

Geneva International Centre *for* Justice

Independent, non-profit, international non-governmental organisation



GICJ FULL SESSION REPORT



The 49th Session of the Human Rights Council

FEBRUARY 28th - APRIL 1st, 2022

WWW.GICJ.ORG

Table of content

<i>I. Introduction.....</i>	<i>4</i>
<i>II. Opening Session.....</i>	<i>4</i>
<i>III. Opening Statements.....</i>	<i>6</i>
<i>IV. List of Agenda Items.....</i>	<i>8</i>
<i>V. Oral Statements.....</i>	<i>9</i>
<i>VI. Discussion Reports</i>	<i>38</i>
Human Rights Council condemns Russian aggression against Ukraine	38
The Human Rights Situation in Sudan Succeeding the Coup d'état	40
Human Rights Violations and Accountability in Afghanistan.....	42
Discussion on Human Rights Violations in Nicaragua.....	45
Negotiations gives hope to the conflict in Tigray.....	47
Vulnerable Groups Victims of Violence in Honduras	49
Threats against Human Rights defenders in Colombia	51
The Substantive Realization of Cultural life for Vulnerable Groups.....	54
Concerns over sexual exploitation of children remain.....	56
Discussion on Human Rights and the Environment.....	59
Human Rights Defenders Facing Numerous Threats in the Fight Against Corruption	61
Interactive Dialogue on the report of the Special Rapporteur on Torture	64
Special Rapporteur regrets ongoing practices of arbitrary detention, enforced disappearances and torture	66
Alarming increase in Violence against Children.....	69
Unprecedented Challenges for Children in Armed Conflict	71
Ongoing human rights violations in Belarus.....	73
Persisting Impunity and the lack of Accountability in the Islamic Republic of Iran.....	75
The Problem with Judicial Independence and Journalism in Venezuela.....	77
Technical Assistance and Capacity Building in South-Sudan	79
Deteriorating Human Rights Situation in Syria	82
Report on the Human Rights Situation in Myanmar following the Military coup	85
A renewed call for the protection of minorities	88
Global Efforts and Best Practices in Combating Various forms of Intolerance.....	90
Severe Human Rights and International Humanitarian Law Violations in Mali	92
Interactive Dialogue with Fact-Finding Mission in Libya.....	94
Technical Assistance and Capacity Building in Central African Republic	96
Human Rights in the Democratic Republic of Congo	98
Interactive Debate on Human Rights Violations in the OPT	101
<i>VII. Conclusions and Reflections.....</i>	<i>103</i>

I. Introduction

The 49th Regular Session of the Human Rights Council was held at the Palais des Nations in Geneva, Switzerland from 28 February to 1 April 2022. Following the Opening Session, the Council held the High-Level Segment (HLS). More than 120 statements were delivered by leaders from all over the world, including six Heads or Deputy Heads of State, five Heads or Deputy Heads of Government, and 107 Ministers or Vice-Ministers.

On the 3rd and 4th of March 4, the Council held an urgent debate focusing on “the situation of human rights in Ukraine stemming from the Russian aggression”. At the end of the Urgent Debate, the Council adopted a resolution establishing a new Independent International Commission of Inquiry on Ukraine.

In the final week of the Session, the President of the Human Rights Council announced the appointment of the three human rights experts who will sit on the Commission. During the 49th Regular Session, the Human Rights Council held seven panel discussions and one thematic meeting. The Council considered over 30 human rights experts and groups. Around 50 country situations and 40 themes were also addressed. The 5-week session adopted 35 resolutions and 11 new Special Procedures mandate-holders were appointed.

II. Opening Session

During the Opening Session, held on 28 March 2022, the Human Rights Council heard statements from the President of Switzerland, the President of the General Assembly, the United Nations Secretary-General, and the High Commissioner for Human Rights.

The Council also decided to hold an emergency debate on the situation in Ukraine.



On 24 February 2022, Mr **Federico Villegas**, President of the Council, received a letter from Ms Yevheniia Filipenko, Permanent Representative of Ukraine, in which she urged the Human Rights Council to hold an urgent debate on the human rights situation in Ukraine following the Russian invasion. The President said he had consulted the bureau on the matter,

and the bureau felt it was necessary to hold the conference immediately following the conclusion of the High-Level Segment. Mr Villegas wanted to underline that the reorganisation of the work programme must be efficient and constructive and must involve as few changes as possible to the scheduling of the 49th Session.

Ms **Yevheia Filipeko**, stressed that the attack by Russia does not only affect Ukraine, but all Member States, the United Nations and humanitarian organisations. The Permanent Representative of Ukraine underlined that as a result of several threats, Russia invaded Ukraine, harming the population, children and causing displacement. Russia must be held accountable for its actions, and the United Nations must act to put an end to this situation, starting with the approval of the request for an urgent debate.

Mr **Gennady Gatilov**, the Permanent Representative of the Russian Federation, responded to the accusations made by the Ukrainian representative by saying that this proposal has nothing to do with the human rights situation in Ukraine. The Russian representative stressed that for eight years Ukrainian policy has been destroying people's lives, mainly affecting people in the Donbass and bombing hospitals and schools. He stressed that the Human Rights Council had never intervened, and Russia decided to conduct a special operation to stop the atrocities that had long been perpetrated in Ukraine. Mr Gennady Gatilov, emphasised that the Russian Federation was against the Urgent Debate proposed by Ukraine, which is why he called for a vote.

Following the vote, 29 countries were in favour of the Urgent Debate, 5 countries were against, and 13 countries abstained.

Mr Villegas then confirmed the Urgent Debate proposed by Ukraine and stressed the importance of the work of the Human Rights Council, which has continued to work even during the pandemic period.

III. Opening Statements

Mr **Ignazio Cassis**, President of Switzerland, stressed that his country is the host country according to tradition and universal conventions. In particular, Geneva is the emblematic city of peace and humanitarianism. This is why Switzerland condemns the attack by the Russian Federation, which has violated international humanitarian law and should, according to Mr Cassis, withdraw from Ukraine immediately. Switzerland is prepared to receive people in need of help. He emphasised that states must ensure respect for human rights and that humanitarian organisations should provide support to all those in need as a result of this conflict.



Mr **Abdullah Shaheed**, President of the General Assembly, appreciated the efforts that have been made in the field of human rights. He reiterated the importance of the 2030 Agenda as a framework to be used for post-pandemic recovery. Regarding his presidency, Mr Shaheed said he will give priority to the needs of the planet, and in this context, he appreciated the resolutions adopted by the Council regarding the environment, climate change and human rights. Supporting human rights also includes gender equality and tackling racism, and the General Assembly president stressed that these would be other issues he would focus on.

Mr **Antonio Guterres**, Secretary-General of the United Nations, said everywhere human rights are under attack and the United Nations works every day to uphold and promote them.

The Secretary-General stressed the importance of tackling hunger and poverty and creating equal opportunities for women in education and employment. Mr Guterres stated that the Climate



Crisis is also a humanitarian crisis as it leads to food shortages and migration. He also spoke of digital technologies as good tools that everyone should have access to. Finally, regarding the conflict between Russia and Ukraine, the Secretary-General noted that the invasion represents the denial of human rights worldwide. According to him, more effort is needed to preserve the rights of minorities: “Refugees and migrants are a group that needs special protection”, he stated.



Ms **Michelle Bachelet**, UN High Commissioner for Human Rights, closed the session and underlined that at the moment, due to the pandemic, environmental damage, increasing violence and misinformation, all the efforts made over the past twenty years to improve the human rights situation, are in danger. The High Commissioner presented the Human Rights

Council as an opportunity to deal with the emergency in Ukraine, to address the root causes of instability, and invest in injustice and human dignity. Ms Bachelet stressed that the decisions to be taken by the Council will be crucial and must aim at the well-being of all. She stated that the Office of the High Commissioner is prepared to support the directions set by the Secretary-General, who highlighted the importance of adopting a new approach for the global human rights effort.

IV. List of Agenda Items

The permanent agenda items of the human rights council are the following:

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

V. Oral Statements

During the 49th Session of the UN Human Rights Council, Geneva International Centre for Justice (GICJ) delivered 21 oral statements in collaboration with Association Ma'onah for Human Rights and Immigration and the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD).

Item 2: Interactive dialogue on the report of the High Commissioner on human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice

Statement of The International Organization For the Elimination of All Forms of Racial Discrimination

Delivered by Amie Sillito / GICJ



We thank the High Commissioner for her detailed report. It is evident that the Israeli authorities continue to violate fundamental human rights of the Palestinian People alongside a culture of impunity. Despite the preliminary investigations carried out by Israel, findings regarding human rights violations continue to be shielded from public scrutiny and few criminal investigations appear to have been set in motion. As such, EAFORD and Geneva International Centre for Justice urge the international community to employ all efforts to hold Israel accountable for its obligations under international human rights and international humanitarian law in the Occupied Palestinian Territory.

The lack of progress in investigations and prosecutions of alleged violations dating back, in many cases to more than a decade ago, raises the question of whether the Israeli authorities are willing to root out impunity and hold perpetrators for such violations responsible. It is deplorable that Israel continues to silence human rights defenders and civil society organisations. Notably in July 2021 two human rights organisations were declared unlawful associations by the Israeli military commander for the West Bank. Such action directly undermines freedom of association and is a direct attack upon the democratic system.

Thorough, transparent investigations must be conducted into all alleged violations of human rights abuses and Israel must ensure that victims and their families have access to effective remedies and due process.

Thank you.

**Item 2: Interactive Dialogue on the High Commissioner oral update on Tigray
(Ethiopia)**

**Statement with The International Organization for the Elimination of All Forms of
Racial Discrimination**

Delivered by Tiril Andresen / GICJ



Thank you.

We appreciate the oral update from the High Commissioner. Once again, we would like to express our concern about the grave situation in the Tigray region.

Although the overall situation in Northern Ethiopia is now relatively calm, the reported use of heavy weapons and airstrikes in the region has contributed to a dangerous environment for those on the ground.

Since the conflict erupted 16 months ago, all parties have allegedly committed widespread human rights violations, including mass killings, destruction of property and arbitrary arrest.

Ethiopia is currently facing a worsening humanitarian crisis. Although the UN estimates that more than 90 per cent of the population is in urgent need of humanitarian aid, those providing such assistance have been denied access to the Tigray region since mid-December.

EAFORD and Geneva International Centre for Justice are deeply concerned as the level of forced displacement in the region continues to rise, and at least 2 million people have been forced to leave their homes.

We are also deeply concerned about the scale of gender-based violence and sexual abuse, with 90 per cent of the victims reported being minors. We call on the Ethiopian government to immediately punish those responsible for such unlawful acts.

Finally, we must emphasise the importance of immediate access to humanitarian assistance.

The victims and survivors of the conflict are still waiting for justice. Therefore, we call for further investigations to hold all those responsible for war crimes and crimes against humanity accountable.

Thank you.

**Item 3: Interactive Dialogue with Special Rapporteur on torture and other cruel,
inhuman or degrading, treatment or punishment**

Statement of Meezaan Center for Human Rights

Delivered by Yasmine Darwish / GICJ



Thank you, President,

We thank the Special Rapporteur for his report and emphasise the need for a visit to Iraq, a visit that has been requested since 2007 but has received no positive response from the Iraqi authorities.

Despite hosting massive and systematic human rights violations, Iraq has been overlooked in the 19 years since the illegal US-led invasion in 2003. Since then, Iraq suffers from one of the highest rates of torture in the world where both government forces and militias are to blame.

The Iraqi criminal justice system relies heavily on confessions, which is a key factor that encourages torture. For fear of repercussions, detainees who witnessed torture don't testify against officials, making perpetrators almost untouchable. While torture is a well-known practice in all detention centres, it is an "unspoken crime" that occurs behind closed doors.

Despite, the universal nature of the prohibition of torture, Iraqi authorities justify abusive detention and interrogation practices under the pretext of fighting terrorism. Yet, credible reports confirm that most of those tortured are innocent civilians.

Torture can occur anywhere. How a government responds determines whether it's an abuse or a state policy. So far, Iraq has avoided effective investigation leaving proven victims without redress or rehabilitation.

That's why Meezaan, EAFORD and Geneva International Centre for Justice ask you to urge the Iraqi authorities to do everything possible to schedule this visit. Mr Special Rapporteur, what obstacles need to be overcome to make this happen?

Without accountability, all crimes committed against Iraqi civilians remain statistics.

Thank you

**Item 4: Human rights situations that require the Council's attention Interactive
Dialogue with the Commission on Human Rights in South Sudan**

Statement by Meezaan Center for Human Rights

Delivered by Jamel Nampijja / GICJ



Thank you Mr. President,

We thank the Special Rapporteur for his report, and we welcome all efforts made to remedy the plight of people in South Sudan.

In 2021, intercommunal violence and community-based militias accounted for more than 80% of civilian victims in South Sudan. The conflict between government forces, community militias

and the Sudan People's Liberation Army caused the displacement of approximately 80,000 civilians in the western Equatorial region of Tambura.

Central Equatorial also suffered with hundreds of cases of arbitrary killings, arrests, detentions, torture, conscription, and sexual violence against women and girls. Yet, only a few of these cases have been tried in courts; and impunity remains eminent.

Although on the 30th of January 2021, the government of South Sudan approved the establishment of the Hybrid Court for reconciliation, transitional justice and accountability for the alleged war crimes - as required by the 2018 peace agreement with the African Union. Still, no concrete steps have been taken by the government to operationalize the Hybrid court.

Meezaan and Geneva International Centre for Justice remain deeply concerned with the intercommunal tensions and violations by armed groups and security forces that continues to threaten peace and stability in South Sudan. We urge the parties involved in the peace treaty to take all necessary measures to establish the Hybrid court to finally achieve justice for all victims of grave human rights violations.

**Item 4: Human rights situations that require the Council's attention Interactive
Dialogue with the Commission on Human Rights in South Sudan**

**Statement by International Organisation for the Elimination of All Forms of Racial
Discrimination**

Delivered by Patricia Jjuuko / GICJ



Thank you, President.

We acknowledge the recent developments in South Sudan including the deployment of mobile courts to prosecute and try perpetrators in areas affected by violence and those in which the formal justice structure is not fully operational. However, we remain concerned about the alarming incidences of intercommunal violence, the most recent one being the attack reported by armed youth from the Murle community carried out in two villages in Baidit, in which 32 people from the Dinka Bor community were killed.

In this regard, we would like to ask the Commission on human rights in South Sudan: what is being done to ensure that the mobile courts operate effectively to deliver justice in a timely manner?

EAFORD and Geneva International Centre for Justice call on the Government of South Sudan, which has the primary responsibility of protecting its civilians, to carry out timely investigations and that the perpetrators be held accountable.

We are also deeply concerned about the humanitarian situation caused by climate change. Flooding in the last quarter of 2021 affected and displaced more than 835,000 people, impacting livelihoods, food production, drinking water supply and the loss of access to basic human rights such as health and education facilities. We cannot stress enough the urgency for the international community to cooperate and find feasible solutions to these predicaments.

Thank you.

Item 4: General debate on human rights situations that require the Council's attention

Statement of Meezaan Center for Human Rights

By Isabelle Despicht / GICJ



Thank you, President.

Today, 19 years have passed since the invasion and occupation of Iraq in 2003. People are still subject to countless human rights violations including torture, extrajudicial executions, human trafficking, arbitrary arrests and other grave crimes, not to mention 1 million enforced disappearances and the dehumanization of the Iraqi people in the media.

Still, the Iraqi people live in complete agony: lacking basic services, security, education, healthcare, they live in a country characterized by corruption, failure of the rule of law, and flagrant impunity.

As noted by the Nuremberg Tribunal: "The initiation of a war of aggression is not only an international crime; it is the supreme international crime". Yet, this supreme crime has not been recognized by the International Community, despite Kofi Annan himself, affirming that the intervention went against principles of the UN Charter.

Today, Iraq is a failed state, on the brink of catastrophe, needing immediate support from the international community.

Mr President, Meezaan and Geneva International Centre for Justice find no words to describe the suffering of the Iraqi people. We urgently call for the creation of an independent international tribunal to investigate and prosecute the leaders responsible for the war against Iraq, as well as for the crimes committed during the occupation, which include war crimes and crimes against humanity.

Thank you.

Item 4: General Debate on human rights situations that require the Council's attention

Statement with Association Ma'onah for Human Rights and Immigration and Geneva International Centre for Justice

By Conall Corrigan / GICJ



Thank you, Mr. President,

We would like to draw attention to the human rights violations committed by Iranian-backed militia groups across the Middle East.

In Yemen, Iranian weapons have been supplied to incredibly dangerous actors, including Houthi militia, resulting in mass fatalities and casualties. In 2021 alone, 190 cases of forced disappearances were documented including 28 children.

Militias use various methods to repress the Yemeni people including murder, arbitrary detention and torture.

The gender-based nature of attacks against women in Yemen is particularly concerning. Militias use techniques specifically aimed at women to ensure their repression, including the

use of sexual assault and rape. Human Rights Defenders face repression for their work on women's rights issues exposing them to additional layers of vulnerability and reinforcing the dangers they face in advocating for equality.

The actions of militias in Yemen have exacerbated the already precarious living conditions in the region resulting in one of the world's worst humanitarian crises.

Ma'onah and Geneva International Centre for Justice are deeply concerned about the ongoing human rights abuses committed by militias in Yemen and call on the international community to condemn their actions and provide support and justice for civilians.

Steps must be taken to prevent this group from continuing its grave violations. This should involve the intervention of the international community and firmer condemnation of the actors involved in the war to ensure accountability and a peaceful outcome. The UN must urgently add this militia to the terrorist list.

Thank you.

item 4: General Debate on human rights situations that require the Council's attention

Statement with International Organization for the Elimination of All Forms of Racial Discrimination

Delivered by Mutua K. Kobia / GICJ



Mr president,

Over the past weeks, we have all been troubled by the unlawful Russian intervention in Ukraine and the countless lives lost. In this conflict, as in others, innocent civilians are paying the heavy price of war.

The war should stop immediately, and the conflict resolved through diplomatic negotiations. Multiple condemnations by various parties and UN bodies have stated that the conflict is a clear breach of international law. However, even as we call attention to the plight of Ukraine, we wish to underscore a seeming double standard by the international community: We condemn Russia for invading Ukraine but kept silent towards the United States in its unlawful invasion of Iraq.

19 years after the invasion and occupation of Iraq, in March 2003, Iraq has only suffered. The US invasion, which violated the UN Charter, left the country in chaos, under the hegemony of the militias, and the attacks of terrorist.

Therefore, EAFORD, International Lawyers and Geneva International Centre for Justice, call on all states to immediately comply with the universal human rights values, by condemning the invasion and occupation of Iraq, as we did with Ukraine, and by establishing a fund to compensate victims of war, torture, enforced disappearances, and other grave violations in both countries.

We must support the right of both the Ukrainian and Iraqi people to their own self-determination, including through free and fair elections, without outside interference.

Thank you.

Item Interactive dialogue with Special Rapporteur on Myanmar

Statement with Meezaan Center for Human Rights

Delivered by Lian Martínez Moya / GICJ



Thank you, President,

We welcome the updates provided by the Special Rapporteur and thank him for his engagement on the protection of human rights in Myanmar. One year after the coup in February 2021, the escalation of the conflict has endured a grave deterioration of human rights.

Since their seizure of power, the Tatmadaw has been routinely committing extrajudicial killings, sexual and gender-based violence, mass arbitrary arrests, torture and other atrocities with total impunity. Most recently, the airstrikes and the use of heavy weapons by the military against civilians have caused the displacement of thousands of people who are now urgently in need of humanitarian assistance.

We must not forget that the same military that perpetrated genocide against the Rohingya in 2017 and serious violations against ethnic communities is now committing crimes against humanity and war crimes across the country. Thus, hundreds of thousands of people have fled to the neighbouring country of Bangladesh and relocated in refugee camps, facing precarious conditions worsened by the pandemic, with fires, floods and security issues. Despite these flagrant abuses, the people of Myanmar have shown resilience and a strong

will to restore democracy. For this, the international community's support is crucial to hold the junta accountable.

Meezaan and Geneva International Centre for Justice call for full accountability for the violations that have been and continue to be committed in the country. Mr. Special Rapporteur, what can you do to help bring justice and finally end impunity for the genocide carried out by the Myanmar military?

Thank you.

Item 6: Universal Periodic Review Outcomes – Ireland

Statement with Meezaan Center for Human Rights

Delivered by Isabelle Despicht / GICJ



Thank you, President.

We welcome the report of the Working group, and we thank Ireland for participating in the Universal Periodic Review. While we commend all measures taken to respect international human rights standards in the country, we would like to address the issue of human trafficking.

Today, still, many countries are affected by modern slavery and Ireland is no exception. Victims include women, young girls and children as well as migrant workers, who are trafficked to be exploited in numerous ways.

The decreasing victim identification, as well as the low prosecution and convictions rates in trafficking cases, foster a climate of impunity, which should not be maintained.

This is particularly worrying, as the results of an independent study suggested that from 2014 to 2019 victims' identification statistics were 38% higher than the cases officially reported by the authorities. This is why investing in critical infrastructure helping with the identification of victims of human trafficking is so important.

While we welcome the recommendation to develop and implement a national action plan to prevent and combat all forms of modern slavery, we call Ireland to assist victims of human trafficking without discrimination based on their immigration status.

Lastly, Meezaan Centre and Geneva International Centre for Justice strongly encourage Ireland to make progress in the development and implementation of programmes to prevent and combat Human Trafficking. This should also include the ratification of other important human rights instruments which are inherently linked to human trafficking.

These include

1. The International Convention for the Protection of All Persons from Enforced Disappearances,
2. The Optional Protocol to the CRC on the sale of children, child prostitution and child pornography and
3. The Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Thank you.

Item 6: Universal Periodic Review Outcomes - Ireland

Statement with Ma'onah for Human Rights and Immigration and Geneva International Centre for Justice

Delivered by Sanzhar Aitkulov / GICJ



Thank you, President.

We thank the Republic of Ireland for its participation in the Universal Periodic Review and welcome the implementation of the recommendations as well as further promotion and protection of fundamental human rights and freedoms.

We are concerned that more than 90,000 children were living in consistent poverty, including children in one-parent families, Roma and migrant children. We also concerned that the Mother and Baby Homes Commission of Investigation made no recommendations regarding mixed race children. The Commission had reported that mixed race children suffered from racial discrimination and had been targeted for illegal vaccine trials. We worried about educational disadvantage, especially among children who were homeless, with disabilities, seeking asylum, and in one-parent families. We recommend Republic of Ireland work towards eliminating child poverty and racial discrimination. We encourage Ireland address root causes of educational disadvantage and support access, attendance, and attainment of children's education.

We welcome The Youth Justice Strategy 2021-2027 which includes consideration of the full range of issues connected to children and young people who are under threat of committing a crime. Measures include family support and diversion from crime. We noted good practices to support students from specific groups, including sensory pods for autistic children, and services for people in the asylum system.

Ma'onah and Geneva International Centre for Justice strongly encourage to sign the Declaration on Children, Youth and Climate Action, and take additional steps to promote and protect the rights of homeless children and those with special needs. We hope that the sexual abuse, trafficking, and discrimination of children will be eliminated in the republic of Ireland.

Thank you.

Item 6: Universal Periodic Review Outcomes – Ireland

Statement with International Organisation for the Elimination of All Forms of Racial Discrimination

Delivered by Tiril Andresen / GICJ



Thank you, vice-president.

EAford and Geneva International Centre for Justice, commend Ireland for the positive measures taken to strengthen the protection of refugees, asylum seekers and migrant workers. We welcome the scheme for long-term undocumented migrants, allowing them to

obtain residence in Ireland. We also support the government's plan to end the Direct provision centres by 2024.

However, we remain concerned about the increase in attacks, discrimination and harassment, against migrants and ethnic minorities. Despite similar commitments in previous Universal Periodic Reviews, Ireland still lacks effective legislation against discrimination.

The Irish immigration system also lacks a statutory right, for migrant victims of domestic violence, to retain their immigration status. The Victims of Domestic Violence Immigration Guidelines gives migrant victims, whose status depends on their partner, the right to apply for permission, to stay in Ireland on their own behalf. We are concerned, as the Guidelines do not cover undocumented migrants, as these women are the most vulnerable victims of domestic violence.

Therefore, we strongly urge Ireland to adopt legislation that provides all victims of domestic violence with an independent status, and we also call for the full implementation of Article 59 of the Istanbul Convention.

Lastly, we stress the importance of ensuring that the protection of refugees and migrants is in line with international standards.

Hereby, we call on Ireland to incorporate the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as full incorporation of the 1951 Convention relating to the Status of Refugees.

We also urge Ireland to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Thank you.

Item 6: Universal Periodic Review Outcomes - Hungary

Statement with Meezaan Center for Human Rights

Delivered by Yasmine Darwish / GICJ



Thank you, President,

We commend the report of the Working Group and thank Hungary for participating in the Universal Periodic Review. Nevertheless, we would like to address the issue of migration, one of the most serious challenges Hungary is currently facing.

While we welcome all the measures taken by the asylum authority to develop and improve the reception conditions for asylum seekers, we remain concerned about Hungary's procedure in response to the COVID-19 pandemic, which has deprived asylum seekers of the right to access fair and efficient asylum procedures and has exposed them to the risk of direct or indirect refoulement.

Furthermore, in 2018, Hungary's government introduced legislation, known as the "Stop Soros" laws, that would make it a criminal offense for individuals or organizations to help migrants and refugees apply for asylum. This came after the creation of a razor wire barrier on its border with Serbia and Croatia in 2015 where over 1 million people, most fleeing conflict in Syria, entered the EU. This legislation infringed EU law, and Hungary has failed to fulfill its EU obligations.

Finally, Meezaan and Geneva International Centre for Justice are deeply concerned by the introduction of a 25% tax imposed on financial support for any activity supporting or promoting immigration to Hungary. In early 2018, the Ministry withdrew all tenders under the Fund. Several NGOs that had previously received funding for projects providing humanitarian or integration support to migrants, asylum seekers, and refugees no longer receive any funds.

Therefore, we call on the Hungarian government to ratify the Global Compact on Migration and review national legislation on migration and refugees to ensure that it is consistent with international law norms.

Thank you.

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

Statement with Meezaan Center for Human Rights

Delivered by Jamel Nampijja / GICJ



Thank you, President,

20 Years after the DDPA was adopted, racism and various forms of discrimination still persist. In some instances, it has increased and evolved into new spheres.

New and emerging digital technologies such as Artificial Intelligence (AI) can support accelerating the advancement of social, economic, and technological development for the whole world. On the other hand, Artificial Intelligence also holds the potential to worsen discriminatory practices, reinforcing historic systems of racism and inequality that predate AI. Through algorithms, prejudice is every so often inscribed into AI predictions and outcomes which is often discriminatory of black and brown people. After all, AI is built by humans and deployed in systems and institutions that are rooted in discrimination.

In 2019, a national study in the United States found that over 100 facial recognition algorithms did not work proficiently on certain ethnicities. Black men were the most mistakenly identified. In February 2019, An African man in Woodbridge, New Jersey was accused and arrested for theft and attempting to attack a police officer, he was jailed for 10 days and had to pay \$5,000 in fees to defend himself for crimes he didn't commit because of a wrong facial recognition match. This is just one of many examples of the incapacity of Artificial Intelligence.

Meezaan and Geneva International Center for Justice underscore the significance of guaranteeing and respecting human rights and humanitarian law within digital technologies by applying all relevant human rights instruments as mentioned in the DDPA (paragraph 145) to tackle racial discrimination and disparities experienced by marginalized ethnicities because of AI algorithms.

Thank you.

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

Statement with International Organization for the Elimination of All Forms of Racial Discrimination

Delivered by Mutua K. Kobia / GICJ



Thank you President,

It is a deep shame that racism remains widespread and, in many instances, even blatant despite 75 years of UN anti-racism efforts. At the same time, we are deeply disappointed by the lack of urgency to eliminate such an environment that breeds further hatred, division, and spreads the evils of racism and racial discrimination. It is also disturbing to learn that there have been efforts to actually boycott the DDPA.

While there are successes, they are not enough. Clearly efforts and real commitment to rid the evil of racism are lacking – as many victims remain invisible so do oppressors who enjoy impunity. We note that some of the reasons that contribute to this state is a lack of or weak political will and opposition to achieve equality.

Education is key to preventing the rise and spread of racism and racial discrimination. We recall that one of the most important measures for protection is education and as rightly mentioned in the DDPA. Implementation of formal and informal education measures towards eradicating racism by governments and UN bodies is obviously not up to par. Proper education

should promote diversity and prevent racial discrimination however, as seen in many instances today systemic racism prevents this.

To this end we urge states to re-commit themselves to the elimination of all forms of racial discrimination and adopt effective measures particularly in formal and informal education. We once again call on all states to publish the Programme of Activities for the International Decade and effectively disseminate publications in all official UN languages.

Thank you

Item 10: Interactive Dialogue with Fact-Finding Mission Libya

Statement with Meezaan Center for Human Rights

By Isabelle Despicht / GICJ



Thank you, President,

We welcome the report of the Fact-Finding Mission, and all efforts made to investigate gross human rights violations in Libya. However, we remain deeply concerned about the humanitarian crisis in the country.

For decades now, people's rights continue to be systematically violated despite a consolidated body of international law.

Children are particularly vulnerable. They are recruited to actively participate in combat, killed in hostilities and their schools are being destroyed.

Their recruitment and use in combat effectively violate the African Charter on the Rights and Welfare of the Child as well as the Convention on the Rights of the Child.

Besides being recruited, children are also held in detention, together with adults, only increasing their risk of being exposed to sexual violence.

We have to emphasise: the list of findings is non-exhaustive:

Not only children suffer from Enforced Disappearance, Gender-based violence and other grave breaches of their rights. In this context, we need to assume that the situation on the ground, is much worse, than what findings have suggested so far.

Therefore, Meezaan Centre and Geneva International Centre for Justice call on the Council to extend the Mandate of the Fact-Finding Mission, so that investigations into these, and other grave human rights violations can continue. We further call for the creation of an independent international tribunal for international crimes and human rights violations committed in the country. We believe that the situation cannot improve without holding all perpetrators accountable.

Thank you.

Item 2: Interactive dialogue on High Commissioner report on technical assistance and capacity-building for South Sudan - Interactive Dialogue

Statement with The International Organization For the Elimination of All Forms of Racial Discrimination

Delivered by Natalia Venegas / GICJ



Thank you, President.

We thank the High Commissioner for her detailed report. Since the signing of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan, the human rights situation has improved, yet remains a situation of concern.

The lack of political will by the government, to implement the agreement is evident through its direct attack on the right to freedom of expression by ordering the freezing of bank accounts of members of civil action groups. The government has also failed to implement a hybrid court to address the high level of impunity. One of the biggest issues in the country concerns women and girls who are disproportionately affected and particularly vulnerable in situations of armed conflicts. Sexual violence continues to be used as a weapon to control women and harm them in the conflict. Although many perpetrators have been held accountable for these crimes, there is still much more work to be done. That is why the inclusion and participation of women are vital in building the country's social fabric in light of their historical discrimination and exclusion in the decision-making processes.

EAFORD and Geneva International Centre for Justice encourage the recommendations provided by the High Commissioner in prosecuting perpetrators of sexual and gender-based crimes and ensure that the survivors receive adequate reparations to compensate for their

ordeals. The participation of women in civic engagement is imperative including constitution-making, transitional justice processes and governance.

Thank you!

Item 10: Enhanced Interactive Dialogue on Oral Updates on Democratic Republic of the Congo with the High Commission and the Expert team on Kasai

Statement with International Organization for the Elimination of All Forms of Racial Discrimination

Delivered by Patricia Jjuuko / GICJ



Thank you, President.

We acknowledge the positive developments that have occurred in the Democratic Republic of Congo, particularly in the Government's commitment to put in place a national transitional justice framework including the establishment of a provincial truth, justice, and reconciliation system in Kasai.

We are concerned however about the continued, numerous armed groups causing violence in Kasai and other regions of the Eastern Congo. This has culminated in the internal displacement of 5.5 million people and has seen 930,000 people seek refuge in at least 20 countries since November of 2021.

EAFORD and the Geneva International Centre for Justice recognize that several thousand fighters from various armed groups surrendered throughout the year, but we are disturbed by the many who have returned to armed groups as the authorities failed to take them through an effective Disarmament, Demobilisation, and Reintegration program.

In this matter therefore, we would like to ask: how is the Disarmament, Demobilisation and Reintegration program being strengthened to avoid the failures of the past similar programs and to make certain that peace and security are established in the region?

Thank you.

Item 10: High level Interactive Discussion on the human rights situation in the Central African Republic

Statement with Meezan Centre for Human Rights

Delivered by Lola Stirling / GICJ



Thank you President.

We welcome the news of UN Independent Expert Yao Agbetse's visit to the Central African Republic and hope that findings from the visit will be used to take necessary steps to ensure long lasting peace in the country. We commend the news that the long-awaited local elections

will be held in September. These elections must remain peaceful, transparent and inclusive, free from disinformation and manipulation.

Despite the unilateral ceasefire announced by President Touadéra last October, we would like to express our concerns regarding the continuing human rights abuses committed against civilians. Effective measures must be taken to stop these violations. Furthermore, the remaining landmines pose an additional threat to the population and there must be support from all sides regarding demining efforts.

Additionally, we would like to highlight the disproportionate impact of conflict on women and girls. At the moment, women and children make up over half of the world's conflict related refugee population, they are exposed to staggering rates of sexual violence and abuse. The Central African Republic has one of the highest rates of child marriage in the world, using girls as a weapon of violence and limiting their futures. Impunity in the Central African Republic remains high, and the scope of sexual violence violations is likely much worse than we know.

Meezaan and Geneva International centre for justice call for perpetrators of violence and violations to be held to account. We urge all parties to respect the ceasefire and utilise mechanisms to provide a peaceful and prosperous future for all the citizens of the Central African Republic.

Thank you.

Item 10: Interactive Dialogue with the Independent Expert on the situation of human rights in the Central African Republic

Statement with International Organization for the Elimination of All Forms of Racial Discrimination

Delivered by Aimara Pujadas / GICJ



Thank you, President,

We welcome the report submitted by the Independent Expert on the situation of human rights in the Central African Republic and we join the voices claiming for further actions to ensure a durable peace process.

The acts of violence perpetrated in the aftermath of the December 2020 elections, have demonstrated that the efforts must continue, and more importantly, demand for more comprehensive strategies.

The recent apparent calm during the partial and second round of legislative elections concluded on 14 March, show that we may be on the good path. However, the implementation of a transitional justice strategy that goes beyond truth-seeking and criminal justice is indispensable. Central African Republic's people demand a process that includes reparations and measures to halt hostilities and prevent further recurrence of violations. Additionally, the victim's rights and dignity must be upheld. Without these two lines of work, there are no guarantees of achieving authentic national reconciliation in the country.

As highlighted by the independent expert in the report, the situation remains tense in the country. The society that has suffered massive violations including killings, sexual violence, torture and ill-treatment, death threats against voters, abductions, violations of freedom of movement, and is still subject to violence.

EAFORD and Geneva International Centre for Justice urge the Council and international partners to cooperate in order to ensure that perpetrators of all sides involved in the conflict are held accountable and to guarantee that there is no degradation of the security, human rights and humanitarian situation in the country.

We also call on all parties to refrain from violence and work together to make peace the sole objective of their agendas.

I thank you.

VI. Discussion Reports

Human Rights Council condemns Russian aggression against Ukraine



By Sanzhar Aitkulov / GICJ

Executive Summary

On 3-4 March 2022, the Human Rights Council held an urgent debate on the ongoing situation in Ukraine. The meeting was held in response to a formal request submitted by Ukraine on the 25th of February regarding Russia's invasion of its borders and the subsequent human rights abuses perpetrated by the Russian military. Ms Michelle Bachelet, the United Nations High Commissioner for Human Rights (UNCHR), opened the urgent debate by expressing her concern over the impact the Russian aggression will have on the human rights of those still in Ukraine. The High Commissioner discussed the growing number of civilian casualties and deaths as a result of the conflict but emphasised that the real figure is likely much higher. Moreover, it is believed that 1 million people are internally displaced while over 1 million have fled to safety in bordering countries. The delegates from France, the Netherlands, the UK, the US, and numerous other countries conveyed their support and solidarity towards Ukraine. The speaker from Russia defended the actions of his country and appropriated blame towards Western countries for escalating the severity of the conflict. Meanwhile, the Ukrainian delegate called for all measures to stop the military invasion and accused the Russian Federation of violating the Ukrainian people's most fundamental human rights. Several human rights institutions and NGOs reaffirmed their support for Ukraine and expressed concern for civilians

on the ground. The urgent debate resulted in the adoption of Resolution 49/1 on the situation of human rights in Ukraine stemming from Russian aggression which expressed concern for the humanitarian and human rights crisis in Ukraine and condemned Russia's military actions in the region. The resolution was adopted with 32 votes in favour, 2 against, and 13 abstentions.

The High Commissioner stated that the Russian military attack opened a new and dangerous chapter in world history and has had a massive impact on the human rights of millions of people throughout Ukraine. She discussed the large-scale damage caused by Russian bombing. Cities such as Cherkasov, Kharkiv, Herson, have been under intense military fire and have endured high numbers of casualties. Permanent Representative of the Russian Federation to the United Nations Office at Geneva, Gennady Gatilov, accused Ukraine of decimating the Russian-speaking part of the country and compared their governance to that of Nazi Germany. Mr Gatilov lambasted western countries and the OHCHR for its decision to denounce Russia's actions and criticised the EU for exporting military weapons to Ukraine. Emine Dzhaparova, First Deputy Minister of Foreign Affairs of Ukraine, disclosed that after sending the request for the urgent debate, she was forced to take cover in her basement due to sirens warning of a potential attack in her area. She highlighted to the Council that civilians in Kyiv have been forced to endure unsafe and volatile conditions since hostilities began. The main issue on the agenda was the adoption of the Resolution on the Situation of Human Rights stemming from Russian aggression. The delegation of Ukraine presented the Resolution for the consideration of the Human Rights Council. The Ukrainian delegation emphasised that the aim of the Resolution is for the Council to exercise its primary mandate and to put an end to the Human Rights crisis in Ukraine caused by unjustified and unprovoked military aggression by the Russian Federation.

Geneva International Centre for Justice (GICJ) condemns all violations of international law and international humanitarian law. GICJ supports all efforts by civil society to put an end to all violations of Human Rights. GICJ calls on Russia to cease its military aggression in Ukraine and move towards peaceful negotiations. We further urge the international community to take all possible measures to end the war, protect the people in Ukraine and prevent further human suffering. GICJ supports measures taken by the Human Rights Council to hold Russia accountable for its actions in Ukraine, including the adoption of Resolution 49/1 which condemns Russia's violations of international humanitarian law and establishes an independent international commission of inquiry to investigate human rights abuses committed in the context of Russia's aggression towards Ukraine.

The Human Rights Situation in Sudan Succeeding the Coup d'état



By Amie Sillito / GICJ

Executive Summary

The 13th and 14th meeting of the 49th Regular Session of the United Nations Human Rights Council on 7 March 2022 considered the High Commissioner's oral update during an enhanced interactive dialogue on the situation of human rights in Sudan following the military takeover which took place in Sudan in October 2021 and as mandated in resolution S-32/1.

The High Commissioner, Ms Michelle Bachelet highlighted the ongoing violence targeting Sudanese citizens at the hands of military personnel and other human rights violations since the beginning of the coup d'état. The ongoing state of emergency was discussed at length with the High Commissioner providing suggestions to Sudan's authorities to cease all violence and reverse the state of emergency for the benefit of Sudan and its people. Reports of sexual violence were also discussed during the interactive dialogue and within the High Commissioner's oral update. Concern was raised over the increasing levels of rape and sexual violence perpetrated against both men and women since the beginning of the coup.

Majority of the delegations commended the work of the UN however one delegate condemned international intervention in Sudan and instead advocated for Sudan's right to self-determination and an African based approach to solving the human rights situation in the country. Militia groups were singled out as perpetrators for the ongoing violence and were accused of causing mass political instability in the country. Attacks on medical personnel and

the media were discussed at length during the meeting and questions were posed to the High Commissioner as to what could be done to protect the rights of human rights defenders, medical personnel and innocent bystanders.

NGOs provided statements whereupon the African Union was called on to refrain from endorsing Sudan's candidacy for a second term as a council member and the international community was encouraged not to vote for the country. The continued violence women protestors faced since the beginning of the coup was widely discussed by NGOs as well as the increasing rates of sexual violence and absence of investigations carried out following such incidents. It was stated that many female protestors have faced sexual harassment and attacks by militia in an attempt to deter women from voicing their concerns over the military takeover. The international community was encouraged to apply pressure to the Sudanese military to implement Sudan's commitments under international human rights and humanitarian law including its recent pledges in the Universal Periodic Review.

Geneva International Centre for Justice (GICJ) voiced its concern over the military coup as well as the numerous human rights violations which have taken place since the state of emergency was declared in Sudan. GICJ endorsed the outlawing of capital punishment and the preservation of the right to life through legislative mechanisms. The ratification of the United Nations 1979 Convention on the Elimination of All Forms of Discrimination Against women (CEDAW) in Sudan was commended. However, Sudan's Ministers Council was urged to endorse the equality of men and women in both social and political contexts including equal rights in marriage, divorce and parenting. The Sudanese government was also commended on the abolition and criminalisation of Female Genital Mutilation as it is a step in the right direction for women's rights in Sudan.

Human Rights Violations and Accountability in Afghanistan



By Ardya Syafhana / GICJ

Executive Summary

On the 7th and 30th of March 2022, the United Nations Human Rights Council held an interactive dialogue and presentation of the reports concerning the human rights situation in Afghanistan as part of the 49th regular session.

Report Number A/HRC/49/24, as mandated by Human Rights Council Special Session Resolution S-31/1, examines the rise in human rights violations within Afghanistan coupled with the absence of necessary accountability measures under the Taliban's authority. After six months of governance, the Taliban is the main actor involved in numerous acts of killings and dreadful intimidation, discrimination against women and girls, and arbitrary restrictions on freedom of expression, opinion and peaceful assembly. As a result of economic instability and international sanctions, people in Afghanistan are now living in a state of emergency due to dwindling food supplies, poor health standards, and limited access to education. Moreover, more than one thousand civilian casualties, deaths and injuries, have been attributed to the Islamic State of Iraq and the Levant-Khorasan Province (ISIL-KP). The Taliban, on the other hand, has responded to the complaints of abuses by expelling at least 3000 members from its ranks. The United Nations Assistance Mission in Afghanistan (UNAMA) / Office of the United Nations High Commissioner for Human Rights (OHCHR) has developed a mechanism for exchanging documents on human rights violations with the *de facto* Ministry of Interior. The International Criminal Court (ICC) also demanded the continuation of the investigation into Afghanistan as it is believed it is unlikely that an effective investigation will be carried out domestically.

During the Interactive Dialogue on the Human Rights situation in Afghanistan, which took place at the 49th Session of the Human Rights Council, the High Commissioner for Human Rights, Ms Michelle Bachelet, gave her remarks on the report on the human rights situation in Afghanistan since 15 August 2021. The High Commissioner expressed her concern about the number of civilian casualties within Afghanistan despite the lower level of hostilities. She also raised attention to the issue of extra-judicial killings and human rights violations linked to *de facto* authorities. In the end, the High Commissioner called for *de facto* authorities to ensure their governance fully complies with human rights obligations and international law. The Ambassador and Permanent Representative of Afghanistan was present at the meeting to welcome the report as well as deliver his notes on the current state of Afghanistan. The representative placed an emphasis on the humanitarian consequences of the Taliban's rule and reminded the delegates not to normalise or recognise their leadership. Given the substantial impact of the international sanctions on the humanitarian crisis in Afghanistan, he also pinpointed the urgent need for humanitarian assistance for Afghan people—through reliable channels. Most delegates (e.g. European Union, Nordic-Baltic, United States of America, United Kingdom and Australia) strongly condemned the alleged human rights violations committed by the Taliban. They called upon the Taliban to fully comply with human rights obligations under international law. States, especially from the Organisation of Islamic Cooperation, raised concern over the necessary humanitarian assistance required to aid Afghan people. The Chinese delegate emphasised that the United States of America bears a great deal of responsibility for the Afghanistan crisis due to its withdrawal of troops in 2021 and called for the end of Afghanistan's international economic exclusion. Non-Governmental Organisations (NGOs), among others, also presented their position on this situation, drawing the attention of states to the fact that *de facto* authorities have not formally declared its willingness to fully embrace its international legal obligations under international human rights law.

Report Number A/HRC/49/90, as requested in Human Rights Council decision 2/113 and resolution 14/15, highlighted the achievements of UNAMA, OHCHR and the Afghanistan Government in improving the standard of living and human rights of Afghan people before the Taliban's takeover. Designated for the period of December 2020 to 30 November 2021, the report nonetheless also recorded the civilian loss as a result of the battles between Pro-government and Anti-Government forces (at least 8300 civilian casualties with 2400 deaths). The Afghani government was under close supervision of the UNAMA and the OHCHR since the allegation of torture and arbitrary detention by the Afghan National Police and the National Directorate of Security had been raised to the public.

During the 53rd Meeting of the Human Rights Council at the 49th Regular Session, the presentation focused on the fruitful result of cooperation between the UNAMA and the OHCHR. This meeting was attended by the representative of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and Field Operations and the Technical Division of the United Nations High Commissioner for Human Rights to discuss the achievements of technical assistance in the process of human rights development in Afghanistan before and months after the Taliban seized power. The Director of Field Operations and Technical Division of the United Nations High Commissioner for Human Rights, Mr Christian Salazar Volkmann, gave a presentation on the Report Number A/HRC/49/90 with an emphasis on the UNAMA and OHCHR's contribution to several aspects of human rights development in Afghanistan, including but not limited to, freedom from torture. The Permanent Representative of Afghanistan for the United Nations joined the meeting to acknowledge these achievements and invite international support for future assistance in Afghanistan.

Geneva International Centre for Justice (GICJ) gives the highest appreciation to the two reports released by the High Commissioner on the humanitarian situation in Afghanistan. Despite the declining levels of hostilities in Afghanistan, we are deeply concerned about civilian casualties in the region. GICJ also condemns the alleged human rights violations committed by *de facto* authorities in connection with extrajudicial killings, threats to personal security, and discrimination against Afghan women and girls. GICJ supports the immediate involvement of the Special Rapporteur in facilitating communication between *de facto* authorities and the international community and addressing human rights abuses in the hope of providing future accountability and a domestic reconciliation process. Taking a lesson from the 53rd meeting at the 49th Regular Session of the Human Rights Council, the cooperation of all parties will eventually shed light on the crisis in Afghanistan.

Discussion on Human Rights Violations in Nicaragua



By Aimara Pujadas / GICJ

Executive Summary

The **13th meeting of the 49th Session of the Human Rights Council**, held on 7 March, hosted the Interactive Dialogue with the United Nations High Commissioner for Human Rights, Ms Michelle Bachelet, about the **human rights situation in Nicaragua**. The report set out the findings regarding the non-implementation of the recommendations made to the Nicaraguan Government over the last 3 years, resulting in human rights' deterioration, including restrictions to civil and political rights such as the rights to freedom of expression, association, peaceful assembly, and political emancipation.

There is also evidence of persecution of political opponents and a climate of violence and a lack of accountability for those responsible for spurious acts against human rights defenders, journalists, businessmen, electoral candidates, and prisoners held without due process. In this sense, Ms Bachelet appealed to the government to implement urgent measures for their prompt release and guarantee the physical and psychological integrity of those detained, including allowing the Office of the High Commissioner to be granted access to the detainees.

The High Commissioner urged **to take measures to re-establish a credible, just, and transparent electoral process** as recommended in the report, and to ensure that all Nicaraguans can exercise their civil and political rights freely and fully, regardless of their political affiliation.

The government of Nicaragua **stated that international organisations and bodies like the Council are assessing the exercise of human rights between countries in a discriminate manner**, being permissive and tolerant when it comes to the barbaric acts committed by the major Powers and irrational with developing countries like Nicaragua. In parallel, it condemned the manipulation and external interference to which the State is subjected, aiming at delegitimize and destabilise the government, without acknowledging the progress made in terms of human rights, both social, economic and cultural, as well as civil and political, in spite of the unilateral and abusive sanctions imposed to the country. The Nicaraguan representative declared that the country has been constantly subjected to inquisitorial scrutiny, but it will stand firm in its work to defend fundamental human rights of all Nicaraguans while urging the international community to end all sanctions and continuing to denounce the approaches of those countries and institutions attempting to influence and overpower her government.

In the ensuing interactive debate, the **European Union** evoked the complex human rights situation of the country, evidenced by the arbitrary detention of political opponents and electoral candidates, journalists, and human rights defenders, as well as the politically motivated annulment of the legal personality status of institutions and civil society organisations. **Members of the delegation urged the government to launch a national dialogue**, which should be inclusive from all points of view and guarantee a peaceful and democratic solution to the political and human rights crisis that affects the country.

The **solution to this crisis must be based on human rights norms and standards**, a sincere and inclusive national dialogue should take place to tackle impunity, restore democracy and uphold human rights.

Venezuela, Cuba, Syria, Russia and Eritrea regretted that the report presented contained distorted information against Nicaragua, whose government has affirmed its commitment to human rights despite the illegal unilateral coercive measures imposed by the United States, as well as incessant threats, external interference, aggressive rhetoric and media misinformation. They rejected politically motivated exercises within the Human Rights Council, stating that **constructive dialogue and cooperation should guide the work of human rights mechanisms and bodies**.

NGO representatives emphasised the need for respecting due process and regretted Nicaragua's lack of cooperation with international human rights mechanisms and called for the resumption of cooperation with the OHCHR and the Inter-American Human Rights System.

Geneva International Centre for Justice (GICJ) called upon the Nicaraguan government to welcome and propitiate further cooperation with regional and international human rights

mechanisms, to ensure that the best practices are put in place and urged the government to enact meaningful electoral reforms, immediately end arbitrary arrests, guarantee freedoms to civil society and political opponents, investigate and prosecute rights abuses in the context of protests, and amend those laws that seriously restrict rights to freedom of expression and association in the country.

GICJ also encouraged authorities to foster a sincere and inclusive national dialogue that leads to reconciliation, safeguarding the full participation of representatives of all political and ideological spectrum and with a firm commitment in the work to ensure political economic and social democracy in the country.

Negotiations gives hope to the conflict in Tigray



By Jamel Nampijja / GICJ

Executive Summary

On 7 March 2022, Ms Michelle Bachelet, the High commissioner for Human Rights presented the joint update of the United Nations High Commissioner for Human Rights (UNHCR) and the Ethiopian Human Rights Commission (EHRC) that focused on the human rights situation in the Tigray region of Ethiopia and the progress made in the context of the joint investigation that was undertaken. The High Commissioner's update covered the period between November 22, 2021, and 20 February 2022. The human rights and security situation had deteriorated significantly and extended to other parts of Northern Ethiopia. Ms Bachelet acknowledged that the Office of the High Commissioner for Human Rights continued to receive reports of widespread human rights violations including rape, arbitrary detentions and

airstrikes allegedly carried out by the Ethiopian air force in the regions of Afar and Amhara regions as well as in Tigray. Approximately two million people have been affected by this conflict which has led to mass civilian casualties and damage to schools, health facilities, and civilian properties. Delivery of humanitarian supplies was hindered by the persistent hostilities whereupon all parties to the conflict were urged to permit unrestricted humanitarian access to Tigray and other affected areas.

The High Commissioner was pleased with the prioritisation of the Taskforce which was established by the Ethiopian government to oversee the implementation of the Commission's recommendations. The Commissioner emphasised the OHCHR's commitment to monitor the situation in Ethiopia, she urged state authorities to enable cooperation with the Council's International Commission of Human Rights Experts on Ethiopia to advance the implementation of the recommendations of the joint report.

The country concerned was represented by Ms Mahlet Hailu Guadey, who emphasised the state's commitment to setting up credible fact-finding bodies to investigate alleged human rights violations by establishing an intermediary task force dedicated to implementing the recommendations of the joint investigation report. She highlighted that despite progress made in the country, the government was concerned over the mixed reaction by the international community regarding the atrocities committed by TPLF rebels. The massacres perpetrated by rebels in the Afar and Amhara regions had worsened the humanitarian situation, rendering it impossible to deliver humanitarian assistance to the people in the affected regions. She further stressed that the State strive to return to complete normalcy in the region, by continuing its engagement with the international community to achieve democracy. She concluded her statement by calling on the international community to support its national mechanisms.

During the interactive dialogue, the international community and several NGOs delivered statements, they welcomed the measures taken by the Government to facilitate the joint investigation and the implementation of the recommendations by the Council. The speakers were alarmed by the magnitude of widespread violations and abuses of human rights and international humanitarian law in the northern region of Ethiopia, violations that could possibly amount to war crimes and crimes against humanity. The speakers highlighted the need to undertake investigations into these allegations and urged the warring parties to commit all efforts towards achieving a political resolution and an effective ceasefire, ensuring the security and safety of civilians and humanitarian workers. Parties to the conflict were also urged to take measures to guarantee adequate humanitarian access, restore banking and telecommunication services, release political prisoners, and ensure accountability and redress

for victims. They further appealed to the Ethiopian government to strengthen its engagement with the Council.

Geneva International Centre for Justice (GICJ) and the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) delivered an oral statement during the interactive dialogue and expressed concern regarding the increase in the number of forced displacements in the Tigray region with at least 2 million people forced out of their homes. GICJ and EAFORD expressed outrage in relation to the scale of gender-based violence and sexual abuse, with 90 percent of the victims reported as minors.

Vulnerable Groups Victims of Violence in Honduras



By Lian Martínez / GICJ

Executive Summary

On 8 March 2022, during the 49th regular session of the Human Rights Council, the High Commissioner, Ms Michelle Bachelet, delivered a comprehensive oral update on the recent developments of the human rights situation in Honduras. High Commissioner's concerns focused on the deepening poverty, inequality, impunity, and corruption, as well as the ongoing discrimination and high levels of violence that marked the country in 2021, noting that in the context of the November elections there were at least 30 murders in 69 incidents.

Ms Bachelet called on the Honduran authorities to consolidate the rule of law and to strengthen democratic institutions. She also expressed concern about the recent legal reforms that facilitated the release and acquittal of several former officials accused and convicted of corruption, a problem that was described as a structural issue undermining the rule of law.

Furthermore, the importance of economic, social, and cultural rights was emphasised as well as the adoption of measures to progressively achieve their full realisation. Promotion of equality and non-discrimination of persons in situations of vulnerability were highlighted alongside the prevention and early warning of social conflicts and human rights violations.

The High Commissioner deplored the killing of 318 women and 28 members of the LGBTQI community and called for prompt and thorough investigations. She also condemned the attacks and threats against 302 human rights defenders and journalists, ten of whom were killed in 2021. Moreover, she welcomed the verdict against the murderer of renowned Honduran environmentalist Berta Cáceres, although she expressed concern about the lack of judicial independence and access to justice for victims in other human rights cases.

The High Commissioner reiterated her commitment to support Honduras in strengthening the protection of human rights for all people and urged the authorities to implement several recommendations, including the implementation of a criminal policy with a human-rights-based approach, the improvement of the independence of the judiciary, the protection of women and girls from gender-based violence and the guarantee of the rights of LGBTQI people.

Finally, Bachelet expressed alarm at forced evictions and attacks on environmental and land rights defenders in the context of conflicts between extractive companies and certain communities. She stressed the urgent need for the government to build an equitable and sustainable economic model that guarantees the rights of affected communities and contributes to the quality of life of the general population.

In response to Ms Bachelet's intervention, the Honduran Secretary of State for Human Rights asserted the new government's strong commitment to protecting fundamental freedoms. She highlighted the new programme and political proposal which specially focus on the rights of women, human rights defenders, migrants, stigmatised people, indigenous peoples, and all those who have suffered systematic violence.

The newly elected government's priority on fundamental freedoms was mentioned also in terms of fighting against political repression, releasing the first political prisoners in the first months of Castro's presidency.

Furthermore, the Honduran Government expressed extreme concern over the lack of accountability of companies who are responsible for violating fundamental rights of Indigenous Peoples, specifically, with a focus on the responsibility of reparation to the victims of the project known as Employment and Economic Development Zones (ZEDE), as it poses a significant

threat to the right to free, prior and informed consultation of indigenous and Afro-descendant peoples and the right to equitable and sustainable development.

Lastly, the Honduran representative emphasised the government's commitment to seeking out the truth and ensuring justice, inspired by human rights activists and defenders, Berta Cáceres and Archbishop Óscar Arnulfo Romero.

Geneva International Centre for Justice (GICJ) hopes the OHCHR's report on the human rights situation in Honduras will encourage the newly elected government to protect and be the guarantor of fundamental freedoms of all Honduran citizens, paying special attention to rights of women, LGBTQI people, indigenous peoples, Afro-Hondurans, journalists, and human rights defenders. We also see the implementation of public policies to achieve the full realisation of economic, social, and cultural rights, with special attention to people in situations of vulnerability.

GICJ also urges Honduras to focus efforts to ensure the eradication of corruption within its governmental bodies and encourages Honduras to adopt the necessary practices to ensure that business projects are developed with full respect for the rights of vulnerable indigenous communities.

Threats against Human Rights defenders in Colombia



By Natalia Venegas / GICJ

Executive Summary

The human rights situation in Colombia has been an important part of the agenda of the High Commissioner. For example, on the 26th of December 2019, the Report of the Special Rapporteur, Michel Forst, was published concerning the situation of human rights defenders

in Colombia. The report noted the government's political will to create a safe environment for the defence of human rights in Colombia. Later, on the 8th of May 2020, the High Commissioner for Human Rights gave an update on Colombia, focusing on the Human Rights situation in 2019. Lastly, on the 15th of December 2021, Juliette de Rivero, a United Nations High Commissioner representative, published a report regarding the Human Rights situation during the national strike in Colombia. According to the report, there is much evidence about serious human rights violations committed, such as arbitrary deprivation of life and violations of personal integrity and security. That is derived from the use of unnecessary or disproportionate use of force.

On the 8th of March, the High Commissioner for Human Rights, Michelle Bachelet, reported on the Human Rights situation in Colombia at the 49th session of the Human Rights Council. She began by noting that 2021 marked the fifth anniversary of the peace agreement between the Colombian government and the Colombian Armed Revolutionary Forces People's Army (FARC-EP), the country's largest guerrilla group. Since the signing of the peace agreement, significant progress has been made to consolidate peace, democracy, and democratic participation. In particular, the demobilisation of the FARC EP and its constitution as a new political party. And the creation of the 16 peace seats in Congress for the victims of the armed conflict. She also welcomed the advances in transitional justice achieved by the Truth Commission, the JEP and the Unit for the Search of Disappeared Persons. Their contributions have been essential for victims' rights: truth, justice and reparation.

However, in 2021 the Office of the High Commissioner documented 78 massacres and 100 killings of human rights defenders. The High Commissioner urged the government to dismantle criminal organisations and improve the implementation of the Ombudsman's early warning system. She expressed her concern over 54 cases of arbitrary deprivation of life perpetrated by police forces and 28 cases of unnecessary or disproportionate use of force during the protests that occurred throughout the national strike. Ms Bachelet recommended that the Colombian government push for necessary reforms of the Colombian police in order to guarantee the right to peaceful assembly in accordance with international standards.

The representative of Colombia, María Carmelina Londoño, emphasised her country's commitment to the institutional protection of human rights. According to Ms Londoño, the report identified three critical challenges; security, fighting criminal groups and protecting social leaders and human rights defenders. She highlighted two different policies implemented by the government to remedy these challenges. The first being the security policies of the Defence Ministry, which have led to the weakening of some illegal armed groups. Secondly,

a policy that guarantees the work of human rights defenders. In her concluding remarks, Ms Londoño emphasised Colombia's commitment to safeguarding human rights. She underscored that the responsibility to investigate the causes of violence against Colombian citizens also lies with the international community. The representative concluded that so long as drug trafficking networks continue to operate, the safety of the general population will be at risk.

Following the list of speakers, the floor was opened to NGOs. The NGOs highlighted the lack of progress in the investigations against police officers allegedly involved in human rights violations during the protests. In a context where the recently approved national security law could result in further restrictions on the right to protest and more police nutrition and abuses, the protests were linked to structural checks, which remain unaddressed in addition to the attacks and killings of people in the protests. It was stated that there were increasing levels of violence through excessive and unlawful use of force by police in various regions of Colombia, affecting Defenders and indigenous and afro-descendant people's Campesino communities and Community leaders. High levels of stigmatisation and violence against human rights Defenders continue and officials have struggled to identify the perpetrators including armed groups. The government has reportedly not taken adequate measures to dismantle paramilitary and criminal organisations responsible for the violence.

Geneva International Centre for Justice (GICJ) welcomes the oral update of the High Commissioner and regrets the lack of attention from the Human Rights Council regarding the oral update from Colombia. The government of Colombia should take all necessary measures to provide security and justice to human rights defenders and social leaders. In that sense, it must implement policies to dismantle illegal armed groups and ensure the safety of its citizens. Moreover, the Colombian government should push for a police reform which modifies the structure of the police and their functioning, to allow the Colombian people to enjoy their fundamental human rights to freedom of assembly and freedom of speech. Finally, GICJ also calls on the Colombian government to implement the peace treaty- with the FARC EP, to fully guarantee the victim's rights to truth, justice, reparation and non-repetition.

The Substantive Realization of Cultural life for Vulnerable Groups



By *Amal Bushara* / GICJ

Executive Summary

On the 8 March, during the 17th meeting of the 49th Regular Session of the Human Rights Council (HRC), the Interactive Dialogue with the Special Rapporteur on cultural rights, Alexandra Xanthaki, was held. During her opening remarks, Ms Xanthaki spoke of the importance of cultures for the development of individuals and societies and the realization of all human rights. She conveyed her objectives for her mandate, including raising awareness and promoting the cultural rights and freedoms for migrant artists, gay, bisexual, transgender, intersex and disabled artists as well as cultural rights of marginalized communities. Speaking about the ongoing Russian aggression in Ukraine, Ms Xanthaki said that any justification of war must step away from rhetoric that denies the cultural identity and history of a nation, as these are important elements of the right to self-determination. The Special Rapporteur reiterated the joint call by all United Nations Special Rapporteurs to end the war in Ukraine.

The Special Rapporteur emphasised how culture is a positive element drive for the realization of human rights. The recognition and protection of cultural rights is described as a tool for affirming one's identity and ultimately, a tool of empowerment. Tangible Manifestations of culture are identified in the report as an essential factor of the right to cultural life. This sentiment was substantially strengthened by the international Criminal Court in 2006 after a member of the public was found guilty of committing a war crime by destroying a cultural heritage. The Special Rapporteur expressed in the report her intent to continue the work on

preserving cultural and commemorative structures for the elimination of elitist and biased historical narratives.

Ms Xanthaki also expressed rights to expression, cultural practices, values, views, customs and traditions, as their manifestations need to be protected for the well-being, health and development of the individual and the society. The report makes a distinction of intangible culture from traditional values, which have been mistakenly equated often by elites, particularly male-dominated elites.

Lastly, the Special Rapporteur highlighted her commitment to further unpacking the relationship between natural diversity, the environment and cultural rights, since maintenance of natural environments has been linked as a vital element for the preservation of culture. In addressing this concern and all other concerns alike, the report invited all stakeholders to participate in the ongoing discourse on promoting cultural rights and to help build resilience in the social societies regarding violations.

Following the Special Rapporteur's opening remarks, various state representatives took to the floor to contribute ideas and best practices for developing the right to culture. They emphasised the promotion of cultural rights through the inclusive participation of persons in vulnerable situations. Numerous states underscored the right to freedom of artistic expression including the opportunity to express opinions and beliefs through art in any media. State representatives highlighted that in many countries, cultural professionals were being denied the right to participate in public life, and blasphemy laws among others were being used to deny artistic expression. Women, cultural practitioners, and ethnic minorities, in particular, were suffering from restrictions on their right to artistic expression. Egypt concluded that culture represented soft power and needed to be freed in order to uphold cultural and civilizational identity.

The Interactive Dialogue also led to the adoption of two UN resolutions. On 24 March, draft resolution A/HRC/49/L.8 on cultural rights and the protection of cultural heritage was adopted by the HRC without a vote. Amongst other things, the resolution calls upon all states to respect and protect the right to take part in cultural life, urges parties to armed conflicts to refrain from targeting cultural property and calls for international cooperation in combating looting, smuggling and theft of cultural objects. A few days later, on 28 March, resolution A/HRC/49/L.25 on the promotion of the enjoyment of the cultural rights of everyone and respect of cultural diversity was also adopted without a vote. The resolution calls on all governments to cooperate with and assist the Special Rapporteur in the field of cultural rights in the discharge of the mandate and its adoption before the meeting, signifying the HRC's

commitment to not only discussing and debating human rights concerns but putting into place more constructed plans of actions.

Geneva International Centre for Justice (GICJ) warmly welcomes the fruitful and relevant statements, which highlight the benefits of allowing communities and individuals to practise cultural life. GICJ encourages all states and stakeholders to review the importance of the right to culture, which has been dubbed a right of lesser importance, for it is interdependent with many vital human rights, including the right to artistic and religious expression. Further, GICJ celebrates all the efforts taken by states to realise cultural equality and freedom, including the Council's adoption of Resolution A/HRC/L.25 and A/HRC/49/L.8, which reaffirm the international community's dedication to strengthening cultural resilience. Finally, GICJ would like to stress the importance of Ms Xanthaki's remarks on the ongoing Russian aggression against Ukraine. War must not strip a nation, including Ukraine, of its cultural identity, which is a principle element of a nation's right to self-determination, a cardinal principle in modern international law.

Concerns over sexual exploitation of children remain



By Patricia Jjuuko / GICJ

Executive Summary

On the 9th and 10th of March, the 19th and 20th meeting of the 49th regular session of the UN Human Rights Council took place in Geneva. The Special Rapporteur on the sale and sexual exploitation of children, Ms. Mama Fatima Singhaté, presented her report during an interactive dialogue on the same topic. The Special Rapporteur highlighted the concrete measures states should adopt in the fight to end exploitative practices against children including the sharing of good practice to tackle the sale of children for the purposes of child

marriage, policies to end the sexual exploitation of children in prostitution in the context of travel and tourism, and ideas to ensure the online safety of children. Furthermore, she underscored the need for states to provide services to children that have faced abuse and violations including child friendly justice systems that are free.

In her report, Ms Singhateh stated that, although there are international and regional instruments, including literature aimed at promoting the rights of children and protecting them from all forms of violence, the incidences of children being sold, and the sexual abuse and exploitation they are forced to endure, of children continue to increase, and many child victims do not receive adequate support. She further noted that the key challenge to addressing the selling and sexual exploitation of children at the national level is the inadequate implementation of existing laws and policies.

She commended the government of Montenegro for the significant efforts they have made to improve their policies to protect women and children from violence and sexual exploitation. Montenegro, which has ratified most of the major international instruments of relevance to the sale and sexual exploitation of children, has also created initiatives to provide services and assistance for children in need. However, Ms Singhateh noted that despite the various positive steps already taken, there was a lack of reliable, centralised, disaggregated data on the phenomenon of child sexual abuse and exploitation which makes it difficult to determine the nature and prevalence of the problem.

To address these issues, Ms Singhateh encouraged governments to ensure that policies to address the selling, exploitation, and abuse of children are included in the national school curricula so that a comprehensive education system including the effects of child marriage are accessible to all children in accordance with their ages and evolving capacities. Teachers and counsellors in schools should also be provided with extensive training on these issues including on how to detect and report incidences of sexual abuse and exploitation of children and how best to support victims. She concluded her statement by encouraging member states to accept her requests of country visits as they are crucial in forming a pillar of enriching her mandate and enhancing continued dialogue and cooperation with states.

In her closing remarks, Ms Singhateh encouraged members to read the report and endeavor to share best practices to enable states to enhance their domestic initiatives, and even develop them further to ensure that together, they address the issues and the scourge related to the sale and exploitation of children.

Following the Special Rapporteur's statement, state representatives and relevant stakeholders took to the floor during the meeting. The Permanent Representative of

Montenegro to the United Nations Office, Ms Slavica Milačić, highlighted both the achievements and shortcomings of the government's approach to tackling exploitative practices against children. As a founding member of the core group on early and forced marriages, the representative stated that authorities in Montenegro have committed themselves to ensuring that adequate policies are in place to respond to all forms of violence against children. The representative acknowledged that their legislative framework will be further streamlined to ensure full compliance with Articles 2 and 3 of the Convention on the Rights of the Child (CRC).

Latvia, on behalf of the Nordic and Baltic countries, Libya, Namibia, China, Uruguay, as well as international bodies such as UNICEF, UN Women and the European Union, expressed concern over the increasing number of violations against children facilitated by new technologies. The delegates provided an overview of some of the key steps that could be taken to protect children from sexual exploitation and abuse, urging states to step up their efforts to overcome the setbacks from the pandemic and ensure that children are protected from exploitation. The steps mentioned include addressing social norms held in communities in which child marriage and sexual exploitation are commonplace, the need for states to take responsibility under international law to exercise due diligence to prevent the sale of children, investigating and prosecuting traffickers, and increasing digital literacy among children as well as including other relevant topics in the school curriculums such as a comprehensive sexual education.

Geneva International Centre for Justice (GICJ) applauds the recommendations in the Special Rapporteur's report that should pave the way to safeguarding children and their futures. We remain deeply concerned, however, with the increasing abuses and exploitation of children in all corners of the world. GICJ further urges states and the international community to make concerted efforts to protect children, not only by strengthening their laws, but by enforcing them. We emphasise the need to involve children in the process of enacting laws that affect them to enable them to advocate for their own rights and encourage states to include, as part of their curricula, education relating to the sexual abuse and exploitation of children. Together, as a team, we can protect children who are the world's most valuable resource and its best hope for the future.

Discussion on Human Rights and the Environment



By Payton Focht / GICJ

Executive summary

At the 23rd Meeting of the 49th Regular Session of the Human Rights Council (HRC), held on 10 and 11 March, Mr David R. Boyd, the Special Rapporteur on human rights and the environment, presented his report. The Special Rapporteur highlighted growing concerns about environmental pollution and toxic substances which have led to an increasing number of premature deaths. He underscored that this affects mostly individuals and communities who are already facing poverty, systemic discrimination, and marginalisation, noting the environmental injustice these individuals have to face.

In addition, the effectiveness of current treaties and obligations in the area of the environment is minimised by gaps as none of them reference human rights or human rights obligations, despite the fact that the HRC adopted Resolution 48/13, the human right to a clean, healthy and sustainable environment on 8 October 2021. This is a major issue since human rights considerations should be at the forefront of environmental decision making. It is also increasingly difficult for individuals, especially those from marginalised groups, to gain access to environmental information, access to justice, or effective remedies. The Special Rapporteur discussed the use of so-called “Sacrifice Zones”, where marginalised communities are exposed to extreme levels of pollution and toxic pollution. These Sacrifice zones are used on a global scale and constitute a major human rights violation.

While states have shared good practices in this area, many of the current approaches are failing to adequately address the persisting environmental damage. The result is a systematic denial of human rights. States must vigorously pursue zero pollution targets and the elimination of toxic substances, as well as Sacrifice Zones, to ensure full realisation and

enjoyment of human rights. According to the Special Rapporteur, a Human Rights based approach, as expensive as it may be, is always worth it because it could save millions of lives. Mr Boyd updated the Council on his recent investigation in St. Vincent and the Grenadines. He revealed that due to the geographical location of the region, St. Vincent and the Grenadines are at the frontline of the climate crisis and their future is in the world's hands.

The Special Rapporteur noted that the international community and HRC need to establish effective dialogue to educate countries on issues relating to the climate crisis. Furthermore, Mr Boyd stated that he is creating a handbook for states and companies which provides suggestions to combat these environmental issues, with an emphasis on “Sacrifice Zones” and pollution. The delegations thanked the Special Rapporteur for his work and the reports. Non-governmental organisations (NGOs) highlighted that the extent of the human rights violations brought on by the climate crisis has been reiterated in the Interactive Dialogue. They noted that a more consistent vision and a special emphasis on the eradication of “Sacrifice Zones” are needed.

Geneva International Centre for Justice (GICJ) recognises the severe impact environmental pollution imposes on vulnerable populations and communities. We have long held that there is a connection between the environment and human rights. Now, more than ever, states have an obligation to ensure that their people are safe from pollution and toxins. The international community must take drastic measures to reverse or remediate the environmental damages that they have created in their countries. The youth of the world are depending on states to step up and take all available measures to reverse the environmental impacts.

Human Rights Defenders Facing Numerous Threats in the Fight Against Corruption



By Conall Corrigan / GICJ

Executive Summary

On the 11th of March 2022, the 24th meeting of the 49th Regular Session of the Human Rights Council considered the report of Ms Mary Lawlor, Special Rapporteur on the Situation of Human Rights Defenders (A/HRC/49/49), during an interactive dialogue on the same topic.

Ms Lawlor began the interactive dialogue by presenting the findings of her report which discusses the role human rights defenders (HRDs) play in fighting corruption across the globe. While the Special Rapporteur noted that corruption has become deeply ingrained in both the public and private sectors of many states, she implored the international community to place greater value on the work anti-corruption HRDs have carried out and called for them to be offered greater protection to ensure their safety.

The Special Rapporteur noted that HRDs are exposed to a variety of attacks including direct threats, cyberattacks, online harassment, and physical attacks. As such, she pleaded for states to take more effective measures to protect anti-corruption defenders.

The Special Rapporteur lamented the lack of an internationally agreed upon definition of corruption but noted that it is fundamentally a human rights-related issue that undermines the rule of law and public trust in democratic institutions. Ms Lawlor noted that the ongoing Covid-19 pandemic has opened up more avenues for abuses of power and corruption and criticised the inadequacy of many national and international anti-corruption initiatives that were designed to protect HRDs fighting against corruption. Although the Special Rapporteur

acknowledged that anti-corruption HRDs have had some success in certain states, she recognised that many states have lacked the political will and resources to effectively deal with widespread corruption.

Ms Lawlor's report expressed deep concern over the gender-based nature of attacks against anti-corruption HRDs and highlighted the fact that many female defenders reported receiving threats based on their gender, including threats of sexual assault, rape and murder. The Special Rapporteur concluded her report by reaffirming the linkage between corruption and human rights and encouraged the work of HRDs to be recognised, celebrated and protected by the international community and civil society. The report provided a number of recommendations to states, international organisations and civil societies to ensure they address the current mistreatment of anti-corruption HRDs and guarantee the promotion of their work in the future.

The Special Rapporteur opened the interactive dialogue by informing the council that she had recently spoken to HRDs in Ukraine who felt abandoned by the UN. Ms Lawlor noted that, due to Russian aggression in the region, HRDs were being forced to adapt to increasingly volatile and dangerous conditions in order to carry out their work. Many have had to change their focus from advocacy to documenting war crimes. Ms Lawlor acknowledged the killings of HRDs in 64 UN member states and repeated her request for states to explore ways to prevent the further loss of life of those fighting against human rights violations.

Most of the state delegates applauded the work of HRDs in exposing corruption and recognised their efforts to contribute to an open, transparent, and fair society. Many states emphasised the significance of the link between human rights and corruption and expressed alarm regarding the number of threats and reprisals carried out against HRDs for fighting against corruption. However, some states displayed concern at the "manipulation" of the term HRD by lawbreakers acting under the guise of defending human rights. Despite this, however, all states emphasised that they remained committed to the protection of human rights and those defending them. NGOs welcomed the report of the Special Rapporteur and emphasised the need to protect HRDs from discrimination and intimidation. NGOs called on states to create an enabling environment for HRDs in order to ensure their safety.

During the interactive dialogue, a number of groups called on states to adopt the draft resolution proposed by Norway that would acknowledge the dangers HRDs place themselves in and also hold states accountable for any human rights violations committed against them. On the 1st of April, said draft resolution A/HRC/49/L.9 presented by Norway on the contribution of human rights defenders, including women human rights defenders, in conflict

and post-conflict situations, to the enjoyment and realisation of human rights, was passed with 38 yes votes and 8 abstentions, with no states voting against it.

In her concluding remarks, the Special Rapporteur reiterated that the key to protecting HRDs is to ensure that policies and laws are put in place that will provide them with greater visibility and legitimacy within society. Ms Lawlor emphasised the need for states to take digital threats against defenders seriously, noting that a pattern has emerged regarding the escalation of online attacks to physical attacks. The Special Rapporteur discussed the need for non-state actors, such as online companies, to be held accountable for allowing these threats to be posted on their sites. Ms Lawlor again highlighted the continuing threats HRDs face in fighting corruption, noting that a number of defenders have had their devices infected with the Pegasus spyware. The Special Rapporteur concluded her remarks by calling on states to take more effective measures to protect the human rights of HRDs.

Geneva International Centre for Justice (GICJ) commends the vital role HRDs play in contributing to the enhancement of democracy and civil society across the globe. GICJ fully supports the efforts of anti-corruption defenders and calls on states to offer them better protection to carry out such work. The findings of the Special Rapporteur's report raise a number of concerns and GICJ calls on states to ensure greater accountability of perpetrators who threaten the wellbeing of those advocating for better human rights practices.

It is imperative that states recognise the detrimental impact corruption plays in the full enjoyment of human rights and engage more proactively with HRDs to allow them to play an active role in the formulation of public policy. States must make a concerted effort to address the structural failings that have allowed corruption to become embedded in their institutions. It is vital that governments engage with domestic and international mechanisms to ensure HRDs do not have to resort to dangerous methods to carry out their work and are able to work in a safe and enabling environment.

Interactive Dialogue on the report of the Special Rapporteur on Torture



By Jamel Nampijja / GICJ

Executive Summary

During the 23rd meeting of the 49th Human Rights Council Regular Session on the 11th of March 2022, Mr Nils Melzer, the United Nations Special Rapporteur on torture and other cruel, inhumane, or degrading treatment, presented his current report carried out during the reporting period. The report evaluated the reception and implementation of the mandated thematic reports by states as a driver of change in national law, policies, and practices towards the eradication of torture and ill-treatment, including recommendations aimed at supporting these processes. The findings complemented the preceding report submitted to the HRC by the Special Rapporteur that evaluated the effectiveness of states' interactions with the mandate's 3 pillars of work: individual communication, country visits, and thematic reporting.

Having served as the Council's Special Rapporteur for 5 and a half years at the time of the report, Mr Melzer stressed that his outlook on torture was bleak, so long as state practices fail to evolve beyond the currently predominant attitude of indifference and self-righteousness. Torture and ill-treatment will remain widespread and impunity rampant, traumatising millions of victims without any prospect of hope or the promises set out in the Universal Declaration of Human Rights. He lamented that, despite constant requests, most of the states had failed to

respond, consequently jeopardising the consultations and preparation phase of his report. Governments hardly, if ever, take effective measures to incorporate the conclusions and recommendations made in thematic reports into their national laws, regulations, policies, and practices. Instead, governments demand respect for human rights from their opponents as well as other States; they are inclined to deny credible allegations to avoid accountability for the unarguable violations; leaving victims without any form of redress and rehabilitation.

The Special Rapporteur encouraged the office of the High Commissioner to lead a broader multi-stakeholder process aiming to identify generic standards to evaluate and improve the utilisation of thematic reports and the interactions of mandates with the mandate holder more generally. He also advised states not to view Special Rapporteurs as accusers or enemies of the state because of their criticisms, but similar to doctors that diagnose; they are simply carrying out commitments within their job description.

The international community and several non-governmental organisations presented statements during the interactive dialogue, with speakers welcoming recent efforts made by the Special Rapporteur. They acknowledged several positive impacts of previous reports which were crucial and inspiring; especially the mandate's pragmatic propositions on techniques to conduct interrogations during criminal investigations. Additionally, accountability was stated as vital to reducing incidences of torture. Justice and healing were necessary to secure peace. States reaffirmed their commitment to end all forms of torture and ill-treatment and voiced their concerns regarding the violations of human rights in countries like the United States where systematic racism and police brutality is a major issue faced by people of colour, especially black people. China was called out for human rights violations and abuses against the Uyghur people.

Geneva International Centre for Justice (GICJ) and Meezaan Center for Human Rights presented an oral statement, stressing the need for a crucial visit to Iraq, a visit that has been requested since 2007 but has received no positive response from the Iraqi authorities. GICJ urged to countries that have not yet ratified the United Nations Convention Against Torture (CAT) to do so in order to prevent and eradicate the use of torture and other cruel, inhumane and degrading treatment or punishment.

Special Rapporteur regrets ongoing practices of arbitrary detention, enforced disappearances and torture



By Aimara Pujadas / GICJ

Executive Summary

On the 15 March, during the 27th meeting of the 49th Regular Session of the Human Rights Council (HRC), the Interactive Dialogue with Ms Fionnuala Ní Aoláin, the Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism, was hosted. In her report, she presented the alarming reality of sustained arbitrary detentions and torture as well as cruel, inhumane, and degrading treatment, which have been continuously practiced despite the unequivocal calls made by the United Nations and the human rights bodies to end them.

The debate focused on international concerns over counterterrorism and countering violent extremism law and policy being used to target, constrain, and attack civil society across the globe. The report identified grave concerns about practices of secret detention with other serious violations of international law directed at the Uighurs and other ethnic groups in the Xinjiang Uighur Autonomous Region. This issue has been the subject of multiple communications by multiple Special Procedure mechanisms and experts of the Human Rights Council and has been justified by the Chinese government under the banner of “re-education”.

Furthermore, Ms Aoláin addressed the need to systemically reform counter-terrorism laws, to secure the status of those who fled places such as Afghanistan seeking refuge, and to implement a comprehensive review process for all persons convicted of terrorism. She

underlined the sustained arbitrary detention, and degrading treatment prevailing after the September 11 attacks and stated that counter-terrorism discourse, laws and practices had been used to justify the most egregious human rights violations across the globe.

Speakers condemned global acts of torture and shared their concern over extrajudicial transfer and enforced disappearances. The speakers reinforced the idea that countering terrorism is justified, however it should never serve as a reason to violate others human rights. The international community was united in its call to safeguard and prioritise human rights in the process of countering terrorist threats and hold states accountable whilst remaining transparent in their action. More robust legislation was called for, to protect the rights of each country's citizens.

The representative for the European Union underscored its concern over the transfer of persons who engaged in activities protected under international law including exercising their right to freedom of expression and assembly or participation in public affairs. Additionally, **Mexico, on behalf of Argentina, Chile, Costa Rica, Honduras, Uruguay and Panama**, called for states to respect the principle of *non-refoulement* and to refrain from transferring persons to their country of origin or to a third State when they are at risk of being subjected to torture or other cruel, inhuman or degrading treatment or punishment.

The delegates of China, Belarus and Syria noted that some references to specific countries in her report singled out activities that were not carried out in the context of countering terrorism and regretted that this mistake had been made. They denounced what they called a politicised campaign orchestrated by western countries and stated that until the present day, not a single European country participating in the practice of secret CIA prisons, had respected human rights.

Cameroon, which is currently facing internal and external security challenges, including terrorism instigated by Boko Haram, highlighted the fact that terrorism is an increasing obstacle to enjoying political, economic, social and cultural aspects of human rights. In parallel, **Yemen's representative** drew attention to the terrorist attacks undertaken by the Houthi groups against the Yemeni civilians, and who use them as human shields. Yemen requested the Special Rapporteur monitor and document terrorist acts by the Houthi militia with the objective of classifying them as a terrorist group so that the world can impose more sanctions on the leaders of such groups.

Civil society organisations and International non-governmental organisations (NGOs) acknowledged the obligation to provide adequate remedies to individuals and their families

who experienced these violations. Reference was made to Israel, a State that has orchestrated a systematic smear campaign against Palestinian human rights defenders and organisations to intimidate, undermined and delegitimise their work in promoting and defending the Palestinian people. Civil society organisations called for justice and accountability regarding Israeli crimes, including Israel's actions to be labelled as a crime of apartheid.

In this regard, the Special Rapporteur emphasised that the Council should and will continue to support accountability, seek transparency, and maintain a zero-tolerance policy for the violation of human rights in the context of counter-terrorism. She also underscored that the Draft comprehensive Convention on Terrorism should move past the stalemate it was in and be concluded, as without it the fight against terrorism is disadvantaged.

Following this line, on March 24th, the Human Rights Council adopted Resolution A/HRC/49/L.14, to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for a period of three years. It also requested all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by responding promptly to the Special Rapporteur's urgent appeals and providing the information requested; as well as responding favourably to the requests of country visits.

Geneva International Centre for Justice (GICJ) called upon governments to pay greater attention to counter terrorist policies that hinder the enjoyment of human rights for all. Terrorism in all its forms is a dangerous threat to peace and security as it undermines the safety of all countries and constitutes a direct attack on freedom and enjoyment of human rights. States implementing policies to combat these threats should consider the prevailing need to respect human dignity and ensure fair and humane treatment of those detained under the framework of counterterrorist actions, and according to international law and human rights standards. As it was clearly stated by all delegations during this meeting, a violation of the law does not justify the violation of human rights and a crime does not justify a crime.

Alarming increase in Violence against Children



By Elina Siegfried / GICJ

Executive Summary

At the 28th meeting of the 49th Regular Session of the Human Rights Council held on the 15th of March, Dr Najat Maalla M'jid, Special Representative of the Secretary-General on Violence against Children, presented her report to the Human Rights Council on the same topic. In her report, Dr M'jid stressed the worrying effect the COVID-19 pandemic and the ongoing conflict in Ukraine have had on children's protection and well-being. In her statement, she highlighted the importance of measures that states should take to ensure greater protection of children. This included investing and strengthening integrated services for children and their caregivers, suggesting that the investment in child protection and violence prevention could be considered as a "vaccine against the pandemic of violence against children". Furthermore, she encouraged states to include children in the specific solution process as they are the "key role as agents of change." She further underlined the role these integrated services play in preventing children from suffering abuse and ensuring the enjoyment of their fundamental rights. Dr M'jid noted that in order to accomplish the implementation of the 2030 Agenda for Sustainable Development, the rights of children must be upheld by all states. Such efforts to guarantee the rights of children and families will enable them to recover from the worst effects of the pandemic and ensure an inclusive rehabilitation process for society, leaving no one behind.

In the ensuing Interactive Dialogue, the delegations expressed their concern about the disturbing increase in violence during the Covid-19 pandemic and the shift towards a more hidden, less conspicuous level of violence on the internet and on social media. The delegates

agreed on the urgent need to collaborate on an international basis and to implement more effective measures to put an end to this issue. The growing need for dialogue on specific action that can be implemented to fully recover from the pandemic and the different ways in which states can involve children in the fight against this form of abuse were further discussed.

The Special Rapporteur reiterated her position that the key to protecting children around the world lies in the cooperation of the UN together with states, private actors and organisations at an international, national and regional level. In order to recover from the pandemic, it is crucial to implement people-oriented solutions to ensure these steps consider the needs of people, especially of children. The measures adopted by states should include integrated services with special emphasis on the need for social protection and assistance for children and their caregivers. The Special Representative pointed out the necessity to involve children in action plans and empower them to advocate for their own rights. The international community needs to pay particular attention to the fact that children are increasingly expressing themselves through social media, taking this evolution into account when adapting their improvement plans.

Concerning child marriage, the Special Representative indicated the importance of taking into account all root causes. There needs to be a change not only in the legal sector but also a change in the social conditions as well as in gender discrimination standards to provide an effective and sustainable solution. This also includes improving living conditions in the rural areas of many African countries to make change possible. The Special Representative once again addressed the ongoing detentions of children in many countries and noted that depriving children of their liberty is not a solution to fighting the real problems. She reiterated that would do everything feasible within her mandate to stop these internments. She highlighted the importance of states acting in areas of peace and with financial resources, encouraging them to maintain cross-border cooperation to ensure the safety of children.

Geneva International Centre for Justice (GICJ) commends the report by the Special Representative and the efforts she has undertaken within her mandate to make public the reality of the ongoing and increasing levels of violence against children. GICJ is deeply concerned about the increasing threats of violence that children have been facing due to the pandemic. Not only has violence increased, it has also become less visible, putting children even more at risk. GICJ encourages the international community to take effective measures to safeguard and guarantee the rights of children and to find a sustainable solution that effectively contributes to changing children's living conditions. Only together can we find this vaccine against the pandemic of violation against children. The youth is depending on states to step up and take action. Children are not only our future; they are also our present.

Unprecedented Challenges for Children in Armed Conflict



By Tiril Andresen and Isabelle Despicht / GICJ

Executive Summary

On the 15th and 16th of March, the Human Rights Council held an Interactive Dialogue with the Special Representative of the Secretary-General for Children and Armed Conflict, Virginia Gamba. The discussion addressed the issues presented in the report on Children and Armed Conflict, submitted by the Special Representative on the 4th of January, covering the period from December 2020 to December 2021.

In her opening remarks, the Special Representative emphasised the urgent need to protect children in conflict zones against grave human rights violations. According to the report, the first nine months of the reporting period were marked by a sustained number of violations, including killings, maimings and the recruitment of children, and denial of humanitarian aid. During this period, we also witnessed an increase in cases of child abductions, with especially alarming numbers in Somalia, DRC, and the Lake Chad Basin. In addition, the Covid 19 pandemic increased children's vulnerabilities, posing new and extreme challenges to their wellbeing.

After expressing profound concern about the scale and severity of the violations committed against children, the Special Representative shared her recommendations with UN Member States. In her final remarks, she called upon relevant parties to comply with their obligations under international law. In her recommendations, she also underlined the need to take effective and appropriate steps to facilitate the protection and safety of children with disabilities in armed conflict. She reminded the Member States that the sustainable reintegration of children is crucial to ensuring sustainable peace and security and breaking cycles of violence.

During the ensuing interactive dialogue, state delegates and NGOs provided suggestions on ending and preventing the unprecedented challenges children living in conflict zones face today. **The European Union** first took to the floor, addressing the unbearable suffering the children of Ukraine are facing as Russia attacks schools, homes, orphanages, and medical facilities. The **Nordic-Baltic countries** and **UN Women**, emphasised that girls' right to education is undermined during armed conflict, exposing them to the risk of sexual and gender-based violence. Other states, including **Uruguay** and **France**, underscored that the Covid-19 pandemic worsened the situation of children, especially those victims of armed conflict. **The Swiss delegate** addressed the mandate and asked how the Council could ensure that the difficulties faced during the pandemic will not be repeated.

Geneva International Centre for Justice (GICJ) is deeply concerned about the threat's children in armed conflict face, including sexual and gender-based violence and enforced disappearance. Children's rights should be protected, especially in armed conflict. We emphasise that the mandate's goal will not be achieved until *all* violence against children in armed conflict ceases to exist. Therefore, we call on states to redouble their efforts to work to prevent conflicts. The international community must work together to ensure the safety and wellbeing of children and sanction the perpetrators responsible for human rights violations.

Ongoing human rights violations in Belarus



By Sanzhar Aitkulov / GICJ

Executive Summary

At the 32nd and 33rd meetings of the 49th session of the Human Rights Council, held on the 17th of March, Ms Michelle Bachelet, United Nations High Commissioner for Human Rights, discussed the human rights situation in Belarus in the run-up to the 2020 presidential election and in its aftermath. The High Commissioner highlighted the human rights violations committed in Belarus since the presidential election in 2020 including the use of arbitrary detention, torture, police brutality, and illegal convictions. Mr Andrei Taranda, the Belarusian representative to the UN, denied all of these allegations and characterised the report as “politically biased”.

Mr Taranda, speaking on behalf of the country concerned, claimed that Belarus had already provided the Human Rights Council and other international organisations with relevant information relating to the 2020 presidential election. The representative accused western countries of undermining the legitimately elected government of Belarus with unrelenting campaigns of direct threats relating to economic sovereignty, economic sanctions, daily fake news, and political pressure. Iceland on behalf of Nordic-Baltic countries expressed concern about human rights violations committed in Belarus and condemned the Russian invasion of Ukraine as well as Belarus’s involvement in it. Representatives of different countries, such as Germany, Finland, France, Australia, Belgium, Poland, and the U.S. strongly condemned the detention and torture of civilians as well as other unacceptable human rights violations perpetrated by the Belarusian authorities. However, the representatives of the Democratic People's Republic of Korea, the Syrian Arab Republic, and Venezuela did not agree with their

colleagues and assessed the report of the High Commissioner as political interference in the internal affairs of Belarus. The delegate of the Russian Federation accused the UN human rights institutions of providing a biased and politicised viewpoint within the High Commissioner's report claiming that it was based on questionable methods and unverified testimonies that presented a unilateral and oversimplified analysis of events in Belarus. Numerous NGOs expressed their deep concern about the detention of human rights activists in Belarus. They were particularly concerned about the closure of almost 275 civil society organisations, noting that targeted attacks by the government against human rights activists and organisations pose a threat to the democratic development of the country. Many NGOs claimed that guilty verdicts handed down by the courts against demonstrators underline the lack of judicial independence within the Belarusian legal system.

Geneva International Centre for Justice (GICJ) condemns all ongoing human rights violations in the Republic of Belarus. We express our deep concern about the arbitrary detention and torture of civic activists, journalists, and human rights defenders in Belarus. The widespread display of public grievance in the aftermath of the 2020 presidential election has highlighted the desire for democratic improvements within the country. We call on the government of Belarus to respect fundamental human rights and ensure independent and fair investigations into the mistreatment of all detainees. GICJ condemns illegal arbitrations based on political prosecution and police brutality during mass demonstrations as well as in detention centres. Citizens of Belarus should be allowed to fully exercise their rights to freedom of expression, assembly, association, and speech without hindrance. We welcome the work of the High Commissioner for Human Rights and hope that the recommendations contained within her report will be implemented by the Belarusian authorities.

Persisting Impunity and the lack of Accountability in the Islamic Republic of Iran



By Sivar Ahmed / GICJ

Executive Summary

At the 33rd meeting of the 49th Regular Session of the Human Rights Council held on 17 March, Mr Javaid Rehman, the Special Rapporteur (SR) on the human rights situation in the Islamic Republic of Iran, presented his report to the Human Rights Council. In his statement, he highlighted the alarming human rights situation in Iran, notably the high levels of impunity and the lack of accountability in the country.

The report mentioned increases in execution cases in the country, including child offenders, in which 280 individuals were executed in 2021. Children were executed without prior notice to their families. Drug-related executions also increased, particularly amongst victims from minority groups. Imposing the death penalty on protesters and obtaining confessions under torture were among the most concerning areas in the report. The SR spoke about the use of excessive and lethal forces by security forces against peaceful demonstrators in the 2019 and 2021 demonstrations. No investigations took place to bring perpetrators of violations to justice.

Other serious issues mentioned by the SR included legislative developments in the Islamic Republic of Iran, focusing on the "User Protection Bill" and "Youthful Population Law", which constituted violation of human rights. Furthermore, the report thematically focussed on the legal structure and policy implementations leading to persistent impunity with regards to the most severe human rights violations. The SR explained that the governing structure in Iran is

not designed to separate powers and hold governors accountable, thus resulting in the Iranian people not having an independent body to claim their rights when violated.

The interactive dialogue focused on Iran's continued human rights violations. Many state delegates criticised Iran's policies and legislative system for its inability to hold perpetrators to account. Additionally, many concerns were raised by state delegates and NGOs on a number of issues. This included use of excessive force against peaceful protesters, the lack of investigations into lethal force, arbitrary detentions of activists and individuals from minority groups, increasing executions, threats and harassment of journalists and their families inside Iran, and the alarming legislative developments that threaten women and girls.

Many state delegates and NGO representatives shared the concerns of the SR. They requested that Iranian authorities take the report's recommendations seriously and work closely with Mr Rehman to make necessary reforms and establish a robust governance structure that safeguards human rights.

On 1st April 2022, the Council adopted draft resolution A/HRC/RES/49/24 which covered three points. First, extending the mandate of the Special Rapporteur for one year to submit the next report on the implementation of his mandate. Second, the Council called upon the government of Iran to give access to the SP to visit the country. Third, the Secretary-General requested to provide necessary assistance to the SR to fulfil his mandate. The resolution was adopted with 19 votes in favour, 12 against, and 16 abstentions. Furthermore, the Council regretted the lack of cooperation of Iran with the requests made by Councils and Assembly in previous resolutions.

Geneva International Centre for Justice (GICJ) shares the SR concerns regarding the alarming level of human rights violations in the country. We support the recommendations made by the SR and ask authorities in the Islamic Republic of Iran to cooperate with the SR to hold perpetrators of human rights violations accountable. GICJ requests the Iranian government to provide the SR with access to enter the country to enable a continuation of the investigations into human rights abuses. Furthermore, we call on the international community, including the Human Rights Council, to support all investigations and trials to hold perpetrators of human rights violations accountable.

Finally, GICJ reiterates our full support for the right to freedom of expression and freedom of media. We condemn the violations committed against journalists and activists in Iran.

The Problem with Judicial Independence and Journalism in Venezuela



By Natalia Venegas / GICJ

Executive summary

The human rights situation in Venezuela has been of particular attention for the High Commissioner and the council. During the 48th session of the Human Rights Council, the High Commissioner presented a report on the Human Rights situation in Venezuela (A/HRC/48/19). In addition, the report A/HRC/48/59/Add.2 was presented to the Council by the Special Rapporteur, Ms Alena Dougan, on the negative impact unilateral coercive measures had on the enjoyment of human rights in Venezuela. Later on, in January of 2022, the Human Rights Council held the Interactive Dialogue on the Universal Periodic Review of Venezuela.

At the 34th meeting of the 49th session of the Human Rights Council, held on the 18th of March, Ms Michelle Bachelet, United Nations High Commissioner for Human Rights, discussed the human rights situation in Venezuela. She began by noting that since her last update some reform initiatives have opened new opportunities for the implementation of critical human rights recommendations. This includes reforming the justice system and restructuring the National Police force, both of which have been seen as promising steps.

Nevertheless, the Office of the High Commissioner continues to observe challenges in Venezuela, including restrictions on the right to liberty, trial without undue delay, and access to a counsel of one's own choice. Ms Bachelet also emphasised her concerns about cases of arbitrary detention and restrictions on journalistic freedom of expression. The High Commissioner documented the closure of eight radio stations over the past year, allegedly by order of the National Telecommunications Commission. Additionally, the proliferation of armed

non-state actors and criminal groups have resulted in increased levels of violence, especially along the border with Colombia, in mining regions, and in urban centres. The High Commissioner's Office encouraged the lifting of sectoral sanctions to contribute to relieving the needs of the most vulnerable segments of the Venezuelan population.

During the interactive dialogue, several countries noted their concern about the human rights situation in Venezuela, including issues related to freedom of expression, supporting a safe communication environment, and addressing structural issues to restore the independence and impartiality of the judiciary. All recommendations were directed at protecting human rights in the country. A number of countries blamed the human rights situation of Venezuela on unilateral coercive measures imposed against the country and showed deep concern about the violation of the right to sovereignty and non-interference in the state's internal affairs. The president of the Inter-American Commission on Human Rights, Julissa Mantilla reinforced the importance of the balance of power and the need for checks and balances within any democracy.

On the 27th of September 2019, the Human Rights Council established the Independent International Fact-Finding Mission on Venezuela (resolution 42/25) for one year to evaluate the human rights violations committed in the country since 2014. The mandate of the Fact-Finding Mission was extended by the Council in October 2020 for two years ending in September of 2022 (resolution 45/20). On the 10th of March of 2021, during the 46th session of the Human Rights Council, Marta Valiñas, Chairperson of the Independent International Fact-Finding Mission, presented an oral update on their work. The second update was provided in the 48th session of the Human Rights Council. The report focused on the Venezuelan justice system.

The Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela (A/HRC/48/69) was subsequently presented to the Council. The report discussed a wide range of issues including cases involving extrajudicial executions, enforced disappearance, arbitrary detention, torture, and the use of cruel, inhuman and degrading treatment, including sexual and gender-based violence. Moreover, the report highlighted issues related to judicial independence and its role in perpetuating impunity for those who commit human rights abuses.

Regarding the fact-finding mission, Venezuela's delegation claimed that they did not approve of the mission, and the council adopted it without Venezuela's consideration. The council also labelled all findings as slander.

Ms Valiñas presented to the Council the Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela (A/HRC/48/69). The Report discussed a wide range of issues, including cases involving extrajudicial executions, enforced disappearance, arbitrary detention, torture, and cruel, inhumane and degrading treatment, including sexual and gender-based violence. The report highlighted issues concerning judicial independence or the lack thereof, and its role in perpetuating impunity for those who commit human rights abuses.

Geneva International Centre for Justice (GICJ) calls on all states to reconsider unilateral measures imposed on Venezuela regardless of their political views since they affect the Venezuelan people. GICJ also considers impartiality and freedom of expression vital to the fulfilment of human rights. Additionally, GICJ encourages the international community to offer greater protection to journalists, human rights defenders, political opposition members, and those who speak out against human rights abuses.

Technical Assistance and Capacity Building in South-Sudan



By Buba Ceesay / GICJ

Executive Summary

At its 49th regular session, during its 34th meeting, the Human Rights Council held an interactive dialogue with the UN Commission on Human Rights in South Sudan (UNCHRSS). The Report outlines some of the major human rights concerns that continue to be prevalent in South Sudan. Among other things, the report documents shrinking civic space in South Sudan,

arbitrary arrests and enforced disappearances, extrajudicial killings, sexual and gender-based violence, economic crimes, and the dire humanitarian situation in the country.

On the issue of the political and security situation in the country, the report underscores the stalling of the implementation of security sector reform, the lack of political concession between Sudan People's Liberation Movement-IG (SPLM-IG) and the Sudan People's Movement/Armed Opposition (SPLM/A-IO) on appointment ratios of senior officers, and the ongoing violence and instability arising from political rivalry among various political groups are among several factors impacting peaceful co-existence in South Sudan. In addition, the report highlights the lack of political will and the lack of political will of the Sudan People's Liberation Movement-IG to implement security sector reform. Legitimate engagement in civic activities has been hindered by the repression of the country's security forces and the Bank of South Sudan's October 6, 2021, banking direction to all banks in South Sudan to freeze bank accounts of individuals believed to be connected to the Peoples Coalition for Civil Action. It also notes that widespread arbitrary detentions, enforced disappearances, unlawful killings, and death threats are prevalent in South Sudan. It sheds light on the vile patterns and numbers of retaliatory killings of alleged cattle rustlers and demonstrates the prevalence of rape and other forms of sexual violence perpetrated against women and girls in South Sudan, without accountability. Embezzlement of state resources as one form of state condoned and complicit economic crime is widespread among government officials, thereby depriving the people of South Sudan of the benefit of common revenue and violating their rights to education and health. This is heightened by the dire humanitarian situation in the country; poverty, famine, acute hunger, and flooding are referred to in the delineation of the humanitarian crisis in South Sudan.

On progress made by the government, the report highlighted a military court ruling in Yei County that convicted a military officer for the rape. It, nonetheless, stressed the alarming rate of impunity in the country, while noting that the military court ruling is one of few success stories of accountability measures in South Sudan.

Commission Chairperson, Ms Yasmin Sooka in presenting the report to the council, underscored that South Sudan's transitional justice process continues to face numerous challenges. She cited the inadequate political will to implement the core components of the Revitalised Agreement. She emphasised to the council, the perilous nature of the localised conflict in Tambura, Warrap, Jonglei, and Bentiu and its ensuing humanitarian consequences, including mass killings and the enforced displacement of civilians along ethnic lines. She bemoaned the pervasiveness of sexual and gender-based violence in South Sudan, which she highlighted, has now been used as a reward and an incentive for the participation of youth

in the conflict. She recounted horrific scenes of rape, gang rape, sexual torture, sexual slavery, and the coercion of relatives to witness the rape and abuse of their loved ones. The long-standing negative attitude towards the accountability is reported to be the fuelling factor for the widespread prevalence of conflict-related sexual violence against women and girls in South Sudan.

Mr Barney Afako, a member of the Commission highlighted the Commission's recommendations and stressed that the signatories to the peace agreement need to demonstrate visionary leadership and renewed determination to complete the implementation of their transition commitments. Mr Andrew Clapham, another member of the Commission, remarked that despite having prepared a bill, a permanent constitution development process remains slow. The requisite legal, security, and institution foundations for the constitutional making process have not been established. He reiterated that the prevalence of impunity for serious crimes in South Sudan is responsible for the exacerbation of the conflict and insecurity in the country.

Ms Sooka concluded her presentation by expressing that South Sudan's transition agenda has reached a critical stage, yet political, humanitarian, and human rights crises continue to linger. She emphasised that unless the Revitalised Agreement is implemented in its entirety, the aspirations of the people of South Sudan for lasting peace will remain unfulfilled.

The Minister of Legal Affairs of South Sudan, Mr Ruben Madol Arol, speaking on behalf of the country concerned, highlighted the progress made by the South Sudanese government, including the institution of the revitalised government of national unity, the drafting of a bill for constitution-making, the resolution of the conflict in Tumbura by the Joint Defence Council and the cessation of conflict among signatories to the peace agreement. He concluded that South Sudan continues to face a lack of support from the international community in the form of technical assistance and capacity building, particularly for rule of law institutions, based on needs identified by the government and thus calls for international support in the area of technical assistance and capacity building.

In further discussions, delegates commended the Commission for its report and the documentation of GBV in the country and called for a renewal of its mandate. The speakers voiced their concerns and reiterated their calls to end gender-based violence. Calls were also made for the guarantee of freedom of expression and assembly, for holding perpetrators accountable for violence against journalists and humanitarian workers, and for holding credible and transparent elections. Concerns were raised regarding the slow progress in implementing the revitalised agreement. Other speakers commended South Sudan for its

cooperation with the Council and called on the international community to provide constructive technical and humanitarian support to South Sudan while respecting its sovereignty.

Geneva International Centre for Justice (GICJ) commends the commission for its report and expresses concern over the prevailing sexual and gender-based violence against women and girls, the lack of political will to implement in full all the commitments of the Revitalised Agreement, and the continuing localised conflict. GICJ praises South Sudan for the steps taken to ensure the implementation of the transitional justice programs and urges it to intensify its efforts and respect the participation of women, civil societies, and media. It further implores South Sudan to respect the rights to freedom of expression and assembly, and press freedom, and to bring an end to impunity.

Deteriorating Human Rights Situation in Syria



By Sarah Tayara / GICJ

Executive Summary

On 18th March 2022, the 49th session of the Human Rights Council came together in the Interactive Dialogue with the Commission of Inquiry on the Syrian Arab Republic to consider the Commission's most recent report on the human rights situation in Syria.

Mr Paulo Sergio Pinheiro, Chair of the International Commission, began by presenting the report. He noted that the people of Syria had been forced to endure more than 11 years of crisis and conflict. As they enter the 12th year of the war, Syrians are suffering through unprecedented levels of hardship brought about by escalating violence, a plummeting economy, and a humanitarian disaster. He lamented the death of at least 400,000 people, with the real number unknown and likely much higher, the displacement of 12 million people from

their homes, and the state of more than 100,000 civilians who are missing or have been unlawfully detained.

The report identified several culpable parties responsible for committing grave violations in the conflict, finding that the Syrian government remains the main perpetrator of human rights abuses. Mr Pinheiro concluded by urging the international community to move beyond rhetorical commitments to peace and to do all that is necessary to reach a negotiated political solution in line with Security Council resolution 22/54, asserting that anything less than a political solution brought about by a long-lasting, nationwide ceasefire will suffice.

In response to the report, Mr Hussam Edin Alaa, the delegate for Syria, reiterated the country's rejection of the Commission's mandate and allegations in the report. He emphasised that the Commission was merely a platform for shaming Syria and advancing the Council's politicised agenda which serves the narrow politics of the West. Some state delegates supported Syria's condemnation of the Commission, highlighting that UNSCR 46/22 which established the COI had not actually been supported by Syria as the concerned country thus rendering the report unacceptable and biased. They asserted that the only pathway to achieving stability in Syria is through a restoration of Syrian territorial integrity and national sovereignty.

Most states, however, took the floor to applaud the Commission's report and express their concerns on the deteriorating human rights situation in the country. They explored the peaceful beginnings of the Syrian crisis, highlighting the Syrian "regime's" violent response to Syrians' peaceful requests for freedom and justice. They noted the enormous toll of human suffering in Syria, reiterating the importance of parties respecting IHL and international human rights law. They also called for a continuation in the international jurisdiction to widen the scope of accountability of war criminals following the conviction of the former member of the Syrian intelligence in Koblenz in January 2022.

Civil society representatives welcomed the report and denounced the Syrian authorities for their persisting human rights violations of the Syrian people. They called for the establishment of an independent and impartial mechanism to locate missing persons, urging the international community not to forget the child detainees in camps in the northeast of the country, or those detained by ISIS.

On 1st April 2022, draft resolution A/HRC/49/L.30, extending the mandate of the Commission of Inquiry for a period of one year, was adopted by the Human Rights Council, with 23 states

voting in favour, 7 against and 16 abstaining. The Council also adopted draft resolution A/HRC/49/L.19, deploring the practices of the Israeli occupation in the occupied Syrian Golan and deciding to continue its consideration of the human rights violations in the occupied Syrian Golan at its fifty-second session. The draft resolution was passed with 29 voting in favour, 15 against and 3 abstaining.

Geneva International Centre for Justice (GICJ) welcomes the COI's report and condemns the abuse and suffering the people of Syria have endured for so long. GICJ urges all parties in the conflict to immediately cease all acts of violence against civilians. We call for an immediate end to inhumane treatment and torture in detention centres, including sexual and gender-based violence, as well as an immediate release of all arbitrarily detained civilians. Additionally, GICJ calls upon the Syrian government to ensure that all feasible measures, in line with Security Council resolution 24/74 (2019) are taken to locate all those detained and/or those who have disappeared in order to establish their fate and reunite them with their families.

It is imperative that international governments confirm their commitment to strengthen mechanisms of accountability and hold the Syrian government and other parties involved in the conflict accountable for infringing upon the basic human rights of the Syrian people. The international community must facilitate the creation of an independent mechanism with an international mandate to coordinate and consolidate claims regarding missing persons, including persons subjected to enforced disappearances. Following a decade of impunity, it is vital that the people of Syria are not abandoned. More must be done to ensure that the perpetrators of grave human rights violations are held to account.

Report on the Human Rights Situation in Myanmar following the Military coup



By Georgia Perathoraki / GICJ

Executive Summary

On the 18th and 21st of March, the 49th Regular Session of the Human Rights Council discussed the report of the Secretary-General for Myanmar, the Report of the United Nations High Commissioner for Human Rights in Myanmar, Ms Michelle Bachelet, and the Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, Mr Thomas Andrews.

On the 1st of February 2021, Myanmar's military seized power, hours before the newly elected parliament was due to convene for the first time. Alleging fraud in the November 2020 elections, the Tatmadaw launched a coup, which led to the eruption of mass protests across the country. Although there were some isolated incidents of violence, security forces largely allowed peaceful demonstrations to take place throughout the month of February. However, towards the end of February, the junta deployed increasingly violent tactics against protesters, ranging from the use of water cannons to live ammunition. On 28 February, at least 18 people were killed in crackdowns across the country, leading to a further escalation of violence. Arbitrary detentions, the unnecessary and disproportionate use of force against peaceful protesters, extrajudicial killings, and the use of torture against those in custody have accompanied the Tatmadaw's seizure of power.

On the 22nd of December 2018, in resolution 73/264 on the 'Situation of Human Rights in Myanmar,' the UN General Assembly noted the recommendation by the fact-finding mission on the conduct of a comprehensive, independent inquiry into the involvement of the United Nations in Myanmar since 2011. It encouraged the United Nations system to follow up on the

issues raised and to ensure that all forms of political and legal engagement consider and address human rights concerns. Following this recommendation, the Secretary-General appointed Mr Gert Rosenthal in December 2018 to conduct an independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018. Following oral presentations to the Human Rights Council on the findings and implementation of the recommendations of Mr Rosenthal's review in 2020 and 2021, the Human Rights Council invited the Secretary-General to provide a written report on progress made on the implementation of follow-up action to enable more effective work in the future and to strengthen prevention capacity of the United Nations system.

However, at this session of the Human Rights Council, Mr Khaled Mohamed Khari, the Assistant Secretary-General for the Middle East, Asia, and the Pacific, presented the report of the Secretary-General regarding the current human rights situation in Myanmar after the military coup of February 2021. Mr Khari provided an update on initiatives and concrete actions taken, based on recommendations made by Mr Gert Rosenthal in his 2019 independent inquiry. He underscored the progress made relating to the involvement of the United Nations in Myanmar and the strengthening of the prevention capacity of UN systems. During his speech, the Secretary-General emphasised that the current system has failed to effectively protect the human rights of people in Myanmar.

Moreover, Ms Michelle Bachelet and Mr Thomas Andrews discussed the dire humanitarian crisis in the country, caused by the illegal military junta. They highlighted the inhumane, brutal, and unprecedented methods of violence used by military forces against civilians since February 2021 and expressed their concerns regarding the deterioration of the human rights situation in Myanmar. Finally, they emphasised the urgent need for coordination and strong support from the international community to address the spread of human rights violations across Myanmar. The High Commissioner and the Special Rapporteur stressed the importance of holding every individual responsible accountable for the humanitarian crisis in Myanmar.

Throughout the meeting of the Human Rights Council, delegations expressed their sincere concerns regarding the human rights situation in the country. Many condemned the inhumane methods used by the military against civilians and called for the need for the immediate release of all those who have been arbitrarily detained and had their human rights violated. Also, they underlined that the sale of weapons to the military must stop right away and countries should keep the same position and direction against the coup. Resolution A/HRC/49/L.12 on the situation of human rights in Myanmar, which expressed concern about the use of military force

in the country and reiterated the international community's support for the people of Myanmar, was ultimately adopted as orally revised without a vote.

All parties agreed that there are increased concerns of great human and systemic discrimination against minorities in Myanmar and they underlined the need to protect civilians and to participate in building dialogue to restore peace. Therefore, all members support the promotion of a meaningful international dialogue accompanied by contributing steps to address discrimination as well as the realisation of fundamental human rights. Likewise, they urged the International Community to speak out against the military's inhuman behaviour and the UN to maintain pressure and continue supporting Myanmar and use all the tools and channels at their disposal to intensify coordination among states and international organisations.

Geneva International Centre for Justice (GICJ) condemns the current situation in Myanmar and emphasises its concerns regarding human rights violations committed in the region. Furthermore, GICJ urges the international community to pay greater attention to the ongoing plight of civilians in Myanmar and commit to taking practical steps that will ensure those who are responsible for this dire and inhumane situation will be held accountable for their actions.

A renewed call for the protection of minorities



By Francesca Maccabruni / GICJ

Executive Summary

At the 40th meeting of the 49th regular session of the Human Rights Council, held on 22 March 2022, Mr Fernand de Varennès, Special Rapporteur on minority issues, warned that the position of minorities in the world was deteriorating due to the increase of hate speech, hate crimes, denial of identity and the right to education in the mother tongue of minorities in several countries. The Special Rapporteur highlighted that globally, most conflicts are fought intrastate, often caused by the violation of the human rights, exclusion and discrimination of minorities.

The Special Rapporteur expressed regret that none of the recommendations on minority rights made by previous mandate holders had been taken into account. Mr Fernand de Varennès reproached the international community and United Nations' institutions for not focusing sufficiently on identifying and addressing the main factors causing conflict and violence. The Special Rapporteur recommended that, in order to prevent conflicts, minorities should have equal access to economic and social opportunities and be able to use their mother tongue in the education system. A framework of minority rights could and should be used as an early warning system of current conflicts.

Afterwards, Mr de Varennès gave an account of his visit to the United States of America (USA), noting that from a legal perspective, minorities in the USA were vulnerable because of certain

gaps in federal and state laws and protections. These laws are not always consistent with international human rights obligations, nor are they adapted to the modern challenges posed by hate speech, misinformation, and racism. For these reasons, the report urges the adoption of comprehensive human rights legislation that includes USAs obligations under international law.

In the ensuing Interactive Dialogue, nation's representatives had the opportunity to give a statement on minority issues. Some speakers underlined that, in order to prevent conflicts from arising, minority groups should be involved in political decisions, so they can express their needs. Others used the opportunity to highlight their nations tradition of diversity and of the constitutional protection of minorities, including Nepal, Egypt, Armenia, and Iraq. The representative of the Organisation of Islamic Cooperation (OIC) warned of rising hate speech, dehumanising language and violence against Muslims worldwide. The representatives of Belarus and Russia denounced the United Nations for ignoring the alleged discrimination of Russian minorities in the Donbass region and in EU countries like Latvia, Estonia and Lithuania. Many state's representatives then condemned these statements and the false pretext of Russia's military aggression on the grounds of protecting minorities.

On 24 March 2022, as the 45th meeting of the 49th regular session of the Human Rights Council, the Forum on Minority Issues was held. The Special Rapporteur on minority issues clarified that on 3 March, with regard to the conflict in Ukraine, the General Assembly called on all parties to protect civilians and persons in vulnerable situations and to ensure the human rights of women, the elderly, children, persons with disabilities, indigenous peoples and migrants.

The Special Rapporteur presented the draft resolution, which was adopted without a vote by the HRC as resolution A/HRC/49/L.23/Rev.1 on 30 March. All vulnerable groups were named in the resolution with the exception of minorities that are not included in the protection plans and do not appear on the list of vulnerable people. Mr de Varennes stressed that "the exclusion of minorities in times of war is unacceptable and deeply disturbing". States should focus on the inclusion of minorities and dialogue with them, as well as on the development of tools and mechanisms that can identify the warning signs of possible conflicts involving minorities.

Geneva International Centre for Justice (GICJ) is deeply concerned with cases of suppression and discrimination of minority groups worldwide. GICJ supports the proposition of the Special Rapporteur and encourages the international community to take effective measures to ensure the protection of human rights of minorities. We condemn all violations of human rights law and international humanitarian law and we are certain that, in order to

guarantee social harmony within and across nations, a framework of minority rights should be applied.

Global Efforts and Best Practices in Combating Various forms of Intolerance



By Amal Bushara

Executive Summary

At the 48th meeting of the 49th Regular Session of the Human Rights Council held on the 28th of March, Ms Marie Chantal Rwakazina, permanent representative of Rwanda to the United Nations Office at Geneva, and Chair Rapporteur of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (DDPA) presented the High Commissioner's report entitled "Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief". It was noted that the covid-19 pandemic has exposed and even exacerbated religious intolerance, as some people – also nourished by conspiracy theories – look for scapegoats and have wrongfully associated certain religious groups with the spread of the pandemic. The report also contained urgent calls to dismantle systematic racism and impunity by law enforcement officials and to ensure the voices of people of african descent and those who stand against racism are heard and acted upon.

Chair Rapporteur, Marie Chantal Rwakazina then presented to the Council the Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its nineteenth session, which recognised that combating racism, racial discrimination, xenophobia and related intolerance is a primary responsibility of states.

States were urged to further strengthen national programmes for eradicating poverty and reducing social exclusion that take into account the needs and experiences of individuals or groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance.

The Chair Rapporteur of the IGWG highlighted that globally, racism and its new manifestation persist and declared the importance of renewed commitment by states, civil society and other relevant actors in the fight against inequality and injustice. Furthermore, she emphasised the importance of the International Convention on the Elimination on all Forms of Racial Discrimination as the principle instrument for combatting racism, racial discrimination, xenophobia and related intolerance. This served as the foundation for the extensive Durban Declaration and Programme of Action, the UN's blueprint for achieving inclusion, equal opportunity and justice for all people no matter their race, sex or religion.

The presentation of reports was followed by a general debate, in which states shared their efforts, national action plans and mechanisms for combating discriminative and unfair social, economic and political practices. States called for a collective response in promoting justice and the equal recognition of all people.

Geneva International Centre for Justice (GICJ) warmly welcomed the efforts and contribution of all states for eliminating and reducing social inequalities that are caused by discriminative and intolerant practices, including police impunity. Further, GICJ called on states to renew and reaffirm their commitment to ending global injustice and discrimination. Finally, recognising that laws and policies are not always transparent and reflective of the needs of those effected on the count of their color, faith, sex or else, GICJ urged states to be more inclusive of the voices of those most vulnerable, including them in relevant decision-making processes.

Severe Human Rights and International Humanitarian Law Violations in Mali



By Jamel Nampijja / GICJ

Executive Summary

The Independent Expert on the Situation of Human Rights in Mali, Mr Alioune Tine, presented his report during the interactive dialogue at the 51st meeting of the 49th regular session of the Human Rights Council. His report focused on the ongoing security crisis in Mali and its impact on the lives of civilians, as well as the human rights situation, the situation with rights of women and children and the shrinking civic space. He appealed to the international community, the African Union, ECOWAS and all relevant stakeholders to provide necessary assistance to ensure that Mali progressively re-establishes security and authority of the state as well as essential social services throughout the national territory.

Mr Tine expressed concern over claims of international human rights law and international humanitarian law violations by the Malian Defence and Security Forces. The impunity relished by the Malian authorities damaged the public's confidence in the government. Impunity has undermined all efforts for accountability, redress, reconciliation, and the restoration of authority in Mali. Mr Tine urged the authorities to launch comprehensive and impartial investigations into allegations of human rights violations and abuses and make the findings of the investigations accessible to the public. He further called for a ceasefire and to finally put an end to all hostilities and attacks against civilians. He called for the respect of human rights and the fundamental freedoms of the citizens of Mali. He called on the international community

and the African community to take into consideration the appropriate solutions to address the worsening security crisis in Mali.

The representative from Mali, Mr Mamoudou Kassogue stressed that despite the challenges the country is facing, the primary responsibility of the government is to promote and protect human rights and end the conflict through peaceful means. Speakers from several human rights institutions and NGOs delivered statements condemning the 2020 coup d'état and stated that they were alarmed by the human rights violations perpetrated by Islamic extremist groups, armed groups, and national forces. The speakers called for a ceasefire and emphasised the importance of legitimate dialogue and guaranteeing the right to freedom of speech, particularly for journalists and human rights defenders.

Regarding the topic of impunity, Mr Kassogue stated that the authorities in Mali were holding special court sessions to address terrorism-related offenses, as well as gender-based violence. A criminal justice system addressing sexual violations during the conflict period had been reinforced, and legal aid was provided to victims who sought to press criminal charges against the perpetrators. He further reiterated the state's determination to maintain cooperation with all human rights mechanisms including the International Criminal Court (ICC) which has enabled exchanges of information as well as the arrest and transfer of persons sought by the Court. Additionally, obtaining reliable information on the Russian Wagner Group proved difficult since the only accounts of their presence in the region were from local residents who reported seeing white people in the villages.

Numerous speakers from the International Community, non-governmental organisations, and Human Rights institutions condemned the 2020 coup d'état and stated that they were alarmed by the human rights violations perpetrated by Islamic extremist groups, armed groups, and national forces. They called for a ceasefire and emphasised the importance of legitimate dialogue and guaranteeing the right to freedom of speech, especially for journalists and human rights defenders. Several speakers voiced their concerns regarding the deployment of the Russian-backed Wagner Group. Calls were made for the non-politicisation of human rights and for the international community to respect and honour Mali's national sovereignty. Some speakers even suggested that Mali explore traditional justice mechanisms as a solution to end the conflict and one speaker in particular encouraged an African approach to be implemented when attempting to solve African problems.

GICJ reiterated its call to the Economic Community of West African States (ECOWAS) to lift sanctions imposed on Mali. GICJ encouraged ECOWAS, the African Union and the Malian government to engage in dialogue and negotiation to achieve peace and sustain human rights in the country.

Interactive Dialogue with Fact-Finding Mission in Libya



By Sivar Ahmed / GICJ

Executive Summary

At the 52nd and 53rd meeting of the 49th Regular Session of the Human Rights Council held on 30 March, Mr Mohamed Auajjar, the Chair of the Fact-Finding Mission (FFM) in Libya, presented the follow-up report on the fact-finding mission of human rights violations and abuses in Libya. The report focused mainly on ongoing investigations regarding human rights violations and abuses committed by different parties throughout Libya since 2016. The report is the follow-up of the October 2021 report, and the mission will submit its final report with recommendations in June 2022.

The report confirms the lack of staff that the mission experienced until mid-February however, despite all the challenges, the mission completed its first visit to Benghazi, and as outlined in the report, peace in Libya can exist through Libyans themselves and with the support of the international community to build unified institutions. After submitting the first report in October 2021, the mission carried out investigations into the most serious violations of human rights focusing on infringements that hamper the transition to democracy and the rule of law.

The report also addresses the culture of impunity and how it is impeding the transition process in Libya, providing examples of violations compounded by the scheduled elections including the arrest and detention of individuals by armed groups. Furthermore, the Chair devoted special sections in the report to violations in the context of deprivation of liberty, sexual and gender-based violence extrajudicial killing and enforced disappearances. In addition, the

mission investigated several secret and illegal detention centres set up and controlled by armed militia that were previously closed but are reportedly still operating. The mission investigated the events involving the use of excessive force in early October 2021 against foreigners and migrants in detention centres controlled by Libya's Department for Combating Illegal Migration, as well as investigating the abuses of migrants at the hands of traffickers.

The interactive dialogue focused on Libya's continued human rights violations, including illegal detention, discrimination, arbitrary arrests, gender-based violence, and the narrowing of civic space. In addition, state delegates expressed their countries' support to the FFM to fulfil its mandate and showed willingness to provide necessary technical assistance to Libya. The state delegates and NGOs expressed their appreciation of the support provided by Libyan authorities to the FFM and voiced concern over the ongoing violations and abuse of human rights under human rights law and international humanitarian law. Furthermore, they requested an extension for the mission's mandate after June 2022.

Ms Tracy Robinson and Mr Chaloka Beyani (members of the FFM) responded to the questions posed by state representatives and NGOs. Their remarks reiterated that the mission continues to provide technical support to Libya and the international community was urged to support efforts to strengthen the rule of law.

Geneva International Centre for Justice (GICJ) thanks the fact-finding mission in Libya for their report. We support a democratic and peaceful transition in Libya and call for independent, free and fair elections to secure the democratic rights of the Libyan people. GICJ condemns all attempts by militia and political parties to interfere in the judiciary's work. In addition, we call on Libyan authorities to end continued human rights violations, especially in the south part of Libya.

GICJ commends the efforts of the FFM to document and investigate violations and abuses of human rights under international humanitarian law in Libya. We support all efforts and the level of co-operation by NGOs with the FFM to make contact with victims and attempt to redress the human rights violations occurring in the country. We request the council extend the mission's mandate after June 2022. Furthermore, GICJ urges the international community to support the FFM and Libyan authorities to strengthen the rule of law, build independent judicial institutions, end impunity, conduct free and fair elections, end ongoing interference, and maintain the human rights structure in Libya. We share the concerns of the FFM regarding the situation of vulnerable groups in Libya, including women, minority groups and migrants. GICJ urges Libyan authorities to end gender-based human rights violations and discrimination,

provide more humanitarian aid for migrants and protect them from trafficking gangs. Furthermore, we ask the mission to conduct further investigations regarding illegal detention centres in Libya. Finally, GICJ urges the Libyan authorities to institute the necessary legislative developments in line with international standards to protect civilians, women, minorities and migrants.

Technical Assistance and Capacity Building in Central African Republic



By Amal Bushara / GICJ

Executive Summary

On the 30th of March, the 52nd meeting of the 49th regular session of the UN Human Rights Council took place in Geneva. High Commissioner for Human Rights, Ms Michelle Bachelet, provided an update on the dire humanitarian situation in the Central African Republic (CAR), caused by the ongoing civil war. The High Commissioner highlighted the discriminative nature of the violence against Muslims who continue to be targeted as revenge for their support of the ousted Seleka militia group. Similarly, conflict related sexual violence remains to be a huge concern. Ms Bachelet confirmed that it was reported that all parties to the armed conflict committed crimes of sexual nature, even after the latest ceasefire.

It was noted during the discussion that there had been modest development in the areas of national justice and the Special Criminal Court but despite the President's unilateral ceasefire declaration on October 15 2021, the country's conflict continues to result in serious violations and abuses of human rights by all parties. Several armed factions continue to commit grave human rights violations. In her concluding statement, the High Commissioner expressed

grave concern over the increased number of human rights violations and abuses, as well as the role of the CAR's defence forces and allies in committing such violations.

Following the High Commissioner's speech, various experts, state representatives and relevant stakeholders took to the floor during the meeting, including Independent Expert on the CAR, Yao Agetse, to reiterate their commitment to supporting national and international efforts to end the ongoing violence within. The Country was praised for its efforts to support and protect human rights including through the appointment of two councils to combat sexual violence in conflict and to promote human rights and good governance. Speakers also noted the importance of transitional justice measures as a means to address massive and systemic violence as is the case in CAR. Finally, Mr Arnaud Djoubaye Abazene, Minister of Justice and Human Rights of the Central African Republic, reaffirmed that it is only with close collaboration that violence in CAR can be remedied.

States, including Norway on behalf of the Nordic-Baltic countries, Egypt, Senegal, France, Venezuela, Luxembourg, China, Sri Lanka, Russian Federation, Benin, Morocco, Mauritania, Sudan, the United States, Belgium, United Kingdom, Portugal, Ireland, and Cameroon expressed shock over the significant number of recorded cases of gender-based and conflict-related sexual violence, as well as grave abuses against minors and religious minorities. Some state representatives referred to the Central African government's pledge to tackle impunity, but also praised the Central African government's efforts to promote social peace, national reconciliation, and restore security and stability across the country.

Geneva International Centre for Justice (GICJ) commended CAR for its work and efforts in combating violence and human rights abuses and welcomed the guidance of state representatives and international organisations in ending conflict.

Human Rights in the Democratic Republic of Congo



By Patricia Jjuuko / GICJ

Executive Summary

On the 29th of March, the 50th meeting of the 49th Regular Session of the UN Human Rights Council took place in Geneva. Ms Al-Nashif noted that the human rights situation in the Democratic Republic of the Congo had not improved significantly since the last update before the Council. She reported that there continues to be persistent attacks by armed groups against civilians, notably in the eastern provinces. In 2021, the United Nations Joint Human Rights Office (UNJHRO) documented nearly 7,000 cases of human rights violations and abuses throughout the country. Despite the overall decrease of nearly 12% from the previous year, abuses committed by the Allied Democratic Forces (ADF) fighters have increased. Their attacks on civilians intensified in North Kivu and Ituri, despite the state of siege in place since May 2021. Ms Al-Nashif remarked that in addition, there was a significant increase in attacks on civilians by the Nyatura armed group and various Maï-Maï groups in North Kivu, Tanganyika, Maniema, and South Kivu provinces. She was particularly concerned by the shrinking humanitarian space throughout conflict-affected provinces. This is reflected in their records which show that in 2021, the Office of the Human Rights Council documented at least 292 incidents of violence against humanitarian actors, with seven killed, 29 injured and 25 abducted for ransom.

The Deputy High Commissioner welcomed the suppression of the Military Operational Court and efforts to support military justice in the treatment of additional cases assigned to judges and invited the authorities to ensure that the derogations imposed under the state of siege comply with the spirit of article 4 of the International Covenant on Civil and Political Rights,

considering the Human Rights Committee's General Comment No. 29. She further acknowledged the efforts made by the authorities of the DRC since October 2021, in the fight against impunity for human rights violations. At least 57 members of the Armed Forces of the DRC and the Congolese National Police, as well as at least 83 members of the armed groups, had been convicted of human rights and/or international humanitarian law violations which are developments towards sustained peace and security. Ms Al- Nashif encouraged the government to ensure that all perpetrators of serious violations are held accountable, regardless of their rank or affiliation.

In her report, the Deputy High Commissioner also pointed out the verdict rendered on 29 January 2022 by the Military Court of Ex-Kasai Occidental, resulting in the conviction of more than 50 persons including a senior army officer, in relation to the killings of Ms Zaida Catalán and Mr Michael Sharp, former members of the United Nations Group of Experts on the DRC. Ms Al-Nashif encouraged the authorities to continue their investigations to ensure that all those involved in the murder of the two experts and individuals accompanying them are held to account. Lastly, she welcomed the significant progress made in managing the crisis in the Kasai region, including the establishment of a provincial Truth, Justice, and Reconciliation Commission. However, Ms Al-Nashif emphasised that the prioritisation of serious cases by the military justice system with the support of international partners, including the UNJHRO remains key. She noted with concern the slow pace of criminal prosecutions; nearly six years after the outbreak of the crisis to date, only a few major judicial cases had passed the preliminary investigation stage. Ms Al-Nashif hoped that with the continued support of her office and partners to judicial authorities, progress will be made towards the realisation of the right to justice of victims. The Deputy High Commissioner expressed her sincere appreciation to the authorities for their openness and excellent cooperation with her office and with the international experts. She noted that their political vision in favour of a transformative effort for justice is welcome as is their commitment to local, national, and regional ownership of this important endeavour and encouraged all member states to extend their full support to the important work of the team of experts.

In her concluding remarks, the Deputy High Commissioner pointed out that as the Congolese people headed towards elections in 2023, she called on the government to take all measures to ensure that the process is non-violent, transparent, inclusive, and credible. She expressed her appreciation that the Sakata draft law against tribalism, racism and xenophobia had been enlisted for discussion at the National Assembly and committed her support to continue to implement its technical cooperation activities, including training, capacity building and support of legal reforms.

Following the Deputy High Commissioner's update, state representatives and relevant stakeholders took to the floor during the meeting including the Minister of Human Rights of the Democratic Republic of the Congo, Mr Albert Fabrice Puela. In his statement, he affirmed the government's commitment to the implementation of transitional justice in the Democratic Republic of the Congo and the creation of a national reparation fund for victims of serious crimes. Mr Barce Ndiaye, a member of the Team of International Experts spoke to the need for truth. He stated that without truth, rumors would lead to revenge-based violence which are difficult to combat. He called for a road map to be drawn up that is consistent and coherent and allows for wide scale national and international aid. The Director General of the Congolese Society, Mr Dominique Kambala, in his report noted that the DRC was concerned over how to manage the heavy burden of the past, marked by serious atrocities, which had been reported on by the Expert Team. Given this painful legacy, the government had opted for a transitional justice process, with national consultations, which were a decisive step in implementing political will.

States, including Sweden on behalf of the Nordic and Baltic countries, Egypt, France, China, and the African group acknowledged the marginal decline in violations of human rights however, they were deeply concerned with the alarming human rights situation including sexual and gender-based violence and executions in certain provinces. Despite the efforts deployed by the Democratic Republic of the Congo, including the transitional justice process, progress in executing the Peace, Truth and Justice Project was affected by the situation in the provinces central to the armed conflict. The speakers urged the government to increase efforts to improve the human rights situation, and to implement a clear, time-limited exit strategy from the state of siege, improve coordination with partners to protect civilians, and commit to protecting political space while building institutional support.

Geneva International Centre for Justice (GICJ) commended the government of the Democratic Republic of Congo on its efforts to fight against impunity. However, GICJ expressed its deep concern with the number of dissidents who have returned to armed groups as the authorities failed to process them through an effective Disarmament, Demobilisation, and Reintegration program and urged the government to ensure that the programme was strengthened to avoid the failures of past programmes. This would create a path to ensure that peace and security were established in the region.

Interactive Debate on Human Rights Violations in the OPT



By Lola Stirling and Yasmine Darwish / GICJ

Executive Summary

During the meetings on the 3rd and the 25th of March 2022, Michelle Bachelet, United Nations High Commissioner for Human Rights and Special Rapporteur Michael Lynk presented their report on the human rights situation in the Occupied Palestinian Territory at the 49th session of the Human Rights Council.

In her report, the United Nations High Commissioner for Human Rights presented that her Office had documented several incidents in which Israeli attacks may have violated international humanitarian law principles of distinction, proportionality and feasible precautions. However, almost 10 months later, her Office was not informed of any criminal investigations being launched regarding these incidents. She also noted pervasive impunity afforded to members of the Israeli security forces for incidents of possible excessive use of force outside the context of hostilities. Regarding the accountability of Palestinian authorities, she noted that the reporting period was marked by increased violence by Palestinian security forces, which may amount to violations against the right to life and physical integrity.

The Special Rapporteur's report pays particular attention to the question of whether the Israeli occupation in Palestinian territory now amounts to apartheid. Mr Lynk built on his findings and applied the Rome Statute's three-step test to demonstrate that, although the situation does share some of the same characteristics as the previous apartheid regime, Israel is imposing

unprecedented measures in the territory. According to the Special Rapporteur's findings, the Israeli occupation fulfills the characteristics set out in the test for proof of apartheid.

Both the High Commissioner and the Special Rapporteur presenting their reports on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, said that during the reporting period, between 1 November 2020 and 31 October 2021, the human rights situation in the Occupied Palestinian Territory had further deteriorated. This period was marked by a significant increase in violence, including the largest escalation of hostilities between Israel and Palestinian armed groups in Gaza since 2014. Israeli forces killed 315 Palestinians and injured 17,597 Palestinians. Several incidents, in which Israeli attacks may have violated international humanitarian law principles of distinction, proportionality and feasible precautions, were documented.


Geneva International Centre for Justice (GICJ) thanks the Special Rapporteur and the High Commissioner for their comprehensive and factual reports and condemn Israel's attempts to impede Mr Lynk's research. GICJ stands firmly against any and expresses solidarity with the Palestinian people and with the creation of an independent Palestinian state. We emphasise that there can be no legitimacy of a Colonial State that continues to violate international human rights law and deny the Palestinian people their inalienable right to self-determination. The occupying power must be held accountable for all of its actions, which are tantamount to apartheid. Concrete steps should be taken to implement international law and end the racist Israeli occupation.

VII. Conclusions and Reflections

The 49th session of the Human Rights Council covered many key topics relating to human rights. Together with partner organisations, GICJ successfully participated in the session by delivering a total of 21 oral statements and 20 reports. Altogether, our team contributed to raising the profile of specific human rights issues by addressing numerous forms of violence and degrading or inhumane treatment, emphasising the importance of the independence of the judicial system, reiterating the key principles of fairness and non-discrimination, advocating for the respect of the rule of law, promoting intercultural awareness, and fighting impunity. The Russian aggression on Ukraine and the aftermath of the Covid-19 pandemic underlines the need to respect human rights of all types, be they the laws protecting civilians in times of conflict, the right to health, education, and other fundamental human rights which allow for an adequate standard of living. Now more than ever, the international community has an obligation to come together and find viable solutions to ensure the implementation of the 17 SDGs, and the fulfilment of human rights. As inequalities rise in a post-pandemic context, against the backdrop of rising global temperatures and escalating levels of food insecurity, many countries are on the brink of massive humanitarian emergencies. In view of these developments, a focused and concerted effort must be made by the international community to further develop and enforce human rights norms



www.gicj.org

 @Geneva4Justice