



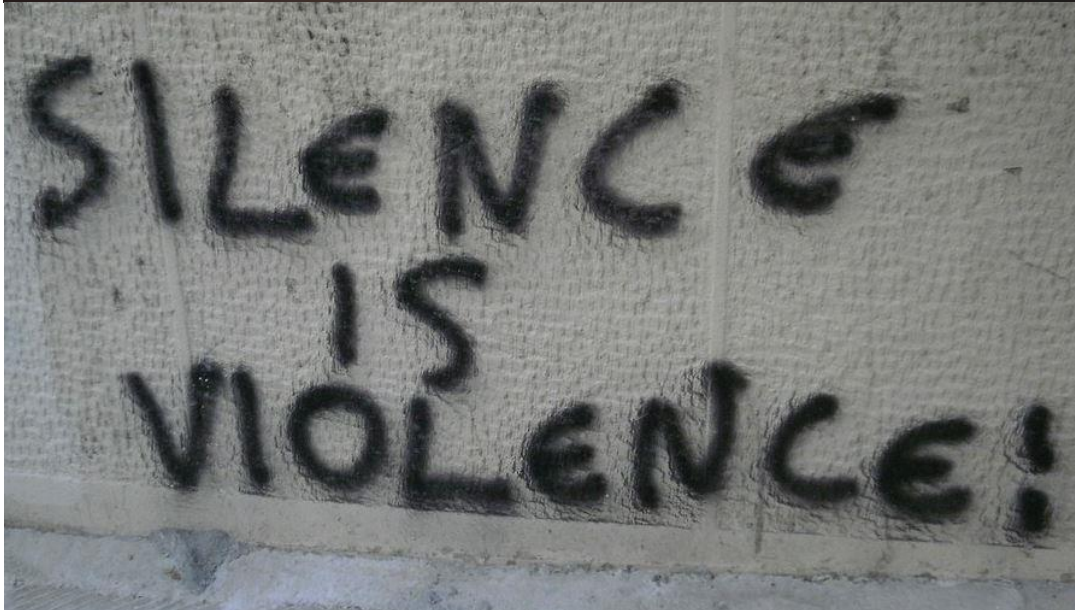
**INTERNATIONAL ORGANIZATION FOR THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (EAFORD)**

The 47th year of *EAFORD's* Dedication  
To Upholding and Promoting the International Convention on the Elimination of  
All Forms of Racial Discrimination

In the end, we will remember  
not the words of our enemies,  
but the silence of our friends.

Martin Luther King Jr.

 quote fancy



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



**OVERVIEW OF EAFORD'S ACTIVITIES IN 2022**

Summary Reports of Participation in the 49th, 50th, and 51st Regular Sessions of the UN Human Rights Council

EAFORD's Interventions during the 49th Session of the Human Rights Council



## Introduction

The 49th regular session of the Human Rights Council was held at the United 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, 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 the reports of 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.

## 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 UN 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 reorganization 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 organizations. The Permanent Representative of Ukraine underlined that as a result of several threats, Russia invaded Ukraine, harming the population 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 emphasized 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 favor 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.

## 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. Switzerland is prepared to receive people in need of help. He emphasized that states must ensure respect for human rights and that humanitarian organizations should provide support to all those in need as a result of this conflict.



Mr. **Abdullah Shaheed**, President of the UN 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 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. 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, 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 the pursuance of justice 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.

## List of Agenda Items

1. Organizational 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.

## Oral Statements

During the 49th Session of the UN Human Rights Council, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) delivered 11 oral statements in collaboration with Geneva International Centre for Justice, Meezaan Center for Human Rights, World Organization of the Scout Movement, and the NGO Working Group on Human Rights Education & Learning.

### **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**

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

*Delivered by: Amie Sillito*



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 organizations. Notably in July 2021 two human rights organizations 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 and 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.

## **Item 2: Interactive Dialogue on HC oral update on Tigray (Ethiopia) (res. 47/13)**

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

*Delivered by: Tiril Andresen*

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 percent 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 two 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 percent of the victims reported being minors. We call on the Ethiopian government to immediately punish those responsible for such unlawful acts.

Finally, we must emphasize 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.

## **Item 3 General Debate:**

Oral Statement with World Organization of the Scout Movement & NGO Working Group on Human Rights Education and Learning

*Delivered by: Sian Bagshaw*

## **‘A call to action: submit the midterm report for the Fourth Phase of the World Programme for Human Rights Education’**

Madam President

I speak on behalf of 16 organizations within the NGO Working Group on Human Rights Education and Learning.



We welcome the report of the ‘Panel discussion on the tenth anniversary of the United Nations Declaration on Human Rights Education and Training: good practices, challenges and the way forward’. Notably, in relation to strengthening human rights education and training for youth.

Recognizing that “the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing,” regional and international cooperation is essential in order to build on good practice and maximize resources.

By adopting the United Nations Declaration on Human Rights Education and Training, Member States had delivered a strong message that human rights education and training were a priority for the international community and for all States. Therefore, our working group wants to remind member states to review progress in the national implementation of human rights education and training, by submitting their mid-term reports on the fourth phase of the World Programme, to OHCHR, to share the collective responsibility for Human Rights Education and Learning.

Lastly, we call on the incoming Special Rapporteur on the Right to Education, in June, to focus on Human Rights Education and to engage meaningfully with young people, as they are the “leaders and key partners in designing and conducting human rights education” efforts.

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

Oral Statement with Meezan Center for Human Rights

*Delivered by: Yasmine Darwish*



We thank the Special Rapporteur for his report and emphasize 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.

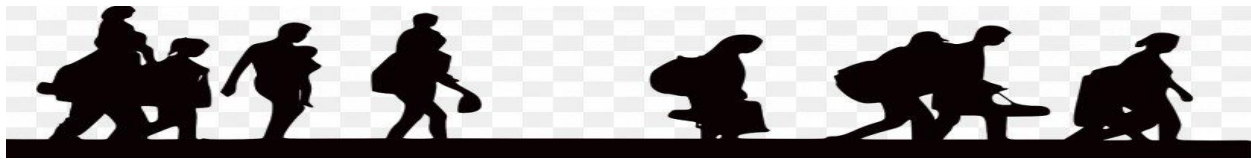
The Iraqi criminal justice system relies heavily on confessions, which is a key factor that encourages torture. For fear of repercussions, detainees who witnessed torture don't testify against officials, making perpetrators almost untouchable. While torture is a well-known practice in all detention centers,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



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

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

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

*Delivered by: Patricia Jjuuko*

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.



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

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination  
(EAFORD)

*Delivered by: Mutua K. Kobia*

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 terrorists.

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.

#### **Item 6: Universal Periodic Review Outcomes - Ireland**

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination  
(EAFORD)

*Delivered by: Tiril Andresen*

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 centers 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.



**Agenda 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**

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

*Delivered by: Mutua K. Kobia*

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 Durban Declaration and Programme of Action (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 Durban Declaration and Programme of Action (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.

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

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

*Delivered by: Natalia Venegas*



We thank the High Commissioner for her detailed report. Since the signing of the Revitalized 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.

The International Organization for the Elimination of All Forms of Racial Discrimination (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 ensuring 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.

**Item 10: Technical Assistance and Capacity Building**

**Enhanced Interactive Dialogue on Oral Updates on Democratic Republic of the Congo with the High Commission and the Expert team on Kasai, res. 48/20**

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

*Delivered by: Patricia Jjuuko*

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.

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) and 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, Demobilization, and Reintegration program.

In this matter therefore, we would like to ask: how is the Disarmament, Demobilization 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?

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

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

*Delivered by: Aimara Pujadas*

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 maybe 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 has suffered massive violations including killings, sexual violence, torture and ill-treatment, death threats against voters, abductions, and 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.

## Joint Written Statement

### [NGO Statement to the 31st Session of the Commission on Crime Prevention and Criminal Justice](#)



Photo: @CCPCJ Twitter

### **Draw up and enforce legal and moral redlines on crimes against the environment, NGOs urge ongoing CCPCJ session in Vienna**

Close to 50 non-governmental organizations in consultative relationship with the United Nations Economic and Social Council, including EAFORD, joined to endorse a statement that asserted “the imperative for the international community to strengthen the international legal framework and international cooperation in the field of crime prevention and criminal justice”.

The statement was drafted under the leadership of the NGO Committee on Sustainable Development in Vienna ([NGO CSD Vienna](#)). It was submitted to the thirty-first Session of the Commission on Crime Prevention and Criminal Justice (CCPCJ) meeting in Vienna, Austria, from 16th to 20th of May 2022. Accredited NGOs participate in meetings of CCPCJ. Due to the COVID-19 pandemic, participation in person remained severely limited. Side events during the session were only online.

In the statement, civil society leaders asserted that “criminal law has a crucial role to play in drawing up and enforcing the legal and moral ‘red lines’ upon which the global population’s very ability to thrive and survive in its planetary home may well depend.”

Ingeborg Geyer, Chair of the NGO CSD Vienna, described the work of the committee, saying that “it started two years ago on topics of crimes that affect the environment and followed up with resolutions which were tabled in previous sessions of [UNTOC](#), [Crime Congress](#) and [CCPCJ](#) sessions.” This statement reinstates and spotlights once more the need to develop the international legal framework and cooperation in preventing what the statement calls “ecocide”.

The Conference of NGOs ([CoNGO](#)) and the NGO CSD Vienna collaborated in gathering endorsements of the statement by NGOs around the world. Many NGOs, including CoNGO members, engage the agenda of [CCPCJ](#) through the [Alliance of NGOs on Crime Prevention and Criminal Justice](#).

## [FULL STATEMENT](#)

### **NGO Statement to the 31st Session of the Commission on Crime Prevention and Criminal Justice (Vienna, Austria, 16-20 May 2022)**

#### **Strengthening the international legal framework and international cooperation in the context of crimes that affect the environment**

*“If crime crosses borders, so must law enforcement. If the rule of law is undermined not only in one country, but in many, then those who defend it cannot limit themselves to purely national means.”* (Kofi Annan, address to the UN Convention against Transnational Organized Crime, 2000).

In the context of crime prevention and criminal justice as they pertain to the environment, the international community faces two major challenges. The first challenge relates to the urgent need to respond forcefully to the rapid rise in crimes affecting the environment. Eurojust,<sup>1</sup> the European Union Agency for Criminal Justice Cooperation, ranks environmental crime as the fourth largest criminal activity in the world – on a par with drug-trafficking. Most regrettably, law enforcement in this sector remains pitifully low and out of all proportion to the threat it poses. The reasons are manifold. The most significant factors are: (i) the failure of the criteria set out in the UN Convention against Transnational Organized Crime<sup>2</sup> to categorize numerous environmental crimes as ‘serious’; and (ii) the inadequacy of training in the law enforcement agencies, whose staff frequently lack the all-essential investigation and prosecution capabilities.

The second challenge relates to the absence of legal provisions addressing the many and varied instances of severe widespread or long-term harm to the environment. All too frequently, the environmental damage caused is a deleterious side-effect of industrial practices which, though patently dangerous, are nonetheless permissible under law. Similarly, those outcomes represent all too common a breach of civil environmental regulations or are attributable to sheer negligence with regard to safety protocols. In many cases, the environmental damage qualifies as a transnational offence as set out in article 3.2 (a) (b) and (d) of the UN Convention against Transnational Organized Crime.

*An offence is transnational in nature if:*

*(a) It is committed in more than one State;*

*(b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;*

*(d) It is committed in one State but has substantial effects in another State.*

Both of the above challenges arise in the highly perturbing context of the critical global interlinkage between climate change, pollution and nature (biodiversity) loss. Furthermore, recent international reports<sup>3</sup> tell us that these crises must be addressed with immediate urgency if we are to maintain the ability to support human civilization without severe, even irreversible loss and damage, mass migration and food crises.<sup>4</sup>

Moreover, the two challenges above relate both directly and causally to the current global crisis. The destruction or removal of carbon sinks and keystone species (e.g. via deforestation, poaching and trafficking), as well as severe soil, water and atmospheric pollution are all factors that inevitably exacerbate ecosystem collapse and climate change.

In the light of the foregoing, the imperative for the international community to strengthen the international legal framework and international cooperation in the field of crime prevention and criminal justice could not be clearer. Criminal law has a crucial role to play in drawing up and enforcing the legal and moral ‘red lines’ upon which the global population’s very ability to thrive and survive in its planetary home may well depend.

What form should this strengthening of frameworks and cooperation take? Recent meetings of this Commission have pointed in some useful directions, as indicated in the Chair’s summary documents of November 2021 and February 2022<sup>5</sup>. Themes that emerged from those meetings included: ‘a robust legislative framework’; ‘measuring the impact of crime prevention’; and ‘treating environmental crimes as serious crimes.

The *types* of cooperation suggested are noteworthy in that they involve both international and *cross-sector* cooperation. They include the need for: ‘alternative sustainable livelihoods’, ‘the involvement of the private sector’; and ‘consideration of a crime prevention and criminal justice perspective within the broader “nature agenda”’.

Public perception and understanding are acknowledged as key elements in the successful enactment of criminal law: impunity was mentioned as a factor that undermined trust and perception of security, while a number of speakers noted that a culture of integrity was of crucial importance to crime prevention.

Inclusion was also a recurrent theme. Emphasis was placed on the importance that ‘governments and the international community as a whole, including the UN, listen [to] and support youth voices and recommendations.’

In this context it is worth focusing on the consistent demand for the recognition of **ecocide** as a crime before the **International Criminal Court** that the young as well as citizens’ assemblies<sup>6</sup> have voiced in recent years. Criminalizing ecocide would serve several purposes: to hold to account the leaders of criminal organizations and key decision-makers in government and industry alike; remove impunity; and to deter dangerous practices that incur environmental damage, thus strengthening the efficacy of current civil regulations.

We note that an independent expert panel convened by the Stop Ecocide Foundation reached consensus on the legal definition of ‘ecocide’ in 2021<sup>7</sup>. The definition has since gained significant political traction around the world, while the European Law Institute, for its part, is moving ahead on a related EU- specific definition<sup>8</sup>.

In the light of the foregoing, the undersigned non-governmental organizations in consultative relationship with the United Nations urge the participants in the 31st Session of the Commission on Crime Prevention and Criminal Justice, in particular the States Parties to the United Nations Convention against Transnational

Organized Crime, to strengthen the international legal framework and international cooperation in the context of crimes that affect the environment.

We call on Member States to:

- (a) strengthen the sanctioning of crimes incurring severe environmental effects, especially transborder effects, and treating them as ‘serious’ crimes as defined in the UN Convention against Transnational Organized Crime;
- (b) encourage international cooperation between law enforcement agencies so as to improve awareness-building and training related to investigation into and prosecution of transnational offences that affect the environment;
- (c) encourage consideration of criminal law frameworks in the context of the broader ‘nature agenda’;
- (d) assess current international legal frameworks in the context of the global ‘triple crisis’ and their impact on climate change, pollution and nature loss;
- (e) acknowledge and support the recommendations of civil society, in particular the voices of the young, with respect to the international legal framework in the context of the ‘triple crisis’;
- (f) ensure participation of local populations and stakeholders in the scope of the Aarhus Convention and Escazú Agreement;
- (g) support expansion of existing international legal frameworks for combating crimes affecting the environment, including hazardous legacies, abandoned sites and zones afflicted by war and other belligerent activities;
- (h) recognize ‘ecocide’ as a new international crime;
- (i) enact policies and enforce legislation with the highest integrity, as well as investigate and punish corruption with respect to crimes that affect the environment;
- (j) encourage consideration of the relationship between economic factors and environmental neglect, and its impact on criminal activities;
- (k) secure the support of the private sector by providing a reliable framework for combating the destruction of nature and the persistence of corruption, thus enabling those concerned to proceed without incurring existential risks;
- (l) strengthen communication with and cooperation between secretariats of the relevant UN agencies so as to sharpen the focus on crimes affecting the environment; and
- (m) cooperate with the relevant UN agencies in the implementation of reporting systems so as to facilitate assessment of the impact of crime prevention measures.

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## ENDNOTES

<sup>1</sup> Eurojust, Report on Eurojust’s Casework on Environmental Crime, January 2021

<sup>2</sup> UNCTOC Article 2 (b)



<sup>3</sup> IPCC WGII & WGIII, 2022

<sup>4</sup> In the context of preparations for Stockholm+50 conference, there have even been references to the current mindset of humanity as “war on nature”.

<sup>5</sup> [https://www.unodc.org/unodc/en/commissions/CCPCJ/session/31\\_Session\\_2022/documentation.html](https://www.unodc.org/unodc/en/commissions/CCPCJ/session/31_Session_2022/documentation.html)

<sup>6</sup> Citizens Climate Assembly, France 2020; Global Citizens Assembly, Glasgow 2022

<sup>7</sup> See <https://ecocidela.com/legal-definition-and-commentary-2021/>

<sup>8</sup> See <https://www.europeanlawinstitute.eu/projectspublications/current-projects/current-projects/ecocide>

## EAFORD’s Interventions during the 50th Session of the Human Rights Council



### Introduction

The 50th Regular Session of the Human Rights Council (HRC) was held at the United Nations in Geneva, Switzerland from 13th June to 8th July 2022. The Session contained eight panel discussions, nine interactive dialogues, 27 dialogues with special procedure mandate holders, and the appointment of eight special procedure mandate holders.

On 1 July 2022, the Council held an Urgent Debate on the human rights situation of women and girls in Afghanistan. At the end of the Urgent Debate, the Council adopted a resolution on “the situation of human rights of women and girls in Afghanistan”. A special commemorative event was held to mark the 50th session on 15 of June 2022.

In the final week of the Session, the President of the Human Rights Council announced the appointment of four new Special Rapporteurs and three Working Group members.

The Council adopted 23 resolutions and decisions on the outcome of the Universal Periodic Review in respect of countries along with a decision to commence the 4th Universal Periodic Review (UPR) cycle.

## Opening Session

On 13 June 2022 Mr. Federico Villegas, President of the Council opened the 50th Session of the Human Rights Council. The High Commissioner for Human Rights, Michele Bachelet also delivered her Annual Report during the opening session, which was followed by an Interactive Dialogue on 14 June 2022.

Mr. Federico Villegas, President of the Human Rights Council proposed delegates to use the anniversary of the 50th Session of the Council to reflect on the role, contribution, and motivation of each constituent part of the Human Rights Council machinery.



In commemoration, he presented statistics that since 2006, the Human Rights Council has held 2,007 formal meetings, 34 special sessions, 7 urgent debates, 932 interactive dialogues, 232 panel discussions, 1,372 resolutions, established 18 thematic special procedures, 8 country-special procedures, and 35 investigative mechanisms.

The high level of nongovernmental organizations and other engagement underscores the importance of the Human Rights Council's work. He concluded that the Council must always be open to constructive criticism in order to improve the work that it carries out. In contrast, he deplored inappropriate personal attacks and threats towards mandate holders who should be free to carry out vital work without fear of retribution.



Ms Michelle Bachelet, UN High Commissioner for Human Rights, covered a broad range of human rights issues, expressing concern for trends in human rights protection including the impact of conflicts, including in Ukraine, on the global fuel and financial crisis that will lead to increasing numbers experiencing poverty. She warned that food insecurity is increasing whilst inequalities within and between countries are skyrocketing, which threatens the progress made towards implementing the sustainable development goals as part of the post-Covid recovery.

The High Commissioner called on states to address the conditions that provoke crises and to recommit to their agreement to build transformative societies and greener economies with urgent action required to meet the sustainable development goals.

Her Annual Report highlighted four specific areas of intervention to tackle - inequality and discrimination, utilization of national budgets to integrate human rights programmes and expand social protection, international cooperation and solidarity with indebted countries, and finally greater protection of civic space to make civil society engagement safer.

The High Commissioner outlined issues raised on two country visits to Afghanistan and China. She additionally covered a range of country-specific concerns that have arisen in the last year that requires critical action. Concluding her last briefing to the Human Rights Council, she denounced the polarization that drives states apart. She called upon states to identify common ground and engage in dialogue with a common purpose, with a greater sense of collective responsibility and an ambition that puts people and their rights first.

91 countries and two UN agencies made comments during the Interactive Dialogue on various aspects of the High Commissioner's Annual Report with countries particularly raising the issues of food security, the risks of conflict, and expressed their support to the High Commissioner in fulfilling her mandate.

## List of Agenda Items

1. Organizational 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.

## Oral Statements

During the 50th Session of the UN Human Rights Council, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) delivered the following two oral statements in collaboration with Geneva International Centre for Justice.

### **Item 6: Universal Periodic Review Adoption for South Sudan**

Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)



*Delivered by: Anyssa Boyer*

We thank the Republic of South Sudan for its engagement in the Universal Periodic Review and welcome the report of the Working Group. While we welcome measures taken to address women's human rights, we would

like to emphasize the continuous violations that threaten women's freedoms, fundamental human rights, and lives.

We remain deeply concerned about the ongoing human rights violations faced by women in the country. The South Sudan Report of the Office of the High Commissioner for Human Rights (OHCHR) highlighted that since the 2013 conflict women's exposure to sexual violence has remained staggeringly high. These include instances of rape, abduction, sexual slavery, sexual mutilation, and sexual torture. Perpetrators continue to violate women's rights and are not held accountable for their actions, and as a result, enjoy blatant impunity. South Sudan lacks appropriate mechanisms and institutions to address violence against women, which coincides with the anti-gender-based violence bill that has yet to be submitted to Parliament. Therefore, we encourage the implementation of recommendation 113.218, which calls to enhance the protection of women and girls against discrimination, forced marriage and gender-based violence by bolstering the legal framework and fully implementing the legal provisions on gender equality and sexual violence.

While we acknowledge the government's ratification of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, we call on South Sudan to ratify key instruments to protect women, which include the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance.

EAFORD and Geneva International Centre for Justice urge South Sudan to implement additional legal frameworks to promote and protect women's rights. We call on South Sudan to include women in participative decision-making processes both in political and social spheres. South Sudan should halt all harmful practices that target women's dignity and have long-lasting effects on their physical, social, and psychological trauma that persists throughout generations.

#### **Item 6: The Adoption of Sudan's Universal Periodic Review (UPR)**

Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

*Delivered by: Natalia Venegas*

We welcome the report of the Working Group and thank Sudan for participating in the Universal Periodic Review. Nevertheless, we would like to address the issue of violence against children.



We welcome all the measures taken by the government of Sudan to protect children, including public policy to prevent child marriage and the prohibition and the inclusion of female genital mutilation as a criminal offence, which affects girls primarily. Also, the creation of special mechanisms to prevent and combat child recruitment, as the children's rights unit.

Nevertheless, the reality on the ground demonstrates that children continue to face additional human rights challenges including killing, mutilation and sexual violence. . Children are also at risk of being subjected to corporal punishment. However, any form of punishment, whether corporal or otherwise, should not be used at home or in any

other setting in which adults have authority over children.

It is essential to highlight that girls form part of the most vulnerable groups of the population. Most women in Sudan are married young, with the legal age for marriage being ten years old, if permission is granted from an

elder. Child marriage is still a common practice in Sudan, despite all the international conventions that protect girls, such as the Convention on the Rights of the Child.

EAFORD and Geneva International Centre for Justice strongly encourage the government of Sudan to protect children against violence, as they are the future of our society. Children are one of the world's most vulnerable groups because they are unable to protect themselves. It is particularly concerning to see children in armed conflict, as everything they experience during their youth shapes them forever, traumatic events such as being recruited or being a victim of violence can have a devastating effect on a child's psychological development and future. We urge the government of Sudan to strengthen national mechanisms to combat violence against children, especially in armed conflicts, and to ensure the safety and well-being of children, as well as hold perpetrators accountable for their crimes.



## Reports & Written Statements

### [Apartheid - A System of Oppression and Domination](#)

Israel's long occupation is now indistinguishable from apartheid practices. Laws and policies maintain a cruel system of control over Palestinians. The Israeli system is based on institutional discrimination leaving Palestinians geographically and politically fragmented, often impoverished, and in a constant state of fear and insecurity. This system of oppression and domination against Palestinians across all areas under Israel's control aims to benefit Jewish Israelis.



Apartheid is prohibited in international law through both customary and conventional international law. This *jus cogens* norm, for which no derogation is allowed, is one of the most serious crimes in international law in the same category as war crimes, wars of aggression, territorial annexation, genocide, slavery, torture and crimes against humanity.

The UNSC and GA have declared in hundreds of resolutions that Israel's annexation of the occupied territories is illegal, that the construction of Jewish settlements is illegal, and the denial of Palestinian self-determination violates international law. As stated by Michael Lynk, former Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, if the international community had really acted on its resolutions, we would not be talking about apartheid today.

### **Israeli settlements**

Israel's political leaders seek to maintain control over the entire occupied territory through the establishment of settlements, in violation of international law, where 700,000 Israeli Jewish settlers live with full legal and political citizenship rights amidst five million stateless people. Israel's plans are unequivocal: to have more

Jewish settlers and settlements on larger parcels of occupied land and thus expropriate more Palestinian property and use harsher and more sophisticated methods of population control. Their goal is to confine Palestinians to barricaded population reserves.

In January 2022, Israeli authorities carried out evictions of several Palestinian families in the Sheikh Jarrah neighborhood in East Jerusalem. Palestinian residents in this area have been continuously under threat of expulsion and forced displacement and targeted by Israeli authorities, who use discriminatory laws to systematically dispossess them of their land and homes for the benefit of Jewish Israelis. In response, Palestinians across Israel and the OPT held peaceful protests in support of the families. These assemblies were met with excessive and deadly force with thousands injured, arrested and detained.

On May 12, 2022, the occupying force approved the building of 4,427 new homes in its settlements on occupied West Bank land. This unilateral and provocative decision of continued settlement expansion further encroaches upon Palestinian land and natural resources and hampers the free movement of the Palestinian population. These events are emblematic of the oppression, which Palestinians have faced every day, for decades. The discrimination, dispossession, killings and injuries are all part of a system, which is designed to privilege Jewish Israelis at the expense of Palestinians.

### **Israeli forces' use of live ammunition against unarmed civilians**

The level of violence exerted by Israel has been steadily increasing over the past 16 months. 2021 marked the highest number of Palestinian deaths resulting from confrontations with Israelis related to the occupation since 2014. The number of Palestinian children killed as a result of Israeli violence in 2021 was the most since 2014. In just 5 months of 2022, the number of Palestinians killed by the Israeli military is nearly five times higher than in the same period last year. 104 Palestinians, including 20 children and 12 women, have been killed by Israeli forces in various incidents since 2022.

Neither the elderly nor children are spared Israel's cruelty. Omar Abul-Majid As'ad, 80, was killed by Israeli soldiers who invaded a village north of the central West Bank city of Ramallah, before detaining and assaulting him causing bruises on his head, redness on his wrists from being bound, and bleeding in his eyelids from being tightly blindfolded. Mo'tasem Mohammad Atallah, 18, was killed by Israeli forces near the illegal Israeli colonial settlement of Tekoa', in the occupied West Bank. Mohammad Rezeq Salah Shehada, 14, was shot by Israeli soldiers with live rounds and prevented a Palestinian Red Crescent ambulance from reaching him. Hanan Mahmoud Khmour, 18, died from serious wounds she suffered when she was shot by Israeli soldiers while she was on her way to her school in Jenin as the soldiers opened fire on the car during an invasion of the city. How many more innocent Palestinians need to be murdered before the international community takes action against Israel's failure to comply with the principle of distinction between civilians and combatants?

During the holy month of Ramadan, Israeli forces stormed on a daily basis the Al-Aqsa Mosque in the Old City of Jerusalem. On Friday, April 15, 2022, as thousands of Palestinians gathered to pray, the Israeli forces fired rubber bullets, stun grenades, and baton-charged the Palestinian civilian worshippers performing the dawn prayer, resulting in the arrest of more than 300 people and the injury of at least 158. On Tuesday, April 19, 622 Israeli settlers under the protection of the armed forces also took part in the attack. They broke into the walled holy compound without regard for the elderly, women, and children, causing panic and forcing people to run for cover from police rubber bullets, stun grenades and tear gas. Videos show police officers using batons to subdue arrested Palestinians and clear people from the esplanade. Several videos show Israeli officers club unarmed civilians, as they stand next to children. One of the many victims, Walid Sharif, 23, died from serious wounds after Israeli soldiers dragged him out of the courtyards of Al-Aqsa Mosque, and then brutally assaulted him despite his serious wounds. The decision to storm Al-Aqsa Mosque and the unjustified

attack on the worshipers inside reflects the recklessness of decision-makers in Israel and their desire for escalation.

On May 11, 2022, Shireen Abu Akleh, the voice of Palestine, was coldly shot by the Israeli army. The prominent Al Jazeera journalist was killed while covering events in the Jenin area of the occupied West Bank, while wearing a jacket with the word "press" written on it. Without even attempting to engage with the press team, the Israeli occupation forces intentionally fired live ammunition, killing her immediately. The killing of an identified press worker in a conflict area is a violation of international law. Ms. Abu Akleh was targeted because of her work covering and reporting to the world about Israeli aggressions in the occupied territories. Then, on Friday May 13, 2022, Shireen Abu Akleh's funeral was marred by another burst of violence. As hundreds gathered to pay respect, riot Israeli police intentionally and brutally assaulted the people carrying her coffin, causing them to almost drop it.

According to UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials, the intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life in self-defense or defense of others against the imminent threat of death or serious injury, and only when less extreme means are insufficient to achieve these objectives. However, in all of the cases of killings described above, Israeli forces opened fire with live ammunition on Palestinians who were posing no imminent threat to the lives of the soldiers or others. Although some of the victims were engaged in stone-throwing, the circumstances of all their deaths point to them having been victims of unlawful killings, including wilful killings – such killings amount to war crimes. This pattern of killings and injuries of civilians should urgently be addressed and remedied.

Israeli forces have repeatedly violated their obligations under international human rights law, and have been permitted to do so with virtual impunity due, in no small part, to the authorities' failure to conduct thorough, impartial and independent investigations. Such arbitrary and abusive use of force contravenes policing standards that protect the right to life and other human rights and they also violate international humanitarian law applicable in territories under foreign military occupation, including the West Bank.

### **Conclusion and recommendations**

We regret the lack of progress made in domestic investigations in accordance with international law standards, and aware of the existence of numerous legal, procedural and practical obstacles in the Israeli and Palestinian civil and criminal legal systems contributing to the denial of access to justice for Palestinian victims and of their right to an effective judicial remedy.

We lament the international community's inaction in the face of the arbitrary and extrajudicial executions, torture, denial of fundamental rights, abusive military justice system, and home demolitions.

The international community must ensure that all law enforcement agencies conform to international human rights standards and a thorough and impartial investigation into all deaths and injuries in order to identify those responsible and bring them to trial. Justice and accountability must be held, adequate compensation to the families of victims and medical assistance to injured people.

We further exhort the office of prosecutor of ICC to consider the applicability of the crime against humanity of apartheid within the current formal investigation of crimes under international law committed in the OPT.

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## Enforced Disappearances in Latin America

For long, states have used enforced disappearances to impose their control over citizens by making them invisible. Enforced disappearances have been used as a method of control and are particularly anchored in the practices of many dictatorships in Latin America during the 20th century, Argentine and Chile being the most horrendous cases, accounting for 30,000 and 3,400 abducted people, respectively, which constitutes a flagrant violation of international human rights laws and standards and a threat to democratic processes.

Because of its history, Latin America has been a pioneer in efforts to combat enforced disappearances through international instruments such as the Inter-American Convention on Forced Disappearance of Persons, the General Assembly resolution 47/133, also known as the Declaration on the Protection of All Persons from Enforced Disappearances, the General Assembly resolution 47/133, named the International Convention for the Protection of All Persons from Enforced Disappearances; and, the Rome Statute which considers enforced disappearances as a crime against humanity.

### **Enforced disappearances in Latin America**

The enforced disappearances of people in Nicaragua are just one of the tactics used by the authorities to silence criticism or opposition. From this, a pattern of arbitrary detentions emerges, leading to enforced disappearances. Police and paramilitary groups are mostly responsible for such acts, especially in rural areas of the country.

Venezuela has also seen an increase in enforced disappearances. NGOs such as “Robert F. Kennedy Human Rights”, in partnership with local NGOs such as “Foro Penal”, estimate the number has risen from 200 cases in 2018 to 524 cases in 2019. According to the report, female detainees are more likely to be forcibly disappeared than male detainees. In 2019, 95% of abducted Military officers reported being tortured. There were more than 230 reports of arbitrary detentions as of June 2020, of which 33 have led to enforced disappearances and fourteen of these victims are still missing.

In 2021’s report, the International Independent Fact-Finding Mission on Venezuela documented 19 arbitrary detentions and short-term forced disappearances of military personnel. Venezuelan President Hugo Chavez created the "General Direction for Counter military Intelligence" and the "Bolivarian National Intelligence Service" between 2010 and 2011. These organizations are primarily responsible for enforced disappearances in the country. Many victims in the documented cases were summoned to military bases under the pretext of an interview or interrogation. Once under state control, they were stripped of their belongings and detained. It was reported that the detaining authorities failed to present arrest warrants, explain the reasons for the charges and fail to identify themselves at the time of the arrest. Detainees were taken blindfolded or hooded by indirect routes, allegedly confusing them about their whereabouts. The report also indicated that the Ombudsman’s Office received 22 complaints of enforced disappearances.



Violence against women has been central to the issue of enforced disappearances. According to the Report of the Special Rapporteur on extrajudicial, summary and arbitrary executions on her mission to Honduras, there is particular concern regarding the enforced disappearances of women. Collected data indicated a 281% increase in female disappearances between 2008 (91 cases) and 2013 (347 cases). Although it is not possible to verify if the disappearances were conducted by the state. Correspondingly, Special Rapporteur's report on her mission to El Salvador collected troubling information about the increase in cases of the enforced disappearance of women and men. This may indicate that the homicide rate is even higher than reported, as many cases of enforced disappearance lead to the death of the victim.

Also, the Committee on Enforced Disappearances registered the first request for urgent action concerning Paraguay. The request concerned the alleged enforced disappearance of a young girl during an operation led by the joint police and army task force set up to combat the Paraguayan People's Army, a guerrilla organization. Besides, after their visit to Mexico, in November 2021, there was a lot of concern over the situation of human rights defenders. And the disappearances of more than 30 journalists between 2003 and 2021, since none of them have been located and some have disappeared due to their participation in search missions and criticism against enforced disappearances.

## **Migration**

The different human rights bodies have allocated greater attention to allegations of disappearances occurring in prisons and migration centers, particularly in countries with large groups of migrants, such as Mexico, where in 2012, the bodies of 72 migrants were found in Tamaulipas, Mexico. In Mexico, evidence reveals that public agents and organized crime are responsible for the surge in enforced disappearances. Therefore, immediate actions must be taken to end the absolute impunity surrounding these crimes.

Enforced disappearances in the context of migration include the enforced disappearance of migrants on their migration journey or upon arrival in the country of destination. enforced disappearance as a cause for migration and related considerations under the principle of non-refoulement. The Committee's report indicates that migrants are far more vulnerable to crimes such as human trafficking for the purpose of sexual exploitation when they set out on migration routes. Regrettably, statistical data on the enforced disappearance of migrants is less readily available, as there are many challenges in investigating such cases, particularly in a cross-border context and considering that many of them lack proper documentation. The Missing Migrants Project of the International Organization for Migration has recorded more than 35,000 migrants who have lost their lives or gone missing since 2014.

During the past year, there were reports that migrants illegally detained in unknown locations had their cell phones confiscated by perpetrators who then demanded money from the families, sometimes with the support or acquiescence of public officials. These reports indicate that greater efforts must be taken to prevent the disappearances of migrants; for instance, the current prosecution rate is 2 to 4%.

## **Non-State Actors**

The official definition of enforced disappearances involves the direct intervention or acquiescence of state agents. Nevertheless, there is debate about whether enforced disappearances can involve non-state actors. For example, Colombia's legislation defines enforced disappearances as not conditioned to state involvement as a precondition for committing the crime. According to the Colombian criminal code, an offence can be committed either by an individual belonging to an armed group, a public official or someone acting under control or with the acquiescence of a state official.

The expansion of the active subject of the crime would reflect the reality of Latin America. For instance, in Colombia, from all the enforced disappearances committed until 2015, just 8% involved the state as a perpetrator. The other 92% involved perpetrators such as guerrillas, paramilitary groups, post-demobilization groups and unidentified armed groups. In its internal legislation, the fact that the country included a broader definition of the crime responds to the reality of years of armed conflict and an explicit intention of protecting the victims.

Broadening the definition to include non-state actors as perpetrators of these crimes would respond to most countries' current situation and provide a solution to the problem of informing authorities when there has to be proof that the state is the one responsible or that the non-state actor is cooperating with the state. International instruments may hold the state internationally accountable for the wrongdoing of non-state actors, since the state may also prosecute or hold to account non-state actors within state territory for violating laws.

*We reaffirm that everyone is entitled to a social and international order in which all human rights can be fully realized for all, without any discrimination.*

*- The Durban Declaration*

### **Conclusions and recommendations**

The signatories to this statement are deeply concerned over the number of enforced disappearances that are taking place on the continent at the present and about the high number of cases where the state is the main perpetrator. Accountability for these violations is vital for civilians to feel safe and protected by their state. Latin American states should take specific and effective measures to prevent the disappearance of individuals and establish effective facilities and procedures to investigate thoroughly, by an appropriate impartial body, cases of missing persons within their territories.

Accordingly, we call on the UN Human Rights Council to

- Urge Latin American countries to strengthen investigation processes, and provide adequate human and financial support to their National Search Commission and local commissions.
- Ensure systematic and effective coordination of all institutions involved in the search, investigation, and reparation and accompaniment to victims.
- Urge Latin American countries to remove obstacles to prosecutors and to provide due attention to disappearances of migrants, establishing adequate mechanisms in order to identify possible cross-border cases of enforced disappearances.
- Urge governments in Latin America to adopt the Declaration on the Protection of All Persons from Enforced Disappearances and the International Convention for the Protection of All Persons from Enforced Disappearances.
- Call on the General Assembly to broaden the requirements for the protection from enforced disappearances and accept non-state actors as active subjects of the crimes.

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### New appointment of the Special Rapporteur on the Right to Education

The NGO Working Group on Human Rights Education and Learning, which includes around 50 non-governmental organizations and aims to advocate for human rights education, welcomed the new Special Rapporteur on the Right to Education. The role of the Special Rapporteur on the Right to Education as an independent expert is extremely valuable and key especially during

these times of global conflicts and instabilities.

In June 2008, the Human Rights Council requested the Special Rapporteur on the Right to Education, among others to ‘Review the interdependence and interrelatedness of the right to education with other human rights’.<sup>1</sup> Our group proposes that the Human Rights Council considers expanding the mandate of the Special Rapporteur on the Right to Education, starting for instance by examining human rights education implementation during the country visits and then when preparing Reports to the General Assembly. Such steps would contribute to promoting, safeguarding and implementing both the right to education and to human rights education.

Human Rights Education is a key component of the Right to Education. Article 26 of the Universal Declaration of Human Rights, states that ‘Education shall be directed to the full development of the human personality and **to the strengthening of respect for human rights and fundamental freedoms**. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.’<sup>2</sup>

In addition, the UN Declaration on Human Rights Education and Training (2011) in Article 13 encourages States to report on the implementation of human rights education and training.<sup>3</sup>

It is in our hope that this new appointment will contribute to the advancement of human rights education, to ensure the realization of the right to education and ultimately realize more just and inclusive societies where words and international commitments are translated into action.



<sup>1</sup> <https://www.ohchr.org/EN/Issues/Education/SREducation/Pages/EducationAndHR.aspx>

<sup>2</sup> Universal Declaration on Human Rights (1948) <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>3</sup> Art 13 UN Declaration on Human Rights Education and Training (2011) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/467/04/PDF/N1146704.pdf?OpenElement>

## Civil Society Stands with the UN Commission of Inquiry on Palestine against Rising Attacks



57 Palestinian and international organisations extend their full support and pledge their ongoing cooperation with the UN Commission of Inquiry on Palestine, which has been under mounting attack by Israel and other states.

The Commission is particularly fundamental in light of Israel's ongoing crimes and violations against the Palestinian people, and its longstanding impunity, coupled with the deliberate failure of third states to recognise the situation as it is in Palestine, or take actions to bring the illegal occupation and apartheid to an end.

The undersigned organizations extend their full support and pledge their ongoing cooperation with the UN Commission of Inquiry on Palestine, which has been under mounting attack, led by Israel, including recent smearing of its work and members as antisemitic, and calls for its disbandment.

The Commission of Inquiry (hereinafter the CoI or the Commission), was established in May 2021 by the UN Human Rights Council (HRC), to investigate underlying root causes of Israel's systematic racial discrimination and repression against the Palestinian people on both sides of the Green Line. In particular, the CoI will examine events surrounding Israel's suppression of peaceful assemblies with lethal force intended to quash the spark of Palestinian Unity Intifada, Israel's subsequent aggressive military offensive on the Gaza Strip in May 2021, and the killing of [276 Palestinians civilians](#) by Israeli Occupying Forces (IOF) and illegally transferred in colonial settlers throughout occupied Palestine, that month.

The Commission is particularly fundamental in light of Israel's ongoing crimes and violations against the Palestinian people, and its longstanding impunity, coupled with the deliberate failure of third states to recognize the situation as it is in Palestine, or take actions to bring the [illegal occupation](#) and apartheid to an end, including failing to implement recommendations from previous UN investigative mechanisms. The latest aggression on the population of the Gaza Strip launched by Israel on 5 August 2022, which led to the killing of [46 Palestinians](#) including 16 children and four women, and the injury of [360 Palestinians](#), is yet another flagrant example of Israel's ongoing war crimes against the Palestinian people which it is allowed to perpetrate without any accountability and countermeasures. The Commission is vital to investigate the ongoing violations and international crimes within their root causes, with an important mandate towards [ending impunity and ensuring legal accountability](#). If not addressed as a matter of urgency, these root causes and Israel's impunity will continue to produce cycles of violence at the expense of the inalienable rights of the Palestinian people. The latest calls for disbanding the Commission will only further aggravate violence, and impunity for international crimes perpetrated by Israeli authorities, and entrench the denial of the right to self-determination of the Palestinian people.

Since its establishment, the Commission has been under pressing and coordinated attacks by Israel, a US-led coalition of States, and civil society, alleging its mandate and work as ["biased"](#) and ["disproportionately](#)

[focusing on Israel](#)". For example, during the interactive dialogue of the CoI's mandate at the 50th session of the HRC on 13 June 2022, some 22 States, led by the [United States](#), condemned the CoI's mandate and called for the halt of the "longstanding disproportionate attention given to Israel in the Council".

Most recently, following Commissioner Miloon Kothari's [media interview](#) on 25 July 2022, the CoI has been smeared as antisemitic, taking quotes from Kothari's interview [out of context](#) while using antisemitism accusations to halt the CoI's investigation into Israel's international crimes against the Palestinian people, including the crime against humanity of apartheid.

Such smearing and attacks included a [letter](#) on 31 July 2022 by Prime Minister Yair Lapid to United Nations Secretary-General António Guterres, accusing the Commission of endorsing and fueling antisemitism and demanding, "the immediate removal of all three members of the Commission of Inquiry tasked with investigating Israel, and the disbanding of the Commission." Representatives of a number of States have also [condemned](#) the Commission and Mr. Kothari's remarks as antisemitic, including: the [United States](#), [France](#), [Canada](#), [Germany](#), the [United Kingdom](#), the [Netherlands](#), and [Austria](#).

Since its establishment, Israel has been systematically suppressing and silencing the voices of human rights defenders and civil society organizations, whether Palestinian, regional or international, advocating for the realization of the rights of the Palestinian people and attempting to challenge Israel's impunity, and its apartheid regime. Such attacks have also targeted [international accountability mechanisms](#), including UN international Commissions of Inquiry and Fact Finding Missions.

Israel has a record of attacks and non-cooperation with UN investigative bodies, UN special rapporteurs and the [staff](#) UN Office of the High Commissioner of Human Rights, including by preventing the entry into Palestine, leading organized lobbying efforts against such bodies, and engaging smear campaigns accusing the bodies of bias and 'antisemitism'. As such, the latest attack on the mandate of the CoI is a continuation of Israel's systematic efforts to shut down internationally mandated accountability mechanisms.

The intense attacks come in light of the unique and historic mandate of the present Commission, the first permanent UN investigative body with a comprehensive mandate covering colonized Palestine, the entirety of the Palestinian people, including refugees and exiles in the diaspora. As such, the present Commission is a crucial step toward the recognition and remedy of Israel's settler-colonial and apartheid regime as the root cause of Israel's perpetual violations of international law in Palestine.

Our organizations condemn and call for the end of the pressing attacks by Israel, the US-led coalition, and several organizations on the CoI. We call on all States to provide the utmost political, institutional and material support, and to engage in good faith with the mandate of the CoI, to enable this important accountability mechanism to continue with its mandate unhindered.



[List of Endorsing Organizations](#)

**Joint Submission to the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel**

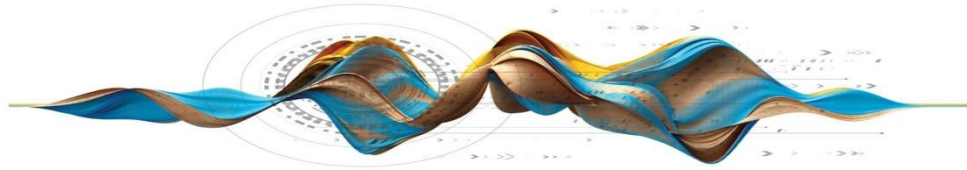


The UN Commission of Inquiry (CoI) established May 2021 to investigate underlying root causes of racial discrimination in Palestine, was issuing its first report in June 2022. This commission and its unique mandate is an important opportunity to push for an investigation that recognizes the situation as it is in Palestine, and recommends measures towards decolonization accordingly. 90 Organizations Urge the UN Independent International Commission of Inquiry on Palestine to Recognize and Address Zionist Settler Colonialism and Apartheid as the Root Causes of Israel's Ongoing Violations.

The submitting organizations acknowledge that the CoI's unique mandate, is mainly attributed to the Palestinian people on the ground, who, in May 2021 mobilized in a collective struggle of popular resistance. This popular resistance challenges 73 years of fragmentation, imposed by Israeli settler colonisation and apartheid in what is known as the Unity *Intifada*/Uprising. [Link to the full joint submission](#)

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## Oral Statements

During the 51st Session of the UN Human Rights Council, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) delivered 11 oral statements in collaboration with Geneva International Centre for Justice, and the NGO Working Group on Human Rights Education & Learning.

### **The 51st Session of the Human Rights Council**

**12 September 2022 – 7 October 2022**

### **Item 10: ID on IE on Central African Republic**

**5 October 2022**

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)



*Delivered by: Loïc Dorthé*

Thank you, Vice-President,

We welcome the report of the independent expert on human rights in the Central African Republic and the progress reached, including the abolition of the death penalty and the national action plan to combat child trafficking.

For many years, the population of the Central African Republic has lacked opportunities and the younger generations have been deprived of their future. Restoring stability and security seems to be the government's main objective. Despite its obvious importance, we are alarmed by the enormous costs that accompany it.

To achieve stability, the government collaborates with foreign armed groups, which are effective in the short term. However, this partnership undermines the CAR's long-term ability to act as a sovereign state. It is also affecting MINUSCA' work. Alleged crimes against humanity, violations of international humanitarian law, and the plundering of the country's resources by these armed groups cannot go unanswered.

To move towards reconciliation, an inclusive dialogue between communities must be promoted. The local elections, which have been postponed to January 2023, are therefore of utmost importance. They must be fair and genuine to allow the population to feel represented.

EAFORD and Geneva International Centre for Justice, reiterate the call for independent experts to provide the required technical and financial support. We also call for further international measures to prevent the proliferation and limit the power of foreign armed groups, to achieve long-term peace, stability, and prosperity in the Central African Republic.

**The 51st session of the United Nations Human Rights Council**

**12 September - 7 October 2022**

**Item 10: Technical Assistance and Capacity Building for South Sudan**

**05 October 2022**

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination  
(EAFORD)





We thank the Office of the High Commissioner for Human Rights for the oral update, and we recognize the meaningful progress made towards the reconstitution of the Transitional National Legislative Assembly with the appointment of the first female speaker in the country's history.



We are deeply concerned however about the violence and incursions in South Sudan that have displaced over 44,000 civilians and killed 173 people in the last four months. The human rights situation in South Sudan is very alarming with grave violations and abuses reported against 124 children including acts of, abduction, sexual violence, murder, and forced recruitment into the army. EAFORD and Geneva International Centre for Justice call on the Government of South Sudan to uphold their obligations under the Convention on the Rights of the Child.

In addition, we are troubled by the Government's failure to establish a Hybrid Court for South Sudan. Holding credible trials and establishing mechanisms to ensure truth telling, reparations, and justice for the victims are essential in repairing the country's social fabric as well as bringing healing to the people.

We also note with concern how the continuous violence has led to increasingly high malnutrition rates among the South Sudanese. Humanitarian aid and assistance have been denied or restricted leaving the people in a hopeless situation. We call on this Council and the International community as a whole to take action to protect the people of South Sudan.



**The 51st Session of the United Nations Human Rights Council**

**12 September - 7 October 2022**

**Item 10 - Enhanced ID on the report of HC and experts on the Democratic Republic of Congo**

**5 October 2022**

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination  
(EAFORD)



*Delivered by: Rasika Gopalakrishnan*

Since 2012, the army of M23 rebels in the Democratic Republic of Congo has continued to endanger and displace thousands of civilians across the country. Despite several attempts at peaceful negotiations, the army has persisted in its attacks on the Armed Forces of the DRC, thereby leading to social, political, and economic instability in the region.

The team of international experts observed that several towns and provinces have passed into the hands of the Congolese Revolutionary Army, creating a hostile and dangerous environment for women, children, and other vulnerable communities. Such actions place the UN Peacekeepers as well as the civilians of the DRC in great danger. It was noted that the peacekeeping mission, MONUSCO, had to be evacuated due to concerns for their safety.

Although the country has taken both diplomatic and humanitarian steps to resolve this dispute, the team of independent experts strongly believes that an increase in cooperation between various stakeholders is required to put an end to this unrest. In their report, the team noted a correlation between the absence of the judicial system, on the one hand, and the proliferation of armed groups, on the other. Therefore, increased investment in the country's judicial system could go a long way in combating impunity. The Report further stresses the need to establish transitional justice systems in order to protect against the occurrence of future human rights abuses.

EAFORD and Geneva International Centre for Justice strongly urge the international community to support the mission of the Democratic Republic of Congo in establishing systems of transitional justice.

**The 51st Session of the Human Rights Council**

**12 September 2022 - 7 October 2022**

**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**

**4 October 2022**

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)



*Delivered by: Emily Bare*

Thank you, Mr. President:

We are deeply concerned about the lack of commitment by States toward the elimination of all forms of racial discrimination and other intolerances.

Racism, racial discrimination, xenophobia, and related intolerance continue to plague humanity. Regrettably, the lack of political will to advance the global anti-racism and anti-discrimination agenda continues to hamper the effective combating of racism and its effects. This lack of political will fuels racist and xenophobic tendencies in many parts of the world.

Although the United States ratified the ICERD in 1994, it consistently fails to uphold its obligations. Recent data shows an increase in the death rates of people of African descent caused by police officers, in hate crimes against people of Asian descent since the outbreak of the Covid-19 pandemic, and in the rise of ideas of racial superiority.

Pervasive structural racism and systemic injustice in the United States continues to deny people their fundamental human rights, affecting generations of women, men, and children - stripping them of their humanity.

EAFORD and Geneva International Centre for Justice believe that the effective implementation of the Durban Declaration and Programme of Action into national legislation of each State is crucial. We urge States to address the complex legacy and lasting consequences of past forms of racism and exclusion, including colonial exploitation and enslavement.

Lastly, we commit ourselves to the ideal that diversity is a strength and not a threat to society.

## 51st Session of the UN Human Rights Council

### Item 9: Interactive dialogue with the Working Group of Experts on People of African Descent

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

We welcome the report by the Working Group of Experts on People of African Descent, especially as it relates to children. This issue is of great importance as it relates to future generations and humanity.



We agree with the report in that it is necessary to identify existing racialized challenges that come in various forms - including legal hurdles and other types of violations. In this regard, we note that the history of justifying and enabling colonial domination, together with neo-colonial dynamics, especially in law - must be addressed in various fields such as education, health, and development.

It is of utmost importance to also address invisible challenges and barriers such as mental slavery and child sexual slavery among others, as these are also negative results of the legacies of slavery and colonialism.

To this end, EAFORD and Geneva International Centre for Justice strongly believe that effective inclusion of victims and affected communities is paramount in discussions regarding accountability and redress. We encourage the inclusion of experts in civil, political, social, and cultural fields as noted in the DDPA - as well as the need for special measures to be incorporated to combat racial discrimination and inequality faced by children.

In conclusion, we would like to ask the Working Group, what measures and steps can civil society, together with member states and other stakeholders do to strengthen political will, moral courage, and State responsibility?



## The 51st Session of the Human Rights Council

12 September 2022 – 7 October 2022

### Item 7: General Debate of Human Rights Situation in Palestine and other Occupied Arab Territories

30 September 2022

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination  
(EAFORD)

*Delivered by: Loïc Dorthe*

We wish to raise the grave situation of collective punishment by Israel against Palestinians, which is an exceptionally serious violation of the principles and rules of international law.



Since 1967, the Israeli army has been continuously demolishing Palestinian homes to deter individuals declared as so-called "terrorists" from repeating their actions. The army destroys to the ground hundreds of properties, houses, and buildings in which these people live with their families, including children.

By having their homes demolished, these Palestinians are being deprived of everything they own and thrown out onto the street. They are subjected to an obvious form of collective punishment, in clear violation of Article 33 of the Fourth Geneva Convention.

In addition, since May of this year, the restriction of access to certain areas, including occupied Jerusalem, has been extended to second-degree relatives of suspected terrorists. Let us be clear. It was already a violation of humanitarian law to punish parents and siblings who did not commit any crime, but in the face of the international community's lack of reaction, nothing prevented Israel from taking this additional step.

Finally, to prevent Israel from taking, again, an additional step, and violating further humanitarian law and human rights, EAFORD and Geneva International Centre for Justice call on the international community to put an end to the Israeli occupation, end impunity and bring justice to the Palestinian people.

**The 51st Session of the Human Rights Council**

**12 September 2022 – 7 October 2022**

**Item 4: Interactive Dialogue on the Office of the High Commissioner for Human Rights Report on Myanmar**

**22 September 2022**

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination  
(EAFORD)

*Delivered by: Loïc Dorthe*

We welcome the report of the Office of the High Commissioner for Human Rights, but remain concerned with its results. We recall that by taking over the country, the junta has exacerbated an already fragile human rights situation. The reduction of civic space and perpetration of crimes against humanity, such as elements of genocide against the Rohingya, cannot go unanswered by the international community.



However, we regret that the recommended sanctions, designed to starve some of the financial resources of Myanmar's military, are ineffective, or simply insufficient. As the report details, the junta and its leaders are using resources of state-owned enterprises to fund their control over the country. The sectors, companies, and senior officials at the helm are known. Lack of action by partner states is therefore inexcusable. Currently, too many countries trading with the junta remain unaccountable, and the inaction of neighboring states is particularly intolerable. Denouncing a military coup and acknowledging the subsequent alleged human rights violations is meaningless if no concrete action is taken to improve the human rights situation in Myanmar.

Therefore, EAFORD and Geneva International Centre for Justice call on all states, especially ASEAN and those with significant economic ties to junta-controlled enterprises, to implement economic sanctions to the best of their ability, and to promote trade with civilian companies. Economically weakening the military, and strengthening the civilian parties is the responsibility of all states willing to commit to the return of democratic political institutions, and respect for human rights in Myanmar.

### **The 51st session of the Human Rights Council**

**12 September 2022 - 7 October 2022**

#### **Item 4 - Interactive Dialogue with Special rapporteur on Myanmar**

**22 September 2022**

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

*Delivered by: Conall Corrigan*



Since February last year, abuses committed by the military junta in Myanmar have spanned the entire spectrum of human rights resulting in the deaths and displacement of thousands of civilians. Five years on from the brutal crackdown on the Rohingya Muslim population, members of this religious group are still awaiting justice and accountability for violations of their basic human rights.

The humanitarian crisis has been worsened by the rising prices of essential commodities, particularly food and fuel, as a result of the conflict in Ukraine which has severely impacted global supplies.

The Report of the Independent Investigative Mechanism for Myanmar has found, that since 2021, the civilian population has been forced to endure a barrage of violent mistreatment at the hands of armed forces.

The actions of the military junta in Myanmar constitute clear violations of numerous international human rights standards contained in treaties signed and ratified by Myanmar.

Although a recent Fact-Finding Mission carried out by the OHCHR found that some progress has been made in isolating the military regime from the global economy, much more must be done to ensure those who perpetrate crimes against civilians are held accountable for their actions.

The International Organization for the Elimination of All Forms of Racial Discrimination and Geneva International Centre for Justice remain concerned about the current situation in Myanmar. The international community must commit itself to pursuing a coordinated effort to support the people of Myanmar by providing vital humanitarian assistance, ensuring justiciable remedies for victims of rights abuses, and prioritizing the de-escalation of the conflict.

### **The 51st Session of the Human Rights Council**

**12 September 2022 - 7 October 2022**

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

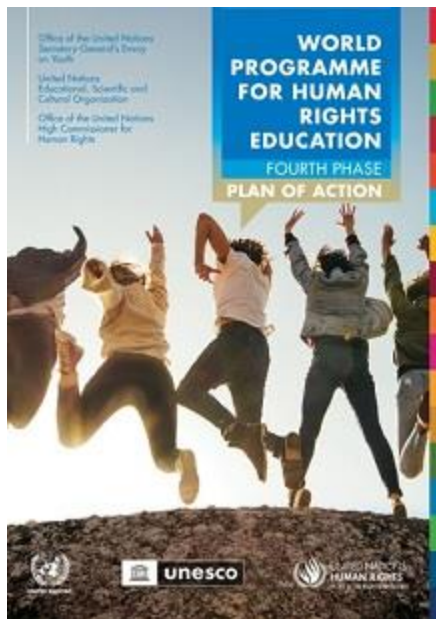
**20 September 2022**

Joint Oral Statement of the NGO Working Group on Human Rights Education and Learning

‘Comments on the Midterm progress report on the implementation of the fourth phase of the World Programme for Human Rights Education’

Thank you Mr. President

I speak on behalf of the NGO Working Group on Human Rights Education and Learning.



We welcome the High Commissioner’s Midterm progress report on the implementation of the fourth phase of the World Programme for Human Rights Education’. We appreciate that 17 Member States submitted relevant information to OHCHR, and we strongly encourage other States by 2024 to take meaningful actions to implement HRE and submit their reports to OHCHR.

Particularly, we positively noted that some States ‘have been adopted specific policies to ensure that education, including human rights education, is accessible to all children and youth without discrimination.’ Moreover, some Governments ‘have facilitated and supported non-formal human rights education conducted by civil society and ‘engaged young people as key partners in planning and designing human rights and human rights education policies’

We hope that all of this can inspire other governments to ensure that the work of civil society and especially of young human rights educators can be enhanced.

We express support for the conclusion and recommendations of the Midterm progress report which emphasizes the importance of ‘monitoring and evaluation’. Particularly we agree that ‘Human rights education in non-formal settings plays an important role and complements

significantly human rights learning in formal education by extending access, particularly for youth in situations of exclusion and vulnerability, and by offering a platform to experiment with new methodologies which, if proven useful, can be replicated in all contexts.’

Finally, we want to reiterate that our Working Group will continue to advocate for a meaningful implementation of HRE for, with and by young people.



### **The 51st Session of the Human Rights Council**

**12 September 2022 - 7 October 2022**

#### **Item 3: Interactive Dialogue with Working Group on enforced disappearances**

**20 September 2022**

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

*Delivered by: Emily Bare*

I would like to thank the Working Group for its report and commend its activities as being crucial in achieving justice for victims.

As the report highlights, Iraq currently has the highest number of outstanding documented cases of enforced disappearance, standing at 16,427 victims. However, our investigations show that the true number of victims is drastically higher than this.

Although precise figures are difficult to determine, we believe according to our research and contacts in Iraq that the total number of enforced disappearances is by many folds greater than the officially documented cases of disappeared persons.

Over the past five years, evidence shows that groups have been burying bodies in mass graves, including the Iraqi Hezbollah militia – the same group that is accused of keeping thousands of Iraqis in secret prisons.

Despite the seriousness of these violations, the report failed to identify Iraq as a particular area of concern.

While the report finds that Iraq has no official documentation of violations since 2003, the pervasive practice of enforced disappearance did not just cease at the turn of that new year. Instead, reliable evidence shows that enforced disappearances in Iraq have drastically escalated and perpetrators are consistently given impunity.

EAFORD and Geneva International Centre for Justice strongly urge the Human Rights Council to support the mission of the Working Group in investigating these rampant enforced disappearances in Iraq.



**The 51st Session of the Human Rights Council**

**12 September 2022 – 7 October 2022**

**Item 2: Interactive dialogue on the report of Independent Investigative Mechanism for Myanmar**

**12 September 2022**

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination  
(EAFORD)

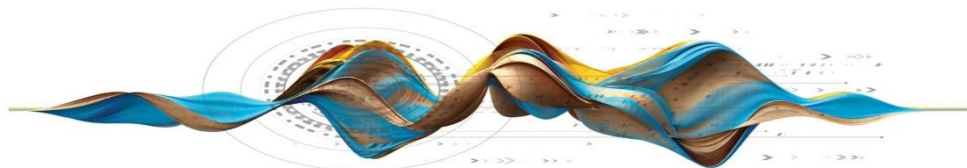


*Delivered by: Ardy Syafhana*

This month will mark three years since the establishment of the Independent Investigative Mechanism for Myanmar (IIMM) and the five-year commemoration of the clearance operations against the Rohingya people.

Nevertheless, retributive justice in Myanmar is still far from attainment. When the IIMM persisted in facilitating criminal proceedings against Myanmar authorities, only Bangladesh, Gambia and Argentina agreed to hold such judicial processes. On the other hand, the Myanmar domestic court focused more on prosecuting only the political opponents and denied IIMM access in its territory. Given the situation, investigations into Myanmar rely upon the assistance of other states and related individuals outside Myanmar.

EAFORD and Geneva International Centre for Justice call for all UN member states to assist the accountability process of the international courts, the Independent Investigative Mechanism for Myanmar (IIMM), as well as, taking initiatives toward the universal jurisdiction. In addition to technical and humanitarian assistance, we also urge the adoption of the UN Security Council Resolution on jurisdiction of international criminal court under Article 13(b) of the 1998 Rome Statute, to cover all Myanmar territory for probable war crimes and crimes against humanity.





## **8th session of the DDPA - Inequalities Suffered by Migrants**

### **Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action**

**11 August 2022**

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

*Delivered by: Namrata Hazarika*

I am representing the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) and Geneva International Centre for Justice (GICJ).

Human rights violations have heightened since the Covid-19 pandemic. The closure of borders and movement restrictions to contain the pandemic, have ignored the fundamental rights of migrants. Hence, they have been disproportionately affected by the pandemic with their fundamental rights of non-discrimination and equality being compromised. This discrepancy has been particularly observed in healthcare. The living circumstances of migrants are dictated by their limited

finances, making them more vulnerable to Covid-19. Additionally, migrants do not have equal access to health services, a problem accentuated by digital exclusion and language barriers.

The rise of “surveillance humanitarianism” has reflected discriminatory practices on digitalization. For example, automated registration systems run on an algorithm that fails to recognize certain dialects, increasing linguistic security threats. Second, is the adoption of digital securities in the form of facial recognition that comes equipped with a history of mis-recognizing people of color. Lastly, governmental biometric data collection of migrants is founded on contested grounds of legitimacy. Currently, there exists no integrated regulatory global governance framework for the use of digital technologies. Hence, the responsibility to maintain and respect international human rights legal obligations in the regulation of the design and use of such technologies is negligible.

EAFORD and GICJ urge member states to deliberate on and implement a regulatory framework to govern the concept of equitable healthcare, particularly under the pretext of a global pandemic. We condemn technology that cannot meet the standards set by the international human rights legal frameworks prohibiting racial discrimination. Finally, we would like to stress the importance of transparency and accountability in the said context; two qualities enshrined and endorsed for the implementation of the provisions of the Durban Declaration and Programme of Action (DDPA). To maintain them, we emphasize the need for public-private partnerships in the use of digital border technologies so that government accountability is maintained.

# UNDERSTANDING SYSTEMIC RACISM

## 8th session of the DDPA – Systemic Racism

### Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action

8 August 2022

Oral Statement of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

*Delivered by: Namrata Hazarika*

I am Namrata Hazarika representing the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) and Geneva International Centre for Justice (GICJ). We start by firstly thanking the convening of this session, the insightful presentations and appreciating the work of the experts in assessing the implementation of the Durban Declaration and Programme of Action (DDPA). We would also like to highlight the importance of the Durban Declaration as a visionary document to combat and break the (self) perpetuating cycle of systemic racism. The reformation brought by the DDPA has defied discriminatory policies and practices.



Systemic racism isn't limited to police departments – it is hardwired into our economic, political, and judicial systems.

Yet, as explained by the 2021 report of the High Commissioner, despite the progress made by the DDPA in the last 20 years, systemic racism continues to prevail. A by-product of colonialism, systemic racism includes harboring of prejudices, xenophobia, and intolerance. Ethnic, racial, and sexual minorities continue to suffer from marginalization, bred through structural prejudices, which in turn makes way for hate crimes. These practices

have been predominantly documented among Africans and people of African descent in the form of racial profiling and police brutality.

Such racist sentiments have heightened through the Covid-19 pandemic. In this context, Asians, and people of Asian descent, particularly, have had to bear the brunt of misplaced anger and frustration that has materialized into physical abuse and emotional bullying. The pandemic has also underlined the incapability of governments to address and curb racially fuelled hindrances to access equal health services. Thus, as put by the High Commissioner, a “systemic approach” centered on accountability, repartition and trust is crucial to fighting racial discrimination. Since the inception of the DDPA, states have successfully taken measures to recognize and address the prevalence of racism within their legislative systems. Nevertheless, there continues to be a lack of accountability which in turn denies justice towards victims of such abuse. This impedes the building of trust among states.

EAFORD and GICJ acknowledge the universal accomplishments of the DDPA and urge enhanced promotion of the document in all UN languages. However, the widening gap between promise and implementation of non-discriminatory policies is concerning. Hence, we urge member states to take accountability for their role in the perpetuating cycle of systemic racism and partake in inter-state dialogues to address the impact of their historical legacies. Such constructive dialogues would not only advance the course of the said “systemic approach” but boost confidence-building among states.

## Joint Written Statement

### 115 HUMAN RIGHTS AND CIVIL SOCIETY ORGANISATIONS CONDEMN ISRAEL'S TARGETED SMEAR CAMPAIGN AGAINST RESPECTED UN SPECIAL RAPPORTEUR, FRANCESCA ALBANESE



On 14 December 2022, Israel's mission to the United Nations in Geneva smeared the respected and eminent UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territory Occupied since 1967, Francesca Albanese, in a direct attempt to attack and undermine the mandate she has been entrusted with and thwart her expert human rights work on Palestine. The statement which contains baseless accusations of antisemitism, raises concerns about the "impunity that exists today regarding antisemitism and antisemitic comments made by UN officials". More specifically, it refers to a historic Facebook post made by UNSR Francesca Albanese almost a decade ago, in 2014, which at the time reflected on the reasons for international inaction on the question of Palestine. Therein, UNSR Albanese opines, "America and Europe, one of them subjugated by the Jewish Lobby, and the other by the sense of guilt about the Holocaust remain on the sidelines [...]". Notably, 2014 was the darkest year in the occupation to date, characterised by devastating human loss, as Israel's 50-day military offensive on the Gaza Strip, resulted in the killing of 2,215 Palestinians, including 1,639 civilians. The remarks served to castigate the international inaction.

Our organisations and groups warn, that this smear campaign against UNSR Albanese constitutes the latest manifestation in a pattern of Israeli attacks aimed at silencing any legitimate criticism of the inhuman manner in which it treats Palestinians in the Occupied Palestinian Territory (OPT). Previously, Israel objected to the appointment of Francesca Albanese as UN Rapporteur, arguing that she “harbors significant bias against the Jewish State”, a reference directed to her widely acclaimed joint academic treatise on “Palestinian Refugees in International Law”, published by the prestigious, Oxford University Press. Such attempts to undermine the expertise of the UN Special Rapporteur to discredit the mandate are of particular concern given the importance of its functions: protecting at-risk communities, promoting transparency and calling for accountability of the perpetrators of rights abuses.

Notably, Israel has a demonstrated record of circumventing UN work in Palestine, including systematic non-cooperation with UN Special Procedures, in violation of its obligations under the UN Charter. Former UN Special Rapporteur, Michael Lynk was continuously denied entry into Palestine, measures which clearly intended to impede his work monitoring the human rights situation on the ground in the OPT. Similarly, former UN Special Rapporteur Richard Falk was denied entry into the OPT by Israel because of his “methodic criticism of Israel”. While UN Special Rapporteur Wibisono even resigned his position as his “efforts to help improve the lives of Palestinian victims of violations under the Israeli occupation have been frustrated every step of the way [by Israel]”.

Israel’s attempts to frustrate the monitoring and documentation of human rights abuses are not limited to this mandate and entry was also denied to UN Special Rapporteur on Violence against Women its Causes and Consequences, Ms. Rashida Manjoo, to prevent her from witnessing first-hand issues related to violence against women in Palestine. Denials of entry were similarly imposed on UN Fact-Finding Missions established to investigate the human rights situation in the OPT. Meanwhile, in 2020, Israel refused to grant visas to UN staff from the Office of the High Commissioner of Human Rights, expelling 15 international staff from the OPT after 26 years of operating there, a situation which continues to this day. In a statement, then UN High Commissioner for Human Rights, Michelle Bachelet warned that, “Israel’s treatment of our staff is part of a wider and worrying trend to block human rights access to the occupied Palestinian territory... This raises the question of what exactly the Israeli authorities are trying to hide”.

There is an obvious link between this pattern of attacks on UN experts and staff and Israel’s intent to maintain its prolonged belligerent occupation, de facto and de jure annexations of Palestinian territory, the unlawful transfer in of settlers and institutionalised discriminatory laws, policies and practices to maintain the regime. This pattern of attacks against UN experts takes place within a shrinking space, which threatens the fundamental right of freedom of expression of those willing to expose Israel’s unacceptable human rights abuses in the OPT. It is time to cease Israel’s onerous and targeted restrictions on this freedom of expression, which in this case stymie reflection on the political enablers of Israel’s continued impunity for severe violations of international law, some of which are peremptory.

We commend UNSR Francesca Albanese’s tireless efforts toward the protection of human rights in the OPT and in raising awareness of the alarming daily violations of Palestinian rights. We call on third States to strongly condemn this politically-motivated attack on the Special Rapporteur’s mandate and to compel Israel to comply with its obligations under the Charter of the United Nations.

#### [List of endorsing organizations](#)



UN Special Rapporteur's Findings on Settler-Colonialism in New Report on Situation in Palestine - The report criticizes the international community's examinations of Israeli international law violations as individual actions, decontextualized from the system Israel imposes on Palestinians within the Occupied Palestinian Territory (OPT), including apartheid. While discussing the need for holistic examination of Israel's practices against the Palestinian people, the report also highlights the limitations of the much-advocated and well supported apartheid framework for contextualizing Israeli oppression and supporting Palestinian liberation. Importantly, it acknowledges that while dismantling Israel's apartheid against the Palestinian people is, at the very least, "necessary", this would fail to be sufficient for the

liberation of the Palestinian people, given the widespread practices committed against the Palestinian people. The UN Special Rapporteur warns that: "Dismantling the Israeli apartheid... will not automatically address the question of Israeli domination over the Palestinians, restore permanent sovereignty over the lands Israel occupies and the natural resources therein, nor, on its own, fulfill Palestinian political aspirations".

The report widely discusses Israel's settler-colonial practices, including its historical context from 1967, noting that that it is largely "because of (Israel's) settler-colonial endeavors" that it continues to prolong its occupation indefinitely, with Israel's ultimate goal of illegally annexing the OPT. In particular, Ms. Albanese criticizes and condemns the continued construction of Israeli settlements in the OPT, despite both UN Security Council and UN General Assembly resolutions recognizing the violation of international humanitarian law (IHL). The Report further states that Israel's occupation is not "merely belligerent, but settler-colonial in nature". By concentrating on settler-colonialism and the "de-Palestinianization" of the OPT the report targets one of the most insidious and underdiscussed elements of Israel's occupation by the international community.

Recommendations from the report include updating of the database of businesses operating in the illegal settlements, established to name and shame such practices, as well as offering full support to the Independent International Commission of Inquiry, and encouraging it to investigate "in more depth than the territorial and geographic limitations of her mandate allow". Notably among the recommendations, the Special Rapporteur endorses that the international community should "refrain from making withdrawal (from the OPT) subject to negotiation between Israel and Palestine". This position recognizes both the inherent illegality of the Israeli occupation and the inherent need to end it, as well as the right of Palestinian self-determination, which cannot be fulfilled as long as the occupation persists.

In the 74 years since the Nakba, there has been a prolonged failure of the international community to operate against the now widely acknowledged Israeli apartheid regime in place against the Palestinian people, as well as Israel's settler-colonial practices. The acknowledgement by the special rapporteur that "exercising the right to self-determination in the form of a politically independent State in all of the occupied Palestinian territory would be a minimum requirement of justice for the Palestinian people", recognizes the scale of the crimes that have been committed cannot be resolved through self-determination and political sovereignty alone.

We therefore hope that this report will spur the international community into action against Israel's settler-colonialist apartheid regime that has operated with impunity for too long. Find the [full report here](#)



[On the International Day of Solidarity with the Palestinian People 96 Organizations Stand with Palestinian Political Prisoners](#)



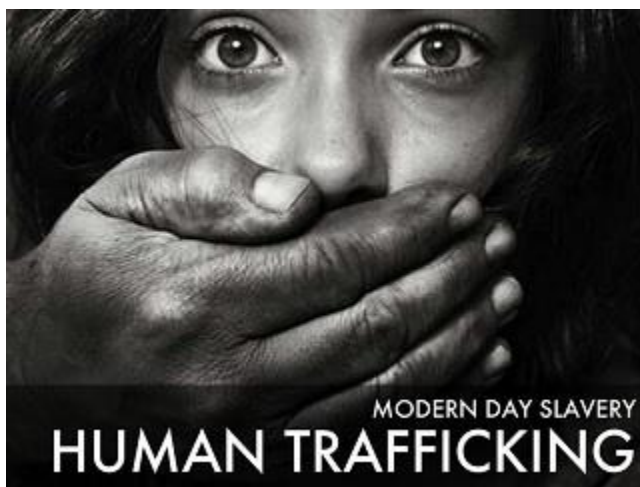
[65 Organizations Send a Letter to the New High Commissioner, Urging for Measures to Ensure Justice and Accountability for the Palestinian People](#)



## [Behind Bars: Horrific Secret Prisons since the United States Invasion of Iraq](#)

For many years, the international community has turned a blind eye to the perpetration of human rights violations in Iraq. In 2022, still, hundreds of thousands have fallen victim to a variety of rights abuses including, but not limited to, arbitrary arrest, torture and ill-treatment, and enforced disappearances.

Joint written statement\* submitted by International Organization for the Elimination of All Forms of Racial Discrimination, Association Ma'onah for Human Rights and Immigration, International-Lawyers.Org, Union of Arab Jurists, United Towns Agency for North-South Cooperation, International Educational Development, Inc., and World Peace Council  
[Link to full written statement](#)



## [Sex Trafficking of Children and Women in Africa](#)

Africa is faced with several economic crises including high levels of unemployment, poverty, hunger, corruption, political and economic instabilities. These problems have heightened tensions causing the displacement of many people. Seeking for ways to survive, for new opportunities and finding better living conditions has led to migrant flows between the different regions of Africa and beyond in movements described as, 'irregular channels of smuggling and trafficking'. The COVID-19 pandemic also generated conditions that increased the number of people who

experienced vulnerabilities. [Link to full written statement](#)





Joint submission to the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel. Zionist settler colonialism and Apartheid as the root causes of Israel's ongoing violations of the inalienable rights of the Palestinian people.

The submitting organizations welcome the establishment of this Commission of Inquiry as a step toward the acknowledgement of the situation in colonized Palestine as is and to work toward decolonization, genuine justice and reparations for the Palestinian people.

## Root Causes of Israel's Violations



## Conclusions and Reflections

The sessions of the Human Rights Council covered many key topics relating to human rights. Together with partner organizations, EAFORD successfully participated in the sessions by delivering oral statements and submitting written reports. The crisis in Ukraine, the stagnation of the Rohingya crisis in Myanmar, the root causes of Israel's violations of the inalienable rights of the Palestinians, urgent situations of discrimination against minorities, the prevalence of structural violence against women, and the after-effects of the Covid-19 pandemic were some of the key discussions taken up by the Council. Such discussions necessitate the need for politically feasible solutions to ensure the promotion and protection of human rights.



Our team contributed to raising awareness of specific human rights issues by addressing numerous forms of violence and degrading or inhumane treatment, emphasizing 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. Now more than ever, the international community has an obligation to come together and find viable solutions to ensure the promotion and protection 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.



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