

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



www.eaford.org

**42nd Session of the UN Human Rights Council
09 September to 27 September 2019**

SUMMARY REPORT OF EAFORD'S INTERVENTIONS

EAFORD's Interventions during the 42nd Session of the Human Rights Council



Introduction

The United Nations Human Rights Council held its forty-second regular session at the United Nations in Geneva, Switzerland from 9 to 27 September 2019. During the 42nd Session, the Council focused on various serious and urgent human rights issues across the globe. The Council heard the presentation of numerous reports over three weeks that addressed a variety of themes and 17 country-specific situations. The Council also heard from 21 independent human rights experts, working groups and investigative bodies; held three panel discussions; and adopted the outcomes of the Universal Periodic Review of 14 states.

Opening of Session and Council President Welcome



UN Photo / Jean Marc Ferré

The President of the Council for 2019, Ambassador Coly Seck of Senegal, opened the 42nd Session welcoming the High Commissioner for Human Rights, Ms. Michelle Bachelet, and the assembled delegations. He then recalled that Council resolution 16/21 created a task force to reflect on ways to improve access for and participation of persons with disabilities in the Council's work. Inclusion and participation of all should be the guiding principle of the work of the Council. For this reason, he invited delegations to consider accessibility needs for statements, meeting and debates including interpretation in sign language. Documents submitted in non-accessible formats will not be posted on the Council's internet sites. He also reminded attendees of the Council's zero-tolerance policy toward harassment, including sexual harassment, and reprisals against individuals and organizations participating at or cooperating with the UN; any incidents are encouraged to be reported.

Remarks by the High Commissioner

Following the President's remarks, Michelle Bachelet, High Commissioner for Human Rights, presented her update on the world's human rights situation. She put special emphasis on the new challenges facing human rights, such as the new digital landscape and privacy and the impact of climate change on fundamental human rights across the world.



UN Photo / Jean Marc Ferré

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

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

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

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

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

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



UN Photo / Jean Marc Ferré

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

Regarding the situation in the Mediterranean, Ms. Bachelet asked for more determined and effective action by the European Union and its Member States.

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

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

Closing of Session and Remarks by the President



UN Photo / Jean Marc Ferré

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

Council Resolutions

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

COUNTRY

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

ISSUES

- **Arbitrary detention** (A/HRC/RES/42/22)
- **Human rights education** (A/HRC/RES/42/7)
- **Indigenous peoples** (A/HRC/RES/42/19 & A/HRC/RES/42/20)
- **Modern slavery** (A/HRC/RES/42/10)
- **Racism and racial discrimination** (A/HRC/RES/42/29)
- **Transitional justice**(A/HRC/RES/42/17)
- **Terrorism and human rights** (A/HRC/RES/42/18)

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

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) actively participated in the 42nd session of the Human Rights Council. Prior to the session, EAFORD submitted eight written statements highlighting different aspects of the human rights situations in three countries and the rights of indigenous peoples. Two written statements submitted for the previous 41st session were also published this session. Over the course of the Council session, EAFORD delivered ten oral statements, organized one side event, and monitored the discussion on several Council resolutions. 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 delivered ten oral statements during the 42nd Session of the UN Human Rights Council. Several thematic issues and country-specific situations were addressed under the various Agenda Items of the Council.

Human Rights Council Agenda Items

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

Thematic Issues

Hazardous Waste

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

Item 3: Interactive Dialogue with Special Rapporteur on hazardous waste

9 September 2019

Delivered by: Mr. Mutua Kobia

Hazardous Substances in War Situations & Post Conflict

Thank you, Mr. President.

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



In light of this, EAFORD and Geneva International Centre for Justice highlight workers in war and conflict situations who are often exposed to toxic and hazardous substances during the production phase, the actual conflict, and post-conflict clean-up situations. Worse still, in several regions vulnerable children work in the production phase and other such activities attributed to war and conflicts and/or emergency situations.

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

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

Mr. President,

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

Mr. Special Rapporteur, in your report how would the Principles, especially, Principle 4 on hazard elimination in preventing occupational exposures, be applied to workers in conflict and war situations, from the production line to post-conflict clean-ups? [View the Commission of Inquiry's response to the statement](#)



Human Rights Education

As a member of the NGO Working Group on Human Rights Education and Learning, EAFORD jointly addressed the issue of the Plan of Action for the fourth phase of the World Programme for Human Rights Education.

Item 3: General Debate

13 September 2019

Delivered by: Ms. Elisa Gazzotti (SGI Joint Statement)

[Plan of Action for the fourth phase \(2020-2024\)](#)
[The World Programme for Human Rights Education](#)



Thank you, Mr President. I speak on behalf of 17 organizations.¹

We welcome the Plan of Action for the fourth phase of the World Programme for Human Rights Education, focusing on youth that has been prepared by the Office of the High Commissioner for Human Rights, in close consultation with several stakeholders including civil society and particularly youth representatives.

The Plan of Action provides concrete steps to facilitate the development of a comprehensive national human rights education strategy for and with young people.

A significant gap still exists between formal international support for Human Rights Education and national implementation. For example, it is reported that only 20 governments and 18 national human rights institutions from 36 countries have submitted their midterm progress reports on the implementation of the third phase.²



Therefore, we call on States to support the adoption of the Plan of Action for the fourth phase of the World Programme and to ensure significant commitments to implement it, including submitting follow-up reports requested by the UN Office of the High Commissioner for Human Rights (OHCHR).

If, the estimated 1.8 billion young people in the world between the age of 10 and 24 are given the opportunity to uphold and protect the core values of human rights, they can contribute to build a “pluralist and inclusive society” as stated in the United Nations Declaration on Human Rights Education and Training adopted by the General Assembly in 2011 and an authentic culture of human rights, rooted in daily life.

¹ This statement reflects views of the NGO Working Group on Human Rights Education and Learning (NGO WG on HREL) of NGO Human Rights Committee of CoNGO, comprising 55 NGOs.

² United Nations, General Assembly, *Midterm progress report on the implementation of the third phase of the World Programme for Human Rights Education*, A/HRC/36/24 (30 June 2017), available from undocs.org/en/A/HRC/36/24.

Racism and Xenophobia

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

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

24 September 2019

Delivered by: Mr. Mutua Kobia

[Historical Barriers to People of African Descent](#)

Thank you, Mr. President,

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



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

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

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

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

I thank you.

Item 9: General Debate

24 September 2019

Delivered by: Mr. Mutua Kobia

[Racism against Minorities in Europe](#)

Thank you, Mr. President,

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



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

In addition to the lack of political will to address and eliminate racism and racial discrimination, we remain deeply concerned over systematic budget reduction for the implementation of the Durban Declaration and Programme of Action (DDPA), its program of activities, and the multi-year outreach programme. This further undermines the commitments made to reduce racism, racial discrimination, xenophobia and related intolerances.

To conclude, Mr. President, we recommend states:

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

Country-Specific Issues

Costa Rica

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

Item 6: Consideration of the UPR of Costa Rica

20 September 2019

Delivered by: Ms. Audrey Ferdinand

Violence against Women – Universal Periodic Review of Costa Rica



Thank you, Mr. Vice President,

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

We congratulate Costa Rica for the steps taken to enhance the protection and promotion of human rights, especially by increasing access to potable water and by adopting laws prohibiting all forms of discrimination in employment.

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

Mr. Vice President, we call on the government of Costa Rica:

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

I thank you.

Iraq

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



Item 3: General Debate

16 September 2019

Delivered by: Ms. Isabela Zaleski Mori

[Trafficking and Militias in Iraq](#)

Thank you, Mr. Vice-President.

We would like to draw the Council's attention to the alarming situation of trafficking in persons in Iraq.

Twenty-seven human trafficking networks have been documented in the country, most of which practice human organ trafficking and prostitution of women and girls, including Internally Displaced Persons (IDPs) and refugees. New recruits were reportedly exposed to sexual torture and gang rape by members of government-affiliated militias.



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

Mr. Vice-President,

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

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



Item 4: General Debate

18 September 2019

Delivered by: Ms. Audrey Ferdinand

[Impunity in Iraq](#)



Thank you, Madam Vice President.

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

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

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

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

We also strongly recommend:

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

I thank you.

Occupied Palestinian Territories

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

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

11 September 2019

Delivered by: Ms. Audrey Ferdinand

[Palestinians Great Return March Protests](#)

Thank you, Mr. President,

We thank the High Commissioner for her oral updates.

Last year, Palestinians decided to protest near the border between the Gaza Strip and Israel, for their right to return and their right to land. Each of the protests, which have been mostly peaceful, have been met by "slow methodical shooting" from the Israeli side and it is estimated that in 2018 alone over twenty-three thousand Palestinians were injured by Israeli forces and many have been killed. Palestinians continue to protest every Friday for their rights, despite the risks, and attacks from Israeli forces go on and on.



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

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

I thank you, Mr. President.

ITEM 7: General Debate

Human Rights Situation in Palestine and Other Occupied Arab Territories

23 September 2019

Delivered by: Ms. Audrey Ferdinand

Human Rights Violations in Palestine



Thank you, Madam Vice President,

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

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

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

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

Madam Vice President,

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

I thank you.

South Sudan

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

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

16 September 2019

Delivered by: Mr. Mutua Kobia

[Human Rights Situation in South Sudan](#)

Thank you, Madam Vice President,

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



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

Worse still, the violence by the warring parties has had serious impacts on health centers as incidents of looting and other violations such as armed threats to staff and health workers was reported. This is an especially dire situation considering that food insecurity is on the rise and public health has continued to deteriorate.

Madam Vice President,

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

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

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

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

I thank you.

Statement Delivered by EAFORD
on Behalf of a Group of NGOs during the Enhanced Efficiency Process of the Human Rights Council
4 December 2019

United Nations: Room VII

Delivered by: Mr. Mutua Kobia



Enhanced Efficiency Process of the Human Rights Council

Speaking on behalf of a group of NGOs, EAFORD would like to thank the President and co-facilitators for their efforts to enhance the efficiency of the Human Rights Council, and for convening this meeting.

Together with a number of other NGOs, we would like to express that earlier this year (2019) we are taken aback by the limit and cap on civil society to speak on only a maximum of five General Debates per Regular Session. Moreover, we did not receive a reasonable explanation nor was it mentioned in the minutes of any of the organizational meetings beforehand of these decisions.

In addition to this, we are further limited with regard to the current efficiency process, regarding holding General Debates only during the March and September Regular Sessions of the Human Rights Council and not the June Session.

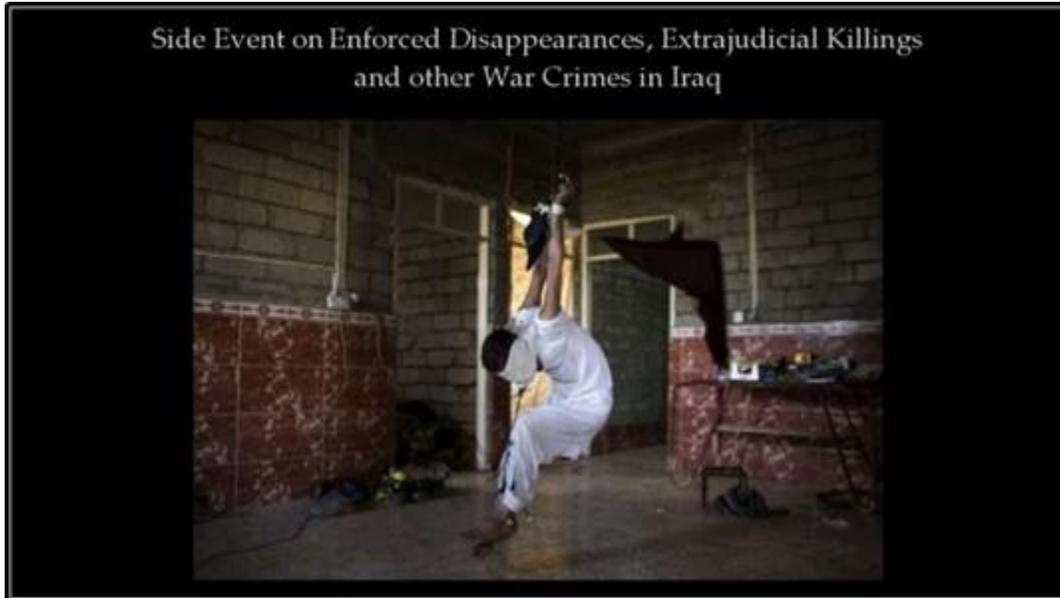
That being said, we would like to request information and clarity regarding the decision-making process on the issues of a limit/cap on NGOs to speak on a maximum of five General Debates and strongly urge to reinstate civil society to speak on any number of General Debates if they so wish.

Thank you.



EAFORD's Co-Sponsored Side Event

Enforced Disappearance and Extrajudicial Killings in Iraq



On 25 September 2019, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), in collaboration with Geneva International Centre for Justice (GICJ) and International-Lawyers.org, hosted an event on enforced disappearances and extrajudicial killings in Iraq. Enforced disappearances and related crimes of torture and extrajudicial killings in Iraq are ongoing issues that have had insufficient attention paid to it by the international community and no genuine efforts made to address the problem. The government of Iraq has often claimed that such grave crimes are only perpetrated by a few people acting independently and outside of the official command structure. Regrettably, this is not the case. And when perpetrated on such a wide scale by official personnel in an armed conflict, these acts can amount to war crimes and crimes against humanity.



he witnessed and documented between 18 October and 22 December 2016.

This event featured Ali Arkady, a noted photojournalist and war reporter from Iraq. His work spans ten years and ranges from documenting the day-to-day life of an orphanage in Baghdad to reporting from the frontline in the war against ISIL. Since 2014, he has worked with the VII Photo Agency and several international media outlets. While embedded with an Iraqi Special Forces Unit fighting to recapture Mosul, Mr. Arkady witnessed systematic torture and execution of civilians. In this event, the journalist presented six war crimes

[Click here](#) for the full summary

Written Statements

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) submitted eight joint written statements with other NGOs to the 42nd Regular Session of the Human Rights Council. (Two statements submitted the previous session were also published during this session on the HRC website.) The statements covered several specific country situations and included recommendations to the Council, member states, and other relevant bodies and stakeholders.

Indigenous Peoples

[Promotion and Protection of the Rights of Indigenous Peoples](#)

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



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

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

In this regard, we recommend the following:

- All violent attacks against indigenous peoples and their defenders must be promptly and impartially investigated and measures taken to provide effective redress and reparation.
- Addressing criminalization through a comprehensive review of national laws, the adoption of laws to ensure due process, and the revocation of laws and criminal procedures that violate the principle of legality and contradict international obligations.
- Formal recognition of indigenous peoples through constitutional provisions. Where this is not possible, recognition by other means, including national laws, should be pursued.

Enforced Disappearance, Retribution and Domestic Terrorism



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

Although some hope remains for the return of the many people who have disappeared, the situation is dire. Due to recent international political pressure to reduce the presence and role of militias in Iraq, militias are now getting rid of the evidence of their activities – their detainees – through extrajudicial executions and covert, illegal mass burials. Information has recently come to light about the

illegal burials of nearly 300 bodies that were transferred to a supposed non-governmental organization for burial. This process of disposing of bodies is part of a recurring effort by the successive authorities in Iraq since 2003 to obscure and distort facts, depriving the families of victims of enforced disappearance of the truth about their loved ones and their legal right to seek justice and punishment of the perpetrators of these crimes.



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

- A proper investigation of disappearances and the many cases of arbitrary detention that often lead to forced disappearance
- Iraq stop the illegal mass burials of unidentified bodies
- The Human Rights Council appoint a special rapporteur for Iraq and the Working Group on Enforced or Involuntary Disappearances

include Iraq on its list of future country visits

- An independent international commission should be sent to Iraq to investigate all violations

Iraq's Post-Invasion Spiral: Truth, Justice, Reparation and Guarantees of Non-Recurrence

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



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

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

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

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

- Iraq ratifies the Rome Statute of the International Criminal Court; incorporates into its domestic legislation definitions of war crimes, crimes against humanity, genocide and establishes specialized courts with technical capacities and jurisdiction over these crimes.
- The United States and other members of the Coalition investigate and prosecute those responsible for the invasion and for crimes during the occupation of Iraq.
- The international community promotes and respects human rights, works together towards ending impunity and ensures such actions will not recur.
- The United Nations Human Rights Council seriously considers mandating a Special Rapporteur for Iraq to investigate all human rights violations since 2003.
- The United Nations Security Council creates a Sanctions Committee to investigate all human rights violations since 2003.

Myanmar

[Human Rights Violations and Abuses are Worsening in Myanmar](#)

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



Source: Amnesty International

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

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

Occupied Palestinian Territories

[The Human Rights of Children in the Occupied Palestinian Territories](#)

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

Under Israeli military law, which is applied to Palestinians in the West Bank, no child under the age of 12 can be held responsible. Nevertheless, several cases show the summoning and interrogation of children as young as four years old. Military Order #1591 of 2007 gives the right to Israeli forces to detain Palestinian children that

are 12 or older for up to six months if they have “reasonable grounds to presume that the security of the area or public security require the detention.” Moreover, a 2016 law allows the State “to imprison a minor convicted of serious crimes such as murder, attempted murder or manslaughter even if he or she is under the age of 14”.



Reuters / Ibraheem Abu Mustafa

In addition to being arbitrarily arrested, many children are victims of violence. From March 2018 to August 2019, 44 Palestinian children were killed in Gaza, and 7000 injured during demonstrations. We are extremely concerned by the excessive use of force against children, often followed by a lack of access to health facilities and medication, leading to aggravated injuries and traumas.

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) calls on:

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

[Recent Developments in Palestine and the Occupied Palestinian Territories](#)

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

EAFORD remains concerned about the fact that companies working in the illegal settlements located in the OPT provide services only to the settlements and further infringe upon the rights of the Palestinian people. Other issues include the high number of abductions, torture cases and killings of Palestinians, as well as, the widespread violations of children's rights as articulated in, *inter alia*, the Convention against Torture and the Convention on the Rights of the Child.



REUTERS/Mohamad Toroman

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) calls on the international community and the Office of the UN High Commissioner for Human Rights (OHCHR) to:

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

The following are links to two more written statements by EAFORD submitted the previous session to the OHCHR and published during this session on the website of the UN Human Rights Council:

[High-Profile Corruption in Iraq Post-U.S. Invasion](#)

[United States Ignored the Rule of Law | The Result Post-Invasion Lawlessness in Iraq](#)

