



UN Human Rights Council

Forty-Second Session

9 September – 27 September 2019

GICJ REPORT

The 42nd session of the UN Human Rights Council

Side Event on Enforced Disappearances, Extrajudicial Killings and other War Crimes in Iraq



Ali Arkady

While embedded with an Iraqi Special Forces Unit fighting to recapture Mosul, photojournalist Ali Arkady witnessed systematic torture and execution of civilians. Arkady gathered evidence throughout a period of 9 months in which he regularly visited the frontlines of the war against ISIS. Through still photography and videos, Arkady documented the atrocities committed by Iraqi Forces that EAFORD and GICJ have been reporting for many years to the United Nations Human Rights Council.



“They tortured them first.”
Ali Arkady
Amnesty

Please join us at this event to learn more about the situation of enforced disappearances and extrajudicial killings in Iraq and to meet the person who was an eyewitness to numerous atrocities

Speaker: Ali Arkady Moderator: Christopher Gawronski

Palais des Nations, Geneva

Wednesday 25 September 2019 Room: XXI Time: 12h.00 – 13h.00

Organizers: International Organization for the Elimination of All Forms of Racial Discrimination (IAFORD), International-Lawyers.Org and Geneva International Centre for Justice (GICJ)

English/Arabic translation will be available



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

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Independent, non-profit, non-governmental organization

Members of the GICJ team and guests at the 42nd Session of the UN Human Rights Council: Elizabeth Cole, Christopher Gawronski, Lubna Sarra, Audrey Ferdinand, Mutua Kobia, guest Jennifer Ahn, Valentina Ferreira Gutiérrez, guest Stephanie Woelfle, and Isabela Zaleski Mori. Not pictured: Rita Franceschet, Executive Director Naji Haraj, and guests Inder Comar, Aya Alshekhili, Sarah Tayara, and Aqsa Hussain.

GICJ is an independent, non-profit, non-governmental organization, headquartered in Geneva, Switzerland, dedicated to the promotion and reinforcement of the principles and norms of human rights. 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	1
Remarks by the High Commissioner	1
Closing of Session and Remarks by the President	6
Council Resolutions.....	7
GICJ Participation at the 42nd Session of the UN Human Rights Council.....	8
Oral statements	9
Thematic Issues.....	10
Hazardous Waste	10
Racism and Xenophobia.....	11
Country-Specific Issues	14
Albania	14
Brunei Darussalam	15
Costa Rica.....	16
Côte d’Ivoire.....	17
Ethiopia	18
Iraq	20
Myanmar.....	23
Norway.....	25
Occupied Palestinian Territories.....	26
Qatar	29
South Sudan	30
GICJ’s Co-Sponsored Side Event.....	32
Enforced Disappearance and Extrajudicial Killings in Iraq.....	32
GICJ’s Human Rights Training	33
Written Statements	34
Indigenous Peoples	34
Iraq.....	35
Enforced Disappearance	35
Myanmar.....	37
The human rights violations and abuses are worsening in Myanmar	37
Occupied Palestinian Territories.....	38
Appendix – Council Resolutions.....	41
Arbitrary Detention.....	41
Human Rights Education.....	42
Indigenous Peoples	43
Modern Slavery.....	45
Transitional Justice.....	47
Terrorism and Human Rights	48
Myanmar	50
Syria.....	52
Yemen	54

Introduction

The United Nations Human Rights Council held its forty-second regular session at the Palais des Nations in Geneva, Switzerland from 9 to 27 September 2019. During the 42nd 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 17 country-specific situations. The Council also heard from 21 independent human rights experts, working groups and investigative bodies; held three panel discussions; 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 42nd Session on 9 September 2019 and welcomed the High Commissioner for Human Rights, Ms. Michelle Bachelet, and the assembled delegations. Mr. Seck made a special welcome to the eleven delegates of 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 42nd Session, Mr. Seck reviewed procedures of the Council for registering to speak and submitting draft resolutions. He then 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 accessibility needs for statements, meeting and debates including interpretation in sign language. Documents submitted in non-accessible formats will not be posted on the Council's internet sites. He also reminded attendees of the Council's zero-tolerance policy toward harassment, including sexual harassment, and reprisals against individuals and organizations participating at or cooperating with the UN; any incidents are encouraged to be reported.

Remarks by the High Commissioner

Following the President's remarks, Michelle Bachelet, High Commissioner for Human Rights, presented her update on the world's human rights situation. She put special emphasis on the

new challenges facing human rights, such as the new digital landscape and privacy and the impact of climate change on fundamental human rights across the world.



UN Photo / Jean Marc Ferré

The High Commissioner insisted that climate change is a reality that affects everyone in every region in the world and one of the direct consequences is the increasing of hunger throughout the globe. Along with that, the death rate due to hunger-related diseases will continue to grow. She expressed concern about the risk of instability caused by the chaotic weather patterns as these are reversing major development gains by exacerbating conflicts, displacement, social tension, hampering economic growth and increasing inequalities. She called for action by every State, providing some examples to follow such as the use of renewable resources, policies of empowerment for marginalized groups, and business strategies to improve their supply chains and become environmentally friendly. She stressed that the participation of environmental human rights defenders, indigenous peoples and civil society groups representing communities at risk is key to pursue this goal.

Ms. Bachelet proposed five key points to guide climate action by the Council:

1. Climate change undermines rights, development and peace

As the Secretary-General said, for the past sixty years, 40% of civil wars are linked to environmental degradation. To illustrate that, the High Commissioner mentioned the case of the Sahel region where desertification is having a huge impact on people's enjoyment of fundamental rights. This leads to an increase in competition for basic resources and therefore intensifies conflicts. She supported the initiative by the G5 Sahel countries to join forces to tackle terrorism but reminded that the root cause remains environmental threats.

2. Effective climate action requires broad and meaningful participation

Ms. Bachelet pointed out that effective measures must empower women, indigenous peoples and members of vulnerable and marginalized groups. Therefore, she called on Governments to involve them in seeking solution and dedicate resources to uphold their rights. She expressed her concern about indigenous peoples being driven off their lands by environmental destruction such as the recent Amazon deforestation.

She then called for the protection of indigenous peoples from development projects that could harm their rights and recognized the importance of their ancestral knowledge and leadership for environment protection. Ms. Bachelet also saluted some initiatives taking place in the world.

3. We must better protect those who defend the environment

The High Commissioner expressed her deep concern about attacks on environmental human rights defenders in every region of the world and mentioned the recent example of Greta Thunberg and other young activists. She then briefly talked about the UN Environment Programme for better protection of environmental human rights defenders and the Escazu Agreement standing for better access to information, public participation and justice in environmental matters, in Latin America. She encouraged every State to develop similar commitments.

4. Those most affected are leading the way

She put forward the cases of small island nations such as the Bahamas, Dominica and South Pacific states as countries that are most vulnerable to climate change despite their very small contribution to the problem. She raised her concern about these islands predicted to disappear and urged the international community to increase its support to these vulnerable regions.

5. Business will be crucial to climate action

The High Commissioner stated that businesses must be part of the solution to counter climate harm and ensure climate justice. She commended some of the worldwide initiatives such as the Caring for Climate Initiative, the National Action Plans on Business and Human Rights in the Americas, and others as a reminder to States about their commitment to align with UN Guiding Principles on Business and Human Rights and their obligation under international human rights law to investigate all environmental harm, prosecute those responsible and provide reparation to the victims.

Referring to specific human rights situations, she briefly mentioned the Democratic Republic of the Congo, Gaza, Nicaragua, Ukraine, Venezuela and Yemen. She commended the parties in Sudan for signing an agreement to enable a transition towards democracy and said her Office is ready to provide all the assistance needed to lead this process. Ms. Bachelet

expressed her concern about Zimbabwe and the impact of the economic crisis as hyperinflation is dramatically affecting the population, especially marginalized and working-class people. She urged the government to take measures to counter the crisis, protect the pacific protestors from repression and stop reprisals on human rights defenders. She mentioned the worrying condition of restriction of freedom of expression in Tanzania as NGOs are subjected to monitoring by the State, and journalists investigating ruling parties have been arrested. She, therefore urged the State to respect the rights to freedom of information and expression, and to peaceful assembly.

When discussing the case of Burundi, Ms. Bachelet expressed her concern about extrajudicial killings, enforced disappearances, arbitrary detentions, torture, ill-treatment, restrictions of freedoms of expression and association taking place in the country. She expressed the commitment of the OHCHR to pursue their partnership to address all these human rights challenges. She expressed sadness about recent cases of xenophobic violence and gender-based killings in South Africa and reminded the State of its obligation to prosecute the perpetrators and ensure protection to the victims.



UN Photo / Jean Marc Ferré

She expressed the commitment of the OHCHR to work with the government of China about ongoing events in Hong Kong and asked both parties to engage in a peaceful and constructive dialogue. The High Commissioner outlined the current situation in Kashmir by highlighting the actions perpetrated by the Government of India against Kashmiris who have seen their basic rights restricted or violated. She urged both India and Pakistan to cease these restrictions, ensure people's access to basic services and their active participation in decision-making processes.

Concerning the situation in Myanmar, Bachelet expressed her deep concern about the ongoing clashes between the Arakan Army and the Tatmadaw in Rakhine State that affects both Rakhine and Rohingyas ethnic groups. She commended the Fact-Finding Mission for its report and was also pleased to note that the Secretary-General declared operational the Independent Investigative Mechanism for Myanmar. She urged the Myanmar Government to

cooperate with international mechanisms, while welcoming the recent adoption of a Child Law.

Ms. Bachelet mentioned the ongoing situation of repression of members and supporters of the former main opposition party in Cambodia. She asked the Government to respect its citizens' right to development by allowing participation in decision-making processes. She briefly mentioned Afghanistan and the persistent armed conflict that is severely affecting the civilian population.

The worrying situation in Syria raised the High Commissioner's concerns, as it continues to severely affect the civilian population and the number of victims and displaced people continues to increase. She also mentioned the bombing of several health facilities, resulting in additional casualties. Ms. Bachelet also discussed the continued expansion of illegal settlements across West Bank in the Occupied Palestinian Territory. She expressed her concern about settler violence against Palestinians and Israel's failure to protect them and hold the perpetrators accountable. Regarding Algeria, she encouraged the authorities to enable civilians' participation in the decision-making process in order to meet their demands for a new, more responsive, transparent and accountable government.



UN Photo / Jean Marc Ferré

She addressed the migrant situation at length. Starting with the US, Mexico and some Central American countries, Ms. Bachelet spoke about the human rights violations to which migrants are constantly exposed, children in particular. She said that the reasons leading these families to leave their homes are so profound that anti-migrant policies will not stop them but will only make them take more risks and be more exposed to all types of physical violence. In Mexico, Guatemala and Honduras, her office has documented an increase in detention and deportation of migrants. Cases of family separation, arbitrary deprivation of liberty or excessive use of force against migrants among other violations, are cause for concern. She stressed the need to respect basic principles such as non-refoulement, individual assessment, due process guarantees and the best interests of the children. She drew attention to the United States regarding the detention of children and separating them from their parents and inflicting profound trauma.

Regarding the situation in the Mediterranean, Ms. Bachelet asked for more determined and effective action by the European Union and its Member States. She deplored the criminalization of NGOs to obstruct their humanitarian mission. She then commended all the efforts made by human rights activists despite facing smear campaigns. Concerning the situation in Kazakhstan, Bachelet expressed her positive feelings with respect to the growing acceptance of peaceful demonstrations by the officials. She encouraged the National Council of Public Trust to include civil society groups to meet their demands for fundamental rights. She also expressed her concern about the situation of repression in the Russian Federation, where several opposition candidates have been excluded from elections. She supported the Presidential Council on Human Rights investigations on excessive use of force by the police and urged the authorities to respect freedom of expression, peaceful assembly and right to participate in public affairs.

The High Commissioner concluded by encouraging all countries to pursue and increase their efforts to overcome human rights challenges. She stressed the need to end fossil fuel consumption and take all necessary measures to counter climate change, end structural discrimination and uphold justice in order to fulfil the right to development for every citizen.

Closing of Session and Remarks by the President

On the last day of the Session, the Council elected seven members to the Council's Advisory Committee, appointed one new special procedure mandate holder, and adopted the draft report of the Session. The President proposed, and the Council approved, the theme for the next Annual High-Level Roundtable on the Mainstreaming of Human Rights. The theme of "Thirty Years of Implementation of the Convention on the Rights of the Child: Challenges and Possibilities" was chosen for the Roundtable to take place at the 43rd Session of the Human Rights Council.



UN Photo / Jean Marc Ferré

During his closing remarks on 27 September, Council President Coly Seck reminded members and attendees of the Social Forum that would occur the following week. He also thanked the Vice Presidents of the Council, the Secretariat and all staff for their work and support during his presidency. The 42nd Session of the Council was the last session to occur during the presidency of Mr. Seck.

Council Resolutions

The Human Rights Council adopted 37 resolutions at the end of the 42nd Session. The following countries and issues followed by GICJ were the subjects of resolutions:

COUNTRY

- **Myanmar** (A/HRC/RES/42/3)
- **Syria** (A/HRC/RES/42/27)
- **Yemen** (A/HRC/RES/42/2 & A/HRC/RES/42/31)

ISSUES

- **Arbitrary detention** (A/HRC/RES/42/22)
- **Human rights education** (A/HRC/RES/42/7)
- **Indigenous peoples** (A/HRC/RES/42/19 & A/HRC/RES/42/20)
- **Modern slavery** (A/HRC/RES/42/10)
- **Transitional justice** (A/HRC/RES/42/17)
- **Terrorism and human rights** (A/HRC/RES/42/18)

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

GICJ Participation at the 42nd Session of the UN Human Rights Council

With a team of nine members and six guests, Geneva International Centre for Justice actively participated in the 42nd session of the Human Rights Council. Prior to the session, GICJ submitted six written statements highlighting different aspects of the human rights situation in three countries and the rights of indigenous peoples. Two written statements GICJ submitted for the previous (41st) session were also published this session. Over the course of the Council session, GICJ delivered 21 oral statements, organized one side event, conducted a three-week human rights training workshop, monitored the discussion on several Council resolutions, and attended numerous side events to stay informed on a variety of issues. The sections that follow contain GICJ's key contributions during the session.

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) and International-Lawyers.org during the 42nd 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

Hazardous Waste

GICJ delivered a joint statement with EAFORD, concerning the impact of toxic and hazardous substances have on workers in times of war and on the local community post-conflict.

Item 3: Interactive Dialogue with Special Rapporteur on hazardous waste

9 September 2019

Delivered by: Mr. Mutua Kobia

Thank you, Mr. President.

We welcome the report including its Principles on human rights to protect workers from toxic substances submitted by the Special Rapporteur on hazardous substances and wastes, Baskut Tuncak. We also appreciate the attention to this very concerning issue.



[Watch video of statement](#)

In light of this, EAFORD and Geneva International Centre

for Justice highlights workers in war and conflict

situations who are often exposed to toxic and hazardous substances during the production phase, the actual conflict, and post-conflict clean-up situations. Worse still, in several regions vulnerable children work in the production phase and other such activities attributed to war and conflicts and/or emergency situations.

Military activities are directly linked with the use of toxic chemicals and workers bear the risk of being exposed to explosives such as TNT, RDX, PBX; heavy metals such as mercury and depleted uranium and other materials such as rocket propellants, special paints, perchlorate and nitro-glycerine.

Furthermore, workers in post conflict situations are also at great risk to exposure of hazardous waste whereby many are volunteers or regular citizens who are unaware of the risks and dangers.

Mr. President,

In Iraq, contamination, pollution, tonnes of war debris and toxic waste as a result of the 2003 invasion and the following armed conflict has resulted in environmental disaster leaving high levels of radiation, extensive PCB and sulphur contamination and several toxic stockpiles amongst others. In Mosul alone, there is an estimated 80 million tons of conflict debris. Regrettably, this waste from invasions and armed conflict in the city is being cleaned up by residents who work tirelessly with the risk of being exposed to this toxic environment.

Mr. Special Rapporteur, in your report how would the Principles, especially, Principle 4 on hazard elimination in preventing occupational exposures, be applied to workers in conflict and war situations, from the production line to post-conflict clean-ups?

Thank you for your attention.

Racism and Xenophobia

The issue of racism continues unabated in countries around the world. GICJ jointly addressed this issue with EAFORD and International-Lawyers.org under Agenda Item 9 pointing out structural racism resulting from institutionalized slavery and rising intolerance toward migrants.

Item 9: Interactive Dialogue with the Working Group of Experts on People of African Descent 24 September 2019

Delivered by: Mr. Mutua Kobia

Thank you, Mr. President,

We welcome the report of the Working Group on People of African Descent and especially its activities to assist stakeholders in the implementation of the programme of activities for the International Decade for People of African Descent. However, much more needs to be done to eliminate the scourges of racism including acknowledging the various existing forms of Afrophobia and disaggregated data collection.



[Watch video of statement](#)

As in the Thematic Analysis of the report we re-emphasize the historical structural barriers flowing from colonialism in many regions of the world. Furthermore, it should be well noted that negative, inaccurate, and misinformation, especially in media including social medias, continue to shape false perceptions of people of African Descent.

With regard to the situation in Europe we agree with a comment by the Council of Europe (CoE) on human rights that historical roots, namely colonialism and the Trans-Atlantic Slave Trade, are acknowledged as persisting factors towards modern prejudices and inequalities in Europe. The comment also noted that racism and racial discrimination against People of African Descent was experienced at all levels of society, including the governmental level, and in numerous countries adversely affecting social cohesion and inclusion. We are also concerned that the lack of diversity as a result of racial discrimination and Afrophobia serves as a deterrent to interested persons in such fields.

Finally, EAFORD and Geneva International Centre for Justice would like to raise the important and overdue issue of reparations, whereby the historical and cultural aspect of People of African Descent must be taken into account. Additionally, it is a known fact that numerous regions, especially in Africa, are abundant in rich natural resources and minerals yet the local population suffer from poverty and lack of control or profit from their very own lands, which are instead exploited to fuel economic growth and luxuries in foreign countries.

In conclusion, we bring to attention the Multiyear outreach programme toward implementation of the DDPA and would appreciate comments by the eminent experts of the Working Group regarding starting the process for distribution of DDPA information.

I thank you.

Item 9: General Debate

24 September 2019

Delivered by: Ms. Valentina Ferreira Gutiérrez

Thank you, Mr. Vice-President,

Our organizations are deeply disappointed and worried about the lack of commitment of UN members for eliminating all forms of racial discrimination and other related forms of intolerance. No country is free from racism and xenophobia and even Western countries who are advanced in adopting human rights, have significant efforts to make.



[Watch video of statement](#)

In this regard, we would like to bring up the case of Switzerland and the worrying institutional and structural racism against unaccompanied minor migrants in its territory. Despite its commitment in 2001 to implement the Durban Declaration and the ratification in 1994 of the International Convention on the Elimination of All Forms of Racial Discrimination, Switzerland has still not satisfied its obligations toward its migrant population.

Today, many unaccompanied minor migrants are living in precarious conditions where their mental health is at risk every day. Many of their fundamental rights are constantly being violated, including a limited access to education and job opportunities. Police abuses are also very frequent against them, since they do not have any legitimization document attesting their care by the Minors Protection Services, they are de facto considered as "undocumented" and therefore, detained.

All of these conditions lead to tragic consequences such as the suicide of Ali, an afghan migrant, in the centre where he was living. The serious lack of resources made available to workers for adequate supervision of young migrants made vulnerable by past traumas, as well as the silence of authorities after professionals complained, are leading this population into a worrying future. Therefore, International Lawyers and Geneva International Centre for Justice urge Switzerland to improve its hosting conditions for unaccompanied minor migrants and guarantee them a safe place where they can fully thrive.

I thank you.

Item 9: General Debate

24 September 2019

Delivered by: Mr. Mutua Kobia

Thank you, Mr. President,

In the past decade Europe has experienced significant migrant influx, especially refugees and asylum seekers. This is an important phenomenon to realise as blame for related crises and ensuing situations unjustly fall on minority groups. However, the concerning responses to this phenomenon and towards hostile acts have been wrongly directed and addressed by both civilians and politicians alike that has resulted in discriminatory laws, including negative stereotypes, intolerance of particular vulnerable groups, hate speech, and various forms of discrimination, racism, and xenophobia.



[Watch video of statement](#)

EAFORD and Geneva International Centre for Justice remain concerned that despite a number of existing laws and provisions, both in European laws and international instruments that guarantees a society free from racial discrimination and xenophobia; race-based violent attacks, hate speech, verbal slurs, and various forms of racism are a serious issue in economic, social and political fields such as housing, employment, health-services, education, political participation and criminal justice, among others. Moreover, the media is continuously being controlled and exploited to spread xenophobia, stereotypes, and untrue claims.

In addition to the lack of political will to address and eliminate racism and racial discrimination, we remain deeply concerned over systematic budget reduction for the implementation of the DDPA, its

program of activities, and the multi-year outreach programme. This further undermines the commitments made to reduce racism, racial discrimination, xenophobia and related intolerances.

To conclude, Mr. President, we recommend states:

- To Adopt and fully implement the DDPA, and
- to exercise due diligence with regard to all forms of media such that they do not promote hatred but instead to use such platforms to promote inclusion, integration, and solidarity.

Country-Specific Issues

Albania

GICJ delivered a joint statement with International-Lawyers.org concerning the UPR review of Albania. The statement described the challenges faced by women and children of Roma and Egyptian ethnicity, including access to health care, education, jobs and other social services.

Item 6: Consideration of the UPR on Albania

19 September 2019

Delivered by: Ms. Stephanie Woelfle

Thank you, Mr. President

We appreciate Albania's participation in the UPR process and commend improvements made to the rights of both women and children. Greater representation of women in government, mother's right to return to work after maternity leave, and reversing the burden of proof in sexual harassment cases are examples. Tremendous strides in decreasing the mortality rate of children under the age of 5 have occurred.



[Watch video of statement](#)

Despite these advancements, Roma and Egyptian women and children remain two vulnerable groups. Child marriage is prevalent with 19% - 31% of Roma women married between the ages of 13 to 17. Over half have not completed any education and experience early and frequent pregnancies. Infant mortality is increased due to lack of access to health care and prenatal checks. Nutritional deficits cause higher rates of moderate and severe stunted growth in children. Children of poverty are seen begging in the streets or are in institutions despite one parent being alive. Cultural distance,

anticipation of negative interactions with health providers, and fears of discrimination hamper families from accessing social services.

International-Lawyers and Geneva International Centre for Justice offer the following recommendations to improve support for these two vulnerable populations. For women, improving access to education will increase school enrollment and completion, delay marriage, and provide job opportunities. Access to birth control can delay the age of first childbirth resulting in better health outcomes. For children, nutrition and health services will result in improved weight, less infections, and decreased mortality. We encourage Albania's continued efforts to improve women's and children's rights in its next UPR review.

Thank you, Mr. President.

Brunei Darussalam

GICJ delivered a joint statement with International-Lawyers.org concerning the UPR review of Brunei. The statement addressed the inhumane and degrading punishments permitted under the penal law and the very low age of legal criminal responsibility.

Item 6: Consideration of the UPR on Brunei Darussalam

20 September 2019

Delivered by: Ms. Aqsa Hussain

Thank you, Mr President.

International-lawyers.org and Geneva International Centre for Justice commend Brunei's active participation in the UPR process.

Whilst Brunei's 2035 vision has the potential to transform the country, as many here have acknowledged, we echo the concerns outlined in the recommendations that this transformation will take a worrying turn if the Penal Code Order of 2013 continues to be implemented in its current format.



[Watch video of statement](#)

Several provisions in this penal code allow for disproportionate, inhumane and degrading punishments.

For instance, with the age of criminal responsibility still being shockingly low at 7 years old. children are able to receive life imprisonment and corporal punishment as sentences. The acts of adultery and homosexuality are punishable with the death penalty. Specifically, women can be stoned to death for adultery.

These disproportionate punishments are being applied to people who are already vulnerable and marginalised by society. They are flagrant violations of international law and particularly of treaties which Brunei itself has ratified.

We urge the government of Brunei to amend or repeal these draconian provisions and remind them that they have successfully maintained a de facto moratorium on the death penalty for over two decades. Therefore, its reintroduction is a step backwards.

At present, the government has acceded to three of the 18 core UN human rights treaties. This is certainly progress in the right direction, we encourage Brunei to join other treaties and tangibly reaffirm their commitment to progressing human rights.

We also encourage Brunei to commit to creating a national independent human rights institution in accordance with the Paris Principles that will support the country's ongoing efforts to improve human rights.

Thank you, Mr President.

Costa Rica

GICJ delivered a joint statement with EAFORD concerning the UPR review of Costa Rica. The statement voiced concerns about discrimination against various groups and the problem of widespread sexual harassment and violence against women.

Item 6: Consideration of the UPR on Costa Rica

20 September 2019

Delivered by: Ms. Audrey Ferdinand

Thank you, Mr. Vice President,

We welcome the UPR outcome report of Costa Rica and commend the decision of its Government to accept one hundred and ninety-four recommendations.

We congratulate Costa Rica for the steps taken to enhance the protection and promotion of human rights, especially by increasing access to potable water and by adopting laws prohibiting all forms of discrimination in employment. We further welcome the decision to give same-sex couples the right to marry as of 2020.



[Watch video of statement](#)

Despite these efforts, we remain concerned about discrimination against indigenous people, persons of African descent, migrants, asylum seekers, refugees, women, older people, and persons with disabilities. In particular, we are deeply concerned by the widespread sexual harassment, violence against women and femicide in the country, and by the lack of prosecution of these crimes. We also note with concern the lack of possibility for indigenous people to participate to the national general mechanism of consultation in their own language.

Mr. Vice President, EAFORD and Geneva International Centre for Justice call for the respect of the right of all people, regardless of gender, sexual orientation and national origin. We call on the government of Costa Rica:

- To implement the UPR recommendations it accepted in this and previous sessions;
- To take steps towards the elimination of all violence against women by tackling root causes through awareness raising campaigns and trainings, and by providing adequate remedies for victims;
- Finally, we call on the government to facilitate and increase the participation and consultation of indigenous people, and the restoration of their lands.

I thank you.

Côte d'Ivoire

GICJ delivered a joint statement with International-Lawyers.org concerning the UPR review of Côte d'Ivoire. The statement addressed the problem of child labour and its relationship with the ongoing issue of human trafficking.

Item 6: Consideration of the UPR on Côte d'Ivoire

19 September 2019

Delivered by: Ms. Sarah Tayara

Thank you, Mr President,

Following the recommendations of the previous cycle, we would like to commend Côte d'Ivoire on the introduction of the anti-trafficking law in 2016, a significant advancement in rights of the child. We recognise the government's increasing efforts to fight this issue which is demonstrated through the establishment of an anti-trafficking committee. We are also encouraged by the revision of the Hazardous Work List which now prohibits children from working in mines and using sharp tools. This demonstrates that the country is making a commitment to combat the worst forms of child labour.



Watch video of statement

However, we would like to draw attention to grave issues concerning the rights of children. It is with deep regret that we note that the engagement of children in Côte d'Ivoire in the worst forms of child labour still persists in the harvesting of cocoa and coffee, sometimes as a result of human trafficking. There still remain undeniable gaps in the country's formal mechanisms to fight child trafficking. Progress is hindered by a failure to consistently convene the anti-trafficking committee. This is exacerbated by a lack of clear understanding of the appropriate role of the implementing agencies. Although the Government maintains programs to help children working on cocoa farms, the scope of such programs is insufficient to fully address the extent of the problem.

Mr President, the children of Côte d'Ivoire affected by this matter deserve at the very least to have a functional committee which prioritises them and the fight against child trafficking and child labour

As recommended during the review by several states, International Lawyers and Geneva International Centre for Justice encourages Côte d'Ivoire to continue in its efforts to combat child trafficking and child labour by regularly assembling the committee, clarifying roles and providing increased training for law enforcement and judicial officials.

Thank you, Mr President.

Ethiopia

GICJ delivered a joint statement with International-Lawyers.org concerning the UPR review of Ethiopia. The statement spoke to difficulties faced by displaced persons throughout the country and the need for the government to provide proper support systems, especially for displaced children.

Item 6: Consideration of the UPR on Ethiopia

20 September 2019

Delivered by: Ms. Aya Alshekhili

Mr. President,

We thank the cooperation of the State of Ethiopia in the universal periodic review in the third cycle.

We regret to witness the destruction of temporary structures by the authorities in several areas of Ethiopia after millions of people were forced to flee their homes in search of security and safety for their families.



[Watch video of statement](#)

International Lawyers and Geneva International Centre for Justice believe that the return of people to destroyed

and destructed areas is not a solution without

government support and availability of fundamental life requirements. We support the recommendations that internally displaced persons be treated in accordance with internal displacement guidelines.

We look forward to the adoption by the Government of Ethiopia of the African Union Convention for the Protection of Internally Displaced Persons (Kampala Convention).

We promote the recommendation relevant to addressing the drivers of conflict between civil societies within the country and propose to consult with communities and to refrain from using military or security forces. We urge the State of Ethiopia to guarantee the education of displaced children and to continue to improve the quality of education by providing support for school construction, training of persons and distribution of school equipment.

Recent reports point to difficulties faced by aid workers. We hope the government will assist in tackling challenges faced by humanitarian workers.

We call on the Ethiopian government to accelerate the reconstruction of the affected areas and turn its attention to the infrastructure of these areas for the purpose of resettling the displaced persons.

Mr. President,

Finally, we encourage the State of Ethiopia in its efforts to address the recommendations made by States to ensure the rights of internally displaced persons.

Thank you.

Iraq

GICJ and its partners delivered four joint statements concerning the human rights situation in Iraq. These statements highlighted the problems of enforced disappearance, corruption, violence against women, lack of clean water, the need for transitional justice, and reiterated the need to appoint a special rapporteur for Iraq.

Item 3: General Debate

16 September 2019

Delivered by: Ms. Aya Alshekhili

Mr. President,

International Lawyers and Geneva International Centre for Justice would like to reiterate their previous appeals about the dire human rights situation in Iraq.

The Iraqi government has failed to comply with its obligation under international law to take measures to protect civilians and provide them with the basic needs. The Iraqi people are subjected to arbitrary arrests, torture and then forcibly disappeared at the hands of the government forces and its affiliated militias.



[Watch video of statement](#)

Under the pretext of fighting terrorists, many cities have been destroyed. This renders the return of about two million people to their homes impossible. No real construction is going on due to the high level of corruption at all official levels.

Mr President

We also remain concerned about the failure of States to respond to the opinions of the Working Groups on Arbitrary Detention and Enforced Disappearances by bringing their actions into conformity with their international legal obligations. In particular, the case of Iraq.

We regret, for example, that both the United States and Iraq continue to allow Mr. Shawki Ahmed Omar to be held—in excess of 15 years—in arbitrary detention without access to his lawyer or his family and apparently subject to torture , cruel and inhumane treatment after an unfair trial.

The responsible governments cannot be allowed to cover up their human rights abuses. We urge both Working Groups to take all necessary steps—including visiting persons who have been allegedly subject to human rights violations—to address the horrendous situations and ensure respect for the applicable international law.

Thank you.

Item 3: General Debate

16 September 2019

Delivered by: Ms. Isabela Zaleski Mori

Thank you, Mr. Vice-President.

We would like to draw the Council's attention to the alarming situation of trafficking in persons in Iraq. Twenty-seven human trafficking networks have been documented in the country, most of which practice human organ trafficking and prostitution of women and girls, including IDPs and refugees. New recruits were reportedly exposed to sexual torture and gang rape by members of government affiliated militias.



[Watch video of statement](#)

Regrettably, there's evidence indicating that key government officials, are involved in this trafficking activity, using their powers and security positions to aid the traffickers in escaping justice.

Mr. Vice-President,

The acute water crisis in Iraq equally needs to be addressed. In 2018, at least one hundred eighteen thousand people from Basra were hospitalized with symptoms identified as related to water quality. Government engineering projects to improve water quality have failed to tackle this crisis, due to mismanagement and corruption, which violate the Basra population's rights to water, sanitation and health.

EA Ford and Geneva International Centre for Justice urge this Council to appoint a special rapporteur for Iraq to investigate all the gross human rights violations, including human trafficking, and to monitor corruption and water mismanagement. Finally, we call on the government to put an end to its alliance with private militias and their exploitation of innocent civilians.

Thank you.

Item 4: General Debate

18 September 2019

Delivered by: Mr. Naji Haraj

Mr President,

I address you and the members of this distinguished Council to convey the suffering of the families of victims of enforced disappearance in Iraq. Government forces and militias affiliated with the state have for years kidnapped tens of thousands of innocent people and refused to release them or divulge any information about them.



[Watch video of statement](#)

The Iraqi authorities are fully aware of all the details but choose not to acknowledge this.

They are actively trying to divert the matter from a case of enforced disappearance, which is a crime against humanity, to an ordinary case of people going missing and are attempting to shift the blame onto the families of the victims when they file complaints.

What remains obvious to everyone including UN mechanisms, is that the Iraqi judiciary is not independent but is under the influence of political forces and the perpetrators of such violations.

We have submitted the names and details to the Office the High Commissioner and have sent the details to the Committee on Enforced Disappearances (CED). We have also highlighted the magnitude of this tragedy in our written statements to Human Rights Council sessions including this one.

So, Mr. President, what the UN mechanisms only have left to do, especially this distinguished Council, is take the necessary actions in the face of those ongoing organized crimes in Iraq.

Geneva International Centre for Justice and international-Lawyers.Org reiterate their previous calls regarding the importance of forming an independent international committee to investigate everything that has happened and all the crimes committed since 2003 in Iraq. A Special Rapporteur on the situation of human rights in Iraq should also be appointed, and the Popular Mobilization Forces should be dissolved and prosecuted for crimes against civilians.

Thank you.

Item 4: General Debate

18 September 2019

Delivered by: Ms. Audrey Ferdinand

Thank you, Madam Vice President.

The Iraqi people have been waiting since 2003 for steps to be taken towards truth, justice and reparation. Ending impunity and providing measures of satisfaction are the only means to prevent future atrocities and create sustainable peace.



[Watch video of statement](#)

The crimes committed during the invasion and occupation included all forms of torture, extrajudicial killings, enforced disappearances, forcible recruitment of children, rape and other sexual violence, and destroying of homes and facilities.

These crimes led to a large number of victims suffering terrible health issues and needing support, as well as millions of internally displaced persons and persons fleeing the country. These violations are condemned under international human rights law and humanitarian law.

Accountability is essential in Iraq for all acts of the past decades and victims must obtain reparations for their losses. With this aim, EAFORD and Geneva International Centre for Justice believe it is necessary to create an International Special Tribunal to prosecute all those involved in the invasion and occupation, and all those who committed atrocities in the past 16 years.

We also strongly recommend:

- That Iraq ratifies the Rome Statute of the ICC,
- That this Council creates a Special Rapporteur for Iraq to investigate all human rights violations since 2003, and
- That the Security Council sets up a Compensation Commission for Iraq.

I thank you.

Myanmar

GICJ joined with International-Lawyers.org to deliver two joint statements concerning the human rights situation in Myanmar. The statements focused particularly on the situation of displaced persons, children, and minority ethnic groups.

Item 4: Interactive Dialogue with the Special Rapporteur on Myanmar

16 September 2019

Delivered by: Ms. Lubna Sarra

Thank you, Madame Vice President,

We appreciate the efforts of the SR to highlight the ongoing grave human rights violations in Myanmar.

The armed conflict in Myanmar has affected the lives of many people. The displaced are the most afflicted by lack of access to shelter, healthcare and education. Refugees are not receiving the appropriate humanitarian aid as most of them are not living in camps



[Watch video of statement](#)

but in rural communities and therefore do not fall within the humanitarian funding framework. Their situation is the most distressing and requires immediate attention.

We are deeply concerned with the recent UN experts' news release of 3 September 2019 on the use of forced and incommunicado detentions as well as the use of torture on young men and boys. Arrests and detentions are being made based solely on suspicion of association with the Arakan Army under section 50(a) of the Counter-Terrorism Law. We call on the government to conduct an investigation into those allegations and deaths as they are not isolated cases.

Madame Vice President,

Inmates have the right to proper medical care as well as right to a lawyer. We would like to emphasize that by detaining boys under the age of 15, Myanmar is violating its obligations according to the Convention on the Rights of the Child.

International-Lawyers.Org and Geneva International Centre for Justice support the recommendations made by the Special Rapporteur concerning the end of arbitrary arrests, improvement of conditions in prisons as well as providing better and safer conditions to enable the return of the displaced. Alternatives like local organisations should be sought to allow refugees access to humanitarian aid.

Finally, we ask the Special Rapporteur:

How can the participation of refugees in the dialogue about repatriation plans be ensured?

I thank you.

Item 4: Interactive Dialogue with the Fact-Finding Mission on Myanmar

17 September 2019

Delivered by: Ms. Valentina Ferreira Gutiérrez

Thank you, Madam Vice-President,

We thank the experts of the FFM for their last report on the human rights issue in Myanmar.

We regret to note that Myanmar's government is not inclined to guarantee to the Rohingyas and other ethnic groups the safety they deserve as citizens.

The military forces are still using excessive force against minority ethnic groups, especially young men of fighting age. Being immediately suspected of belonging to ethnic armed groups, young men are arbitrarily detained and

forced to make false declarations in order to be prosecuted. Some of them face torture, violent interrogations and even death. We are very concerned about cases of prisoners who died while in Tatmadaw custody, where no further investigation has been made to prosecute the perpetrators and guarantee justice to the families of the victims.

We would like to draw the Council's attention to the condition of the Rohingyas in Buthidaung prison where their basic rights are constantly being violated by acts of torture and other forms of violence.

Last but not least, the armed conflict between the Tatmadaw and the Arakan Army is severely affecting the civilian population because of the wide-area weaponry used by the Tatmadaw, without any consideration of the civilians living near the military objectives.

Madam Vice-President,

International Lawyers and Geneva International Centre for Justice urge the Council to take measures encouraging the Myanmar government to send to the ICC the commanders responsible for this genocide to answer for the many human rights violations including war crimes and crimes against humanity. Following the experts' recommendations, we urge the Security Council to impose an arm embargo on Myanmar.

Thank you.

Norway

GICJ delivered a joint statement with International-Lawyers.org concerning the UPR review of Norway. The statement voiced concern about the exporting of greenhouse gas emissions and the country's responsibility to reduce its fossil fuel production as part of a strategy to address climate change.

Item 6: Consideration of the UPR on Norway

19 September 2019

Delivered by: Mr. Inder Comar

Thank you, Madam Vice President.



[Watch video of statement](#)

International-lawyers.org and the Geneva International Centre for Justice express their gratitude for the commendable efforts of the Kingdom of Norway to comply with its human rights obligations. However, we note, with disappointment, that Norway failed to address climate change in its national report, particularly the human rights consequences of Norway's fossil fuel production on poor countries.



[Watch video of statement](#)

Norway has amassed over \$1 trillion US dollars in resources from the sale of North Sea oil. A 2017 report from Oil Change International concluded that Norway is exporting 10 times more emissions than the country produces at home and is the seventh largest exporter of greenhouse gas emissions. Norway has essentially been exporting its pollution to poor countries and contributing to a world where the most destitute and vulnerable are now exposed to the nightmare of an imminent climate breakdown.

We echo the calls of member states Fiji and Bhutan that climate change must be incorporated into Norway's human rights policy. Norway can be a real leader on climate issues by taking action to promote and sustain the right to life, the right to health and the right to self-determination both in Norway and in those poor countries that are now most vulnerable to climate disasters.

In particular, we strongly recommend that Norway cease and desist with greenhouse gas producing activities, work with other countries to limit warming to 1.5 degrees by 2100, provide technology on a cost-free basis to poor and developing countries who will be most hit by climate change, and finally, lead on a just transition strategy to compensate and support poor countries for the unfair burden of climate change that countries like Norway have placed on them.

Occupied Palestinian Territories

On the human rights situation in occupied Palestine, GICJ jointly raised concern about the excessive use of force by Israeli military and security forces, described the violation of children's rights, and decried the recent support of certain countries for the illegal annexation of territory by Israel.

ITEM 2: General Debate on High Commissioner's oral update on Commission of Inquiry on the 2018 protests in the Occupied Palestinian Territory

11 September 2019

Delivered by: Ms. Audrey Ferdinand

Thank you, Mr. President,

We thank the High Commissioner for her oral updates.

Last year, Palestinians decided to protest near the border between the Gaza Strip and Israel, for their right to return and their right to land. Each of the protests, which have been mostly peaceful, have been met by “slow methodical shooting” from the Israeli side and it is estimated that in 2018 alone over twenty-three

thousand Palestinians were injured by Israeli forces and many have been killed. Palestinians continue to protest every Friday for their rights, despite the risks, and attacks from Israeli forces go on and on.

As the Commission of Inquiry stated in its report, Israeli forces shoot persons “who did not pose an imminent threat to its soldiers”. In doing so, Israel violated the right to life of Palestinian people, the principle of distinction and its obligations as occupying power.

EAFORD and Geneva International Centre for Justice regret that Israel did not cooperate with the Commission during its inquiry. We call on this Council to put pressure on Israel to respect its international obligations and to allow investigations within its territory. We further call for better access to health care for the numerous victims of the conflict. Finally, we call for accountability for all acts perpetrated by the Israeli forces which, during these protests, amount to war crimes and crimes against humanity.

I thank you, Mr. President.

ITEM 7: General Debate

23 September 2019

Delivered by: Ms. Lubna Sarra

Madame Vice President,

We express our deepest concerns regarding the situation in occupied Palestine. Israel continues its systematic and unlawful destruction of the Palestinian people with total impunity. The intent to destroy the Palestinian people by displacing and killing them amounts to genocide.



[Link to video of statement](#)



[Watch video of statement](#)

Israeli forces continue to use excessive violence against peaceful protesters that are exercising their civil and political rights. Arrests are arbitrary, with police forces raiding homes and abducting Palestinians in front of their families. Those abductions often lead to torture and death.

Children are not spared. Israel applies a military law on all the Palestinians of the West Bank. There have been cases where Palestinian children under the age of 12 have been summoned to court, interrogated, and charged with offenses that were not a threat to the public order or Israeli forces. This left the children traumatised.

International-Lawyers.Org and the Geneva International Centre for Justice strongly condemn the illegal annexation pledges made by the Israeli government and unilaterally supported by the US administration including the annexation of the Golan Heights which remain occupied Syrian territories under Security Resolutions 242 and 338. We call on the council to pressure Israel to:

- Cease all annexation plans as they are in violation of international law and undermine peace talks, and
- End all acts of violence.

Thank you, Madame Vice President.

ITEM 7: General Debate

23 September 2019

Delivered by: Ms. Audrey Ferdinand

Thank you, Madam Vice President,

We regret to come once again before this Council to denounce the dire living conditions of the Palestinian people in the OPT and the continuous human rights violations perpetrated by Israel.

We are deeply concerned by the recurrent violations of the rights of children, who must be treated in accordance with their status as vulnerable people. We call for the respect of their rights, including the rights to health and to education.



[Watch video of statement](#)

We are concerned with the support provided to Israel by the International Community and denounce the recognition of Jerusalem as Israel's capital by the US and Guatemala. We are further concerned by the few countries that are considering moving their embassy to the city of Jerusalem. These unilateral decisions are a de-facto recognition of Israeli sovereignty over a territory it occupies illegally. Therefore, we call on the US and Guatemala to reverse their decision and on all States to condemn such actions.

Moreover, we call on all States to take measures to ensure that businesses refrain from undertaking activities in the OPT that benefit Israel and not Palestinians, which further infringe upon the rights of the Palestinian people.

Madam Vice President,

EAWORD and Geneva International Centre for Justice call on this Council and the International Community to pressure Israel to respect its obligations under international law, humanitarian law and human rights law. Finally, we call on the OHCHR to publish and update a database of businesses operating in illegal Israeli settlements.

I thank you.

Qatar

GICJ delivered a joint statement with International-Lawyers.org concerning the UPR review of Qatar. The statement addressed the rights of women, especially the need to take more actions to combat domestic violence and provide assistance to victims of domestic violence.

Item 6: Consideration of the UPR on Qatar

20 September 2019

Delivered by: Ms. Elizabeth Cole

Thank you, Madame Vice President.

We commend Qatar's recent progress towards equal rights with its accession to the ICCPR and the ICESCR. We are also pleased to see that more efforts are being made to ensure the equal treatment of men and women in line with Qatar's obligations under CEDAW. More specifically, that the UPR's recommendation that it works towards combatting domestic violence has seen some response, mostly giving responsibility to the community police and medical services. Yet, this has not been as effective as hoped.



[Watch video of statement](#)

Similar to recent recommendations made by the Committee against Torture and re-iterated in the recent UPR, this is largely because domestic violence and marital rape have not been specifically criminalised under the Penal Law – other than a vague clause encouraging husbands to refrain from hurting their wives 'physically or morally'. As a result, such violence against women is tolerated by some communities as a form of acceptable discipline, and women frequently fail to report cases of

domestic violence or sexual abuse either for reasons of stigmatisation, fear of losing their children or their rights, or fear of being outcast from their community.

Therefore, while Qatar's ratification of CEDAW and other human rights treaties is a great step, the legal requirements of these treaties should be transferred explicitly to the domestic legal system and any reservations removed for lasting progress to be made in this area.

International-Lawyers.org and Geneva International Centre for Justice offer the following recommendations in support of Qatar's continued efforts to improve women's rights:

- Explicitly criminalise domestic violence and sexual abuse in the Penal Law
- Remove all reservations to CEDAW
- Continue with current efforts to improve awareness and support of women's issues

Thank you, Madame Vice President.

South Sudan

GICJ delivered a joint statement with EAFORD concerning the human rights situation in South Sudan. The statement voiced concern about the targeting of health care facilities by warring parties and violence against minority women and girls.

Item 4: Interactive Dialogue with the Commission on Human Rights in South Sudan

16 September 2019

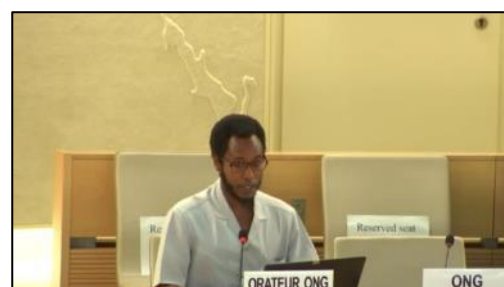
Delivered by: Mr. Mutua Kobia

Thank you, Madam Vice President,

We appreciate the oral update by the Commission on Human Rights in South Sudan and express our deep concern over the horrific human rights situation in the country, especially after the revitalized peace deal.

While we welcome recent developments, a recent report by the International Committee of the Red Cross recorded a high number of patients with gunshot wounds and noted that the numbers are nearly a 25 percent increase since the peace deal was signed. This indication of continued violence is deeply troubling and raises concern over how long the South Sudanese people will continue to suffer from the armed conflict in South Sudan.

Worse still, the violence by the warring parties has had serious impacts on health centres as incidents of looting and other violations such as armed threats to staff and health workers was reported. This is



[Watch video of statement](#)

an especially dire situation especially considering that food insecurity is on the rise and public health has continued to deteriorate.

Madam Vice President,

The continued targeted violence against civilians, especially women and girls, and people of certain ethnicities is also of grave concern and must come to an immediate end. Furthermore, the perpetrators of such violence cannot continue to enjoy impunity.

To this end, we urge all relevant stakeholders to support the hybrid court as well as the specialised sexual and gender-based violence court and to ensure its effective and efficient functioning. Additionally, women and victims of human rights abuses must be guaranteed effective participation in this process.

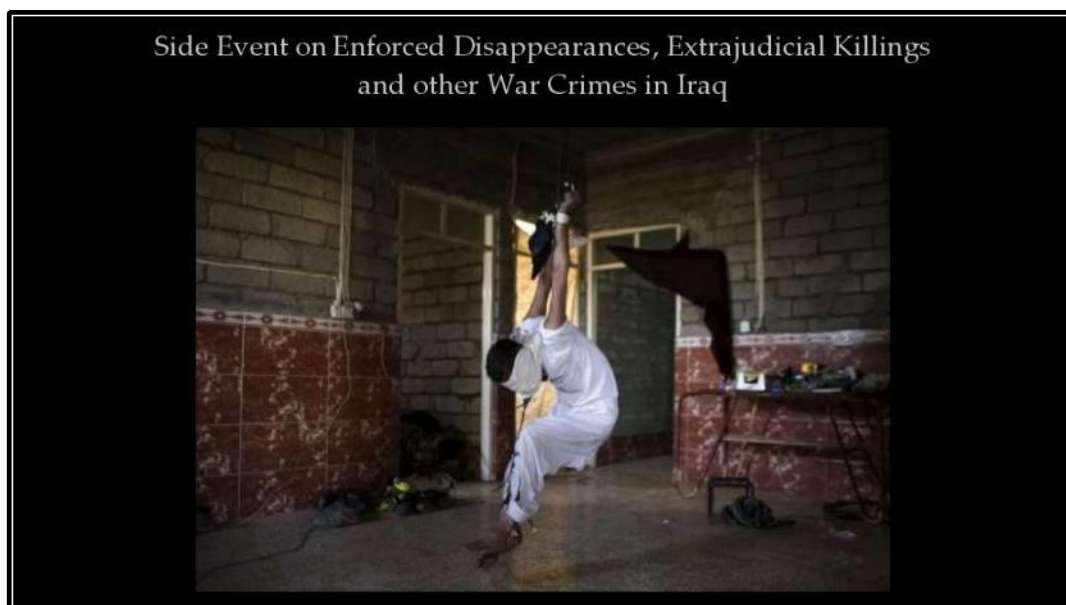
In conclusion, EAFORD and Geneva International Centre for Justice calls for an end to violations of international law and international humanitarian law; and appeals for enhanced cooperation and mutual discussions between civil society and government authorities towards realising peace and reconciliation.

Finally, for the protection of civilians, we ask the Commission what measures can or are being taken to reduce the inflow and easy access of arms in South Sudan?

I thank you.

GICJ's Co-Sponsored Side Event

Enforced Disappearance and Extrajudicial Killings in Iraq



On 25 September 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 enforced disappearances and extrajudicial killings in Iraq. Enforced disappearances and related crimes of torture and extrajudicial killing in Iraq are ongoing issues that have had insufficient attention paid by the international community and no genuine efforts made to address the problem. The government of Iraq has often claimed that such grave crimes are only done by a few people acting independently and outside of the official command structure. Regrettably, this is not the case. And when perpetrated on such a wide scale by official personnel in an armed conflict, these acts can amount to war crimes and crimes against humanity.

This event featured Ali Arkady, a noted photojournalist and war reporter from Iraq. His work spans ten years and ranges from documenting the day-to-day life of an orphanage in Baghdad to reporting from the frontline in the war against ISIL. Since 2014, he has worked with the VII Photo agency and several international media



outlets. While embedded with an Iraqi Special Forces Unity fighting to recapture Mosul, Mr. Arkady witnessed systematic torture and execution of civilians. In this event, the journalist presented six war crimes he witnessed and documented between 18 October and 22 December 2016.

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

GICJ's Human Rights Training

During the three-week Council session, GICJ conducted a human rights training workshop that covered a wide range of issues and incorporated a variety of experiences. Trainees were provided with background information on international law, human rights law, the UN system and its human rights mechanisms. They met with UN officials and human rights experts and attended numerous sessions and side events on topics related to the trainees' interests. Trainees also learned practical aspects about the operation of the Human Rights Council, and they learned first-hand about the ways in which civil society engages with the Council by researching, writing and delivering oral statements to the Council.



Written Statements

Geneva International Centre for Justice (GICJ) submitted 6 joint written statements with other NGOs prior to the 42nd Regular Session of the Human Rights Council. (Two additional statements submitted for the previous session were also 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.

Indigenous Peoples

Promotion and Protection of the Rights of Indigenous Peoples

Regrettably, indigenous people are facing a drastic increase of acts of violence, including undue criminal prosecution, killings, threats, intimidation, harassment. This especially happens when indigenous leaders and community members voice opposition to large projects relating to extractive industries, agribusiness, infrastructure, hydroelectric dams and logging.



Source: UN

Indigenous people equally are accused of being obstacles to development and acting against national interests. The causes and impacts of criminalization and such violence affecting indigenous peoples, should be narrowly applied and addressed in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and international and regional human rights instruments.

In addition, critical issues such as self-determination, land rights, discrimination and criminalization need to be addressed with respect to the UNDRIP in accordance with international law.

In this regard, we recommend the following:

- All violent attacks against indigenous peoples and their defenders must be promptly and impartially investigated and measures taken to provide effective redress and reparation.
- Addressing criminalization through a comprehensive review of national laws, the adoption of laws to ensure due process, and the revocation of laws and criminal procedures that violate the principle of legality and contradict international obligations.

- Formal recognition of indigenous peoples, through constitutional provisions. Where this is not possible, recognition by other means, including national laws, should be pursued.

Iraq

Enforced Disappearance

Enforced disappearance is a shockingly common practice in Iraq, but one that the government avoids admitting or even discussing. The number of missing persons in Iraq ranges from hundreds of thousands up to one million according to different public sources. Disappearances in Iraq are often targeted toward certain groups or families, which is apparent from the shared family names of many of the victims. Unfortunately, there is often little, if any, effort on the part of the government to investigate these situations contrary to Iraq's international obligations.

Although some hope remains for the return of the many people who have disappeared, the situation is dire. Due to recent international political pressure to reduce the presence and role of militias in Iraq, militias are now getting rid of the evidence of their activities – their detainees – through extrajudicial executions and covert, illegal mass burials. Information has recently come to light about the illegal burials of nearly 300 bodies that were transferred to a supposed non-governmental organization for burial. This process of disposing of bodies is part of a recurring effort by the successive authorities in Iraq since 2003 to obscure and distort facts, depriving the families of victims of enforced disappearance of the truth about their loved ones and their legal right to seek fair punishment from the perpetrators of these crimes.



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

- Iraq government properly investigate disappearances and the many cases of arbitrary detention that often lead to forced disappearance
- Iraq stop the illegal mass burials of unidentified bodies
- The Human Rights Council appoint a special rapporteur for Iraq and the Working Group on Enforced Disappearance include Iraq on its list of future country visits
- An independent international commission be sent to Iraq to investigate all violations

Truth, reparation and justice in the Republic of Iraq

Since the US-led invasion of Iraq in 2003, and despite the official withdrawal of US troops in 2011, justice has not been achieved for the Iraqi people. The invasion and subsequent war constitute a war of aggression, which is the “supreme international crime”. This war was conducted without the approval of the UN Security Council and without a legitimate self-defence argument, therefore violating the UN Charter.

The atrocities committed during the invasion and occupation include all forms of torture, ill-treatment, extrajudicial killings, enforced disappearances and sexual abuses. Addressing injustice, ending impunity and providing measures of satisfaction are the only means to prevent future atrocities and create sustainable peace.

Unfortunately, under Coalition Provisional Authority (CPA) order 13, private military and security companies operating in Iraq under the Coalition were immune from Iraqi legal processes. Moreover, the CPA weakened Iraq’s state institutions including the judiciary system, which still need to be rebuilt and reinforced to allow prosecution of perpetrators of human rights violations and to provide reparation and justice to victims.

GICJ believes it is necessary to create an International Special Tribunal to prosecute all those involved in the invasion, including the planning, administration and actual execution of the invasion, and who have committed human rights and humanitarian law violations.

Pending the creation of such a tribunal, we call on the relevant United Nations bodies to ensure that:

- Iraq ratifies the Rome Statute of the International Criminal Court; incorporates into its domestic legislation definitions of war crimes, crimes against humanity, genocide and establishes specialised courts with technical capacities and jurisdiction over these crimes.
- The United States and other members of the Coalition investigate and prosecute those responsible of the invasion and for crimes during the Iraqi occupation.

- The international community promotes and respects human rights, works together towards ending impunity and ensures such actions will not recur.
- The United Nations Human Rights Council creates a Special Rapporteur for Iraq to investigate all human rights violations since 2003.
- The United Nations Security Council creates a Sanction Committee to investigate all human rights violations since 2003.

Myanmar

The human rights violations and abuses are worsening in Myanmar

Legal conditions for repatriation seem to be far from acceptable. The agreement signed between Bangladesh and Myanmar, many Rohingyas have refused the repatriation conditions offered by the government of Myanmar. It is imperative to grant citizenship to Rohingyas and not simple residence cards or identification cards. Rohingyas should receive passports under the same conditions as the citizens of Myanmar, and they must fully enjoy freedom of religion, freedom of movement, access to education and healthcare, protection from all forms of discrimination.



Source: Amnesty International

Additionally, Rohingya women and girls have been victims of grave and repugnant violence committed by the security forces in Myanmar, such as arrests, torture, rape, widespread killings and forced labour. Regrettably, evidence demonstrates that such violence was orchestrated and perpetrated by the Myanmar armed forces, along with the Border Guard Police and militias. However, the government of Myanmar has denied the existence of evidence of such crimes without conducting independent preliminary investigations despite the abundant evidence.

We therefore recommend that the international community should interrupt all financial and economic relations and any other form of support to Myanmar’s military to isolate its commanders and bring them before the ICC to answer charges of war crimes, crimes against humanity and genocide.

Occupied Palestinian Territories

The Human Rights of Children in the Occupied Palestinian Territories

Every child is entitled to special care. This principle, proclaimed in the Universal Declaration of Human Right, is recalled in the preamble of the Convention on the Rights of the Child. The preamble further recognises the exceptionally difficult conditions faced by children in armed conflict and that they need “special consideration”. The protection of children is enshrined in international law, international human rights law and in international humanitarian law.



Reuters / Ibraheem Abu Mustafa

Under Israeli military law, which is applied to Palestinians in the West Bank, no child under the age of 12 can be held responsible. Nevertheless, several cases show the summoning and interrogation of children as young as four years old. Moreover, a 2016 law allows the State “to imprison a minor convicted of serious crimes such as murder, attempted murder or manslaughter even if he or she is under the age of 14”, and Israel Military Order #1591 of 2007 gives the right to Israeli forces to detain Palestinian children that are 12 or more years old for up to six months if they have “reasonable grounds to presume that the security of the area or public security require the detention.”

In addition to being arbitrarily arrested, many children are victims of violence. Since March 2018, 44 Palestinian children have been killed in Gaza, and 7000 have been injured during the demonstrations.

We are extremely concerned by the excessive use of force against children, often followed by a lack of access to health facilities and medication, leading to aggravated injuries and traumas.

Geneva International Centre for Justice calls on:

- The Human Rights Council and the Committee on the Right of the Child to ensure that Israel respects the minimal age of criminal responsibility, uses detention of children as a measure of last resort, and stops transferring child prisoners from the OPT to Israel
- The international community to continue pressuring Israel into respecting UN resolutions and its international obligations, including the Convention on the Rights of the Child
- The Special Representative of the Secretary General to add Israel to the “list of shame” from the Annual Report of the Secretary-General on Children and Armed Conflict.

Recent developments in Palestine and the Occupied Palestinian Territories

Recent developments in the OPT demonstrate the continuation of far too many human rights violations. One prevalent issue is the demolition of homes and forced evictions that take place all over the OPT. Some demolitions are justified by Israel because of the proximity of the houses to the Israeli-built separation barrier and the threat to security they supposedly represent. By demolishing houses and evicting Palestinians, Israel creates room to further expand its settlements, which are condemned under international law. These actions lead to forced displacement of the Palestinian population which, when done systematically, amount to crimes against humanity.



REUTERS/Mohamad Toroman

GICJ remains concerned about the fact that companies working in the illegal settlements located in the OPT provide services only to the settlements and further infringe upon the rights of the Palestinian

people. Other issues include the high number of abductions, torture cases and killings of Palestinians, as well as the widespread violations of children's rights as articulated in, *inter alia*, the Convention Against Torture and Convention on the Rights of the Child.

Geneva International Centre for Justice called on the international community and the OHCHR to:

- Support the implementation and respect of international and humanitarian law by all States, including by acting to prevent the further expansion of Israeli settlements; and to create policies discouraging business from undertaking activities in the Occupied Palestinian Territories
- Ensure that Israel halts demolitions of Palestinian facilities, stops expanding its settlements, restores Palestinians' right to their lands and respects the rights of all, especially children
- Publish the list of companies whose work supports Israel's illegal settlements in the OPT and call on the international community to boycott such companies
- Advocate for the respect of its resolutions regarding Palestine, in particular resolutions 181 (II)/1947, 242 (1967) and 1397 (2002).

Appendix – Council Resolutions

Arbitrary Detention

HRC Resolution 42/22: Arbitrary detention

- Adopted as submitted without a vote on 26 September 2019
- Draft resolution submitted by France

Summary of the Resolution

- Renews the mandate of the Working Group (WG) for a period of three years.
- Encourages States to consider the views of the WG and take the appropriate measures to remedy the victims of arbitrary detention.
- Reminds States that anyone who is detained has the right to a fair trial in due time, to be released if the detention is not substantiated, to have appropriate time to prepare his/her defense and to have access to adequate conditions in pretrial detention.
- Emphasizes that people subject to arbitrary detention are more likely to be victims of extrajudicial killings, torture and any other cruel, inhuman or degrading treatment.
- Urges States to give WG appeals a prompt answer.
- Calls upon States to take all the preventive measures to counter reprisals against any person who is a subject of a WG communication.
- Requested the WG to prepare a study on arbitrary detention related to drug policies so that drug-related crimes are also subject to the prohibition of arbitrary detention.
- 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

France introduced the resolution and expressed its support of the current WG. It emphasized the importance of the resolution showing the Council's support, which allows the WG to answer the growing number of cases of arbitrary detention in the world.



Source: Syrian Network for Human Rights

Support of the Resolution

Chile, Mexico and Denmark (on behalf of the **European Union**) all expressed support for the resolution and praised the activities of the WG. Chile stressed the importance of the resolution providing the WG with the necessary resources to do its work efficiently. Denmark outlined the importance of WG field missions in providing assistance to States in preventing arbitrary detention. Mexico found the proposed thematic study on arbitrary detention related to drug crimes relevant to its own issues but stressed that it should not be the States deciding on the focus of the WG's work. **Philippines** also supported the renewal of the mandate but drew the Council's attention to attempts to use the Special Procedures for political purposes. **China** expressed its commitment in the struggle against arbitrary detention and said it would join in the consensus adoption of the resolution. However, it believed the thematic study about drug related arbitrary detention is outside the Council's mandate and might undermine efforts of the international community to combat drug-related crimes.

Human Rights Education

HRC Resolution 42/7: World Programme for Human Rights Education: adoption of the plan of action for the fourth phase

- Adopted without a vote on 26 September 2019
- Draft resolution submitted by Brazil, Costa Rica, Italy, Morocco, Philippines, Senegal, Slovenia, and Thailand

Summary of the Resolution

- Adopts the plan of action for the fourth phase (2020–2024) of the World Programme for Human Rights Education.

- Encourages States and relevant stakeholders to strengthen efforts to implement previous phases and calls upon them to develop initiatives in accordance with the World Programme.
- Further encourages NHRIs to assist in implementing human rights education programmes.
- Requests all relevant UN agencies to disseminate the plan of action among all stakeholders.
- Requests the OHCHR to submit a final report on the implementation of the third phase of the World Programme.
- Decides to convene at its forty-eighth session a high-level panel discussion to mark the tenth anniversary of the UN Declaration on Human Rights Education and Training on the theme of “good practices, challenges and the way forward”.

Introduction of the Resolution

Slovenia introduced the resolution and called it a signature resolution from the Human Rights Council. Since 2005, the action plans have focused in three different phases on the integration of human rights education into the primary and secondary school systems, and higher education, and have presented a platform for training all stakeholders including teachers, law enforcement and media professionals. In the fourth phase, the action plan reaches out to youth and calls on States and other relevant stakeholders to develop initiatives in accordance with the world programme.

Support for the Resolution

Tunisia stressed that education about human rights is indispensable to knowing how to call for the respect of one’s rights. Tunisia believed that this resolution is a step forward reinforcing the role of the Human Rights Council in the world programme for human rights education.

Indigenous Peoples

HRC Resolution 42/19: Human rights and indigenous peoples

- Adopted as submitted without a vote on 26 September 2019
- Draft resolution submitted by Guatemala and Mexico

Summary of the Resolution

- Bears in mind the importance of the empowerment and capacity-building of indigenous women and young persons, including their full and effective participation in decision-making processes in matters that affect them directly.
- Calls upon States to achieve the ends of the UN Declaration on the Rights of Indigenous Peoples by adopting measures to pursue its objectives in consultation and cooperation with indigenous peoples, taking into account the use of their languages.

- Encourages States to work with indigenous peoples to strengthen technologies, practices and efforts related to addressing and responding to climate change, and recognizes the sharing of best practices on mitigation and adaptation in a holistic and integrated manner.
- Urges States to ensure that all human rights violations and abuses against indigenous peoples and indigenous human rights defenders, including indigenous women, are investigated and the perpetrators are held accountable, and to take measures to prevent such events.



Source: World Council of Churches

Introduction of the Resolution

Mexico highlighted that the draft resolution brought some new ideas including an expression of concern by the Council about reprisals against indigenous human rights defenders and the UN mandate holders working on the rights of the indigenous peoples. The text calls on States to guarantee that any violation and abuse is prosecuted and those responsible punished. The draft resolution also contemplates the creation of an intersectional round table as part of the mechanism of experts.

Support of the Resolution

Peru noted that the resolution recognizes important aspects of the rights of indigenous peoples, such as to ensure that any violation or abuse against an indigenous defender or UN mandate holder is investigated and those responsible are prosecuted. Peru further supported current efforts to increase participation by indigenous peoples and indigenous institutions during the meetings of the Council.

Comments on the Resolution

The **United Kingdom** noted that it does not recognize the concept of collective human rights in international law and, therefore, did not interpret the operative paragraph 28 as implying collectivity.

HRC Resolution 42/20: Human rights and indigenous peoples: mandate of the Special Rapporteur on the rights of indigenous peoples

- Adopted as submitted without a vote on 26 September 2019
- Draft resolution submitted by Guatemala and Mexico

Summary of the Resolution

- Renews the mandate of the Special Rapporteur (SR) for a period of three years.
- Pays special attention to indigenous women and children's human rights.
- Encourages the SR to participate in forums and dialogues about the consequences of climate change on indigenous peoples.
- Asks UN members States and all actors concerned to fully cooperate with the SR.



Credit: [Joe Brusky/cc](#)

Introduction of the Resolution

Mexico introduced the resolution, briefly summarized it, and urged States to condemn all forms of reprisals against mandate-holders.

Support of the Resolution

Cameroon voiced its support for the resolution and drew the Council and SR's attention on the need to deepen and specify the definition of "indigenous" as it may have different meanings in different regions of the world.

Modern Slavery

HRC Resolution 42/10: Special Rapporteur on contemporary forms of slavery, including its causes and consequences

- Adopted as submitted without a vote on 26 September 2019

- Draft resolution submitted by Australia and United Kingdom

Summary of the Resolution

- Condemning contemporary forms of slavery, while acknowledging that it is a global issue that affects all continents and most countries of the world, and calling upon States to increase action as a matter of urgent priority to end such practices.
- Recognizing that discrimination, social exclusion, gender inequality and poverty lie at the heart of contemporary forms of slavery, and the particular vulnerability of migrant workers.
- Stressing the importance of criminalizing all forms of slavery through national legislation.
- Renews the mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, for a period of three years.
- Calls upon all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all necessary information requested by the mandate holder, and to give serious consideration to responding favorably to the Special Rapporteur's requests to visit their countries.



Source: ILO

Introduction of the Resolution

The **United Kingdom** introduced the draft resolution by saying that its main purpose is to renew the mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, and further emphasized the need to take immediate and effective measures to eradicate forced labor, child labor and all forms of modern slavery, especially in pursuit of sustainable development goal target A.7. The resolution recognizes the United Nations Voluntary Fund on Contemporary Forms of Slavery and its importance for addressing the issues raised by the Special Rapporteur, and acknowledged with deep concern that the global estimate of the number of people subjected to contemporary forms of slavery is 40.3 million, of which 28.7 million are women and girls and one in four are children.

Comments on the Resolution

No comments were made.

Transitional Justice

HRC Resolution 42/17: Human rights and transitional justice

- Adopted as submitted without a vote on 26 September 2019
- Draft resolution submitted by Argentina, Morocco and Switzerland

Summary of the Resolution

- Acknowledges that the fight against impunity can prevent the recurrence of atrocities and recognise the role of the International Criminal Court (ICC).
- Recognises that States have the primary responsibility for the promotion and protection of all human rights, including the responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and that national efforts to sustain peace, are necessary not only during conflict and in post-conflict situations but also long before conflict breaks out, through the prevention of conflict and addressing its root causes.
- Condemns impunity for gross violation and abuses of human rights.
- Urges States to seek sustainable peace, justice, truth and reconciliation, through comprehensive transitional justice strategies, and to address past atrocities, the needs of victims and their right to an effective remedy, and to prevent their recurrence.
- Reaffirms the role of women in prevention, mediation and resolution of conflicts and emphasizes the need to provide gender-sensitive human rights training in the context of transitional justice to all relevant national actors.

Introduction of the Resolution

Switzerland introduced the resolution by recalling that dealing with flagrant violations and abuses of international humanitarian law and human rights and preventing them from reoccurring is a major challenge for societies. Switzerland noted that the resolution asks the High Commissioner to examine the contribution of transitional justice to the durability of peace and the implementation of SDG 16, and to present a report on these issues in March 2021.

Comments on the Resolution

Denmark (on behalf of the **European Union**) outlined that human rights must be at the core of any sustainable transitional justice process and welcomed the reference to the International Criminal Court and the Human Rights Council. **Philippines** outlined how its current legislation demonstrates the State's commitment to accountability for crimes and compensation for victims. It then recognised

the role of civil society in preventing gross human rights violations and urged States to ensure civil society space remain free and dynamic. Philippines, however, objected to the reference to the ICC as it is not a member State of the Court. The **United Kingdom** recalled its commitment to combating impunity for grave violations of international law and human rights law and its full support to truth and reconciliation mechanisms. The UK pointed out that the right to truth is not clearly set out in international law and understood the reference to such a right in the draft as the right to know, which is considered a matter of public policy in the UK and not a human right. Finally, **Peru** welcomed the central nature of the comprehensive strategies of transitional justice and raised the importance of the guaranties of non-repetition of such atrocities. Peru outlined the key role played by truth and reparation commissions in transitional justice as well as in building national support for human rights.

Terrorism and Human Rights

HRC Resolution 42/18: Terrorism and human rights

- Adopted as submitted without a vote on 26 September 2019
- Draft resolution submitted by Egypt and Mexico

Summary of the resolution

- Condemns all terrorist acts, stresses the responsibility of States to protect persons in their territories against such acts, and acknowledges the importance of providing support, assistance and rehabilitation to victims of terrorism and promoting accountability.
- Calls upon all States to ensure that counter-terrorism measures comply with international law, including fundamental freedoms, international refugee law, international humanitarian law, the UDHR, the ICCPR, and are non-discriminatory.
- Recognises the role of religious leaders and institutions, local communities and community leaders, and of women in preventing and countering terrorism and violent extremism conducive to terrorism.
- Urges States to prevent any political, material or financial support from reaching terrorist groups, to deny terrorists safe haven, freedom of operation, movement and recruitment and to refrain from providing support to entities or persons involved in terrorist acts, including support in establishing propaganda platforms advocating hatred.
- Urges States to adopt rehabilitation and reintegration strategies for returning foreign terrorist fighters in line with international law, including international human rights law and international humanitarian law.
- Urges States and the international community and civil society to take measures, as appropriate, to promote peace, justice and human development, ethnic, national and religious

tolerance, and respect for all religions, religious values, beliefs and cultures, and to effectively address the conditions conducive to the spread of terrorism and violent extremism.

Introduction of the resolution

Mexico and **Egypt** introduced the resolution, highlighting the importance of considering victims while dealing with terrorism, including through the access to justice, accountability, reparation and guaranties of non-repetition. They noted the responsibility of the States to avoid safe havens for terrorist groups and to bring to justice the authors of terrorist acts and any persons supporting such acts. They recalled the role of the State in promoting human rights in its territory and ensuring that counter-terrorism measures are applied in compliance with international law. They believed that the Special Rapporteur on Fundamental Freedoms must keep its independence and that laws and policies combatting terrorism should not infringe upon fundamental freedoms. They stressed that the purpose of the resolution is both to avoid human rights violations by States while countering terrorism.

Support of the Resolution

Denmark (on behalf of the **European Union**) recalled that the EU is founded on the values of human dignity, respect of human rights and fundamental freedoms, and the principles of democracy and the rule of law. Denmark stressed the duty of the State to respect the rights of thought and association, of assembly, and equality and non-discrimination in the administration of justice when adopting and applying counter-terrorism and security measures. Denmark recalled the absolute prohibition on torture and ill-treatment and that necessary measures must be taken against arbitrary detention and unlawful deprivation of the right to life. The EU regretted that such elements were not included in the strongest possible terms in the draft. The EU remained concerned about the integrity of the mandate of the Special Rapporteur and believed that modifying the mandate would shift the focus away from the human rights responsibility of States to the actions of non-State actors and lead to a considerable weakening of the much needed review of State behaviour on the counter-terrorism field.

The EU and **Cameroon** outlined that the negative impact of terrorism and of counter-terrorism are two aspects of a single reality that need to be tackled together. **India** welcomed the various ways to tackle terrorism that are provided in the draft. **Tunisia** and India stressed that the only way to tackle terrorism, which threatens the right to life, is a genuine collaboration between States. Tunisia also outlined the importance of victims and the role of women in countering terrorism and extremism at home, and the need to empower them. **Saudi Arabia, Pakistan** and Tunisia recalled that terrorism represents a threat to all human rights and that States need to combat terrorism while respecting human rights. Pakistan also welcomed the focus on victims and called for the condemnation of State terrorism and terrorism of occupying powers. Pakistan further outlined that the legitimate struggle

for the right to self-determination should not be labelled as terrorism. **Iraq** welcomed the inclusion of victims in the resolution on terrorism and outlined its own experience with terrorism. **China** and the **Philippines** joined Iraq and Saudi Arabia in welcoming the extension of the mandate of the Special Rapporteur on Fundamental Freedoms to study the impact of the negative effects of terrorism on human rights and fundamental freedoms. China also evoked a common responsibility to de-radicalise people and raised the importance of the protection of victims. China, however, believed the draft fails to fully reflect the relationship between extremism and terrorism and hoped the co-sponsors would improve this matter in future drafts.

Myanmar

HRC Resolution 42/3: Situation of human rights of Rohingya Muslims and other minorities in Myanmar

- Adopted as submitted: 37 yes, 2 no (7 abstentions) on 26 September 2019
- Draft resolution submitted by Finland, on behalf of the European Union (EU), and Pakistan, on behalf of the Organization of Islamic Cooperation (OIC)
- Vote requested by China



Source: UN News

Summary of the Resolution

- Calls for the immediate cessation of fighting and hostilities and of the targeting of civilians, and the implementation of an inclusive and comprehensive national political dialogue and nationwide reconciliation process while ensuring the full, effective and meaningful participation of all ethnic groups, including Rohingya Muslims and other minorities.
- Calls upon Myanmar to end immediately all violations of international law in Myanmar, to ensure the protection of the human rights of all persons, including of Rohingya Muslims and

other minorities, and to take all measures necessary to provide justice to victims, to ensure full accountability and to end impunity for all violations of human rights.

- Calls upon the Government of Myanmar to make efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, in particular the Rohingya Muslims.
- In line with the agreements on repatriation signed by Bangladesh and Myanmar, calls on Myanmar to take concrete steps towards the creation of a conducive environment for the voluntary safe, dignified and sustainable return of the forcibly displaced Rohingya residing in Bangladesh.

Introduction of the Resolution

Pakistan (on behalf of the **OIC**) introduced the resolution by saying that the text was a united voice of OIC and EU in support of Rohingya Muslims and other minorities, as well as a joint call for urgent action to end all acts of violence and brutal practices targeting all the minorities in Myanmar. The resolution reiterates the call to conduct international, independent and transparent investigations into all human rights violations in Myanmar, including sexual violence and aggression against children, and to hold accountable all those responsible. **Finland** (on behalf of the **European Union**) urged the Government of Myanmar to cooperate with the Special Rapporteur and the Fact-Finding Mission, which would facilitate the search for the truth about the alleged crimes.

Comments of Concerned Country

Myanmar totally rejected the resolution, stating that it was drafted for politically motivated and intrusive aims. In addition, Myanmar mentioned that the content of some of the principal paragraphs are one-sided, with the aim to gain unprecedented scrutiny and international pressure. Myanmar claimed that its domestic accountability mechanisms are enough to address the crimes committed in its territory and stated that the resolution completely disregards Myanmar's sovereignty.

Support of the Resolution

Bangladesh noted that despite repeated attempts, there was no reportable progress in terms of safe, voluntary and dignified repatriation as part of the Bangladesh and Myanmar repatriation and reintegration arrangement. Bangladesh strongly endorsed the current text of the resolution and called on the Myanmar government to ensure full implementation of all the recommendations of the Advisory Commission of Rakhine State to address the root causes. **Mexico** supported the draft resolution, calling all the parties involved to conduct themselves with the greatest responsibility, avoiding politicization and focusing on the search for lasting solutions. The country further called on the Myanmar government to cooperate with the Office of the High Commissioner for Human Rights

and the all mechanisms of the human rights systems. **Egypt** appreciated the joint work of OIC and EU, which allowed the Human Rights Council to speak with one voice expressing solidarity with the victims of human rights violations in Myanmar. However, Egypt expressed reservations about numerous references to an “Independent Mechanism”.

Opposition to the Resolution

China explained that this draft resolution does not respect the views of the concerned country and does not reflect the positive efforts of the government. Moreover, it also contains controversial content concerning the international body of criminal justice and independent mechanism of inquiry and ignores the fact that the report of the FFM exceeded its mandate and used fake information. China believed that adoption of the resolution would likely exacerbate the return process of the Rohingyas. The **Philippines** expressed alarm that the cost of maintaining mandates on Myanmar from 2018 to 2020 was spent on staff and consultant salaries and travel, and none on concrete programs on the ground. The country reiterated its call for the Council to direct the discussions and pursue actions towards constructive and comprehensive cooperation with Myanmar, including to support the government in building and strengthening domestic accountability mechanisms.

Comments on the Resolution

Japan said it would abstain on the resolution and requested the core group to ensure transparency and inclusiveness in the process of drafting the resolution. It noted that the draft refers to the ICOI but at the same time emphasizes the work of the international mechanisms such as the FFM and IIMM.

Syria

HRC Resolution 42/27: The human rights situation in the Syrian Arab Republic

- Adopted as submitted: 27 yes, 6 no (13 abstentions) on 27 September 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

- Condemns attacks on civilians and civilian infrastructures especially in North-western Syria. Condemns the use of barrel bombs, chemical weapons and the transfer of small weapons that fuel the crisis.
- Expresses concerns over the widespread use of arbitrary detentions and mass disappearances especially in areas where the Syrian authorities have retaken control.

- Expresses concern over the high number of deaths and internally displaced people as a result of continuous attacks and airstrikes. Reaffirms the need to establish mechanisms to achieve accountability. Reiterates the need for a political solution and Syrian-led transition.



Source: UNHCR-Global Focus

Introduction of the Resolution

United Kingdom presented the resolution saying it reflects the human rights situation on the ground including in Idlib. The UK stressed that attacks and airstrikes have killed more than 1000 people and displaced 600,000 people since May 2019.

Comments of Concerned Country

Syria condemned the targeting of Syria by the United Kingdom by submitting a non-consensus draft resolution. By repeatedly doing so, the United Kingdom does not serve human rights and undermines the role of the Human Rights Council. Syria considered the draft a blatant interference in Syria's internal affairs and a tool for exerting political pressure. Syria repeated that its government has rejected mechanisms such as the Commission of Inquiry for lack of professionalism and called on Council members to reject the resolution.

Support of the Resolution

Denmark (on behalf of the **European Union**) expressed support for the resolution and reiterated its commitment to ensure accountability for all violations in Syria. The EU and **Qatar** both welcomed the decision of the UN Secretary-General to create an inquiry mechanism under the auspices of the United Nations. Qatar noted that there is some hope in the Constitutional council being set up and asked for a serious commitment to that committee to allow cessation of the conflict in Syria. **Australia** and **Brazil**

urged concerned parties to uphold ceasefires. Brazil also called for an inclusive Syrian political transition. **Mexico** and **Chile** expressed support but would have preferred a more balanced text especially concerning the sell, transfer and accumulation of small arms by third parties that fuel the conflict. Several states reiterated their concern over the use of chemical warfare.

Opposition to the Resolution

Cuba reminded the Council that the role of the international community should be to provide assistance to preserve peace and security and not take actions that lead to death. Cuba and **Iraq** rejected the attribution of civilian deaths to only one party and rejected any attempt to undermine the sovereignty of Syria. Iraq said the international community should refrain from blaming only one party and deplored that the draft resolution makes no mention of the Constitutional committee which it believes to be a solution to the crisis. **Egypt** and Iraq considered the draft politicised, and Egypt called for an end to the crisis in Syria and the suffering of Syrian people. **China** and Cuba both considered the draft resolution to not be conducive to the political solution.

Yemen

HRC Resolution 42/2: The human rights situation in Yemen

- Adopted as submitted: 22 yes, 12 no (11 abstentions) on 26 September 2019
- Draft resolution submitted by Belgium, Canada, Ireland, Luxembourg and the Netherlands
- Vote requested by Saudi Arabia

Summary of the Resolution

- Condemns the ongoing violations of human rights in Yemen including attacks on civilians, denial of humanitarian aid and the use of starvation as a method of warfare.
- Calls on all parties to uphold their international obligations under international human rights and international humanitarian law in particular with regards to attacks on civilians. Urges all parties to implement the Stockholm agreement to engage in an inclusive political process and reach an agreement to end the conflict.
- Requests a renewal of the mandate of the group of eminent experts.

Introduction of the Resolution

The Netherlands introduced the resolution by expressing concern over the grave human rights and humanitarian situation on the ground. They welcomed the implementation of the Stockholm agreement and stressed that all parties must engage in an inclusive political solution to end the conflict. The Netherlands reiterated its support for the UN special envoy's efforts to find a lasting

solution to the conflict and asked that the mandate be renewed for the group of eminent experts (GEE).

Comments of Concerned Country

Yemen expressed its disappointment at the fact that the Resolution is being submitted under Item 4 not 10 of the Agenda. The Arab group has consulted with the core group to reach consensus on an acceptable mechanism to achieve accountability under item 10. Yemen said the report by the GEE made defamatory statements against the Yemeni government and its leadership, which makes the reports politicised and makes it difficult for the Yemeni government to cooperate with the GEE. Yemen will neither accept nor implement this resolution and called for Council members to vote against it.



Source: BBC News

Support of the Resolution

Several countries expressed their concern over the degrading humanitarian situation in Yemen as well as the ongoing fighting and targeting of civilians. **Austria** (on behalf of the core group), **Croatia** and **Mexico** consider the draft balanced and focused on improving the situation of the people of Yemen. Mexico also noted the resolution does not cover the responsibilities of third states that sell or transfer arms to parties of the conflict and said Council should call on all states to stop the transfer of arms. **Austria** and the **United Kingdom** praised the work done by the GEE and said more time is needed for the group's work. The UK regretted that the experts are not receiving universal support and were not allowed access to countries engaged in the conflict. **Croatia** added its disappointment that consensus was not found. **Denmark** supported the resolution and the renewal of the mandate. **Qatar** condemned the climate of impunity that hinders the efforts of the national commission of inquiry to reach justice and send a message to the perpetrators of violations. Unity and integrity should be restored via the national commission. Denmark (on behalf of the **European Union**) condemned the use of starvation

as a method of warfare and expressed commitment to working with the government of Yemen. Both the **Netherlands** and Denmark welcomed the implementation of the Stockholm agreement and **Uruguay** urged all parties to uphold their international obligations.

Opposition to the Resolution

Saudi Arabia and **Bahrain** pointed to their support of the creation of the GEE in 2017 but criticised the group's report as it contained accusations against the Arab Coalition, lies, omissions and legitimatised the Houthi rebels. They said the Houthis refuse to comply with their international obligations and the Coalition proposal was not considered to replace the current GEE mechanism. They believe the resolution encourages escalation of the conflict. **Egypt** regretted that the core group did not take into consideration the position of the country concerned regarding renewal of mandate and the methodology of GEE in the implementation of their mandate. **Eritrea** said it agrees that the group of experts has failed to recognize the information provided to them by the government of Yemen. Eritrea will support the concerned state in its request for technical assistance, but it does not support this resolution.

Comments on the Resolution

Both **Japan** and the UK regretted that there will be two resolutions on Yemen, and **Japan** will abstain from the vote.

HRC Resolution 42/31: Technical assistance and capacity-building for Yemen in the field of human rights

- Adopted as submitted without a vote on 27 September 2019
- Draft resolution submitted by Iraq (on behalf of the Group of Arab States)

Summary of the Resolution

- Expresses deep concern of violations that the Yemenis are exposed to by all fighting parties and urges all parties to reach a comprehensive agreement to end the conflict.
- Highlights the need to deliver humanitarian aid to everyone without any discrimination or politicisation and calls on all parties to uphold their obligations under international humanitarian law.
- Requests the High Commissioner to continue to provide substantive capacity building and technical assistance to the Government of Yemen and technical support to the National Commission of Inquiry to continue to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen.

Introduction of the Resolution

Iraq introduced the resolution by expressing its deep concern over the gross human rights violations in Yemen and attacks on civilians and civilian infrastructure and called on all parties to take the necessary measures to protect civilians. The draft supports the efforts of the special envoy Mr. Griffiths and stresses the need to deliver humanitarian aid to all those in need. It requests that the OHCHR continue to assist the government of Yemen and the national Commission of Inquiry.

Comments of Concerned Country

Yemen highlighted the need for assistance so it can abide by its human rights obligations. It has expressed its readiness to cooperate with the Office of the High Commissioner and the Council to promote and uphold human rights in Yemen as well as investigate all human rights violations. Yemen believes that the national Commission of Inquiry is acting with integrity and hopes it continues to receive technical assistance to perform its due duties.

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