

**INTERNATIONAL ORGANIZATION FOR THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION  
(EAFORD)**



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**39th Session of the UN Human Rights Council  
10-28 September 2018**

**SUMMARY REPORT OF EAFORD'S INTERVENTIONS**

EAFORD's Interventions during the 39th Session of the Human Rights Council



## **Introduction**

The Thirty-Ninth Regular Session of the United Nations Human Rights Council (hereafter the Council) was held at the Palais des Nations in Geneva, Switzerland from 10 September to 28 September 2018. At the opening of this session the Council welcomed the new United Nations High Commissioner for Human Rights, Michelle Bachelet, who delivered her first oral update on the global situation of human rights.



[UN Photo / Jean-Marc Ferré]

During the Thirty-Ninth Session the Council focused on the most serious and urgent human rights issues across the globe. The Council heard the presentation of 124 reports that addressed 40 various themes and 50 country-specific situations. The Council also heard from 25 independent human rights experts, working groups and investigative bodies; held three panel discussions and heard eight oral updates and statements by four high-level dignitaries; and adopted the outcomes of the Universal Periodic Review of 14 states. In all, representatives from 150 states, 303 non-governmental organizations, and 27 national human rights institutions (NHRIs) participated in the thirty-ninth session of the Human Rights Council.



UN Photo / Jean-Marc Ferré

The **President of the Council, Ambassador Vojislav Šuc of Slovenia**, opened the thirty-ninth session and officially welcomed the new High Commissioner for Human Rights, Michelle Bachelet. He also welcomed the representatives of five least developed countries attending the Council with the help of the Council's trust fund. He stressed that the Council has a zero-tolerance policy toward harassment of human rights defenders and also noted that, as President, he would follow up on all allegations concerning acts of intimidation or reprisals against civil society.

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

**Ms. Michelle Bachelet**, the newly appointed **UN High Commissioner for Human Rights (HCHR)**, officially assumed her post as High Commissioner on September 1, 2018. In her first opening statement at the 39th Regular Session of the Human Rights Council she appreciated the work of her predecessor, Mr. Zeid Ra'ad Al Hussein, for his activism, humanity, courage, achievements, and for being the voice of the victims of human rights violations. She highlighted the importance of the 70th anniversary of the Universal Declaration of Human Rights. She also reminded the Council that the rights and needs of people are the central focus of the Council.

Ms. Bachelet introduced herself as a political detainee, the daughter of political detainees, and a refugee. As a physician she has attended to children who experienced torture and the enforced disappearances of their parents. She brings to the mandate of the High Commissioner her years of experience in the public service and her lifelong dedication to reverse hatred and ensuring respect and equality for all. She has headed the United Nations Entity for Gender Equality and the Empowerment of Women, has led Chile twice as its president, and

remembered the coup d'état in Chile 45 years ago which brought brutality, torture and bloodshed to the country. Being a former President, she said that she would bring her experience in public service and lifelong dedication to ending hatred and ensuring equality to the mandate.



*New High Commissioner for Human Rights, **Michelle Bachelet**. [UN Photo / Jean-Marc Ferré]*

Ms. Bachelet asserted that human rights expresses the core purpose of the United Nations, thus we can only achieve peace, security, and sustainable development by advancing dignity and equality for all. She added that upholding human rights is in everyone's interest although political differences may have divided some countries. She deeply admires the work of the Human Rights Council with its mechanisms and experts, the Universal Periodic Review (UPR) and the enquiries made by the fact-finding missions of the Council. The undermining of multilateral institutions, such as this Council, by countries would only lead to failure of meeting the challenges that people face. Good governance is based on identifying and amending the gaps toward access to justice, dignity, and equality so we can live in more respectful and harmonious societies. She laid particular stress on the importance of consensus, cooperation, and collectiveness of member states at the Council rather than disputes, division, and withdrawals to sustain core principles and common goals.

Ms. Bachelet acknowledged that military leaders could end military intervention in democratic politics and work towards reconciliation with the victims of oppression. The presence of centuries of prejudice and discrimination against the people of the Global South and women could be pushed back. It is the states that hold the primary responsibility for upholding the rights of their people, and she affirmed that she would always listen to the governments. Furthermore, she added that the progress of the Sustainable Development Goals would not be possible without the discussion of human rights.

Ms. Bachelet affirmed that she would advocate for the civil, political, economic, social and cultural rights that were inherent entitlements of all people and said that she would strive to be their voice and their strong defender in complete objectivity, without fear or fervor, and to urge all States to protect and promote all human rights, without distinction. The council has the responsibility to speak out against every instance of human rights violations regardless of sex, gender identity, race or ethnicity, religion, disability, migration status or any other characteristics irrespective of the political regime in a given country. The Human Rights Council has the right to advocate and assist transformative improvements in upholding these rights, which extend from the digital universe to abject poverty. To this end, measures which enable the development of people should be adopted; including measures to promote access to the best quality education, health care and fundamental services.



*UN Photo / Jean-Marc Ferré*

Ms. Bachelet noted that much work has already been accomplished by the Office of the High Commissioner and its 72 offices, the Human Rights Council and its mechanisms, and civil society activists. She further highlighted the importance of building better multilateralism, more strategic coordination, more dialogue and more justice for making rights a reality.

At the end of the session, the Council adopted 23 resolutions and a Presidential statement ([A/HRC/39/L.4](#)) that addressed multiple themes. Also, three vacancies of Special Procedures mandate holders were filled, four new members of the Council's Advisory Committee were elected, and a report of the session was adopted.

## EAFORD's Participation at the Human Rights Council



### Oral statements

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) delivered 12 joint oral statements during the 39th Regular Session of the United Nations Human Rights Council. EAFORD covered several thematic issues and specific country situations under various Agenda Items of the Human Rights Council, which included recommendations to the Council, member states, and other relevant bodies and stakeholders.

### Agenda Items

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

## Thematic Issues

### *Civil Society Space*

*EAFORD jointly with Geneva International Centre for Justice (GICJ) addressed the United Nations budget cuts and the shrinking civil society space at the UN under General Debate Item 5. Also, noting that over the years there has been much concern that civil society space at the UN Human Rights Council has continued to diminish due to a number of factors and actions taken.*

### **General Debate under Item 5: Human rights bodies and mechanisms**

21 September 2018

Delivered by: Mr. Mutua K. Kobia



Mr. President,

Earlier this year, a major decision was taken by UN member states to heavily cut the budget of the UN. EAFORD and Geneva International Centre for Justice would like to express our deep concern over this decision as it adversely affects the functioning of the Human Rights Council, its human rights bodies and mechanisms, and in turn humanitarian and climate disasters, and the most vulnerable who deserve this Council's attention.

It is deeply worrying that this decision was taken after it was well acknowledged that the total workload of this Council more than doubled and is likely to increase considering the current and projected state of human rights situations across the globe. Such budget cuts, with reduced allocated time equate to less efficiency, less data, and a reduction of expertise.



Mr. President, how are we expected to promote and protect human rights with a reduced budget and increased workload?

We are also very much concerned that these cuts will reduce civil society space in the Human Rights Council by way of indirect factors that may not be realized until it is too late.

On this issue, we note that while this Council's President has continuously warned against acts of intimidation, personal attacks, and other threats of that nature, we regrettably inform that most recently there have been such incidents by members of **this** Council against representatives of non-governmental organizations. It is also with deep regret to note that there appears to be a selective attitude in addressing reprisals against NGOs.

In conclusion, we reiterate the words of Danish lawyer Morten Kjaerum, "Civil society organizations are the eyes, the ears and the voice for protecting and promoting human rights. The importance of NGOs can therefore not be overstated."

Thank you.

### General Debate

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

25 September 2018

Delivered by: Ms. Chiraz Khemakhem



Mr. President,

In the Vienna Declaration and Programme of Action (VDPA), under section C on "Cooperation, development and strengthening of human rights", paragraph 67 gives special emphasis on strengthening of a pluralistic civil society. However, we note the shrinking civil society space at the Human Rights Council and the United Nations as a whole. For instance, non-governmental organizations at the Human Rights Council used to have an unlimited number of invitations for interested persons outside the UN to attend a side-event. This number was limited to fifteen persons in recent sessions, and worse still has been further limited to only five persons as of this session.

Furthermore, the process of accreditation is not convenient enough for people with limited internet access or computer skills, as well as, time consuming, which further discourages attendance for only a couple of hours at a parallel side event during the Council.



These actions will ultimately limit civil society's desire to physically participate and contribute their expertise, best practices, and information about grave and serious human rights situations that are discussed by the Council. The new restrictions do not encourage anyone from outside the UN to attend the sessions and informal meetings, thereby, do not strengthen civil society space at the Human Rights Council.

Mr. President, EAFORD and Geneva International Centre for Justice, **call upon this Council** to put more emphasis on what the VDPA stands for so that the work of civil society and non-governmental organizations to report and prevent human rights violations is better implemented.

### ***Privacy in the Digital Age***

*The Right to Privacy in the Digital Age is a rising issue that was addressed by the new High Commissioner. In light of this EAFORD, GICJ, and Homo Digitalis addressed the topic of protection during the General Debate under Item 2.*

### **General Debate**

#### **Item 2: Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**

11 September 2018

Delivered by: Mr. Konstantinos Kakavoulis



Mr. President,

We would like to thank the High Commissioner for her oral update and wish her luck and success in her endeavor for the protection of human rights in a constantly changing world.

EAFORD, Geneva International Centre for Justice and Homo Digitalis would like to focus particularly on the High Commissioner's Report concerning the Right to Privacy in the Digital Age.

The Internet reforms our society as a whole, but also the human existence in itself, by creating a new digital representation of ourselves; **a digital personality, which is not necessarily identical to our real personality, but enjoys the same freedoms and rights.**

To this end, the High Commissioner's Report is more acute than ever.

We wish to underline that ensuring the protection of individuals against unlawful or arbitrary interference from surveillance measures requires that effective national legal frameworks are in place.

However, in many jurisdictions, national legislation is non-existent, ambiguous or outdated.



Even under the European Union (EU) General Data Protection Regulation (GDPR), a milestone in the protection of the right to privacy in the digital age, governments still have ample scope to claim that national security justifies attacks on privacy.

**We urge all States, civil society and stakeholders** to work towards giving individuals the knowledge and tools necessary to look after themselves. This might prove to be one of the more effective responses to an uneven –and sometimes contradictory legal landscape.

We should always remember that the only non-legal instrument that is powerful enough to provoke change is human conscience.

Thank you.

### ***Racism and Racial Discrimination***

*EAFORD and GICJ addressed racism and racial discrimination in a historical context and noted how political parties and persons in positions of power use hatred to instill fear for their own objectives.*

#### **General Debate**

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

25 September 2018

Delivered by: Mr. Mutua K. Kobia



Mr. President,

We are deeply concerned that while racism, racial discrimination, xenophobia, and related forms of intolerance continues to be alive and on the rise in nearly all regions of the globe the issue remains taboo or is not taken seriously enough. Moreover, it has led to the creation of discriminatory laws and are often the root causes of social and economic inequalities, and violent conflicts that have devastated the lives of individuals and communities. In a historical context, some of the worst and most unimaginable atrocities and crimes against humanity such as torture, slavery, ethnic cleansing, and even genocide are attributed to the evil of racism.

Today, political parties and persons in positions of power continue to spread disinformation, misinformation, inaccurate portrayals of migrants and people with different ethnic backgrounds, information based on false accounts, and hate speech with the intended result of instilling fear of vulnerable groups and minorities among their populations. This form of manipulation allows them to win and govern a country based on fear and hatred and with the strong possibility of enacting discriminatory and racist laws.

Mr. President,

All this considered, why does it not appear to be a serious subject with a high priority in the UN?

To this end, EAFORD and Geneva International Centre for Justice, **urge all member states** to:

- **Seriously address** the issue of global racism, its root causes and implications;
- **Enhance** disaggregated data collection on race-related crimes;
- And finally, we **strongly recommend** states to support, adopt and fully implement the Durban Declaration and Programme of Action.

Thank you.

### *Water and Sanitation*

#### **Interactive Dialogue with the Special Rapporteur on Safe Drinking Water and Sanitation**

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

10 September 2018

Delivered by: Mr. Mutua K. Kobia

Mr. President,

We thank the Special Rapporteur on the human rights to safe drinking water and sanitation for his report which focuses on forcibly displaced persons and also addresses emergency situations, challenges and obstacles, and building resilience. Too often, the human right to safe drinking water is forgotten during and after emergency situations, which then leads to sanitation-related diseases, malnutrition, and other ailments that raise the death toll and increases health risks among populations. In this regard, the human rights to water and sanitation can provide guidance to prevent such dangers.



While welcoming the new High Commissioner for Human Rights, Ms. Michelle Bachelet, we thank her for acknowledging the situation in Iraq in her opening statement. In Basra, recent demonstrations resulted from the deteriorating availability and quality of water due to the ongoing emergency situation in Iraq and also governmental corruption. This concern brings attention to the aftermath of the invasion, occupation, and military campaigns in

Iraq, which destroyed water purifying systems and other infrastructure, and the situation has worsened by cutting flows of water from neighboring countries. This has left a large proportion of the Iraqi population without access to safe drinking water and sanitation.

Mr. President,

It is explicitly mentioned in the Special Rapporteur's report that "lack of clear allocation of responsibilities and lack of leadership by states are often identified as obstacle." The lack of leadership within Iraq, often resulting from corruption, demonstrates the need to seriously address the issue of corruption in order to satisfy the human rights obligation to provide safe drinking water and sanitation in emergency situations.

To this end, EAFORD and Geneva International Centre for Justice call on this Council to devote efforts towards the human right to water in Iraq. We appreciate the work of the Special Rapporteur and strongly recommend a focus on the situation in Iraq in his next mandate.

Thank you.

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

**Focus of the Fourth Phase of the World Programme for Human Rights Education**

14 September 2018

Delivered by: Elisa Gazzotti



I speak on behalf of 21 organizations<sup>1</sup>

We welcome the report of the Office of the High Commissioner released in June<sup>2</sup>, which summarizes the views of States, national human rights institutions, civil society organizations and other stakeholders on the target sectors, focus areas and thematic human rights issues for the fourth phase of the World Programme for Human Rights Education.

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<sup>1</sup> This statement reflects views of the NGO Working Group on Human Rights Education and Learning (NGO WG on HREL) of NGO Human Rights Committee of CoNGO, comprising 50 NGOs.

<sup>2</sup> OHCHR (2018) Views of States, national human rights institutions and other stakeholders on the target sectors, focus areas or thematic human rights issues for the fourth phase of the World Programme for Human Rights Education. A/HRC/39/35.

The majority of the stakeholders responded that the next phase should focus on youth. More than a third of the 169 targets of the SDGs also emphasize the crucial role of young people: it is key to join efforts and align the focus of the fourth phase of the World Programme with the 2030 Agenda for Sustainable Development and specifically with SDG 4.7.

Youth are critical agents of change. It is essential to empower them through Human Rights Education to become active global citizens, ultimately contributing to build inclusive societies, overcoming social divides, hatred and discrimination aiming at the lofty objective of the UN of leaving no one behind.

The next phase of the World Programme for human rights education should also promote youth leadership and aim to support youth serving organizations that engage marginalized young people and build upon the diversity of their experiences.

Keeping these in mind, we call upon all Member States to ensure the following:

1. The fourth phase of the World Programme should include a strong focus on youth with a particular emphasis on empowering youth from marginalized backgrounds.
2. The fourth phase of the World Programme should build on previous phases and should ensure the clear accountability of States and set realistic goals and means for national actions involving all stakeholders, including civil society actors.
3. There must be further efforts to strengthen monitoring and evaluation mechanisms. Human rights education needs to be effectively mainstreamed in the UPR. For this, all stakeholders, including civil society actors, have a critical role to play.

Thank you Mr. President.

## **Countries**

### **Democratic Republic of Congo (DRC)**

*EAFORD and GICJ jointly raised security concerns leading up to, during, and after the Democratic Republic of CONGO (DRC) December 2018 elections during an Interactive Dialogue on human rights in DRC under Agenda Item 10.*

#### **Enhanced Interactive Dialogue on the OHCHR Report on the Democratic Republic of Congo**

##### **Item 10: Technical assistance and capacity-building**

25 September 2018

Delivered by: Mr. Mutua K. Kobia

Mr. President,

We welcome the annual report by the Office of the High Commissioner for Human Rights (OHCHR) on the human rights situation and the activities of the UN Joint Human Rights Office in the Democratic Republic of Congo (DRC). In particular, we acknowledge the developments highlighted in the report concerning the December 2018 elections.

We also note that the violence perpetrated in the DRC is often a direct response to political clashes and government repression. In actuality, political elections and the process by which former presidents have taken power have always been undemocratic and preceded and followed by violence and other serious human rights

violations. For example, breaches include threats and illegal detention of opposition leaders and activists, incidents of trafficking, and other serious human rights violations. These actions severely hinder any chance of fair, democratic, and transparent elections and further limit civil society space. Furthermore, they only add to DRC's humanitarian situation which has become one of the most expensive and long-lasting humanitarian crises.



It is for the benefit of the DRC population and for the international community to remedy this situation also considering that more than eight countries are involved in DRC's politics and the formation of several armed forces has further hindered the possibility of a democratic, unified and independent state.

Mr. President,

Regarding technical assistance and capacity-building, EAFORD and Geneva International Centre for Justice **recommend human rights training** for security officials and especially that of riot police for the protection of peaceful assembly and association leading up to, during, and

after the 2018 December elections. Additionally, all necessary assistance for those charged with overseeing the December 2018 elections must be ensured and election funds must be monitored.

Thank you.

## ***Iraq***

*Under the General Debate of Item 4 EAFORD and GICJ brought to this Council's attention the deprivation of basic civil, political, economic, and social rights, as well as, freedom of expression and association in Iraq.*

### **General Debate**

#### **Item 4: Human rights situations that require the Council's attention**

18 September 2018

Delivered by: Ms. Chiraz Khemakhem

Mr. President,

EAFORD and Geneva International Centre for Justice would first like to draw the council's attention to the human rights situation in Iraq. The Iraqi population is deprived from all basic civil, political, economic and social rights.



The most recent issue is what has been mentioned by the High Commissioner in her opening statement, namely, the situation in Basra where demonstrators took to the street in protest over water shortages and water pollution. The response of the government has been particularly violent as they used intimidation tactics including direct police shootings of protestors. This complete disregard for freedom of expression and association resulted in the death and/or injury of more

than 300 persons, as well as, the arrest of hundreds of protestors.

Another appalling issue is the wide use of the death penalty by the government. With one of the highest number of executions, Iraq holds today the third position in the world in terms of capital punishment cases. Those who are sentenced are mostly political opponents, civil society activists, and innocent people. The Iraqi government is abusing a broad anti-terrorism law to arbitrarily arrest, detain and justify its continuous and growing number of executions.

The situation of prisoners in detention centers also needs to be addressed here. Thousands of innocent Iraqis have been arbitrarily arrested to be later put in prisons or in secret detention centers without any fair trial proceedings.

Mr. President, the Iraqi people are appealing to this Council to put an end to their sufferings.

Thank you.

### ***Palestine***

*Under the General Debate of Item 7, EAFORD and GICJ brought to the Council's attention the recent demolition of the village Khan al Ahmar. In the past 70 years the UN has passed numerous resolutions regarding Palestinian rights in the Occupied Palestinian Territories yet illegal settlements and other violations by the Occupying Power persist.*

### **General Debate**

#### **Item 7: Human rights situation in Palestine and other occupied Arab territories**

24 September 2018

Delivered by: Ms. Chiraz Khemakhem

Mr. President,

Palestinians have paid an incredibly heavy price due to Israel's ongoing occupation and racist policies instilled against them only because they are Palestinians.

Despite all resolutions taken by the UN bodies over the past 70 years regarding the rights of Palestinians; Israel continues to expand its illegal settlements, besieges the Gaza Strip, and deals with Palestinians living under its jurisdiction as third-class citizens.



A particular attention should be given to the recent intent of demolition of the Khan al Ahmar village that will result in the forced relocation of its 188 Bedouin Palestinians, half of them being children. Many of Israel's violations are considered to be war crimes under international law. Palestinian lands are already fragmented and by destroying small Palestinian areas like this village, the northern West Bank will be cut off from its southern part.

Demolitions have already started in other villages like Al-Walaja. This will further the illegal expansion of Israeli settlements to the detriment of the Palestinian people.

Mr. President,

EAFORD and Geneva International Centre for Justice **call on this Council** and the international community to urgently respond to the need to put an end to these violations and to the Israeli occupation of Palestine.

Thank you.

### ***South Sudan***

*During the Interactive Dialogue with the Commission of Human Rights in South Sudan, EAFORD and GICJ acknowledged major developments in South Sudan. They also raised the issue of attacks against aid workers and the issue of child soldiers as a result of the violent crisis and brought to attention the matter of statelessness in South Sudan.*

#### **Interactive Dialogue with the Commission of Human Rights in South Sudan**

##### **Item 4: Human rights situations that require the Council's attention**

17 September 2018

Delivered by: Mr. Mutua K. Kobia

Mr. President,

EAFORD and Geneva International Centre for Justice acknowledge the recent developments in South Sudan but remain concerned over persisting serious human rights issues. For the third straight year, South Sudan tops the global list of violence against humanitarian operations making it the most dangerous country for aid workers. The "Aid Worker Security Report, 2018" recorded major attacks against aid workers where South Sudan accounted for almost one third of the 158 major violent incidents against aid workers that included killings by gunfire and aid worker kidnappings.

While we also acknowledge the release of over 900 child soldiers, including girls, in 2018 alone from the ranks of Armed Groups in South Sudan, and with additional releases expected, the numerous documented and reported incidents unveil horrible violent attacks that killed and maimed hundreds of children and cases of sexual violence against girls. Such incidents must be adequately addressed where perpetrators are held to account and victims receive due justice.



Concerning statelessness, administrative challenges and continuous poverty have created additional problems thus increasing risks of statelessness that can lead to loss of access to basic human rights and services such as education and other political, economic, and social deprivations and payment of higher taxes.

Regrettably, South Sudan is currently not party to the 1954 Convention Relating to the Status of Stateless Persons nor the 1961 Convention on the Reduction of Statelessness. Additionally, the 2011 Nationality Act does not address or determine statelessness procedures in South Sudan.

To the Commission on Human Rights in South Sudan we would like to ask, how is the Commission addressing the various challenges of statelessness in South Sudan and what steps are being taken to ensure the safety of aid workers and the safe reintegration of child soldiers into society?

Thank you.

## **Yemen**

*Toward ending the civil war, realizing peace efforts, and for the full promotion and protection of human rights in Yemen, EAFORD and GICJ stressed the importance of addressing the root causes of the Yemeni Civil War during the General Debate under Agenda Item 3. Under the General Debate on Item 10 they jointly also called for technical assistance and capacity-building toward implementation of the UN Security Council resolutions on Yemen and ending diplomatic and military support of the backers of the Houthi militia, which would facilitate peace talks and end the violent conflict.*

### **General Debate**

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

14 September 2018

Delivered by: Mr. Mutua K. Kobia

Mr. President,

For the full promotion and protection of human rights amidst conflict situations, it is without a doubt that, root causes must be sufficiently addressed and tackled.



In the 2018 annual report of the Special Rapporteur on the right to development, [A/HRC/39/51](#), under ‘Identifying those left behind’ the Special Rapporteur correctly notes that a crucial inquiry has to identify, acknowledge, and address the root causes of inequality and discrimination. This has not been the case in numerous serious human rights crisis situations where root causes, including that of inequalities and various forms of discrimination, have not been adequately addressed. The crisis in Yemen is an example of this occurrence.

While we commend the efforts of the UN and the international community for supporting peace efforts in Yemen, they have unfortunately only resulted in short-term solutions. The issue of power transfer since 2011 and control of northern Yemen by the Houthis deserves more attention and investigation in relation to the current conflict.

The danger of not addressing root causes is the inevitable possibility of repeating similar, and/or related crimes. Furthermore, perpetrators are given the chance to escape justice and enjoy impunity and worse yet many more innocent civilians will suffer atrocities that could have been avoided.

EAFORD and Geneva International Centre for Justice strongly urge this Human Rights Council to call on relevant special procedures, stakeholders, and UN bodies to push for dialogue that identifies, acknowledges, and addresses the root causes of the Yemeni conflict.



## General Debate

### Item 10: Technical assistance and capacity-building

27 September 2018

Delivered by: Mr. Mutua K. Kobia

Mr. President,

Millions of people in Yemen are victims of atrocities such as arbitrary deprivation of liberty, torture, unlawful detention and killing, enforced disappearances, blockades, intimidation, etc. As the Security Council adopted several resolutions for peace in Yemen, the United Nations must address this conflict effectively by investigating and recognizing the main root causes of the actual situation and by encouraging and supporting the National Dialogue. The international community must also take actions against all parties that are supporting the Houthis with the supply of arms and weapons.



To this end, capacity-building must be strengthened with regard to fully implementing the UN Security Council resolutions, which clearly lay out solutions toward ending the conflict and starting a political process. This would indeed help in ending the war and the long-standing humanitarian crisis.

Mr. President,

backers of the Houthi militia.

EAFORD and Geneva International Centre for Justice **urge this Council** to provide the Yemeni government with the necessary technical assistance and capacity-building toward facilitating peace talks and ending diplomatic and military support of the

## Written statements

### A Look into Modern Day Slavery



*Involuntary domestic servitude is a form of bonded labour. [Source: spark.adobe /IMGWU]*

Countries have implemented numerous laws to prohibit any form of slavery practices, however, new forms of contemporary slavery have appeared and countries have failed to prevent them. Besides traditional slavery, the mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences includes “forced labor, debt bondage, serfdom, children working in slavery or slavery-like conditions, domestic servitude, sexual slavery, and servile forms of marriage.”

On 17 July 2017, the United Nations General Assembly published a report addressing the contemporary forms of slavery, including its causes and consequences by tackling inequalities, gender differences, equal economic opportunities that would enable the world to

reach the 2030 Agenda for Sustainable Development. Poverty, even though reduced still plays a major role in increasing slavery practices since most slavery targets are of the most vulnerable groups such as child pornography or child prostitution. Among the recommendations, EAFORD jointly with several organizations:

- *Called on the international community to boycott* campaigns against products made by enslaved persons and in particular those produced by children;
- *Called on the Human Rights Council to enhance* their collaboration with countries of origin to help create safer transit routes for migrants and develop mechanisms to ensure adequate safety,
- *Called on member states to strengthen* the security with regards to human trafficking both on the borders and in detention centers as well as developing bilateral agreements with the countries of origin; *Implement* economic reforms relating to working conditions, prohibiting any forms of exploitation in the workplace (working hours, minimum age, matching international standards as for the safety and health in the workplace and recruitment) with the focus on child labor and slavery, ensuring transparency in the business environment (including the whole supply chains).

[Link to full written statement](#)

### Aid Workers, Children in Armed Conflict, and Statelessness in South Sudan

The civil war in South Sudan that began in December 2013 has claimed the lives of about 10,000 people and has displaced millions of others. For the third straight year South Sudan tops the global list of violence against humanitarian operations making it the most dangerous country for aid workers. The “Aid Worker Security Report, 2018” recorded major attacks against aid workers whereby South Sudan accounted for almost one third of the 158 major violent incidents against aid workers.

Since the beginning of the civil war in 2015 over 19,000 children were recruited and used by both warring parties and other government security forces and armed groups further endangering them and exposing them to high risks of being killed and maimed in the conflict between SPLA and SPLA-IO. Numerous incidents have been documented and reported of horrible violent attacks that killed and maimed hundreds of children and cases of sexual violence against girls are also on record.

Also, the repercussions of statelessness in South Sudan truly affects a person's life as their status leads to the loss of access to basic rights and services such as education.



South Sudanese children attend a ceremony after mass release from forced participation in armed conflict. [Source: REUTERS/Denis Dumo]

In brief, this statement addresses violent attacks against aid workers in South Sudan, the situation of children in armed conflict, and statelessness. These grave matters, among others, must be actively addressed especially for the sake of victims and people of South Sudan as they continue to struggle for peace and justice. To this end, EAFORD gave the following recommendations jointly with several organizations, which included:

- *The Human Rights Council should urge the international community* and all relevant UN bodies to reinforce and enhance security measures for humanitarian aid operations in South Sudan, especially in the most vulnerable and remote areas;
- *The government of South Sudan to release* all remaining child soldiers from Army Ranks and prioritize special health and education concerns of those released; and
- *The International Community to guarantee* that the Peace Deal includes remedy for the victims of grave human rights violations, serious abuses, and war crimes.

[Link to full Written Statement](#)



A boy walks past the rubble of a demolished house in East Jerusalem. [Source: Al-Jazeera]

### **Basic Law: Israel as the Nation-State of the Jewish People**

On 19 July 2018, the government of Israel further deepened the concerns of the international community regarding its institutionalized discrimination against national minorities, notably Palestinian and Arab populations within its territory, by adopting a divisive new nation-state law. The New Basic Law includes 11 discriminatory provisions such as recognizing the land of Israel as the “historical homeland of all Jewish people who are entitled to enjoy their natural, cultural, religious and historical right to self-determination.” Another

provision declares Jerusalem as Israel's capital, complete and united. It also defines the state symbols, memorials and public holidays based exclusively on Jewish heritage.

Furthermore, the law reduces Arabic from an official language to a “special” status leaving Hebrew as the only official language. Additionally, it promotes the establishment and consolidation of Jewish settlements, insisting that it is a national value. By nature, this law automatically excludes and discriminates against Palestinians and other minorities. In some of its recommendations EAFORD:

- *Urged the Security Council* as the main promoter and protector of peace to take initiatives along with the General Assembly and other relevant bodies to remedy this decades-long tragedy by condemning the discriminatory measures taken by Israel (further actions should be taken regarding

the unwillingness of Israel to abide by UN resolutions, in particular the 1974 resolution concerning the Palestinian right to self-determination (A/Res/3236 (XXIX));

- *Called upon all the relevant bodies to hold accountable* those responsible for enacting discriminatory laws such as the New Nation law that would translate into another apartheid; and
- *Called on the UN to exert* all efforts for the revocation of the New Nation-State Law that explicitly mentions Jewish national rights but fails to do the same for minorities.

[Link to full Written Statement](#)

## **Burundi – Acts of Violence, Intimidation and Threats by Imbonerakure**

The political, humanitarian and human rights crisis in Burundi began in 2015 after President Pierre Nkurunziza sought a third term in the 2015 presidential elections, which consequently sparked protests and widespread demonstrations as the decision was deemed unconstitutional. Since, there have been numerous reports by various United Nations bodies, several non-governmental organizations, as well as, on the ground information and witness-testimony that have reported serious human rights violations, atrocities, and abuses in connection with or attributed to the government of Burundi perpetrated against civilians.



*Training for Imbonerakure, the Youth Wing of the ruling party* [Photo source: Inyenyerinews.com]

The Imbonerakure are the Youth Wing of the current ruling party CNDD-FDD, formed in 2010 and has been active ever since. In Burundi's Third Universal Periodic Review (UPR) cycle, the Office of the High Commissioner for Human Rights (OHCHR) included the Imbonerakure as one of the groups that committed most of the human rights violations in Burundi, including "summary executions, enforced disappearances, torture and the alleged sexual violence." In 2017 the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein acknowledged the dangerous threat of the Imbonerakure as he strongly condemned their "grotesque rape chants" during rallies in Burundi where they made repeated calls to impregnate or kill party opponents. In 2018, reports have revealed numerous instances where certain groups of people were forced by the Imbonerakure to attend rallies and events of the current ruling party.

In order to bring a halt to the abuses committed by the Imbonerakure, EAFORD jointly with other organizations,

among its recommendations:

- *Called on the government of Burundi to hold* the Imbonerakure to account for any and all of its illegal activities and violations, and to provide them with human rights training and ensure that their actions are within human rights law;
- *Encouraged the East African Community (EAC) and Support Teams for Talks to ensure* the full and effective participation of women, civil society organizations, women's rights groups, grass roots organizations, refugee and minority groups, and youth groups;
- *Called on the Human Rights Council to support and allocate* appropriate bodies and stakeholders towards providing all necessary technical and financial assistance for the EAC in efforts to build solidarity and immediately re-institute talks for dialogue and implementing peaceful measures in Burundi.

[Link to full Written Statement](#)

## Crimes Committed During the War and Occupation of Iraq

This statement focuses on violations of international law during the war and occupation of Iraq, and in particular, crimes committed by the United States of America and its allies. The extent of Coalition crimes warrants the establishment of an independent international tribunal that can investigate and prosecute such crimes. This tribunal should also investigate whether the crimes committed during the Iraq War constitute genocide under international law.



Ally troops in Basra, southern Iraq [Source: [express.co.uk](http://express.co.uk)]

An independent international tribunal for Iraq would strengthen international humanitarian law, provide victims with an opportunity to voice the horrors they witnessed and experienced, bring justice to the persons responsible, and contribute to restoring and maintaining peace. The international tribunal should apply existing international law to which all parties in the Iraq War are bound, including treaty law and jus cogens principles. Thus, among its recommendations,

EAFORD and supporting organizations:

- *Appealed to the United Nations to urgently endorse* an investigation into whether the crimes committed by the Coalition amount to genocide under international law;
- *Called on the United Nations to urgently endorse* an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Iraq during the initial invasion and then the subsequent occupation of Iraq by the United States and other Coalition members; and
- *Requested the Human Rights Council to urgently appoint* a Special Rapporteur to monitor and report on the human rights situation in Iraq.

[Link to full Written Statement](#)

## Myanmar – The Continued Struggle of Rohingya for Citizenship



Minors make a majority of Rohingya refugees who have crossed the border to Bangladesh. [Source: [undispatch.com](http://undispatch.com) UNICEF/Brown]

The most challenging problem for the Rohingya is that of Citizenship Status. Today, the Rohingya are the biggest community of stateless people in the world. The 1982 Burmese Citizenship Law provides citizenship based on ethnicity which recognized 135 ethnic groups excluding the Rohingya, thus, gravely violating their fundamental rights and freedoms including restriction on their right to freedom of movement, limits on access to lifesaving health care and denial of the rights to education and equal employment opportunities.

In January 2018, the governments of Bangladesh and Myanmar signed an agreement to allow the physical repatriation of Rohingya Refugees that fled to Bangladesh after the violence broke out against the Rohingya in the Rakhine State of Myanmar. In June 2018, the Tripartite Agreement between the government of Myanmar, UNHCR, and UNDP is entered into force. Despite this Memorandum of Understanding (MoU) and the agreement between Myanmar and Bangladesh, the

Rohingya have not returned to Myanmar. The government of Myanmar has failed to dismantle any discriminatory laws, policies, and practices against the Rohingya which makes it hard or rather impossible for the refugees to return to their homes in the near future.

In a joint written statement circulated at this session of the Human Rights Council EAFORD recommended:

- *The Myanmar government dismantle the discriminatory laws, policies, and practices against the Rohingya, work with the UN Fact-Finding Mission (FFM), and allow access to the High Commissioner, the Special Rapporteur, and the Commission of Inquiry to the Rakhine State; and*
- *The Human Rights Council to ensure the implementation of the Tripartite MoU between the Myanmar government and the UN agencies and to call on the international community for their support to end the atrocities committed against the Rohingya by pressuring Myanmar to abide by its international obligations and responsibilities.*

[Link to full Written Statement](#)



*Approximately 13 million are in need of aid amidst worsening conditions in the DRC. [Source: concern.net]*

### **The Context of the Conflict in the Democratic Republic of Congo (DRC)**

The humanitarian crisis in DRC has gravely affected civilians and the violence and human rights abuses continue to intensify and spread. By the end of June 2018, there were nearly 1,150 cases of cholera reported in the greater Kasai. This was the second outbreak of cholera since the start of the crisis in August 2016. Worse still, the reports have indicated that educational and medical facilities among others are being targeted which only further deteriorates the humanitarian situation and directly affects the lives of thousands of children. According to the 2017 Annual Report of the Secretary-General on

children and armed conflict, the fragmentation of armed groups and switching parties and ideologies have contributed to the degradation of the situation of children in the country.

Recent reports have also revealed that aid workers and asylum seekers have been the victims of shootings by Congolese soldiers in South Kivu. Targeting aid or humanitarian workers amounts to war crimes under the Statute of the International Criminal Court as such actions violate the Geneva Conventions of 12 August 1949, which protects aid workers under customary International Humanitarian Law (IHL). In this context, EAFORD recommended jointly with other organizations that:

- *The DRC government comply with International Humanitarian Law and International Law especially with respect to aid workers and children, as it is part of the state's responsibility;*
- *Ensure that the training of the National Security Forces is efficient and effective as well as extend the training to officers of any authority in charge; and*
- *The Human Rights Council should take measures to hold to account Kabila's clan and People's Party for Reconstruction and Democracy member(s) for their part in any human rights violations; and to closely monitor the human rights situation prior to and after the December 2018 elections.*

[Link to full Written Statement](#)

## Truth and Justice with Respect to the Iraq War

This statement focuses on the troubling lack of accountability for the crime of aggression committed through the invasion of the Republic of Iraq. The United States of America and the U.S.-led coalition forces committed the crime of aggression when they invaded Iraq in March 2003. To date, there has only been one attempt to investigate the issue. This lack of accountability sets a dangerous precedent. The illegal war not only threatens the doctrine enshrined in the Charter but also erodes the foundation of a world order governed by the rule of law.



An explosion rocks the city of Baghdad in 2003 [Source: telegraph.co.uk]

Since the domestic judicial mechanisms of the United States, other Coalition countries, or the victim country (Iraq) may be ineffective in prosecuting or otherwise examining the issue of aggression, there is a need for an alternative and international judicial platform. Like previous international criminal tribunals, an independent international criminal tribunal for the crimes committed in the lead up to the Iraq War and thereafter will further the cause of justice, enforce and uphold the rule of law, and promote international accountability. It will set a precedent that no Member State can violate the Charter without consequences.

Some of the recommendations made by EAFORD were that:

- *The Human Rights Council should urgently endorse* an international independent investigation and an international tribunal to look into allegations that the United States and the Coalition committed the crime of aggression when they invaded Iraq; and
- *The United Nations should condemn* crimes of aggression by member states, including the one committed by the United States and the Coalition when they invaded Iraq.

[Link to full Written Statement](#)

## Systemic Grave Violations against Peaceful Demonstrators in Iraq



Demonstrators gather in Basrah to protest against the government of Iraq. [Source: GICJ]

The right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association are established in articles 19 and 20 of the Universal Declaration of Human Rights and articles 19 and 21 of the International Covenant on Civil and Political rights (ICCPR). Both of these treaties are signed and ratified by the government of the Republic of Iraq, thus the country has an international obligation to comply with these rights.

In Iraq however, these freedoms are often not respected. Most recently on 8 July 2018 the Iraqi population began a series of new demonstrations in the cities of Basra, Wasit, Maysan, Diwaniyah, Samawah, Dhi Qar, Najaf, Karbala and the capital Baghdad where protestors expressed their frustration about the lack of jobs and basic services, including water and electricity, which only makes the

situation in Iraq more and more difficult. Concurrently, there was a very high security alert by government authorities who used threats and intimidation tactics with the help of associated militias, security forces, and party leaders against many of the activists.

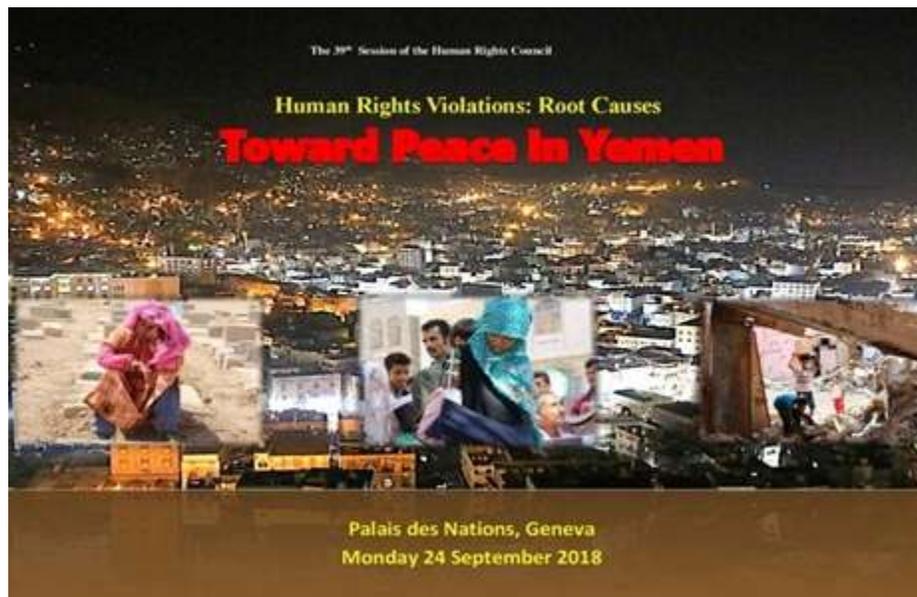
Among some of the recommendations made by EAFORD jointly with supporting organizations:

- Called on the United Nations to condemn crimes of aggression by member states, including the one committed by the United States and the Coalition when they invaded Iraq; and
- Urged the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to make a country visit to Iraq.

[Link to full Written Statement](#)

## EAFORD's Co-Sponsored Side Events

### Toward Peace in Yemen: Human Rights Violations & Root Causes



On 24 September 2018, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) along with Geneva International Centre for Justice (GICJ), International-Lawyers.Org, and other non-governmental organizations organized and held a side-event on the root causes of the civil war in Yemen.

The war in Yemen has resulted in a humanitarian crisis of tremendous proportions. In responding to the crisis, the UN Security Council, under its Article VII powers, established a framework for interacting with the various parties involved. This framework clearly requires all member states, and the UN, to assist Yemenis in pursuing a negotiated, political solution. Nevertheless, the conflict continues, and additional parties have become involved. It has now reached a point where the entire Yemeni population is suffering daily from shortages of the most basic necessities: food, water, shelter and medicines.



This side event examined the impact of the report of the Independent Experts and demonstrated how the Security Council resolutions had been implemented by the concerned parties, member states and the UN itself. It also considered approaches to working toward establishing peace in Yemen and ending the bloody conflict.

The event was moderated by Mr. Christopher Gawronski, who is working with Geneva International Centre for Justice (GICJ). The distinguished speakers were Mr. Ahmed Al Quraishi, a journalist who worked extensively

in Iraq, and Mr. Tahar Boumedra who served as chief of the United Nations Assistance Mission in Iraq (UNAMI).



[Click here](#) for the full summary

The 39th Session of the Human Rights Council

**Human Rights Violations: Root Causes  
Toward Peace in Yemen**

United Nations, Monday 24 September 2018  
Room XXV from 13:00 to 14:00

The war in Yemen has resulted in a humanitarian crisis of tremendous proportions. In responding to the crisis, the UN Security Council, under its Article VI powers, established a framework for interacting with the various parties involved. This framework clearly requires all members states, and the UN, to assist Yemenis in pursuing a negotiated, political solution. Nevertheless, the conflict continues, and additional parties have become involved. It has now reached a point where the entire Yemeni population is suffering daily from shortages of the most basic necessities: food, water, shelter and medicines.

This Side Event will examine the impact of the report of the Independent Experts and how the Security Council resolutions have been implemented by the concerned parties, member states and the UN itself. It will also consider approaches to working toward establishing peace in Yemen and ending the bloody conflict.

**Speakers:**

**Mr. Ahmed Al Quraishi:**  
Mr. Al Quraishi is a researcher and writer. As a journalist, he has worked extensively in Iraq, Pakistan, Lebanon, Syria, and the Gulf region over the past 24 years. He is currently associated with an independent, internet-based think tank ([projectarkana21.org](http://projectarkana21.org)).

**Mr. Tahar Boumedra:**  
Mr. Boumedra served first as Chief of the United Nations Assistance Mission in Iraq (UNAMI) (2009-2012), Human Rights Office, and then as adviser to the Secretary General's Special Representative for Iraq. He has a deep knowledge of the involvement of non-state actors in Iraq and in other Arab countries.

**Moderator:**

**Mr. Christopher Gawronski:**  
Mr. Gawronski studied law at Ohio State University with a focus on international law and is now working with Geneva International Centre for Justice. Previously, he spent six years living and working in the Middle East.

**Organizers:**  
International Organization for the Advancement of All Peoples of Pacific (IOAAP), International Center for Conflict Justice Agency for World Health Organization, International Intellectual Property, Law, and Science International Center for Justice (ICJ), International Humanitarian Law Center, The International Human Rights Law Center, Human Rights Foundation (HRF), Association of Human Rights Lawyers (AHL), and others.

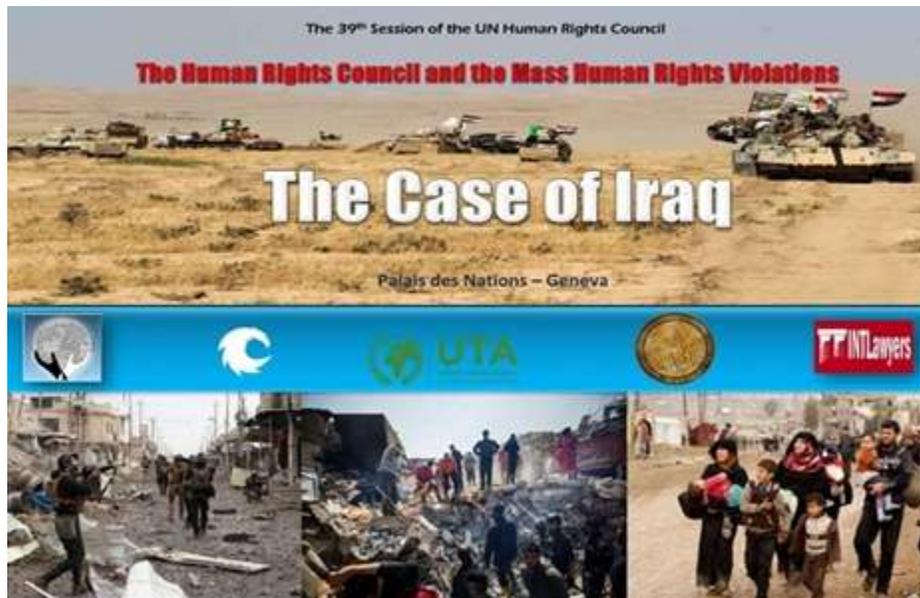
Interpretation available: English & Arabic. Refreshments will be served.



Watch the full side-event in [English](#) or [Arabic](#)

## The Case of Iraq:

### The Human Rights Council and Mass Human Rights Violations



Two former UN officials, who headed the Human Rights Office in Iraq spoke about their experiences in the country and what the UN should have done in relation to the human rights violations in Iraq. They criticized the overall UN role there and at the end of their talks suggested that the whole UN presence in Iraq can be better replaced by appointing a Special Rapporteur on the human rights situation in Iraq.

An expert lawyer focused on international criminal justice and he gave his perspective on how to proceed with regard to accountability for the crimes of aggression against Iraq. He also spoke about other war crimes perpetrated during the invasion and occupation and about achieving justice for the Iraqi people. He gave his insight about the UN Human Rights Council and was adamant about change on several levels.

This side event was held on 25 September 2018 and was moderated by Ms. Daniela Donges who is the president of Scales for Justice. The distinguished speakers were Mr. John Pace, the former senior UN Human Rights/Humanitarian official in Iraq, Mr. Tahar Boumedra, former UN Human Rights Chief of the UN Mission in Iraq, and Mr. Inder Comar, a U.S. lawyer and the Executive Director for Just Atonement. The event was co-organized and co-sponsored by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) together with United-Towns Agency for North-South Cooperation, Geneva International Centre for Justice (GICJ), International-Lawyers.Org along with other non-governmental organizations.



[Click here](#) for the full summary

**The HRC and the Mass Human Rights Violations**

# The Case of Iraq

**Tuesday 25 September 2018**

Room XXV 11:00 to 12:30  
Palais de Nations Room XXIV



**John Pace**  
Former Senior UN human rights/humanitarian official in Liberia, Iraq, Lebanon, Palestine and Nepal. He was entrusted by the UN Secretary General to undertake a number of missions, including 'good offices', missions, to Nigeria, Cambodia & Kuwait.



**Inder Comar**  
A U.S.-American lawyer and the Executive Director of Just Atonement. He is a recognized expert on international and U.S. law, and the war in Iraq.



**Daniela Donges**  
President "Scales for Justice" & former human rights officer at Geneva International Centre for Justice. She will be the Moderator of the side event.



**Tahar Boumedra**  
Former UN Human Rights Chief of the UN Mission in Baghdad, and then as Adviser to the UNSG's Special Representative for Iraq. He has deep knowledge in the involvement of non-state actors in the Arab countries.



Watch the full video of the side-event in [English](#) or [Arabic](#)

**Previous summary reports of EAFORD's participation in sessions of the UN Human Rights Council:**

38th Session of the UN Human Rights Council [EAFORD Participation in the 38th Session of the UN Human Rights Council](#)

37th Session of the UN Human Rights Council [EAFORD Participation in the 37th Session of the UN Human Rights Council](#)

36th Session of the UN Human Rights Council [EAFORD Participation in the 36th Session of the UN Human Rights Council](#)

35th Session of the UN Human Rights Council [EAFORD Participation in the 35th Session of the UN Human Rights Council](#)

34th Session of the UN Human Rights Council [EAFORD Participation in the 34th Session of the UN Human Rights Council](#)

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