisons and detention centres for many years without trials, it is incumbent upon this Council to examine the situation and take the necessary measures.

A State in which corruption is extended to the sale of ministerial posts, governorates, deputy ministers, and almost all public posts, must be subject to a detailed examination by this esteemed Council.

A country in which high-ranking officials share its national wealth but leave the citizens without drinking water, without medical care, without education, and without social services, and while the Parliament adopts laws to discriminate between citizens in salaries, pensions and services – indeed, the Council must urgently examine this situation.

Mr. President,

I'm talking about the situation of human rights in Iraq, for which a Special Rapporteur must be appointed by this esteemed Council.

Thank you.

## Myanmar

GICJ joined with EAFORD and International-Lawyers.org to deliver joint statements concerning the human rights situation in Myanmar. The statements focused particularly on protecting freedom of religion and addressing the issue of impunity.

### Item 2: Interactive Dialogue with the High Commissioner on Myanmar Minorities

10 July 2019

Delivered by: Ms. Isabela Zaleski Mori

Thank you, Mr. President.

We welcome the oral updates of the UN High Commissioner for Human Rights, and we share her concern about the situation of minorities in Myanmar.

Since the outbreak of unprecedented violence against the Rohingya, and despite compelling evidence of genocide and crimes against humanity perpetrated at the hands of Myanmar military forces, hate speech, discrimination and blatant violations of the most fundamental rights continue unabated in Myanmar.

We are deeply concerned about the restrictions on freedom of worship that adherents to Islam are facing throughout Myanmar, notably in Chauk Township and Rakhine State. Even though the idea of conducting a public vote may seem the most democratic way of taking decisions, we remind all local, regional and central authorities in Myanmar that a public vote may never justify the violation of fundamental rights enshrined in international human rights treaties.

Additionally, a minority can never be denied the right to practice its faith in its sacred places unless the conditions of legality, necessity and proportionality of the restriction are fulfilled. In the present case, it appears clear that the refusal is not justified by any public imperative.

Mr. President, EAFORD and Geneva International Centre for Justice strongly recommend the following:

- Effectively prosecute hate speech against all religious and ethnic minorities, punish the perpetrators with commensurate sanctions;



[Link to video statement](#)

- We call upon the local, regional and national authorities to immediately put an end to the violation of the freedom of worship for Muslims living in Myanmar.

Thank you.

## **Item 2: Interactive Dialogue with the High Commissioner on Myanmar Minorities**

**10 July 2019**

Delivered by: Ms. Samia Haydar

Mr. President,

We would like to thank the Deputy High Commissioner for this update.

The list of human rights violations allegedly committed by the Myanmar security forces towards ethnic and religious minorities, especially Rohingya Muslims, is extensive as the examples presented today demonstrate. We would like to focus on the issue of impunity.



[Link to video statement](#)

Myanmar has the legal obligation to provide accountability for perpetrator of crimes committed against its civilians. Violations of human rights such as murder, executions without due process, attack against civilians as well as sexual violence constitute war crimes and demand swift and strong action by the State. However, the inadequate investigations and failure to prosecute perpetrators within Myanmar means the time for local action has passed. Now, prompt action by the Prosecutor of the ICC is needed to bring the perpetrators of these horrific human rights violations to account.

We would like to ask the Deputy High Commissioner, what can the international community do to help the Prosecutor and ICC obtain justice for the many victims of the Myanmar crisis?

We believe that accountability for the genocidal acts and other oppressive and discriminatory conduct by the Myanmar authorities is the only way forward. Only if Myanmar fully cooperates to end impunity, will there be a chance of re-establishing a sense of trust in the government and hope for reconciliation.

Mr. President, International-Lawyers.org and Geneva International Centre for Justice encourage the Myanmar authorities to cooperate with the ICC process to ensure accountability for human rights violations against the Rohingya Muslims and all minority groups.

Thank you.

## *New Zealand*

*GICJ delivered two joint statements, partnering with International-Lawyers.org and EAFORD, concerning the UPR review of New Zealand. GICJ commended New Zealand's efforts to address hate speech and discrimination while encouraging additional efforts to reduce incarceration rates of native people and address domestic violence.*

### **Item 6: Consideration of the UPR on New Zealand**

**4 July 2019**

Delivered by: Audrey Ferdinand

Mr. Vice President,

Jointly with the Geneva International Centre for Justice, we welcome the decision of New Zealand to accept one hundred and sixty out of the one hundred and ninety-six UPR's recommendations.

We encourage New Zealand to continue its efforts in improving its legislations regarding the rights of minorities, to ensure no part of society is discriminated against, that hate speeches and hate crimes are duly investigated upon and perpetrators are brought to justice, in order to reach for peace.

We would like to take this opportunity to commend the attitude of the Prime Minister after the terrorist attack against two Mosques at Christchurch on 19 March 2019, who responded by bringing communities together. We call on all States to follow this positive example.

This is an important step towards the creation of a more inclusive society for migrants and minorities and it is critical to go on working towards this path while anti-Islam and anti-migrant attitudes rise worldwide.

We further commend the ratification of core human rights conventions by New Zealand and call for continued ratifications as recommended during the UPR.

We appreciate the development of a National Plan of Action for the Protection and Promotion of Human Rights, which is an effective step towards the implementation of UPR recommendations.

I thank you, Mr. Vice President.



[Link to video statement](#)

## Item 6: Consideration of the UPR on New Zealand

4 July 2019

Delivered by: Isabela Zaleski Mori

Merci, Monsieur le Président.

We welcome the UPR report on New Zealand and congratulate the progress made by the Government in policies and practices in relation to the promotion of gender equality, the implementation of initiatives to ensure the participation of women in leadership positions, and the improvement of the socioeconomic situation for indigenous peoples.



[Link to video statement](#)

Despite the official efforts towards the implementation of recommendations from the previous cycle, we remind the Government of New Zealand of the need to address the high incarceration rate, in which Māori people are disproportionately represented in detention centres, and at every stage of the criminal justice system, both as offenders and as victims.

We also note that New Zealand has a serious problem with gender-based violence, with intolerably high levels of family violence. As mentioned in the report, one in three women endured physical, emotional or sexual violence from a partner in their lifetime. Worse still, Māori women, women with disabilities and young women are more likely to be victimized.

EAFORD and Geneva International Centre for Justice strongly recommend the New Zealand Government to:

- Eradicate discrimination against Maori, by tackling social inequalities experienced by Māori people in health, housing, employment, education and access to justice; and
- Take concrete steps in addressing sexual and domestic violence against women, by guaranteeing that all victims benefit from protection and have access to medical and legal aid.

Thank you.

## *Occupied Palestinian Territories*

*On the human rights situation in occupied Palestine, GICJ jointly raised the rapidly expanding issue of hate speech against Palestinians in Israeli society. Another statement raised the question of whether Israel's ongoing actions against the Palestinians over many generations constitutes the crime of genocide. A final statement called attention to the poor treatment of Palestinian women in detention.*

### **ITEM 7: General Debate**

**8 July 2019**

Delivered by: Ms. Benedetta Viti

Mr. President, we would like to draw the attention of the Council to the pervasive phenomenon within Israeli society of hate speech targeting Palestinians.

Thousands of inciting, violent or insulting posts against Palestinians are published on social media, whose content includes racist slurs, insults, and calls for violent actions. Israel completely ignores

these attacks and makes use of its cybersecurity surveillance in order to limit the freedom of expression of Palestinians.

Hate speech by political representatives has an alarming impact on society, giving legitimacy to discriminatory behaviours and contributing to widespread xenophobia. Disinformation and hate speech have the result of instilling fear of vulnerable groups and minorities among the larger population.

This form of manipulation allows politicians to win and govern a country based on fear and hatred with the strong possibility of enacting discriminatory and racist laws.

Kayan and Geneva International Centre for Justice call on this Council to:

- Take prompt action against the widespread phenomenon of hate speech in Israeli society and ensure accountability for the crimes that have been committed.
- Put pressure on Israel to implement the Durban Declaration and Programme of Action and the Rabat Plan of Action.
- Restate the fundamental right of self-determination of the Palestinian people as well as their right of return to their lands and properties.

Thank you, Mr. President.



[Link to video statement](#)

**ITEM 7: General Debate**

**8 July 2019**

Delivered by: Ms. Samia Haydar

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.



[Link to video statement](#)

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.

**ITEM 7: General Debate**

**8 July 2019**

Delivered by: Mr. Christopher Gawronski

Mr. President,

We would like to highlight the broad issue of the treatment of Palestinian women in detention. As compared to men, women have particular needs during pregnancy, childbirth and menstrual periods, none of which are typically addressed in Israeli detention facilities. With its behavior against women

in detention, by not taking gender considerations into account, Israel is flagrantly disregarding international standards such as the “Bangkok Rules” on the treatment of women prisoners.

We also wish to express our concern over the violence perpetrated against Palestinian women during arrest, interrogation, investigation and



[Link to video statement](#)

detention by Israeli authorities. Palestinian women are subjected to a wide range of psychological and physical violence, including sexual harassment and rape, often used as a mechanism for exerting pressure during interrogations. Cases of such violence involve both police officers and officers of the Israeli Security Agency.

Mr. President,

EA Ford and Geneva International Centre for Justice call on the Council and all States to take prompt measures seeking justice for those women who have faced sexual harassment and other abuses while detained by Israeli authorities.

Thank you.

## GICJ's Co-Sponsored Side Event

### Imprisonment & Torture: Punishing Political Dissent



On 4 July 2019, Geneva International Centre for Justice (GICJ) and two partner organizations, International-Lawyers.org and the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), hosted an event on the use of imprisonment and torture across the Middle East to silence political dissent.

Imprisonment is a legitimate means for States to punish perpetrators of crimes and offences. Nevertheless, prisoners, as all human beings, have rights, including the right to life, the right to be treated with dignity and the right to not be subjected to ill treatments and torture, in accordance with various international instruments. However, many countries, including Iraq, Yemen, Israel and Palestine, use their power to wrongly charge, arrest and detain political dissidents even though, in application of international human rights law, no one shall be detained without a legitimate reason and everyone has the right to a fair trial. Moreover, despite the existing international obligations, reports show numerous cases of torture to extract confessions from dissidents and members of the opposition party.



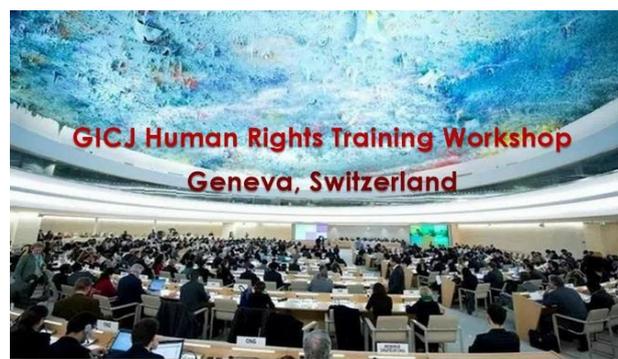
This panel discussion featured three experts who provided examples of how imprisonment and torture are currently being used to punish and intimidate political dissent by Iraq, Yemen, Israel and Palestine. Their examples also highlighted the disparate impact on women and the targeting of people, like journalists and human rights defenders, who are not themselves dissenters but who document dissent or attempt to protect the human rights of dissenters.



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

## GICJ's Human Rights Training

During the first week of the Council session, GICJ conducted a fast-paced human rights training workshop that covered a range of issues over a one-week period. Trainees were provided with background information on international law, human rights law, the UN system and its human rights mechanisms. Trainees also learned practical aspects about the operation of the Human Rights Council. They attended several sessions and side events on topics related to the trainees' interests, and they learned about the ways in which civil society engages with the various human rights mechanisms.



## Written Statements

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

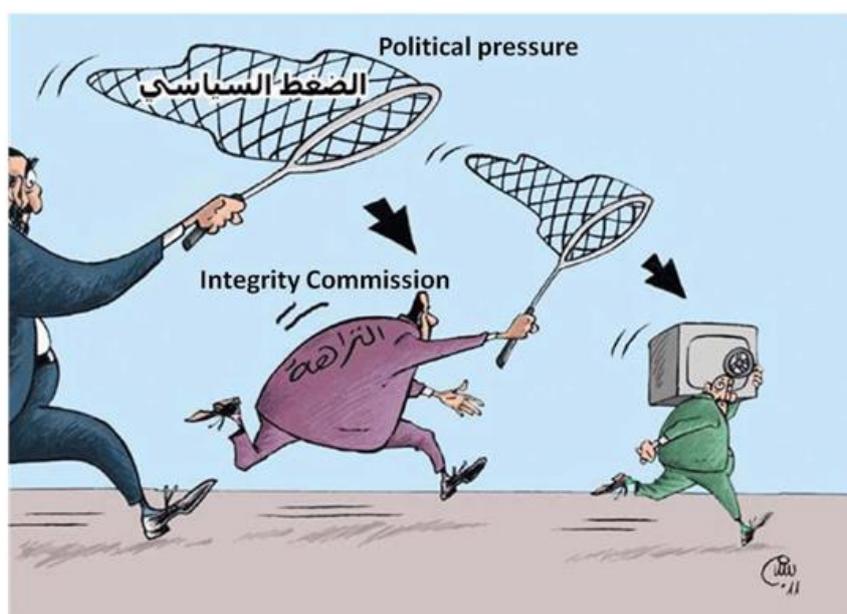
### Iraq

#### *Corruption in Iraq*

Corruption is dangerously rampant in Iraq, leading to direct human rights violations. This is despite Iraq acceding to the UN Convention Against Corruption (CAC). Iraq is neither honouring its international commitments, nor its duty to safeguard the rights of its people.

Corruption is seen in business, governance; the oil, electricity, and health sectors, among others. It takes various forms -- bribery, illegal government contracting, and fraudulent government staffing (overstating the number of employees to receive and pocket a higher budget for that office).

In addition to causing billions of dollars' worth of damage, the extent of corruption violates people's right to healthcare and an adequate standard of living, and children's right to education. Corruption in the justice system means unfair sentences, a lack of accountability, and people have to pay through their nose to be treated with dignity in the trial process. Finally, discrimination is legitimized through corruption, specifically targeting vulnerable populations.



Source: The Baghdad Post

GICJ is appalled at the scale of corruption in Iraq, and the government's inability or unwillingness to stem it since 2003. Our report to the UNHRC calls on all stakeholders- the Iraqi government, international community, and the UN itself- to step up and put an end to corruption in Iraq.

Therefore, Geneva International Centre for Justice (GICJ) recommended that:

- Iraq government pursue its stated efforts to prosecute high-profile corrupt practices and begin reducing the overall culture of corruption
- The international community and trans-national corporations operating in Iraq reject corrupt practices and work toward greater transparency in their activities within Iraq
- The Human Rights Council appoint a special rapporteur for Iraq to, among other functions, investigate and monitor corruption and its impact on the human rights of Iraqis

### *Rule of Law in Iraq*

Rule of law is a principle of governance in which everyone, including the State itself, is accountable to laws consistent with international human rights standards. However, extensive reporting exposes blatant violations of the rule of law at every level of Iraqi governance.

At the legislative level, elections to the Council of Representatives favour certain ethnicities, and use non-Constitutional methods of selection along sectarian lines. Some laws that the legislative assembly passes violate international law, such as the 2005 Anti-Terrorism Act that allows the liberal use of the death penalty.



Source: AFP-Getty Images

Within the executive level, reports have emerged of rampant corruption and bribery. In fact, a former Iraqi minister admitted to it, speaking to the widespread use of corruption, and the difficulty of eliminating it. Additionally, armed militias which enjoy the full support of the government, conduct mass extortion and violation of the human rights of vulnerable civilians in some Iraqi provinces.

Finally, in the judiciary, scant respect is given to rights guaranteed in the Constitution, especially the rights to life, fair trial, and protection against torture. Violating these rights also violates international human rights and humanitarian law. Instead, the judiciary does not provide an effective check on the arbitrary, inhumane, and extrajudicial exercise of power by the state.

Geneva International Centre for Justice (GICJ) condemns this disrespect for the rule of law, and recommends:

- The government of Iraq follow its own Constitution in elections.
- The government end its alliance with private militias and prevent their exploitation of innocent civilians.
- The judiciary ensures accountability for arbitrary killings and ensures the right of fair trial to all prisoners.
- The international community urges the Iraqi government to abolish the death penalty.

## Libya

### *Libya: Escalating Military Hostilities Undermine Peace Efforts*

Since the outbreak of the armed conflict at the outskirts of Tripoli on 4 April 2019, thousands of persons have been killed or wounded, including innocent civilians. Despite a UN arms embargo and universal agreement that there should be no military support for any of the parties in Libya, some countries have been blatantly ignoring these international understandings.



UNHCR Chief of Mission for Libya, Jean-Paul Cavalieri, takes statements from officials, refugees and migrants after arriving at Tajoura detention centre.  
(Credit: UNHCR/Mohamed Alalem)

The situation of returnees and IDPs in Libya is critical. The IOM estimated that since the onset of armed fighting in Tripoli, 66,000 individuals and 13,000 families have fled. In addition, 871 migrants have been returned to Libya and placed in detention since 4 April. The illegal detention of migrants and

their placement in often overcrowded detention centres is also a source of major concern, together with the lack of early detection of potential refugee candidates and persons in need of special care.

Geneva International Centre for Justice (GICJ) urgently recommended the international community to enforce the arms embargo and foreign powers to refrain from interfering in the Libyan civil conflict. We appeal to all States concerned to immediately put an end to all returns to Libya, as it violates international human rights law to return Libyans to their unsafe country. Also, considering the large number of IDPs, we call upon the parties to agree upon a humanitarian ceasefire and to allow humanitarian workers to have access to areas where their intervention is much needed to provide assistance to civilians and war victims in accordance with the principles of neutrality, impartiality and independence.

## Myanmar

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

The government of Myanmar has not undertaken any measure to stop the vicious cycle of fighting and violence between the military and ethnic armed organizations with a view to initiating a genuine political dialogue. The persisting climate of confrontation and violence between ethnic groups and the military is not at all conducive to a political dialogue and peaceful coexistence in the country.

The crimes committed against the Rohingyas from the outbreak of violent confrontations between the Tathmadaw (the military) and the Arakan Rohingya Salvation Army can amount to the gravest crimes under international law, including genocide. Genuine justice for victims cannot be delivered as long as the military shields itself behind laws providing for immunity and therefore total impunity.



*UNHCR/Santiago Escobar-Jaramillo*

In addition, the scale of sexual violence, including rape, against Muslim women and girls living in Rakhine, Kachin and Shan States by State security forces is simply appalling and may amount to war crimes under international criminal law.

Geneva International Centre for Justice (GICJ) call upon the government of Myanmar and the international community to:

- Allow humanitarian access, put an immediate end to the fighting and the targeting of civilians.
- As a matter of urgency, amend the constitution, eliminate immunities for the military, and reform the justice system to ensure accountability for human rights violations.
- Investigate and punish the perpetrators of sexual violence committed against Muslim women and girls living in Rakhine, Kachin and Shan States, and provide psychological and medical support to them.

### *Myanmar: Broken Promises of Peace and Escalating Inter-religious Hostilities*

Since the outbreak of unprecedented violence against the Rohingya and other ethnic minorities, and despite compelling evidence of genocide and crimes against humanity perpetrated at the hands of Myanmar military forces, hate speech, discrimination and blatant violations of the most fundamental rights continue unabated in Myanmar. There continue to be restrictions on the freedom of worship for Muslim faithful, notably in Chauk Township and Rakhine State, and the worrisome increase in inter-religious hostilities could lead to more bloodshed.



Muslim student holds poster during a protest against the treatment of the Rohingya Muslim minority by the Myanmar government, in Jakarta, Indonesia. (Source: Reuters/Beawiharta)

A vote was conducted in Chauk Township to decide whether two mosques could continue to be used. Even though a public vote may seem the most democratic way of taking decisions, local, regional and central authorities in Myanmar must respect that a public vote – even if it was organized in strict compliance with the relevant legal provisions – may never justify the violation of fundamental rights

enshrined in international human rights treaties. Therefore, a minority can never be denied the right to practice its faith in its sacred places unless the conditions of legality, necessity and proportionality of the restriction are fulfilled. In the present case, it appears clear that the refusal is not justified by any public imperative.

Geneva International Centre for Justice urgently recommend the following:

- Effectively prosecute hate speech against all religious and ethnic minorities and punish the perpetrators with commensurate sanctions.
- The Head of the Government of Myanmar and other high-ranking public authorities should publicly condemn religious and hate speech, and thereby issue a warning that every single case will be criminally prosecuted and sanctioned without any exception.
- Chauk Township authorities, the regional and national governments immediately put an end to the violation of the freedom of worship for Muslims living in Chauk Township.

## Occupied Palestinian Territories

### *The Rise in Hate Speech by Political Representatives and on Social Media in Israel*

The issue of hate speech targeting Palestinians is becoming a pervasive phenomenon within Israeli society. Everyday hundreds, and sometimes thousands, of inciting, violent or insulting posts against Palestinians are published on social media, particularly on Facebook. It was estimated that in 2018 474,250 inciting posts against Palestinians were written, whose content included racist slurs, insults, and calls for violent actions.

Hate speech against Arabs by Israeli political representatives and people in positions of power has an alarming impact on the Israeli society, since it gives legitimacy to discriminatory behaviours and contributes to widespread xenophobia.

Hate speech can even evolve into violent acts amounting to hate crimes, that are fed by political instrumentalization and manipulation and create misconceptions and fear. Hate crimes against Palestinians very often occur without accountability, largely due to a lack of commitment by the Israeli authorities to prosecute the offences.



*Credit: Reuters*

During the 41st UN Human Rights Council, Geneva International Centre for Justice called on the Council to take prompt action against the widespread phenomenon of hate speech in Israeli society and to put pressure on Israel to enact and implement specific domestic legislation aimed at criminalizing racist and xenophobic hate speech.

### *Israel's Treatment of Human Rights Defenders*

The treatment of human rights defenders (HRDs) by Israel has deteriorated steadily over the years and has now reached an alarmingly serious point. Individuals, groups, and organisations that act to promote and protect human rights in Israel and in the Occupied Palestinian Territories (OPT) are constantly under attack by the Israeli Government.

Israel has constantly implemented practises aimed at keeping foreign nationals out of the West Bank. Among these, the denying of entry permit is a systematic policy aimed at designating as “public enemies” those that oppose the occupation and associated human rights violations. The procedures adopted against HRDs during border controls clearly show that they are aimed at frightening, deterring and dissuading individuals and groups from defending and promoting human rights in the OPT.

Human Rights Defenders are subjected to a criminalization policy by Israel, which is taking place through the prohibition of peaceful protests in the OPT and arbitrary arrests often based on false

criminal charges. Furthermore, criminalization results in heavy legal costs for individuals and organizations that are targeted.

Deflecting the attacks against HRDs is a challenge to the international community that requires reorientation from civil society organizations, and everyone concerned with safeguarding human rights in Israel and in the Occupied Palestinian Territories.



An Italian artist paints a mural of Palestinian Ahed Tamimi, HRDs now in prison, on a part of the West Bank separation wall in Bethlehem, 25 July 2018. The artist was later arrested by Israeli police. (Credit: Wisam Hashlamoun/Flash90)

For these reasons, Geneva International Centre for Justice in its joint statement urged the Council to take urgent action against the criminalization policy adopted by Israel against human rights defenders, which violates the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

### *Sexual Abuse of Palestinian Women in Detention*

Palestinian women are subjected to psychological and physical violence during arrest, interrogation, investigation and detention by Israeli authorities, such as sexual harassment and rape. Those cases involve both police officers and officers of the Israeli Security Agency (SHABACK).

There is a lack of data and information about women who have been subjected to rape in detention and prison. This is due to social and psychological factors that prevent the victim from disclosing the circumstances of her arrest and assault.



*Credit: AFP*

The practice of subjecting women to abusive and humiliating conditions, as well as to sexual threats, is used by interrogators as a method of putting pressure on detained women during interrogations for different purposes, such as in order to obtain a confession or to gather the information they need.

Geneva International Centre for Justice maintains that these acts are a flagrant violation of international laws and treaties to which Israel is a part. It is necessary to adopt prompt measures aimed at encouraging women victims of such abuses to report those acts as well as at promoting general awareness on the issue. Accountability for those violations that occurred in the past must be guaranteed and prevention measures to avoid future violations must be developed.

## Appendix – Council Resolutions

### Syria

#### **HRC Resolution 41/23: The human rights situation in the Syrian Arab Republic**

- Adopted as submitted: 26 yes, 7 no (14 abstentions) on 12 July 2019
- Draft resolution submitted by France, Germany, Italy, Jordan, Kuwait, Morocco, Netherlands, Qatar, Turkey, and United Kingdom
- Vote requested by Cuba

#### Summary of the Resolution

- Calls on all parties to the conflict to work towards and respect a nationwide ceasefire, to ensure effective implementation of Security Council resolutions, and states the need for a durable and inclusive political solution to the conflict.
- Condemns the systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian regime and its affiliated States and non-State actors and the repeated use of chemical weapons in violation of the obligations of Syria under the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and their destruction.
- Urges all parties to uphold the ceasefire in Idlib to prevent further death and injury among civilians, condemns gender-based, ethnic and religious violence, condemns damage and destruction of the cultural heritage of Syria, and the continued practices of enforced disappearances and arbitrary detention.
- Expresses concerns regarding the high number of internally displaced persons and reaffirms the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for gross human rights violations and abuses of international law, and invokes the International Criminal Court as having been established to help to end impunity for applicable crimes.

#### Introduction of the Resolution

**United Kingdom** presented the resolution, which was written to reflect recent developments of concern, especially the case of Idlib, airstrikes on civilian and UN-shared facilities, and the displacement of over three thousand people since April 2019. The UK stated that the resolution also reflects the latest findings of the Commission of Inquiry on Syria, concerns regarding the use of landmines by all parties and recent developments regarding the use of chemical weapons. The UK

maintained that the resolution drafting process has been open and transparent and urged all States to adopt the text by consensus.



*Credit: AFP*

#### Comments of Concerned Country

**Syria** condemned the targeting of Syria by the United Kingdom and the Human Rights Council, which contravenes the Council's goals, ideals and mandate to promote and protect human rights without politicisation. Syria stated that the population is being harmed because of illegal coalitions and armed groups financed by foreign States. Syria denounced an attempt by States to interfere in its internal affairs without equality or fairness. Syria recalled its commitment to promote and protect human rights but rejected the independent investigative mechanisms as being corrupted. For these reasons, it rejected the resolution.

#### Support of the Resolution

**Denmark** (on behalf of the **European Union**) expressed support for the resolution and reiterated its full commitment to the unity, independence and territorial integrity of Syria. The EU reiterated its support of UN-led efforts towards a political settlement but said that there can be no hope of progress while violence continues; only a credible negotiated solution can help the Syrian crisis. The EU and **Australia** called for respect of previously agreed ceasefires. The EU, Australia and **Brazil** condemned indiscriminate attacks in Idlib, on civilians and facilities, airstrikes and violence. The EU and Brazil also called for accountability and independent investigations. **Chile** and other states called for the promotion of human rights for all. **Mexico** asked all parties to the conflict to comply with international law and international humanitarian law. Mexico (on behalf of **Argentina**, **Brazil**, **Ecuador**, **Peru** and

**Panama**) expressed appreciation for the work of the Commission of Inquiry. Several states expressed their concerns regarding the use of chemical weapons and called on Syria to respect its obligations under the Chemical weapons convention.

#### Opposition to the Resolution

**China** and **Egypt** expressed their commitment to Syrian sovereignty, independence and territorial integrity. **Cuba** and **Iraq** recalled the role of the international community to safeguard peace and security in Syria, and not to cause actions leading to deaths and casualties. Cuba rejected the resolution as an attempt to undermine Syrian sovereignty, thus making a negotiated solution more difficult, and requested a vote on the resolution. China supported Cuba's request for a vote and said that such resolutions are not conducive to resolving the conflict, easing suffering of people, or promoting human rights. Iraq and Egypt recalled that no military solution is possible and that the only one is for the Syrian party to get back to negotiating table without intervention of foreign forces. Iraq and Egypt deplored the lack of neutrality of the Human Rights Council and the politization of its work represented by the resolution.

## Corruption

### **HRC Resolution 41/9: The negative impact of corruption on the enjoyment of human rights**

- Adopted as submitted without a vote on 11 July 2019
- Draft resolution submitted by Argentina, Austria, Brazil, Ethiopia, Indonesia, Morocco, Poland, and United Kingdom

#### Summary of the Resolution

- Urges states to consider ratifying or acceding to the UN Convention against Corruption and to effectively implement it.
- Stresses that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights.
- Further urges States to maintain a safe and enabling environment in which civil society can operate free from hindrance and insecurity.
- Requests the OHCHR to prepare a report on best practices of States in integrating human rights into their national strategies and policies to fight against corruption.

#### Introduction of the Resolution

**Morocco** introduced the resolution by stating it reinforces awareness on the global issue of corruption, which hinders the enjoyment of human rights. The resolution reaffirmed the importance of integrating human rights in the fight against corruption, the role of NGOs and medias in prevention,

and the pivotal role of NHRIs and the UN in developing awareness of the international community. Morocco welcomed the broad support and consensus in the elaboration of the resolution and called for an adoption by consensus.

#### Support of the Resolution

**Japan** recalled its strong commitment to the fight against corruption and its leading role in the G20 anti-corruption working group as co-chair, and continued contribution to the review mechanism of UN Convention against Corruption. Japan called for coherence and to avoid duplication with the UN Convention against Corruptions conference of State parties.

## Discrimination against Women

### **HRC Resolution 41/6: Elimination of all forms of discrimination against women and girls**

- Adopted without a vote on 11 July 2019
- Draft resolution submitted by Colombia and Mexico

#### Summary of the Resolution

- Expresses concern at the backlash against progress in eliminating discrimination against women, which it links to economic crisis & inequality, retrogressive lobbies, political views, or the misuse of religion to oppose equal rights for women and girls.
- Expresses regret that women remain underrepresented in several UN bodies and mechanisms, especially in management positions.
- Calls on States to: Ratify, implement, and cooperate fully with the CEDAW (Committee on the Elimination of Discrimination Against Women); take up appropriate measures to prevent stereotypes that perpetuate discrimination; remove barriers to meaningful participation in society by women; promote and protect sexual and reproductive health following international conventions; promote a balanced gender representation alongside equitable geographical distribution in the composition of international bodies.
- Extends the mandate of the Working Group on discrimination against women and girls for 3 years.

#### Introduction of the Resolution

**Mexico** introduced the resolution, highlighting how the right to freedom from discrimination is related to several other rights, such as the rights to health, expression, etc. The resolution was drafted to apply broadly, pertaining to States, mechanisms like CEDAW, and on the presence and representation of women within the larger UN system. Mexico also rejected three proposed amendments.

## Support for the Resolution

**Denmark** (on behalf of the **European Union**), **Australia**, **Peru**, **Austria**, and **Uruguay** expressed support for the resolution as presented by the sponsors.



Source: OHCHR

## Comments on the Resolution

Pakistan, Egypt and Russia all expressed concerns about the resolution and proposed amendments regarding sex education, reproductive health, and parity between women and girls (discussed below).

Qatar, Nigeria, Iraq, Bangladesh, Saudi Arabia, Afghanistan, Bahrain, Senegal, Somalia, and Cameroon (speaking after all amendments are rejected) expressed their reservations about certain clauses they believe are not in line with either international law or with their own national legislature and cultural values. They chose to disassociate from the parts of the resolution dealing with, among other things, comprehensive sexuality education.

## Proposed Amendments to the Resolution

### ***Amendment 1***

- Proposed by Pakistan
- Delete from Paragraph 5(e): “and by ensuring universal access to evidence-based comprehensive sexuality education”
- Rejected: 15 Yes, 25 No, 6 Abstain

**Pakistan** introduced its amendment explaining that certain clauses in the draft were not in line with international human rights law. Education of girls is important, but not about sexuality, as that could

be damaging to the well-being of girls and violate an article of the Convention on the Rights of the Child.

Speaking against the amendment, **Australia** and **Mexico** highlighted the importance of comprehensive sexuality education for all in ensuring autonomy and empowering women and girls in the protection of their rights to health, education, etc., and ensuring gender equality. **Uruguay** highlighted the precedent for this in international legislation and mentioned how it protects overall well-being and health. They urged members to vote no.

### ***Amendment 2***

- Proposed by Egypt
- In the 7th preamble clause: delete “other rights, including the rights to”, and replace “sexual and reproductive health” with “including sexual and reproductive health”
- Rejected: 13 Yes, 27 No, 6 Abstain

**Egypt** explained its amendment is to reaffirm the fact that sexual and reproductive health is key to the health of everyone, as in Article 12 of the ICESCR, and noted there is no right to sexual and reproductive health in any international instruments.

**Peru** and **Mexico** highlighted how this right was already recognized in several internationally agreed treaties, even 25 years ago, therefore not violating any international law. **Austria** said the amendment weakens the resolution and violates several agreed-upon rights.

### ***Amendment 3***

- Proposed by Russia
- In Paragraph 5(c) insert “engagement” in place of “participation”, use “Working Group on the issue of discrimination against women in law and in practice” in Paragraph 11, and make several wording and phrasing changes
- Rejected: 11 Yes, 26 No, 9 Abstain

**Russia** asserted that placing women & girls on equal footing in terms of rights is irresponsible and ignores the separate treaties on the rights of girls. Also changing the title of the existing Working Group might change its focus.

**Mexico**, **United Kingdom**, and **Denmark** mentioned how the autonomy of women regarding their sexuality (including sexual and reproductive health) is also reiterated by several UN bodies and international conventions. They said the term “engagement” weakens the role of women and girls, especially by not putting them on equal footing with men. They maintained that these amendments limit the ability of the Council to support and protect the rights of women and girls.

## Environment

### HRC Resolution 41/21: Human rights and climate change

- Adopted as submitted without a vote on 12 July 2019
- Draft resolution submitted by Bangladesh, Philippines and Viet Nam

#### Summary of the Resolution

- Expresses concern that climate change continues to contribute to the increased frequency and intensity of natural disasters, that have adverse effects on the full enjoyment of all human rights.
- Calls upon all States to adopt a comprehensive, integrated, gender-responsive and disability-inclusive approach to climate change adaptation and mitigation policies.
- Calls upon States to continue and enhance international cooperation and assistance, in financing the transfer of technology and capacity-building, for mitigation and adaptation measures to assist developing countries.
- Urges States to strengthen and implement policies aimed at increasing the participation of persons with disabilities in climate change responses at the local, national, regional and international levels.
- Encourages relevant special procedure mandate holders to continue to consider the issue of climate change and human rights.



Source: OHCHR

#### Introduction of the Resolution

**Bangladesh** noted that climate change affects the full enjoyment of all human rights, stressing that the negative impacts of climate change are felt more acutely, and with devastating consequences, by

the people who are in vulnerable situations. Bangladesh urged the Council to adopt the resolution by consensus as in previous sessions.

#### Support of the Resolution

**Pakistan** welcomed the global efforts to tackle climate change and pointed out that developing countries are specifically at a disadvantage and face more vulnerable situations. On the other hand, **Denmark** (on behalf of the **European Union**) stated that all countries are vulnerable to climate change and human rights must be universally respected, regardless of a country's economic conditions. **Fiji** emphasised that no change in any country will be effective unless the people are convinced that change is necessary. People must be able to participate freely in the drawing up of climate policy and take an active part in the implementation of such policy. The three States fully supported the resolution and encouraged its adoption.

## Freedom of Assembly and Association

### **HRC Resolution 40/9: The rights to freedom of peaceful assembly and of association**

- Adopted as submitted without a vote on 12 July 2019
- Draft resolution submitted by Czech Republic

#### Summary of the Resolution

- Renews the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association for a period of 3 more years.
- Calls on States to cooperate with the Special Rapporteur, and on the Secretary-General to place adequate human and material resources at their disposal.



Source: [www.liberties.eu](http://www.liberties.eu)

### Introduction of the Resolution

The Czech Republic introduced the resolution highlighting the continued need to promote and protect this fundamental freedom. After bilateral meetings on the text, a revised text was submitted with 12 additional co-sponsors.

### Comments on the Resolution

No comments were made.

## Internally Displaced People

### **HRC Resolution 41/15: Mandate of the Special Rapporteur on the human rights of internally displaced persons**

- Adopted as submitted without a vote on 11 July 2019
- Draft resolution submitted by Austria, Honduras, Uganda

### Summary of the Resolution

- Expresses deep concern at the persistent problems faced by IDPs, and their large number worldwide.
- Calls on States to provide solutions in accordance with the Framework on Durable Solutions for Internally Displaced Persons and encourages strengthened international cooperation.
- Extends the mandate of the Special Rapporteur for three years.
- Requests the Office of the High Commissioner to convene in October 2020 an intersessional seminar to follow up on the implementation of the Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced Persons 2018–2020 to mark the 20th anniversary of the Guiding Principles (GP20) on Internal Displacement.

### Introduction of the Resolution

**Austria** explained the insufficient response to the problem of protracted displacement around the world. Highlight the need for mainstreaming of human rights-based approach to IDPs and addressing the root causes of displacement. This resolution reflects recent developments within the international community, including recognition of climate change and recent discussions about coordinating displacement responses.



GP20 Campaign Graphic. Source: Global Protection Cluster

### Comments on the Resolution

No comments were made by States. A representative of the OHCHR informed Council that the proposed intersessional seminar will cost \$106,500, which is an additional budget allocation that will need to be requested from the General Assembly.

## Migrants

### **HRC Resolution 41/7: The human rights of migrants**

- Adopted as submitted without a vote on 11 July 2019
- Draft resolution submitted by Mexico (on behalf of 84 cosponsors)

### Summary of the Resolution

- Expresses deep concern at the increasing trend of xenophobia, discrimination and hostility towards migrants in societies and the disproportionate sanctions for irregular migration.
- Stresses the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction, in conformity with the international law.
- Reaffirms the duty of all States to effectively promote, protect and respect the human right and fundamental freedoms of all persons, without discrimination of any kind, in conformity with the Universal Declaration of Human Rights and their obligations under international law.

- Recommits to ensuring full respect for the human rights and fundamental freedoms of all migrants, regardless of their migration status.



Source: OHCHR

### Introduction of the Resolution

**Mexico** explained that the text contains the elements needed to address new challenges on the protection of the human rights of migrants, especially those most vulnerable to discrimination, exploitation and marginalization. This resolution expresses the duty of States to respect the human rights and fundamental freedoms of migrants without discrimination and supports the decision of the Secretary-General to establish the United Nations Network on Migration. Likewise, it welcomes the role of the UN High Commissioner for Human Rights as a member of the Executive Committee of the United Nations Network on Migration.

### Support of the Resolution

**Egypt, Peru, Philippines, India, Iceland, and Denmark** (on behalf of the **European Union**) supported the draft resolution and highlighted the importance of strengthening international cooperation. In addition, they fully supported and encouraged other States to adopt the resolution, because it prioritizes international obligations and ensures the promotion of human rights to all migrants. Egypt and Philippines equally noted the importance of the implementation of the Global Compact on Migration.

### Comments on the Resolution

**Hungary** and **Italy** expressed reservations about the reference, in preambular paragraph five, to General Assembly Resolution 73/195 endorsing the Global Compact on Migration, which these States did not endorse. Finally, while joining the consensus, **Bulgaria** pointed out the right of States to differentiate between legal and illegal migrants and so did not support paragraph two of the resolution.

## Right to Peace

### HRC Resolution 41/4: Promotion of the right to peace

- Adopted as submitted: 32 yes, 13 no (2 abstentions) on 11 July 2019
- Draft resolution submitted by Cuba
- Vote requested by United Kingdom

#### Summary of the resolution

- Recalls that everyone has the right to enjoy peace such that all human rights are promoted and protected, and development is fully realized.
- Stresses that States should respect, implement and promote equality and non-discrimination, justice and the rule of law, and guarantee freedom from fear and want as a means to build peace within and between societies.
- Requests the Office of the High Commissioner to pay appropriate attention to the right to peace in its work, including in its activities to commemorate the seventy-fifth anniversary of the United Nations.



Source: OHCHR

#### Introduction of the resolution

**Cuba** introduced the resolution by saying that peace is a fundamental condition to enjoy all human rights. The draft resolution recognises that the creation of zones of peace around the world could have a beneficial influence on the establishment of permanent universal peace based on respect for the principles and rules of international law and on equal rights and justice for all.

#### Opposition to the Resolution

**Denmark** (on behalf of the **European Union**) and the **United Kingdom** did not support the resolution, noting that there is no internationally agreed definition of “peace”, nor is there agreement on who would be the rights-bearers or the duty-bearers of such a right.

### Comments on the Resolution

**Iceland** agreed that peace is critical to achieve sustainable development and many goals of the UN; however, because clarifications were needed in the resolution, and there is no legal understanding of the specific right to peace, Iceland would abstain from the vote.

