

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



www.eaford.org

**41st Session of the UN Human Rights Council
24 June to 12 July 2019**

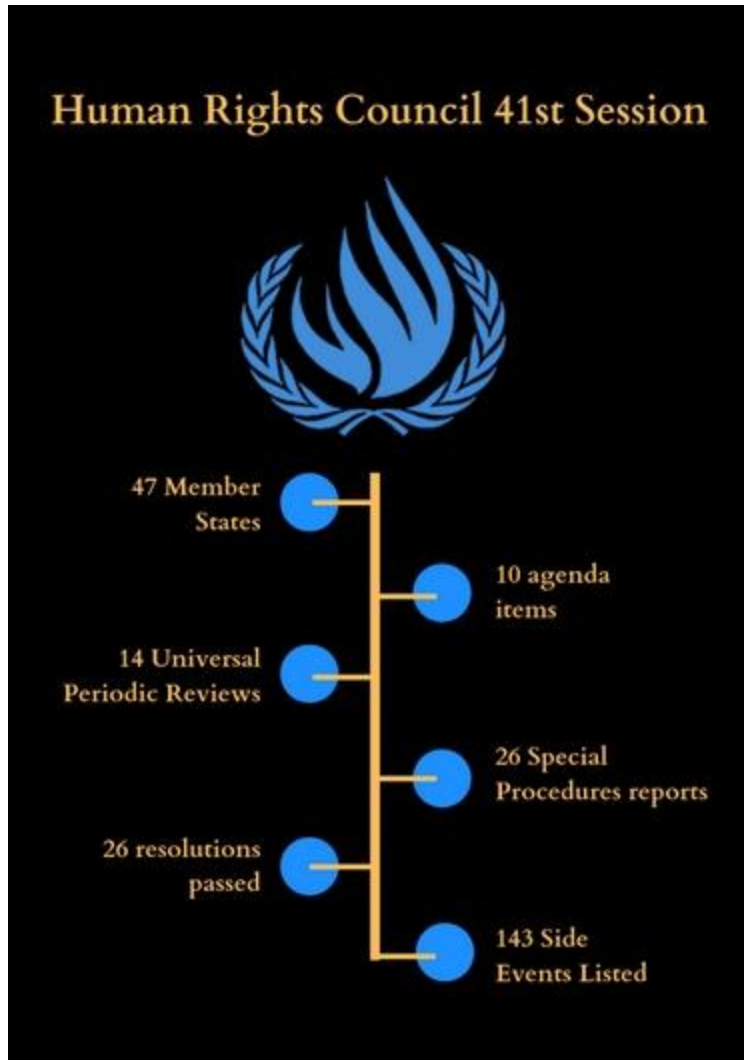
SUMMARY REPORT OF EAFORD'S INTERVENTIONS

EAFORD's Interventions during the 41st Session of the Human Rights Council



Introduction

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



Opening of Session and Council President Welcome



UN Photo / Jean Marc Ferré

The President of the Council for 2019, Ambassador Coly Seck of Senegal, opened the 41st session and welcomed the High Commissioner for Human Rights, Ms. Michelle Bachelet, and the outgoing Director General of the Office of the United Nations in Geneva, Mr. Michael Møller, recalling his contribution to the work of the UN and thanking him for the accomplishments during his mandate. Mr. Seck then welcomed the fifteen delegates of the least developed countries and small-Island States, which are participating for the first time in a regular session of the Council.

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

Remarks by the High Commissioner

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



The United Nations High Commissioner for Human Rights, Michelle Bachelet of Chile, who succeeded Zeid Raad Al Hussein of Jordan on 1 September 2018, continued by stating that the recent and continuing military escalation in Syria, especially in Idlib (a city in northwestern Syria) as well as in western Aleppo, are of extreme concern. She urged all parties to take the necessary measures to ensure the protection of civilians, to immediately cease the use of heavy weaponry in densely populated areas, and to release the thousands of Syrians held in appalling conditions of detention with a high risk of torture.

UN Photo / Jean Marc Ferré



Credit: AFP

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

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

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



Source: www.liberties.eu

In the upcoming months, the OHCHR will be developing focused guidance on the application of the UN Guiding Principles on Business and Human Rights to digital technologies.

She highlighted her concerns about violence and the incitement of violence based on religion in recent months and recent statements by some religious leaders inciting violence. In Sri Lanka, she noted that the recent terrorist attack has increased tensions and that the lack of unified approach regarding key human rights concerns risk adverse impact on general safety. She explained that attacks on religious minorities are attacks on all of us, called for vigilance and to act both with great urgency and great care.

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

She reported about her mission in Cameroon in May 2019 and welcomed the authorities' openness to find a human rights-based solution to the challenges faced in the country. She outlined several positive things that followed her mission, but regretted reports of extensive burning of houses and crops, at least one extra judicial

killing, and the arrest of 350 opposition demonstrators. She called on the authorities to uphold the rights to freedom of expression and peaceful assembly and to ensure due process. She encouraged them to view the opposition as partners in the broadly inclusive dialogue, which will be indispensable to lay the foundations for sustainable peace in Cameroon.

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

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

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



UN Photo / Jean Marc Ferré

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

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

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

She welcomed Portugal's opened migrant policy aiming to offer migrants easy access to social and legal assistance and access to the labor market. Including and integrating migrants brings many benefits for host communities, including net financial contributions. She deplored new legal measures in several countries that

penalize NGOs that rescue people drowning at sea. Measure such as these clearly put the lives of children, men and women and our societies at risk and penalize compassion.



Source: OHCHR

The prosecution of ordinary people seeking to help people in distress also took place in the United States and elsewhere. Those who seek to help people in need should be honored, not prosecuted. In Libya, the surge of conflict around Tripoli, which began in April, has had a serious impact on civilians. Migrants continue to be subjected to arbitrary detention in shocking and degrading conditions and many recent deaths in detention have been reported as well as torture, sexual violence, and the trafficking and sale of children, women and men. She declared that Libya is not a port of safe return and that the international community must come together to support pathways to sustainable peace in the country.

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

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

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

Closing of Session and Remarks by the President



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

He regretted to have to state once again that any intimidation or reprisal against any individual or groups who participate, or seek to participate, at the Human Rights Council is not acceptable. Civil society makes a crucial contribution to the work of the Council, so the Council has a

responsibility to ensure that they have a safe space to work in. Mr. Seck called on all delegations to ensure such events are not repeated and to maintain the Council session as a safe space for civil society participation.

Council Resolutions

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

ISSUES

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

EAFORD Participation at the 41st Session of the UN

Human Rights Council

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) actively participated in the 41st session of the Human Rights Council by submitting seven written statements highlighting different aspects of human rights situations that require the Council's attention, delivered eleven oral statements, and organized a side event. The sections that follow contain EAFORD's key contributions during the session.

Oral statements

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) addressed several thematic issues and country-specific situations under the various Agenda Items of the Council.

Human Rights Council Agenda Items

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

Thematic Issues

Racism, Xenophobia, and Related Forms of Intolerance

EAFORD delivered a joint statement concerning business and human rights issues during the General Debate under Agenda Item 9, specifically addressing how extractive industries perpetuate racism and colonialism.

Item 9: General Debate

9 July 2019

Delivered by: Ms. Isabela Zaleski Mori

Thank you, Mr. President.

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



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

Extractivist projects can threaten the very physical and cultural existence of these groups by severely violating their rights to health and life due to devastating environmental impacts. We therefore

would like to remind this Council that the DDPA recognizes and strongly condemns the suffering caused by colonialism, and we believe effective measures should be taken to prevent its reoccurrence.

Mr. President,

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

Environment

EAFORD delivered a joint statement concerning climate change under Agenda Item 3. In response to an earlier discussion on the issue of women's rights and climate change, the statement highlighted the need for gender-

sensitive responses to this global issue due to the intersectional forms of discrimination that can lead to gender-differentiated impacts of climate change.



Source: OHCHR

Item 3: General Debate

1 July 2019

Delivered by: Ms. Isabela Zaleski Mori



Madam Vice-President.

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

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

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

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



Human Rights Defenders

Under Agenda Item 4, EAFORD delivered a joint statement concerning human rights defenders, highlighting how NGO activities that protect the lives and human rights of migrants crossing the Mediterranean Sea are being criminalized.

Item 4: General Debate

3 July 2019

Delivered by: Ms. Giulia Marini

Thank you, Mr. Vice-President.

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



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

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

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

Migrants

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



Source: OHCHR

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

26 June 2019

Delivered by: Ms. Isabela Zaleski Mori



Madam Vice-President.

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

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

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

Madam Vice-President,

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

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

Thank you.



Country-Specific Issues

Afghanistan

EAFORD delivered a joint statement concerning the Universal Periodic Review (UPR) of Afghanistan and the need to combat impunity for grave human rights violations.

Item 6: Consideration of the UPR on Afghanistan

4 July 2019

Delivered by: Giulia Marini



Thank you, Mr. President.

We would like to thank the Working Group on the Universal Periodic Review of Afghanistan for their report.

We welcome the ratification to the Optional Protocol of the Convention against Torture and the attempt of national justice and judicial reform developed in recent times by the Afghani government.

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

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

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

Burundi

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

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

2 July 2019

Delivered by: Isabela Zaleski Mori

Merci, Monsieur le Président.

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



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

Monsieur le Président,

Due to a non-functional judiciary system, arbitrary arrests have been executed with the use of the vaguely defined offense of “undermining the internal security of the State”. EAFORD and Geneva International Centre for Justice call for:

1. Steadfast investigation into human rights violations committed by the Imbonerakure and the perpetrators being brought to justice, and

2. Immediate measures toward the protection of the right to freedom of expression, association, and peaceful assembly.

Finally, we ask the Commission of Inquiry:

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

[View the Commission of Inquiry's response to the statement](#)



Iraq

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

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

25 June 2019

Delivered by: Mr. Christopher Gawronski





Mr. President,

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

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

The High Commissioner has been provided information about other issues, including the systematic use of rape by army personnel in Iraq. Rape has been used to target particularly vulnerable people such as the displaced people across Iraq. In terms of food security, just as Iraq is poised to enjoy a large harvest due to generous spring rains, militias are torching orchards and fields to keep Iraq reliant upon Iranian food imports while terrorizing entire rural communities.

Mr. President,

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

Item 4: General Debate

3 July 2019

Delivered by: Mr. Naji Haraj

Mr. President,

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



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

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

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

Mr. President,

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

Myanmar

EA Ford delivered a joint statement concerning the human rights situation in Myanmar. The statement focused particularly on protecting freedom of religion.

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

10 July 2019

Delivered by: Ms. Isabela Zaleski Mori

Thank you, Mr. President.

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

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



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

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

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

- Effectively prosecute hate speech against all religious and ethnic minorities, and punish the perpetrators with commensurate sanctions;
- We call upon the local, regional and national authorities to immediately put an end to the violation of the freedom of worship for Muslims living in Myanmar.

Thank you.

New Zealand

EAFORD delivered a joint statement concerning the Universal Periodic Review (UPR) of New Zealand, commending its efforts towards the promotion of gender equality and improvement of the socioeconomic situation for indigenous peoples while encouraging additional efforts to reduce incarceration rates of native people and to address discrimination and domestic violence.

Item 6: Consideration of the UPR on New Zealand

4 July 2019

Delivered by: Isabela Zaleski Mori

Merci, Monsieur le Président.

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

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



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

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

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

Occupied Palestinian Territories

On the human rights situation in occupied Palestine, EAFORD jointly called attention to the poor treatment of Palestinian women in detention.

ITEM 7: General Debate

8 July 2019

Delivered by: Mr. Christopher Gawronski



Mr. President, we would like to highlight the broad issue of the treatment of Palestinian women in detention. As compared to men, women have particular needs during pregnancy, childbirth and menstrual periods, none of which are typically addressed in Israeli detention facilities. With its behavior against women in detention, by not taking gender considerations into account, Israel is flagrantly disregarding international standards such as the “Bangkok Rules” on the treatment of women prisoners.

We also wish to express our concern over the violence perpetrated against Palestinian women during arrest, interrogation, investigation and detention by Israeli authorities. Palestinian women are subjected to a wide range of psychological and physical violence, including sexual harassment and rape, often used as a mechanism for exerting pressure during interrogations. Cases of such violence involve both police officers and officers of the Israeli Security Agency.

Mr. President,

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

EAFORD's Co-Sponsored Side Event

Imprisonment & Torture: Punishing Political Dissent



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



Imprisonment is a legitimate means for States to punish perpetrators of crimes and offences. Nevertheless, prisoners, as all human beings, have rights, including the right to life, the right to be treated with dignity and the right to not be subjected to ill treatment and torture, in accordance with various international instruments. However, many countries, including Iraq, Yemen, Israel and Palestine, use their power to wrongly charge, arrest

and detain political dissidents even though, in application of international human rights law, no one shall be detained without a legitimate reason and everyone has the right to a fair trial. Moreover, despite the existing international obligations, reports show numerous cases of torture to extract confessions from dissidents and members of the opposition party.



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

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

Written Statements

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) submitted seven joint written statements with other NGOs. The statements covered several specific country situations and included recommendations to the Council, member states, and other relevant bodies and stakeholders.

Occupied Palestinian Territories

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

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

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

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



Credit: Reuters

During the 41st UN Human Rights Council, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) called on the Council to take prompt action against the widespread phenomenon of hate speech in Israeli society and to put pressure on Israel to enact and implement specific domestic legislation aimed at criminalizing racist and xenophobic hate speech.

[Link to full Written Statement](#)

Israel's Treatment of Human Rights Defenders

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

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

Human Rights Defenders are subjected to a criminalization policy by Israel, which is taking place through the prohibition of peaceful protests in the OPT and arbitrary arrests often based on false criminal charges. Furthermore, criminalization results in heavy legal costs for individuals and organizations that are targeted.



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

Credit: Wisam Hashlamoun/Flash90

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

For these reasons, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) in its joint statement urged the Council to take urgent action against the criminalization policy adopted by Israel against human rights defenders, which violates the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

[Link to full Written Statement](#)

Sexual Abuse of Palestinian Women in Detention

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



Credit: AFP

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

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

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

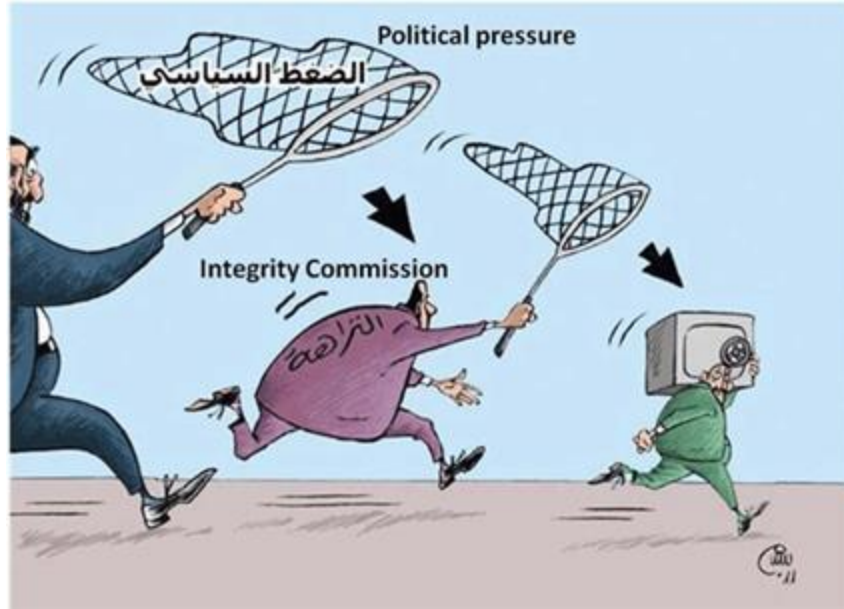
[Link to full Written Statement](#)

Iraq

Spotlight on the Rampant Corruption in Iraq

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

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



Source: The Baghdad Post

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

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

Therefore, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) recommended that:

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

[Link to full Written Statement](#)

The Rule of Law in Iraq

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



Source: AFP-Getty Images

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

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

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

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) condemns this disrespect for the rule of law, and recommends:

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

[Link to full Written Statement](#)

Myanmar

Myanmar: Continuing Violence, Impunity and Discrimination against Minorities

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



UNHCR/Santiago Escobar-Jaramillo

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

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

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) calls upon the government of Myanmar and the international community to:

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

[Link to full Written Statement](#)

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

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



A protest against the treatment of the Rohingya Muslim minority by the Myanmar government, in Jakarta, Indonesia

Source: Reuters/Beawiharta

A vote was conducted in Chauk Township to decide whether two mosques could continue to be used. Even though a public vote may seem the most democratic way of taking decisions, local, regional and central authorities in Myanmar must respect that a public vote – even if it was organized in strict compliance with the relevant legal provisions – may never justify the violation of fundamental rights enshrined in international human rights treaties. Therefore, a minority can never be denied the right to practice its faith in its sacred places unless the conditions of legality, necessity and proportionality of the restriction are fulfilled. In the present case, it appears clear that the refusal is not justified by any public imperative.

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) urgently recommends the following:

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

[Link to full Written Statement](#)

