

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



**45th Session of the UN Human Rights Council**

**14 September 2020 to 06 October 2020**

**SUMMARY REPORT OF EAFORD'S INTERVENTIONS**



**INTRODUCTION**

In the lead up to the 45th session of the United Nations Human Rights Council, intense preparations were underway. The lessons learned from the 43rd and 44th sessions reaffirmed the need for new and innovative strategies to ensure engagement with the Council, despite the COVID-19 pandemic. Safety became an utmost priority and team members were required to wear masks, social distance, and conduct themselves responsibly in all engagements. The 45th session was approached with caution but with equal determination.

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) in its preparations for the 45th session aimed to ensure that our voice, and the voices of all those that we represent, were heard. We recognize the importance of ensuring that civil society is represented and were determined to ensure that grave human rights violations were brought to light at the 45th session of the Human Rights Council.

On 14 September 2020, the 45th session of the Human Rights Council commenced and proceeded until 7 October 2020. With a team of enthusiastic human rights defenders, EAFORD proceeded with its engagement delivering 13 joint oral statements at various discussions of the 45th session. EAFORD also submitted six joint written statements to the Human Rights Council. These written statements concerned key priority areas including the rise in authoritarianism in the midst of the COVID-19 pandemic, the relationship between climate change and human trafficking, detained human rights defenders in Nicaragua, and the need to continue the fight against racism.

By this report, EAFORD hopes to give a clear outline of the work done during the 45th session, including the specifics of oral statements delivered, brief summaries of the written statements, and our consideration of key human rights issue during this session as a whole.

#### List of Agenda Items

1. Organizational and Procedural Matters

2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

4. Human rights situations that require the Council's attention

5. Human rights bodies and mechanisms

6. Universal Periodic Review (UPR)

7. Human rights situation in Palestine and other occupied Arab territories

8. Follow-up to and implementation of the Vienna Declaration and Programme of Action

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

10. Technical assistance and capacity-building

## OPENING SESSION

### Elisabeth Tichy-Fisslberger



Ms. Elisabeth Tichy-Fisslberger, President of the Human Rights Council, opened the 45th session in the morning of 14 September 2020. She recalled that the same health measures that were applied at the 44th session will continue to be applied during the 45th session. She then announced the modalities of the 45th session, in view of the COVID-19 pandemic and the measures taken accordingly, such as the possibility to participate via video statements and the absence of side events, along with other safety measures.

Following this, Ms. Tichy-Fisslberger introduced a matter of urgency. She shared that, on 11 September 2020, she received a letter by the Permanent Mission of Germany, requesting on behalf of Member States of the European Union, that are also members of the Human Rights Council, that an urgent debate be held on the situation of human rights in Belarus. In this regard, a vote was immediately held, to which the outcome was 25 votes in favor, 2 against from Venezuela and the Philippines, and 20 abstentions. Accordingly, the proposal to hold this urgent debate was adopted by the Council.

Lastly, the President of the Council briefly introduced the programme of work of the 45th session, before concluding with a reminder that this Council has no tolerance for any form of harassment.

### Michelle Bachelet



After the President of the Council's opening speech, the High Commissioner for Human Rights, Ms. Michelle Bachelet, presented her oral update.

She highlighted having received alarming reports from Belarus on repressions of peaceful protesters, the excessive use of force by law enforcement officials, as well as abductions of opposition members. In view of these events, she encouraged the Council to focus actions on this, in order to prevent further escalations.

Moreover, she drew the Council's attention to the recent fire at the migrants camp in Lesbos, Greece, which has had a drastic impact on the lives of thousands of people, thus underscoring the need for solidarity and shared responsibility among EU Member States. She encouraged the European Commission and the EU Member States to enhance genuine solidarity and strengthen human rights safeguards at EU external borders in the upcoming EU pact on migration and asylum. She called on all countries to ensure that migrants' lives are protected, and human rights upheld.

Ms. Bachelet briefly mentioned other countries and topics of particular concerns, such as the alarming poverty rate in Lebanon, the situation of human rights defenders in Iran and Iraq, the food insecurity in Syria, the continuous arbitrary detentions of women human rights defenders in Saudi Arabia, the increasing repression of democratic space in Tanzania, drug-related killings by police forces in the Philippines, as well as the politically-motivated detentions in Burundi, among other issues.

She highlighted that, recorded daily worldwide, an alarming number of human rights defenders and journalists are being detained, attacked and killed. In this regard, she called on all governments to refrain from discrediting human rights defenders and journalists, putting them at increased risk of attack.

Ms. Bachelet concluded by mentioning the United Nations liquidity crisis and the impact it has had on the work of the Office of the High Commissioner for Human Rights (OHCHR).

### Marise Payne



Concluding the opening of the 45th session, Ms. Marise Payne, Australia's Minister for Women & Minister for Foreign Affairs, took the floor.

She highlighted that the COVID-19 pandemic has reminded us that human rights are fundamental to national and international governance. She stressed that in light of the pandemic, governments and international institutions need to find ways to balance public health and upholding civil and political rights. She expressed regrets at the fact that some countries are misusing the emergency measures to undermine civil and political rights, while others have

even used COVID-19 as a pretext for reducing or removing access to justice.

Ms. Payne reaffirmed that Australia will continue to work towards ensuring that international institutions are fit-for-purpose, effective, transparent, and accountable to Member States.



## EAFORD PARTICIPATION AT THE 45th SESSION OF THE HUMAN RIGHTS COUNCIL

### ORAL STATEMENTS

EAFORD delivered oral statements at the 45th Session of the Human Rights Council in various general debates and interactive dialogues. These statements addressed country-specific human rights situations and violations and also advanced the dialogue on various thematic human rights issues. Most of the statements were delivered in-person while few others were also delivered via video uploads with the Secretariat. A total of 13 oral statements were delivered and may be read in full below.

### AGENDA 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

*General Debate on the Oral Update by the High Commissioner for Human Rights and Oral Updates of the High Commissioner on the Situation of Human Rights in Nicaragua and the Bolivarian Republic of Venezuela*

## Human Rights Violations in Venezuela

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



*Delivered by Mathieu Fournier*

*15 September 2020*

Thank you, Mr. President.

We would like to thank the High Commissioner for her update and we wish to highlight two points, which are very worrisome.

First, we deplore the conditions under which healthcare professionals work in Venezuela. Furthermore, recent reprisals against healthcare workers who speak out against these conditions are not only unlawful, but also prevent the dissemination of information crucial to curbing the virus' spread in the country.

The unilateral sanctions imposed by the United States have been very efficient in destroying the Venezuelan economy. Thus, EAFORD and Geneva International Centre for Justice welcome the recommendation made to Member States to halt or revise their sanctions against Venezuela so that the government can better respond to the COVID-19 crisis.

Nevertheless, this pandemic must not be used as an excuse to cover up or to set aside existing human rights violations. They are contrary to international law, even in emergency situations.

We therefore urge all governments to uphold international standards, when it comes to the human rights of its people in every circumstance.

### **AGENDA ITEM 3 – PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

*Interactive Dialogue with the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences*



## Modern Slavery during COVID-19

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



*Delivered by Mutua Kobia*

*16 September 2020*

Thank you, Mr. President.

We welcome the report of the Special Rapporteur on contemporary forms of slavery that focuses on the “Impact of the coronavirus disease pandemic on contemporary forms of slavery and slavery-like practices”.

We note the detrimental impacts of the COVID-19 crisis especially on enslaved persons before the crisis and those trapped in slavery-like conditions. Furthermore, it is deeply worrying that minority and vulnerable groups are targeted, marginalized and even used as scapegoats and placed in abhorrent conditions where they are owned and abused and denied the most basic of human rights, as is the case concerning Ethiopians who suffer appalling and horrific conditions in the Gulf region.

Mr. President,

EAFORD and Geneva International Centre for Justice continue to emphasize the relevance of addressing root causes as a means to fully understand and end all types of modern-slavery. We also stress the need to identify chief perpetrators and bringing them to justice.

It is also crucial to identify and address new risks, gaps, and abuses in light of the covid-19 situation to strengthen anti-slavery measures that have been negatively impacted by this phenomenon. Objectives and methodologies in this endeavor must, therefore be concrete.

Mr. Special Rapporteur, in light of this what challenges and obstacles stand in your way of collecting the relevant data and how will you address such challenges?

In conclusion,

- We recommend member states to put in place or enhance strategies to better identify contemporary forms of slavery during the covid-19 pandemic, and
- We strongly support the obligation to cooperate and urge all member states and relevant stakeholders to strengthen international solidarity towards eradicating contemporary forms of slavery.

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

**Enforced Disappearances in Iraq**

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



*Delivered by Augustine Sokimi*

*24 September 2020*

Thank you, President.

We are deeply concerned with the persistence of enforced disappearances in Iraq. This Council, the Working Group and Committee on enforced disappearances, must pursue the truth and facts regarding the situation in Iraq.

We have documented enforced disappearances, which deliberately targeted and eradicated entire generations of families. Yet, in a statement before this Council, the Iraqi delegate accused NGOs of misrepresenting information and advocating for terrorists aligned with Al-Qaeda and ISIS.

It is ludicrous to suggest that all men and boys belonging to certain families are terrorists.

The United Nations Assistance Mission for Iraq (UNAMI) and Office of the High Commissioner for Human Rights (OHCHR) joint report of August 2020 records over 1000 cases in al-Anbar province alone between 2015 and 2016. Are we to believe that those are terrorists?

EAFORD and Geneva International Centre for Justice request that this Council dig deeper to uncover the facts and the true number of enforced disappearances in Iraq.

The victims' families look to this Council to take real progressive steps and actions towards ascertaining the fate and whereabouts of the disappeared. They look to this Council to further their relentless pursuit of accountability and search for answers. They demand the ever elusive truth and justice that this Council promises but has failed to deliver.

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

**The Implementation of the Plan of Action and COVID-19**

**Joint Statement with the NGO Working Group on Human Rights Education & Learning**



*Delivered by Elisa Gazzotti*

*24 September 2020*

Thank you, Madam President,

I speak on behalf of 21 organizations.

We welcome the publication of the Report on the ‘Evaluation of the implementation of the third phase of the World Programme for Human Rights Education’. We encourage States that have not done so yet to submit their report to OHCHR.

Nine months have passed since the fourth phase of the World Programme for Human Rights Education started. Its Plan of Action sets great possibilities for human rights education and young people. While COVID-19 adds challenges to the implementation of the Plan, there cannot be a “break” for human rights education, which is a key condition for human rights to be a reality.

We urge States to:

First, acknowledge civil society’s role and guarantee access to funds and resources for NGOs that work on human rights education with youth to ensure that they can continue their work effectively.

Second, ensure a meaningful participation of all young people, including those with disabilities, in the implementation of the Plan. This means giving them means, space, opportunities and full support.



Third, take concrete actions to tackle the digital divide, to ensure an inclusive and affordable access to digital technologies also for young people from marginalized communities.

Fourth, facilitate a better collaboration with all the stakeholders, including civil society, to ensure that the promises made in this room are reflected nationally and locally.

Finally, we want to stress that human rights education will only fully achieve its purpose if it is mainstreamed holistically. This means, integrating human rights education into national school curricula and creating synergies between formal and non-formal education.

#### **AGENDA ITEM 4 – HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION**

##### *Interactive Dialogue with the Commission of Inquiry on Burundi*

##### **Grave Human Rights Violations in Burundi**

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



*Delivered by Diletta Deli*

*23 September 2020*

Thank you, Madame President.

We commend the important work of the Commission of Inquiry and welcome this update, noting the continued refusal of Burundi to collaborate.

We regret to hear that despite the opportunity for change presented by the May 2020 elections and the appointment of the new President, there has been little evidence of progress this far.

EAFORD and Geneva International Centre for Justice are deeply concerned that serious human rights violations continue to be documented, democratic space keeps shrinking, and perpetrators continue to enjoy nearly total impunity. We are disappointed to hear that members of the ruling party's youth league, the Imbonerakure, often

with the support of local authorities, continue to carry out widespread human rights abuses including intimidations, murders and sexual assaults. That is why we think that the work of the Commission is so important and should be supported.

Session after session, the Commission, as well as Member States, UN agencies, and civil society organizations have called for reforms and accountability. We believe it is time for Burundi to uphold its obligations and to resume cooperation with international mechanisms, as after almost five years we would like to see Burundian authorities taking their responsibility and bringing real improvements into the country.

The Commission, with the support of this Council, must call on the elected government to open a new chapter for the people of Burundi, to demonstrate the commitment expressed during the inaugural speech and reform the judicial system as promised, fighting impunity and corruption in the country and ensuring victims the justice they deserve.

*General Debate on Item 4 – Human rights situations that require the Council’s attention*

**Widespread Use of Arbitrary Detention in Iraq**

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



*Delivered by Mutua Kobia*

*25 September 2020*

Thank you, Mr. President.

EAFORD and Geneva International Centre for Justice would like to bring the attention of the Council to the systematic and widespread human rights violations in Iraq.

Arbitrary detention of thousands of innocent Iraqis is widely practiced. Detainees are kept in detention for years without being brought before a judge and without having access to a lawyer. The army, police, security units and militias each operate their own prisons. The Defense and Interior ministries have played a crucial role in the enforced disappearances of more than 17000 innocent Iraqis by conducting widespread campaigns of arrest and detention across Iraq.

Furthermore, al-Hashd al-Sha’bi militias are responsible for the mass killings and disappearances of thousands of Sunni Arabs in Iraq merely for sectarian reasons.

Torture, ill-treatment and humiliation, is the daily practice against detainees. It must be stated that UN missions in Iraq and the Office of the High Commissioner for Human Rights (OHCHR) are denied interviews with detainees despite repeated requests.

The Iraqi judicial system is not independent or free and is plagued by corruption and interference of the government and the militias.

Former High Commissioner, Navi Pillay, said, “the criminal justice system in Iraq is not functioning adequately, with numerous convictions based on confessions obtained under torture and ill-treatment, a weak judiciary and trial proceedings that fall short of international standards.”

We call again on this Council to take all necessary actions to put an end to these heinous violations.

## **AGENDA ITEM 5 – HUMAN RIGHTS BODIES AND MECHANISMS**

### *Interactive Dialogue with the Expert Mechanism on the Rights of Indigenous Peoples*

#### **Keys towards Repatriation of Indigenous Culture**

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



*Delivered by Mutua K. Kobia*

*24 September 2020*

Thank you, Mr. President.

We welcome the report by the Expert Mechanism on the Rights of Indigenous Peoples on repatriation and specifically regarding intangible cultural heritage. In this regard we remind the Council that states carry the primary responsibility for ensuring that indigenous peoples are able to safely exercise their rights and that accountability is established for violations against indigenous human rights-defenders. These rights and remedies can only be realized if the serious issue of corporate impunity by transnational-corporations (TNCs), big businesses, and extractive industries is addressed. To this end, there is an urgent need for a UN binding treaty to regulate TNCs and effective remedies for the victims.

Furthermore, access to justice regarding ceremonial objects and human remains can only be realized when indigenous judicial and legal systems are acknowledged and strengthened by governments and international bodies. We also recall that a key issue from previous sessions of the Expert Mechanism on the Rights of

Indigenous Peoples (EMRIP) that was echoed by numerous participants was on language, and in particular, the translation of the UN Declaration on the Rights of Indigenous Peoples, national and domestic law, and international law to indigenous languages.

In order to increase, promote, and raise awareness of the rights of indigenous peoples, the language barriers and other related obstacles and challenges must be overcome in a collaborative manner with indigenous communities. In this regard, we would like to ask the Expert Mechanism what steps are being taken to ensure strengthened partnership especially in these challenging moments?

In conclusion, EAFORD and Geneva International Centre for Justice recommend increased promotion of indigenous languages and the adoption of an international legally binding treaty to regulate TNCs.

## **AGENDA ITEM 7 – HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER OCCUPIED ARAB TERRITORIES**

### *General Debate on Item 7*

#### **Israel's Illegal Occupation, When will it End?**

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



*Delivered by Mathieu Fournier*

*30 September 2020*

Thank you, President.

Israel's illegal occupation of the Palestinian Territories, and its violation of the Palestinian peoples' human rights, including that of self-determination, has persisted for decades. We ask this Council, when will it end? Israel has blatantly and persistently violated the United Nations Charter, through its ongoing human rights violations and illegal occupation. Under this Agenda Item 7, the hope has always been that through a concerted and coordinated effort, States will pressure Israel to do what is right by finally putting an end to its illegal occupation and persistent human rights violations.

But what have we seen instead? Certain Member States of this Council have flaunted the misguided notion that this Agenda Item 7 singles out Israel and is biased, as a basis for voting against resolutions concerning the human rights situation in Palestine. They totally obscure and blind themselves to the real and persistent violations that occur in Palestine on a daily basis.

To these Member States, you have failed to protect the Palestinian people from the violation of their human rights. Violations have been documented on a mountain of evidence, even corroborated by the reports of the Special Rapporteur on the situation in Palestine.

EAFORD and Geneva International Centre for Justice call on this Council to recognize the reality of Israel's illegal occupation and human rights violations, which will persist as long as this Council fails to unite under this Agenda Item 7 in solidarity.

## **AGENDA ITEM 9 – RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS OF INTOLERANCE, FOLLOW-UP AND IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION**

### *Interactive Dialogue with the Working Group on African Descent*

#### **Rise in Racism and Undermining of the DDPA**

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



*Delivered by Mutua Kobia*

*30 September 2020*

Thank you, Mr. President.

We thank the Working Group for their report; however, we remain deeply concerned that the evils and scourge of racism and racial discrimination not only remains a reality but continues to be on the rise in various forms across the globe. Worse still, the COVID-19 pandemic has put into question racialized priorities and policy decisions regarding a number of human rights issues that directly affect People of African Descent. These avoidable obstacles, however, are not new as systematic and structural racism especially for People of African Descent has its roots in colonialism and the Trans-Atlantic Slave Trade. Eliminating institutionalized racism and ending impunity can only be achieved by addressing these root causes. Furthermore, it has been noted that the COVID-19 crisis has adversely affected already-put in place procedures to combat racism in some countries, while in others the scourge of racism has even been deprioritized - as noted in the Working Group's report.

In light of this, we bring to attention the 20th Anniversary of the Durban Declaration and Programme of Action (DDPA), which has regrettably been undermined together with the DDPA activities.

Thus, we urge all member states to initiate the political will and courage towards full implementation of the DDPA to eliminate the evils of racism in all its forms and bring justice to victims. Finally, we ask the Working Group what specific challenges and obstacles prevent further publication and wide dissemination of the DDPA in the wake of its 20th anniversary?

And in conclusion, EAFORD and Geneva International Centre for Justice recommend that all member states and this Human Rights Council to actively and widely distribute publications of the DDPA for its promotion and implementation.

*General Debate on Item 9 – Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action (DDPA)*

### **Promotion of the Durban Declaration & Programme of Action**

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



*Delivered by Mutua Kobia*

*1 October 2020*

Thank you, Madam President.

It is unacceptable that racism, racial discrimination, xenophobia and related intolerances continue to plague this world despite numerous commitments, initiatives, and legal documents in place to eradicate the scourge of racism. We believe that the Durban Declaration and Programme of Action (DDPA) is the most comprehensive UN document that can help end racism on multiple levels.

Therefore, in order to achieve effective promotion towards full implementation of the DDPA we strongly urge full support of the DDPA outreach program. Namely, through activation of UN information centers, wider dissemination of the DDPA in official and non-official UN languages, and engagement with education institutions at all levels. We also encourage strong collaboration with the youth, utilization of news and social-media, and efficient international solidarity.

Madam President, as we recall the request by the General Assembly to the UN Human Rights Council to develop a multi-year programme of activities to strengthen outreach and mobilize the global public to support the DDPA and combat racism - EAFORD and Geneva International Centre for Justice call on this Council and all its

members to take the appropriate and immediate initiatives towards the commemoration of the twentieth anniversary of the DDPA.

Finally, we recommend this Council and its member states to:

- urge the Office of the High Commissioner for Human Rights (OHCHR) to publish the programme of activities for the International Decade that is easily accessible and available in official languages of the UN for wide dissemination.
- And to convene next year a full day high-level intersessional meeting on mobilizing global support of the DDPA.

*General Debate on Item 9 – Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action (DDPA)*

### **General Debate Following High Commissioner’s Oral Update on Res. 43/1**

#### **Joint Statement with American Civil Liberties Union**



*Delivered by Salma El Hosseiny*

*1 October 2020*

We welcome the High Commissioner’s first update *on the implementation of the Human Rights Council resolution (A/HRC/RES/43/1) which followed an Urgent Debate "on current racially inspired human rights violations, systemic racism, police brutality and violence against peaceful protests."*

*The resolution has mandated the High Commissioner, with the assistance of relevant Special Mandate Holders, “to prepare a report on systemic racism, violations of international human rights law against Africans and people of African descent by law enforcement agencies, especially those incidents that resulted in the death of George Floyd and other Africans and of people of African descent, to contribute to accountability and redress for victims.” The resolution has also requested that your office “examine government responses to antiracism peaceful process peaceful protests, including the alleged use of excessive force against protesters, bystanders and journalists.” In addition, the resolution also requested that the High Commissioner “include updates on police brutality against Africans and people of African descent in all her oral updates to the Council.”*

While we were disappointed that the Council adopted a watered-down resolution due to enormous diplomatic pressure from the United States and other allied countries, we consider the outcome of the urgent debate a crucial first step towards full accountability for systemic police violence against Black people in the United States and more generally against people of African descent around the world. We make the following recommendations *and suggestions* to ensure effective implementation of the resolution and a transparent, inclusive process for producing the report *with maximum meaningful participation and engagement from directly impacted communities and other relevant stakeholders*:

**First**, report should center the lived experiences of people of African descent and be informed primarily by individuals and communities directly impacted by structural racism and police violence.

**Second**, report must examine and highlight individual cases of extrajudicial killings of people of African descent and entrenched impunity for police violence rooted in structural racism. *The reference to the killing of “other Africans and of people of African descent” suggests that George Floyd’s horrific murder should not be the only case examined and highlighted in the report.*

**Third**, report should thoroughly examine the history of racist policing in the United States and other countries in order to make recommendations for a concrete path forward regarding the Council’s role to ensure effective accountability and follow-up. *The report should build and expand upon, rather than replicate, previous research and reports published by regional and international human rights bodies, including UN treaty bodies and relevant Special Mandate Holders.*

**Fourth**, the implementation of this Council resolution resulting from an historic urgent debate should be of high priority. Sufficient resources must be allocated to ensure that the report comprehensively and thoroughly examines structural racism and police violence.

**Fifth**, the report must be based on regional hearings and consultations, potentially facilitated by OHCHR’s regional and field offices that will provide adequate and meaningful opportunities for a wide range of voices and experiences to be presented. Holding public hearings will increase the transparency and legitimacy of the process and outcome. It will also create opportunities to educate the public on racial justice and the importance of the Black Lives Matter movement at this historic juncture.





## AGENDA ITEM 10 – TECHNICAL ASSISTANCE AND CAPACITY-BUILDING

### *Enhanced Interactive Dialogue on the High Commissioner Report on the Democratic Republic of Congo and Final Report of Experts on Kasai*

#### **Protecting Prisoners in the Democratic Republic of Congo**

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



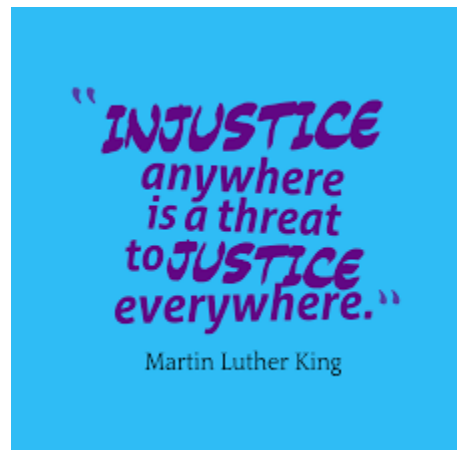
*Delivered by Dileta Deli*

*2 October 2020*

Thank you, Madame President.

We support the important work of the High Commissioner in the Democratic Republic of Congo (DRC) and the team of international experts on the situation in Kasai, and thank them for this update.

We welcome the Congolese Government's good collaboration with international human rights mechanisms, and commend the results achieved in implementing previous recommendations. We recognize the progress in opening up democratic space, and we encourage the government to continue on this path as the rights to express opinion, assemble peacefully, and participate in decisions are at the base of sustainable development.



However, EAFORD and Geneva International Centre for Justice remain seriously concerned over the high rates of sexual abuses and gender-based violence; particularly, the situation of women and children in the provinces affected by the armed conflict, as they account for 80% and 19% of victims respectively. We regret to hear that in these provinces human rights violations, including rape and extrajudicial killings, continue to be reported and committed by both armed groups and security forces alike.

The High Commissioner should urge this Council to provide technical assistance to the Congolese authorities and support their efforts to improve the human rights situation in the country; to take measures to protect civilians in conflict-affected areas; and to

investigate all cases of sexual violence, bringing perpetrators to justice while providing support to victims. The international community should also assist the government in implementing disarmament and socioeconomic measures aimed at providing alternatives to violence for young people.

*Interactive Dialogue with the Independent Expert on the Central African Republic*

**Targeting of Internally Displaced Persons (IDPs) by Armed Groups**

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



*Delivered by Mutua Kobia*

*2 October 2020*

Thank you, Mr. President.

We welcome the new Independent Expert and thank him for his report on the situation of human rights in the Central African Republic.

Amidst the conflict in the Central African Republic, we note that in recent years, humanitarian workers and Internally Displaced Persons (IDPs)' sites have been targeted by armed groups including basic facilities and sites where displaced people take refuge. We regret to note that in this critical situation one in four children are either displaced or has refugee status.

Furthermore, the armed conflict has deteriorated the health situation for children, and reports of malaria and other serious ailments have surfaced. As previously mentioned, the attacks on humanitarian and aid workers adversely impacts their efforts toward attending to the needs of children.

1.5 million children need humanitarian assistance where many require therapeutic care; and tens of thousands of children under five years of age in IDP sites and enclaves desperately need access to essential health services

and medicines. To make matters worse, safety for health personnel is in jeopardy, as they work under extremely difficult security conditions.

Moreover, the most vulnerable children are recruited by armed forces and forced to work as child soldiers, where they face additional dangers. In light of this dire situation, EAFORD and Geneva International Centre for Justice urgently recommend:

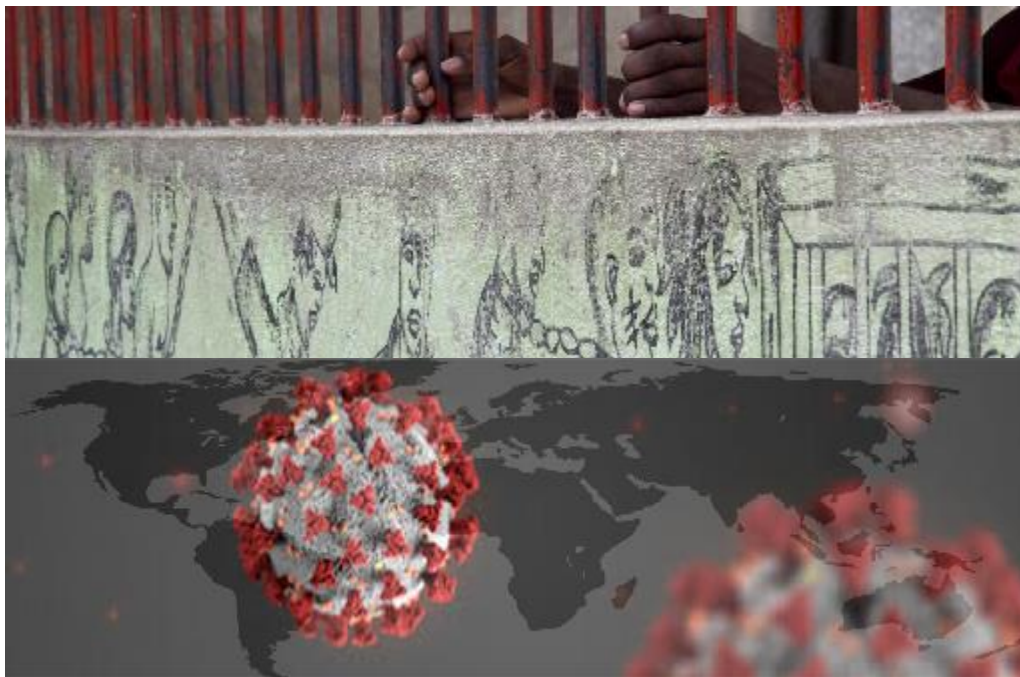
- Technical assistance to ensure the adequate restoration and security of schools and hospitals, and to
- Provide the necessary access to basic nutrition and medical needs.

In conclusion, Mr. President, we would like to ask the Independent Expert what challenges and barriers lie ahead towards attending to the most vulnerable children in conflict-affected areas of remote parts of the country?

## WRITTEN STATEMENTS

EAFORD submitted several joint written statements at the 45th Session of the Human Rights Council. These statements addressed pertinent and persistent human rights situations, violations and concerns. A total of six written statements were published and may be read in summary below, with links to their full versions as uploaded by the Secretariat.

### Nicaragua: Detained Human Rights Defenders at Risk during COVID-19



This written statement focuses on the situation of political prisoners in Nicaragua, who have become increasingly vulnerable due to the COVID-19 pandemic.

Since 2018, Nicaraguans have been protesting against their government and peaceful protesters have been regularly attacked and detained by national police forces. Some of these arrests had no legal grounds and constitute a violation of international human rights treaties. Released detainees have also reported discrimination against political prisoners in the form of extreme isolation and a lack of access to basic healthcare.

The Nicaraguan government continuously uses a system based on arresting and releasing a number of prisoners around certain times. This allows the government to continue using arrests of political opponents as a strategic tool to inhibit political opposition, while regularly releasing political detainees, in an effort to maintain its public image.

Since the beginning of the pandemic, the Nicaraguan government has been ignoring health recommendations of the World Health Organization. The lack of response of the government has put at risk the health of Nicaraguan citizens, especially that of political prisoners. In fact, prisons are facilitators of the spread of communicable diseases. This is especially the case in overcrowded prisons, where close contact between inmates is unavoidable. Particularly in Nicaragua, the prison overcrowding level is alarming, the current occupancy level of prisons standing at roughly 178%.

We are concerned about the continuous cases of incarcerations of human rights defenders, especially in times of a pandemic.

We recommend the Nicaraguan government to immediately release political prisoners, end the criminalization of political opponents, improve the living conditions of political prisoners, and end discrimination against them.

**Read the full written statement [here](#)**

### **The Fight against Discrimination is far from Over**



Although the world is constantly progressing towards the promotion and protection of human rights, the fight against racism and discrimination is far from over. In recent years, there has been a rise in hate speech and discrimination. Far-right politicians and groups have capitalized off their racist agendas, convincing the masses to adopt a similar mind-set. As a consequence, hate speech and discrimination are slowly

becoming normalized, elevating white supremacy and tolerance for anti-migration sentiment. With international treaties designed to combat racism, these countries must be reminded of the documents they have signed, which prevent this type of discriminatory behavior.

Adopted by the General Assembly in 1963, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination outlines the body's views and guidelines on combatting racism and calls on States to make consistent and direct efforts towards condemning racism and promoting tolerance. In 1965, the United Nations adopted the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which is a legally binding document that commits its signatories to the elimination of racial discrimination and the promotion of understanding among all races. EAFORD calls on all Member States to sign and uphold both of these international treaties, stressing that in order to respect every human being's dignity, citizens must not only be held accountable for hate speech and discriminatory actions, but reparations must be given for any victims.

Racism has become a disease our world has failed to eradicate and until all countries uphold their duty to fight against racial discrimination in all its forms, racism will continue to thrive. Politicians often foster xenophobia by blaming immigrants for any increasing crime rate and identity loss, despite evidence depicting no such

correlation. Racist discourse in politics is feeding into the public's fear of migrants and the rejection of minorities within their society.

EAFORD called on the Human Rights Council to urge all Member States to condemn racial discrimination, continue to criminalize groups that preach racial superiority, and hold all citizens accountable for hate speech and discriminatory actions. Tangible steps for States to hold accountable hate speech by politicians should be provided. The Human Rights Council must emphasize the importance for all Member States to implement the Durban Declaration and Programme of Action (DDPA) and promote the commemoration of its 20th anniversary in 2021.

Read the full written statement [here](#)

### Trafficking-in-Persons and Climate Change



In the context of trafficking-in-persons, while the efforts of the international community over the past twenty years do show progress, there has been a stark lack of emphasis on how trafficking intersects with other issues, such as climate change. Thus, this statement sheds light on the relationship between trafficking-in-persons and climate change, emphasizing the impacts felt by persons in developing economies.

Poverty, migrant status, gender inequality, and forms of discrimination based on race and ethnicity, etc. are all vulnerabilities to trafficking. In fact, traffickers tend to target people exhibiting these vulnerabilities.

Climate change exacerbates these vulnerabilities. Sudden-onset disasters, such as extreme flooding or frequent wildfires cause large-scale displacement within a particular region, during which cases of trafficking are likely to increase.

The communities that are most vulnerable to trafficking-in-persons are also those most affected by climate change. This is particularly true for developing nations, where many live in extreme poverty and are highly dependent on natural resources for their survival. While it should be widely acknowledged that trafficking does

occur in developed economies, victims and survivors are most often members of marginalized communities who are facing greater burdens for survival, as it is those with the least power in a society who are the first to be exploited.

In this regard, EAFORD urges UN Member States to adhere to resolution 44/7 on Human Rights and Climate Change, adopted by consensus at the 44th session of the Human Rights Council. We also recommend UN Member States to ensure that mechanisms for safe and legal migration are in place to protect the basic human rights of those fleeing violence, destruction, and death due to climate change.

Read the full written statement [here](#)

### Human Rights Violations at Xinjiang Uighur Autonomous Region, China Re-education Camps



This statement focuses on the continued human rights violations at Xinjiang re-education camps in China, where the Chinese government is arbitrarily detaining millions of Uighurs and other ethnic and religious minorities.

Despite the government's assertions to the contrary, there are serious human rights violations perpetrated against Uighurs and other Muslim communities in Xinjiang. Those include torture, arbitrary detention, mass surveillance, as well as disappearances in re-education camps.

The "Sinification of All Religions and Beliefs" was a policy officially declared by

the Chinese government in 2017, with its ultimate goal being the systemic restrictions on Uighur culture and the practice of Islam.

Families of Uighurs have disappeared, and some citizens of Uighur origin living abroad can hardly get any news from their relatives. Similarly, hundreds of Uighur academics and professionals have disappeared.



China's systematic assimilation policy is a severe violation of internationally recognized human rights, including the right to freedom of thought, conscience, and religion, freedom from torture, as well as freedom from arbitrary detention. China is in violation of its obligations under the International Convention on the

Elimination of All Forms of Racial Discrimination (ICERD), which states in Article 2 that "each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation."

In this regard, EAFORD urges China to immediately close these detention centers and respect the human rights of ethnic and religious minorities. Furthermore, China should grant unfettered access throughout Xinjiang to UN experts. Lastly, China should ratify the International Covenant on Civil and Political Rights (ICCPR) and make itself available to a periodic examination by the Human Rights Council.

**Read the full written statement [here](#)**

### **The Pandemic and the Rise of Authoritarianism**



This statement focuses on the increasing shift to authoritarianism during the COVID-19 pandemic, and the long-term threat to democratic institutions and human rights. There is a grave risk of leaders using the pandemic as an excuse to increase domestic power in ways offensive to human rights.

Global leaders have had to take extensive and immediate action to minimize the pandemic. However, some leaders, acting under the guise of public health, have sought to permanently increase their power and crush voices of dissent.

Numerous States have weakened democratic institutions and norms since the beginning of the pandemic. Such action goes well beyond what is necessary to curtail infections, and dismantles fundamental ideals of democracy, such freedom of the press and governmental accountability.

The statement outlines some examples of countries where the rise of authoritarianism during the pandemic was reported, namely China, Hungary, Israel, the Russian Federation, Turkey, as well as the United States of America.



The biggest threat to democracy stemming from the pandemic is the attack on freedom of expression. Such threat is in direct violation of Article 19 of the Universal Declaration of Human Rights (UDHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

In this regard, EAFORD recommends the United Nations to act decisively to condemn power grabs that are unrelated to the health crisis at hand. The Human Rights Council should further appoint a Special Rapporteur to monitor and investigate the abuses of governmental emergency powers, and to prohibit such conduct from becoming permanent once the coronavirus has been contained in the country.

**Read the full written statement [here](#)**

## Occupied Palestinian Territory: The Right of the Palestinian People to Self-determination



The right to self-determination is an inalienable and universal right, yet it has eluded Palestinians in the occupied territories for decades. There have been numerous United Nations resolutions affirming the right of the Palestinian people to self-determination, both from the Human Rights Council and the UN General Assembly. Despite this, such basic right remains to be realized for Palestinians as long as Israel's illegal occupation of the Palestinian territories persists. In this statement, we emphasize the imminent threat to the Palestinian people's right to self-determination posed by Israel's recent

unveiled plans to annex parts of the West Bank.

In January 2020, the United States of America released its "peace to prosperity" plan, which irresponsibly endorsed Israel's annexation of East Jerusalem and the further annexation of parts of the West Bank with Israeli settlements, as well as, the Jordan Valley. Following suit, Israel announced plans to annex parts of the West Bank.

Forced unilateral annexation of a territory violates established international law, including the Charter of the United Nations, the Fourth Geneva Convention of 1949, and the Rome Statute of the International Criminal Court. Despite its clear illegality, Israel has proceeded with illegal unilateral forced annexations in the past. Israel intends to annex parts of the West Bank, and will proceed to do so, unless the international community takes urgent steps to condemn the annexation and force Israel to abandon its illegal plans.

It is imperative that the international community mobilize urgently in a unified response to Israel's plans for illegal annexation. Mere words are insufficient. Countermeasures are required to put an end to the threats of annexation and to demand an end to the illegal occupation.

Read the full written statement [here](#)

The following are links to an additional NGOs joint letter co-sponsored by EAFORD, and the reply of the United Nations High Commissioner for Human Rights



[Letter to the High Commissioner for Human Rights on the Implementation of the Resolution on Police Violence and Structural Racism](#)

[UNHCHR's Reply to NGOs Joint Letter regarding the Implementation of the Resolution on Police Violence and Structural Racism](#)



**EAFORD’s SIDE EVENTS AT THE UNITED NATIONS**

EAFORD organizes “parallel events” on issues relevant to the work of the Human Rights Council. However, in view of the 45<sup>th</sup> regular session of the Human Rights Council (14 September – 6 October 2020) and in accordance with information from the United Nations Office at Geneva, side events could not be held in the Palais des Nations in the COVID-19 context.

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