

# Danish Civil Society Inputs to Danish Government ahead of HRC47

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## PANEL DISCUSSIONS

### ITEM 3

High-level panel discussion on the multisectoral prevention of and response, including the global response, to female genital mutilation (HRC res. 44/16)

- **Globally:** According to UNICEF, “FGM has been performed on at least 200 million girls and women in 31 countries across three continents, with more than half of those cut living in Egypt, Ethiopia and Indonesia. Each year, over 4 million girls are at risk of undergoing FGM. Most girls are cut before the age of 15.” (<https://www.unicef.org/protection/female-genital-mutilation>)
- **Sudan:** It is commendable that FGM was criminalized in Sudan in April 2020. According to the UN Population Fund, 88% of women and girls aged between 15 and 49 in Sudan have undergone some form of FGM. The North Kordofan state of Sudan exhibits the highest rate at 97.7%. (<http://opiniojuris.org/2020/05/25/female-genital-mutilation-the-road-to-eradication/> and <https://www.unfpa.org/data/fgm/SD>)
- **Egypt:** FGM was banned in 2008 through amendments to the Child Act (1996) and the Penal Code and in September 2016, Law No. 58 was further strengthened, and penalties were increased. In March 2021, the Egyptian parliament approved further amendment to the provisions of the Penal Code and increased the penalties for performing FGM. However, prosecutions are rare and the FGM is still widely practiced and with nearly 100 percent impunity. According to UNICEF (<https://data.unicef.org/topic/child-protection/female-genital-mutilation/>), 87% of women, aged 15 to 49 have undergone FGM in Egypt, and about 14% of girls under 14 have been cut.
- According to "The National Strategy for the Empowerment of Egyptian Women 2030. Vision and Pillars. 2017" it is part of Egypt's goals to prevent FGM in Egypt by:
  - Continue implementing the National FGM Abandonment Strategy 2016-2020;
  - Enforce the law that criminalizes FGM;
  - Raise the society's awareness of the harms of FGM, and the lack of any origin to such practice in religion;
  - Increase control over physicians and members of the medical establishment, to prevent them from performing such procedures.
- Lessons learnt from working with FGM in Egypt through the Gender Equality Program in the Danish Arab Partnership Programme, which KVINFORM leads – project implemented by Tadwein and Women Council Denmark:
  - FGM is a human rights issue, not an issue of culture or religion.
  - As FGM is performed by medical staff, training and awareness raising should be target medical students and integrated into curriculum of medical universities.
  - A multilayered strategy working on awareness raising, training of medical staff, ending impunity, strong cooperation between state actors and civil society actors to

implement national strategies is a way forward.

- **Recommendations:**

- Urge Egypt and other countries struggling with the problem of FGM to tackle FGM as a human rights violation.
- Strengthen cooperation between civil society and state actors to eradicate FGM.
- For Egypt: Reinforce implementation of the national strategy for the Empowerment of Egyptian Women 2030 and eradicate FGM. Impunity for medical staff performing FGM must end not only in law, but also in practice. Authorities should ensure that medical staff are informed that FGM is illegal according to Egyptian law, that they are obliged to report cases and perpetrators will face legal persecution. Work with judges and prosecutors to ensure the proper implementation of the law. And ensure effective implementation of the law through encouraging reporting and creating reporting mechanisms.
- Remind of the importance of collaborating and engaging with the media to support ending FGM. There is an urgent need to reframe FGM in the media to highlight and share stories of communities ending FGM and sharing other solutions. Engaging with the media enables us to inform attitudes and stereotypes around FGM.

## **INTERACTIVE DIALOGUES**

### **ITEM 2**

ID on the annual report of the United Nations High Commissioner for Human Rights (GA res. 48/141)<sup>1</sup>

- If Denmark will not refer to the situation of human rights in the Palestinian Territories occupied since 1967 under item 7, we recommend that Denmark raises the following concerns under item 2:
  - To express general support towards the ICC to open an investigation into potential crimes committed in the occupied territories and work with other European Governments to support the independence of the court and shield the institution and its staff from external pressures or threats.
  - To express concerns with the findings of the latest Human Rights Watch report from April 27, 2021 that concludes that the action against Palestinians from the Israeli authorities amount to the crime of apartheid.
  - To raise issues of a) demolition and forced displacement in OPT and recent developments in Sheikh Jarrah and Jordan Valleys, b) violating of right of the Palestinian children to education and demolition of schools in West Bank, c) lifting blockade imposed on Gaza for more than 13 years, d) fragile health system in

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<sup>1</sup> Postponed from HRC46 to HRC47 in accordance with President's statement PRST OS/14/1.

Palestine and unfair distribution of vaccine against COVID-19, e) killing of Palestinian civilians at different occasions, f) preventing the vote of Palestinian Jerusalemites in Jerusalem and cancel of Palestinian Parliamentary elections and g) the rights to freedom of peaceful assembly and of association for all citizens in Israel and OPT, also Palestinians.

### ITEM 3

ID on the report of the WG on discrimination against women and girls (HRC res. 41/6)

- Women are systematically discriminated against in several laws. [According to the UN](#), in 18 countries men can legally prevent their wives from working and in 39 countries daughters and sons do not have equal inheritance rights. Types of laws that are discriminating against women and girls include:
  - Women are discriminated in terms of passing nationality to a child or spouse (Nationality Laws)
  - Women lack equal rights in marriage and divorce, guardianship and custody of children and inheritance. (Personal status law and Family laws)
  - Women are discriminated against in terms of equal pay for equal work of equal value, gender specific restrictions on women's work and lack protection from dismissals because of pregnancy and maternity leave. (Labour laws)
  - Women lack protection from underage marriage, FGM, polygamy, sexual harassment, marital rape, and domestic violence (Penal codes)
  
- **Recommendations:**
  - Carry out review of legislation and reform laws to align with international human rights and women's rights commitments.
  - In particular, amend personal status laws, family laws, labour laws and penal codes to end gender-based discrimination.
  - Remove reservations to CEDAW and UNCRC.
  - Urge states to become signatories to the Istanbul Convention.

ID on the report of the SR on the rights to freedom of peaceful assembly and of association (HRC res. 41/12)

- We recommend that Denmark raises the following country cases as examples of concern with the rights to freedom of peaceful assembly and of association:
  - Palestine: Following the recent police crackdowns on Palestinian citizens and protesters in Jerusalem, Denmark should call on the Israeli government to respect the right of peaceful assembly for all citizens, also Palestinians.
  - Colombia: Anti-government protesters have been countered by police using "indiscriminate and dangerous" weapons according to Human Rights Watch. Denmark should call upon the Colombian government to respect the right of

peaceful assembly for all Colombians. Denmark must also criticize the gender based and sexual violence committed by police against protesters.

- Myanmar: UNCHR says that there is no sign of end to the brutal crackdown on, among others, demonstrations in Myanmar following the military coup. Denmark must echo their concerns from HRC46 and call upon the military to respect the right of peaceful assembly for all in Myanmar.
- Egypt: Denmark must call on the Egyptian government to withdraw the new NGO-law and support the right of association for all, including local and international NGO's. The new NGO-law does not respect freedom of association and could at worst lead to the dismantling of independent civil society.

ID on the report of the SR on violence against women, its causes, and consequences (HRC res. 41/17)

- Violence against women and girls is a human rights violation. Globally, one in three women experience physical or sexual violence most frequently by an intimate partner. This number is estimated to have increased by 20 % during COVID 19 lockdown and is called the shadow pandemic by the UN (<https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>). Domestic violence has an impact in terms of health, safety and productivity of workers and other persons concerned, as well as on their capacity to enter, remain and progress in the labour market.
- Yet, 49 countries still lack laws protecting women from domestic violence. (<https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality>)
- Sexual harassment and other forms of violence against women occur in public spaces, on streets, in public transportation, at home and online. Often, online threats are not treated as serious as threats in the analogue world by law enforcement, yet the consequences on the part of the offended may be equally severe.
- GBV prevents equal participation in cultural, social, political, and economic spheres. Urgent action needs to be taken to ensure the right for everyone to a world free from violence and harassment, not only during and after the outbreak of COVID-19, but also to build a sustainable recovery and better resilience in the face of future crises.
- Also, in both development aid and humanitarian interventions, a strong focus must be on economic and social empowerment of women. Economic and social capital is essential in terms of ensuring that women get better opportunities to exercise leadership and make decisions in the family as well as the local community, can influence the political and normative framework that defines their rights and opportunities, fight against gender-based violence and have bodily autonomy.
- Also, female journalist faces severe risk of violence online and offline. Taking from UNESCO-ICFJ global survey results on online violence against women journalists 73% of women journalists reported having experienced online violence in the course of their work, 20% reported being attacked offline in connection with online violence they had experienced. Additionally, 17% of women journalist respondents said they self-censor because of online violence.

- Attacks faced by female journalists are resulting in psychological and physical harm, self-censorship, or lead them to avoid certain types of reporting, or withdraw from journalism altogether, which therefore, has an important impact on freedom of speech and diversity in the media, and can perpetuate inequalities in newsrooms.
- Studies have shown that female journalists are targets online significantly more than their male colleagues are, with the threats they face often highly sexualized and frequently focused on their physical features, ethnicity, or cultural background rather than on the content of their work.
- Also, the impact of gendered and sexualised disinformation<sup>2</sup> targeting women in public life, as well as its corresponding impacts on national security and democratic participation, is largely missing in the discourse and must be addressed.
- Online gendered abuse and disinformation is often intersectional in nature, with abusers often engaging with both sex- and race-based narratives, compounding the threat for e.g., women of colour. This has been coined as *malign creativity*—the use of coded language; iterative, context-based visual and textual memes; and other tactics to avoid detection on social media platforms.
- **Recommendations:**
  - Enhance state responsibility to uphold human rights and protect women from online and offline violence.
  - Urge the 49 countries that do not have any law on prevention and protection from GBV to pass such legislation.
  - End impunity for perpetrators by applying existing legislation on prevention of gender-based violence to online as well as offline sexual harassment and violence.
  - Hold international tech companies responsible for immediate removal of illegal harassment, e.g., threats of rape or killing on their platforms.
  - Raise awareness of frequency, forms, and consequences of sexual harassment and GBV and install mechanisms of support for those who are attacked.
  - Urge states to adopt the 2019 ILO Violence and Harassment Convention (ILO C190) from 2019 which provides a clear roadmap for preventing and addressing violence and harassment in the world of work. It acknowledges that gender-based violence and harassment disproportionately affects women and girls. It also recognizes that a gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending violence and harassment in the world of work (ILO: [https://www.ilo.org/wcmsp5/groups/public/--dgreports/--gender/documents/publication/wcms\\_744782.pdf](https://www.ilo.org/wcmsp5/groups/public/--dgreports/--gender/documents/publication/wcms_744782.pdf))

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<sup>2</sup> Defined as “a subset of online gendered abuse that uses false or misleading gender and sex-based narratives against women, often with some degree of coordination, aimed at deterring women from participating in the public sphere. It combines three defining characteristics of online disinformation: falsity, malign intent, and coordination” (IMS).

- Women should be recognized as resourceful agents of change. Investments in women's social, political, and economic empowerment, as well as sexual and reproductive health and rights, strengthen not only the resilience of women and girls when the crisis strikes, but society as a whole. Women's and girls' rights and health should be high on the global humanitarian agenda to ensure that gender equality and a wide range of rights, including SRHR issues, are prioritized in the global humanitarian framework. Denmark should work to establish a clear funding target for gender equality and women's rights.
- Financial support for and institutional capacity building of local women's and feminist organizations should be increased as part of humanitarian aid. This is crucial in terms of building their long-term capacity and influence, but also in terms of ensuring sustainability in the efforts, and that they are based to the highest possible extent on real, local needs.
- Include gender perspective in national safety mechanisms for journalists and improve legislation that can improve protection and responses for women.
- Train security services and other agencies to handle gender specific threats and responses.
- As gendered disinformation is rooted in the overall societal patriarchal structures, the following four measures suggested should be viewed holistically and intersecting with different fields (i.e. safety) and segments/level of society (i.e. internet intermediaries, law and policymakers and employers) in order to be efficient:
  - 1) As safety measures are closely interlinked to the issue of gendered disinformation, there is a need for internet intermediaries to have incident reports that allow women to report multiple abusive posts at once to provide more context and a more holistic view of the abuse they are experiencing. In the same vein, employers need to develop robust support policies for those facing online harassment and abuse, including clear mechanisms to report the abuse faced by the target. National mechanisms for safety of journalists should consider the gendered disinformation as a threat.
  - 2) There is a need to improve the automated detection methods and for internet intermediaries to introduce nudges to discourage users from posting abusive content. Third-party fact-checkers, those engaging in crowdsourcing and setting up the datasets used to identify disinformation need to incorporate a gendered perspective in their training in order to identify and respond to gendered disinformation.
  - 3) There is a need to monitor and gather data on online gendered disinformation to better understand its scope, prevalence, and societal impact and to use this data for advocacy purposes.
  - 4) Gendered perspective should be fully integrated into media and information literacy efforts. Media literacy plays a significant role in determining whether gender issues will widely be considered important and legitimate

social, political, and cultural matters and can help reveal the gendered-disinformation narratives.

ID on the report of the IE on protection against violence and discrimination based on sexual orientation and gender identity (HRC res. 41/18)

- Lesbian, Gay, Bi, Transgender, Intersex and Queer (LGBTIQ+) individuals are still globally suffering from discriminations and violence due to their Sexual Orientation, Gender Identity and Expression and Sex Characteristics (SOGIESC). Legislation and social constructs based on heteronormativity and cisnormativity prevent LGBTIQ+ people from enjoying basic human rights and civil freedoms, exclude them from social opportunities and even threaten their physical and psychological security and wellbeing.
- 69 states<sup>3,4</sup> in total have Penal Codes that still criminalize same-sex sexual activity either directly or indirectly on the ground that people commit “public indecency”, “acts/crimes against nature”, “habitual practice of debauchery” and “immoral acts”. While the majority of the states are in Africa and in Asia given that these laws share a common history of being the direct product of colonialism, numerous nations are demonstrating globally harmful practices and inability to offer protection and equal opportunities to LGBTIQ+ communities. The law prescribes death penalty, imprisonment and/or hard labour and, in many cases, is still enforced. There have been recent reports for arrests and prosecutions of individuals alleged to have engaged in same-sex sexual activity in more than 40 states, of which state executions took place in at least 3.
- LGBTIQ+ individuals who are under the jurisdiction of states that do not criminalize same-sex sexual activity are still subject to discrimination and face a variety of legal, social and psychological challenges. 42 states have laws and regulations that restrict the right to freedom of expression in relation to SOGIESC issues. National laws may prescribe explicitly restrictions related to SOGIESC issues or use “proxies” to target such issues (e.g., morality, religion and terms such as “non-traditional sexual relationships”). In addition, national governments in more than 10 states, the majority of which are in Europe, attempted to establish laws and pieces of legislation that prohibited “propaganda of nontraditional sexual relations” and “the spread of gender theory” during the period 2010-2020.
- Only a minority of states globally have national laws and regulations that progressively protect LGBTIQ+ individuals and ensure de jure equal treatment. 57 states have laws that provide for broad protection against discrimination based on sexual orientation, of which only 12 provide for constitutional protection. Only 28 states have recognized equal marriage and family rights to same-sex couples and 6 more states have recognized partial marriage rights by establishing legislation on civil partnerships.
- The COVID-19 pandemic has also highlighted how crises are the base for discriminations and violence reinforcement towards LGBTIQ+ communities. Around the world, many governments notably passed LGBTIQ+phobic measures, such as the recall of transgender people’s

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<sup>3</sup>[https://ilga.org/downloads/ILGA\\_World\\_State\\_Sponsored\\_Homophobia\\_report\\_global\\_legislation\\_overview\\_update\\_December\\_2020.pdf](https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf)

<sup>4</sup> <https://rainbow-europe.org/sites/default/files/annual-report/Annual-Review-Full-2021.pdf>



administrative recognition rights in Hungary in 2020<sup>5</sup> or the withdrawal of transgender-inclusive anti-discriminatory health protection in the United States by the Trump administration<sup>6</sup>. The crisis is also leading to general day-to-day abuse of power by individuals and institutions against LGBTIQ+ communities, with, for example, the imprisonment of twenty LGBTIQ+ individuals in Uganda<sup>7</sup> by the local police or the mainstreamed belief that gay communities could be the cause of the COVID-19 crisis<sup>8</sup>. As a mirror to global systems of power and discriminations, the most vulnerable communities are the most affected by targeted oppressive measures, lack of inclusivity in the relief work and lack of general representation, notably LGBTIQ+ refugees and asylum seeker, transgender people in sex worker communities<sup>9</sup>, and LGBTIQ+ people living with HIV and other chronic diseases.

- Civic spaces are closing in several countries around the world, and discriminated groups such as LGBTIQ+ groups, are among the first to be affected by that. Therefore, it is crucial to focus on including and empowering the civil society actors in countries where governments do not have the will and/or capacity to support the LGBTIQ+ individuals and organizations. We have seen severe outbreaks of hate crimes, systematic discrimination, and violence during the pandemic, and this must be an occasion to improve the support aimed at civil society organizations even further.
- Furthermore, the WPS agenda has an unintended negative effect on LGBTIQ+ people as it aimed at women and peace in exclusionary terms overlooking the disproportionate security issues and violence, that LGBTIQ+ people in the affected areas experience and their experiences as valuable evidence for instructing and shaping the peace processes. A more SOGIESC sensitive approach might address these shortcomings and recognize LGBTIQ+ people as agents and activists who are included in the WPS framework and strategic efforts.
- **Recommendations:**
  - COVID-19 relief actions should be inclusive of all populations, including LGBTIQ+ people, people living with HIV, sex workers, and LGBTIQ+ refugees and asylum seeker. Any kind of exclusion in governments' efforts for relief is regarded as a clear violation of human rights and international conventions.

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<sup>5</sup> <https://lgbti-ep.eu/2020/04/15/63-meps-call-on-hungarian-government-to-revoke-article-33-restricting-the-rights-of-trans-and-intersex-persons/>

<sup>6</sup> Politi Daniel, "Trump Administration Nixes Transgender Health Protections in Middle of Pride Month", Slate, June 2020, read the 16/06/2020, available at: <https://slate.com/news-and-politics/2020/06/trump-nixes-transgender-health-protections-pride-month.html>

<sup>7</sup> Burke, Jason, "Ugandan police accused of abusing lockdown laws after LGBT arrests", Slate, April 2020, read the 28/05/2020, available at:

<https://www.theguardian.com/world/2020/apr/01/ugandan-police-accused-of-abusing-lockdown-laws-after-lgbt-arrests>

<sup>8</sup> 6Rang, "Covid-19 Related Hate and Homophobia Must Stop", General distribution, Open letter, May 2020, read the 19/05/2020, available at:

<https://drive.google.com/file/d/1jCe-kd4X12iEy0qZmLYx0u0Z9Njw8rIX/view?usp=sharing>

<sup>9</sup> Human Rights Watch, "Protecting the rights of LGBT people during and after the COVID-19 pandemic", OHCHR, June 2020, read the 26/07/2020, available at: <https://www.ohchr.org/Documents/Issues/SexualOrientation/IESOGI-COVID-19/CSOs/HRW.pdf>

- States must commit to the protection of civil society organisations in all their diversities and provide a safe and inclusive civil space for them to function.
- States must collaborate with civil society organisations in their efforts for COVID-19 relief actions for an exchange of expertise, resources, and a maximum outreach to all vulnerable communities on the ground.
- States should take into consideration the results of IE SOGI's latest report when evaluating the situation of human rights in their respective countries.
- For states that have taken positive steps towards non-discrimination and equality: civil society organizations need to strengthen their partnerships with state actors and transnational institutions (e.g., the EU, Council of Europe, OAS) to expand progressive legislation. International society should also encourage partnerships between states in the same region to influence positive changes in the legislation. More states should explicitly ban "conversion therapy" in their national legislation (only 4 currently do; however, in more than 25 states "conversion therapies" are banned implicitly, for example national associations of psychologists and psychiatrists do not allow their members perform such "therapies") and expand constitutional provisions for protection against discrimination to SOGIESC grounds in order to prevent SOGIESC rights from being challenged and depending on political opportunism. Civil society organizations should also work with private organizations, public administration and cultural institutions to continue raising awareness on SOGIESC issues and ensuring equal treatment of LGBTIQ+ people in all aspects of life (employment, education, social benefits etc.)
- For policy makers: advocate and plan for inclusive measures targeting the specific needs of the more vulnerable communities in all spheres of the political, legal, health and social life. These measures should for example ensure the security and rights of LGBTIQ+ displaced populations, by guaranteeing a global and continuous right to seek and enjoy asylum and advocating against imprisonment of LGBTIQ+ persons in detention centers. It is necessary to identify the more vulnerable communities among LGBTIQ+ populations and to work with community-led organisations to ensure sufficient fund for these organisations, spaces for communities to voice their needs in all decision-making spheres and a good understanding of non-specialized public and private stakeholders in mitigation of risks and inclusion of vulnerable communities in sectorial measure.
- For all stakeholders active in providing or guiding COVID-19 relief: ensure the inclusion and consideration of LGBTIQ+ populations and of the most vulnerable LGBTIQ+ communities in all COVID-19 related measures. This aims both to ensure that specific measures are being set to meet the specific needs of communities during the crisis (economic, basic necessity items, hygiene and covid protection equal distribution), and to ensure that no measure is specifically harming communities (access to health specific services, notably for PLHIV and transgender communities, SOGIESC-sensitive COVID-19 restrictions...)

- For all institutions, organisations and state actors: to bring SOGIESC diversity and norm-critical approaches in all spheres of the public talk in order to encourage its mainstreaming among stakeholders and global populations. This includes speaking up against hate speech, harmful political decisions, and general violence, and ensuring good, community-led information is being shared and used at all levels.
- Remind of the need to work closely with the media and to connect actors from different sectors and train the media on how to report on sexual orientation and gender identity. There is a need to connect media with faith networks, activist circles, and LGBTQI+ communities and to work with editorial guidelines, train media and improve media self-regulation in order to improve reporting to be inclusive and accurate when reporting on LGBTQI+ issues.

#### ITEM 4

ID on the report of the SR on the situation of human rights in Belarus (HRC res. 44/19)

- The crackdown of Belarusian media and human rights defenders classify as gender-based violence. Gender-based violence against media workers and human rights defenders should be understood in the context of broader gendered societal norms. Whilst women have been at the forefront of protests they 1) continue to face sexual violence or threats of rapes, especially in detention center. There is limited evidence of the authorities to launch investigations on these issues. 2) There is systematic repression of female opposition leaders and biased, sexist news coverage of women leaders. 3) Continued trend of threatening women or depriving them of their custodial rights as a way of silencing women protesters.
- **Recommendations:**
  - Launch investigations on the sexual violence and threats of rapes faced by women in detention centers and more broadly.
  - Engage in systemic dialogue with civil society in Belarus by using secure communication channels.
  - When it is possible, provide financial support to independent media and civil society. Support training and capacity development activities for the Belarusian civil society to benefit fully from the UN HRC instruments -- WGAD for example.

#### ITEM 7

ID on the report of the SR on the situation of human rights in the Palestinian Territories occupied since 1967 (CHR res. 1993/2 A and HRC res. 5/1)<sup>10</sup>

*Note: If Denmark do not intend to refer to the points under item 7, we recommend that Denmark raises the concerns and recommendations stated below under either ID item 2 or ID item 4.*

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<sup>10</sup> One-time postponement from HRC46 to HRC47.

- We are concerned about the findings of the report released last month by Human Rights Watch “A Threshold Crossed - Israeli Authorities and the Crimes of Apartheid and Persecution”, April 27, 2021, concluding:
- “Human Rights Watch found that the Israeli government has pursued an intent to maintain the domination of Jewish Israelis over Palestinians throughout the territory it controls. In the OPT, including East Jerusalem, that intent has been coupled with systematic oppression of Palestinians and inhumane acts committed against them. When these three elements occur together, they amount to the crime of apartheid. Israeli authorities are also committing the crime against humanity of persecution based on the discriminatory intent behind Israel’s treatment of Palestinians and the grave abuses it has carried out in the OPT” (p. 205)
- **Recommendations**
  - To take note of the findings of the latest Human Rights Watch report.
  - To access the content of relevant resolutions and raise issues accordingly independent of whether these are tabled under Item 7, item 2, or Item 4. If Denmark is not planning to raise any issues under Item 7, DK is recommended to raise issues of human rights violations in the Palestinian Territories under Item 2 or Item 4.
  - Independent of the specific issue on Israel-Palestine, but related to the recent decision of the ICC to open an investigation into potential crimes committed in the occupied territories:
  - To express general support for international justice mechanisms including the international criminal court and work with other European Governments to support the independence of the court and shield the institution and its staff from external pressures or threats.
  - If the issues cannot be raised under item 7, we would like to encourage that the items are raised under item 2 or item 4.
  - To raise issues of demolition and forced displacement in OPT and recent developments in Sheikh Jarrah and Jordan Valleys
  - To raise issues of violating of right of the Palestinian children to education and demolition of schools in West Bank
  - To raise issue of lifting blockade imposed on Gaza for more than 13 years.
  - Highlight issue of fragile health system in Palestine and unfair distribution of Vaccine against COVID-19
  - Highlighting Killing of Palestinian civilians at different occasions.
  - Raise issue of preventing the vote of Palestinian Jerusalemites in Jerusalem and cancel of Palestinian Parliamentary elections

## **Additional inputs from Danish civil society ahead of HRC47**

4 June 2021

### **Civic Space resolution**

We encourage to highlight the positive role that civil society plays in a crisis (more broadly) and has played in the pandemic, with an emphasis on the importance of protecting civil society.

Based on dialogue with CIVICUS, we concretely suggest language along the lines of:

A robust and vibrant civil society is able to respond to the needs of the community and play a pivotal role in fighting disinformation, providing much needed services and supporting government and at times playing a watchdog role when government falls short. As we have seen, this critical role can be drastically undermined during crises by State overreach in emergency power. It is therefore crucial to support civil society by creating, maintaining and ensuring an enabling environment, including both practical measures of support and through mainstreaming Council response to restrictions on civic space.

In terms of such practical support we would also like to highlight the crucial issue of access to resources – which has even more relevance in the context of crises – why we recommend that the resolution requests SRs to look into potentially drafting guidelines on access to resources for States to implement.

### **Colombia: Freedom of assembly, expression and violence against women:**

Peaceful demonstrations by Colombian citizens started on 28 April 2021 in various cities and municipalities across the country. The demonstrations were met by disproportionate actions of the police and security forces (called ESMAD). As a result, between April 28 and June 2:

- 76 individuals have been killed, of these 34 were allegedly committed by the security forces, the others were carried out by unidentified "civilians" during peaceful social protest
- 988 people have been injured by the National Police and in particular by the security forces (ESMAD). In recent days, cases of eye injuries have increased to 74 and 87 cases of people injured by firearms.
- 151 human rights defenders have been attacked as part of their work to accompany the social protest, performing their role as CVI Verification and Intervention Commissions. Various types of attacks have occurred; such as threats, beatings, arbitrary arrests, accusations, harassment, stigmatization and attacks by unidentified armed persons.
- At least 87 sexual assaults against women committed by the police and security forces have so far been registered

We ask the Danish government to recommend that the Colombian State urgently adopts measures to protect life, personal integrity, personal freedom, due process, freedom of expression, freedom of association, the right to assembly, the right to participation and other rights and fundamental principles recognised in the American Convention on Human Rights and the Colombian constitution.

The OHCHR, IACHR and the EU have expressed deep concerns over the situation. According to the statement by EEAS (May 6): "The excessive use of force in repressing such protests, the escalation of violence and any further disproportionate use of force by the security forces must stop."

<https://www.europarl.europa.eu/delegations/en/eeas-statement-of-6-may-2021-on-violence/product-details/20210506DPU29768>

In a statement by the UN High Commissioner for Human Rights Michele Bachelet, she called for an end to all forms of violence, including vandalism, and said that only dialogue can resolve the demands of different groups involved in the current national strike. <https://news.un.org/en/story/2021/05/1093062>

Statement by the Inter-American Commission on Human Rights (May 28):

<http://www.oas.org/en/IACHR/jsForm/?File=/es/cidh/prensa/comunicados/2021/137.asp>

## **Guatemala: Freedom of assembly (see letter addressed to the EU below)**

International and Guatemalan NGO networks are concerned about the alarming setback to democracy and the rule of law in Guatemala, in particular towards the imminent entry into force of the controversial reform of the NGO Law (Decree 4-2020) (see attached NGO letter to the EU).

On 12 May, Guatemala's recently sworn-in Constitutional Court definitively annulled the constitutional challenges to the reform.

As the Inter-American Commission on Human Rights and its Special Rapporteur for Freedom of Expression pointed out on 19 May, this new legislation will restrict civic space, putting at risk the rights to freedom of association and freedom of expression, hindering citizen participation and the defense of human rights.

Brussels/Guatemala, 1st June 2021

To the Member States of the European Union  
To the European External Action Service  
To the Missions of the Member States and the Delegation of the European Union in Guatemala

**Request: A call to take a stand and act in response to the entry into force of the NGO Law in Guatemala and lend support to civil society organisations.**

To whom it may concern,

We, the international networks EU LAT Network and FONGI, are writing to you to share our concern about the alarming setback to democracy and the rule of law in Guatemala, in particular towards the imminent entry into force of the controversial reform of the NGO Law (Decree 4-2020). On 12 May, Guatemala's recently sworn-in Constitutional Court definitively annulled the constitutional challenges to the reform. As the Inter-American Commission on Human Rights and its Special Rapporteur for Freedom of Expression pointed out on 19 May, this new legislation will restrict civic space, putting at risk the rights to freedom of association and freedom of expression, hindering citizen participation and the defense of human rights<sup>1</sup>.

In this regard, we would like to highlight the following:

- The law affects both national and international organisations and associations and interferes with the nature of such organisations, limiting their scope of work to activities such as charity, education, health and development projects with "a clear social benefit", leaving out, for example, political training, human rights, organisational support, etc. (Articles 3 and 4)

- It includes provisions that facilitate the dissolution of organisations; for example, if the government deems an organisation to be "disturbing public order", it can cancel it without going through a legal administrative process. It also specifies that if an organisation uses foreign funds to carry out activities deemed to be "contrary to public order", members of that organisation may face criminal charges and other sanctions (Article 15). In the absence of a definition of "public order", the procedure is left to the discretion of the Public Prosecutor's Office or the Interior Ministry. Guatemala's current Public Order Law dates back to 1965, passed during the de facto government of military officer Enrique Peralta Azurdia, who suspended the Constitution, dissolved Congress and banned political activity.

- The Guatemalan authorities' argument for the imposition of this new framework is that organisations must be accountable; however, this was already being carried out in compliance with existing regulations. The new law increases administrative requirements, making them very complex and rigid, and grants a maximum compliance period of 6 months. Knowing the limited

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<sup>1</sup><https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/128.asp>



capacity of state institutions and the corruption prevalent in the country<sup>2</sup>, such a deadline is unreasonable and lends itself to all kinds of arbitrary actions, to the extent that an organisation that has not complied with the stipulations can be forcibly closed.

- The ambiguous wording of the Law gives the Registry of Legal Entities (REPEJU) and the Interior Ministry broad powers to limit fundamental rights and freedoms and silence questions and opinions about the actions of public institutions. It enables the government to make decisions at its discretion, thereby legalising possible arbitrariness and abuse of authority.

We consider it important to highlight that the Law poses a particular threat to community organisations and those working in defense of the rights of indigenous peoples, peasants, territory and the environment. The reforms state that the beneficiaries of an organisation must be distinct from the members, a clause which limits a community's collective benefit of association, given that they work in particularly difficult environments where they face high levels of violence and criminalisation for their work (Article 2)<sup>3</sup>.

The approval of this Law takes place in a context of a severe weakening of judicial independence and the rule of law in Guatemala, a situation that has worsened since the controversial appointment of new judges to the Constitutional Court in April. Their selection process was questioned by both the OAS and the G13<sup>4</sup>. We observe with concern the continued dismantling of progress in the fight against corruption, the fulfillment of human rights and the compliance with the peace accords, processes in which the international community has invested many resources. Moreover, the level of attacks against human rights defenders and justice officials who act independently and in accordance with the law has worsened.

Considering that civil society and its organisations are fundamental to guarantee open societies in which democratic values and universal human rights are respected, and considering the commitment of the European Union and its member States to support sustainable development and fulfillment of the 2030 Agenda, placing respect for human rights at the centre, we ask you to:

- 10 Make use of political dialogue with the Government of Guatemala and its representations abroad so that the President of the Republic exercises his power to veto this law, which violates international human rights standards.
- 10 Urge the Government of Guatemala to ensure judicial independence in accordance with its Political Constitution and international standards, including actions to redress the arbitrary actions taken to prevent the swearing in of Gloria Porras as a judge of the Constitutional Court.
- 10 Support independent justice officials, civil society organisations, individuals and communities who defend and promote rights at a time when there are fears of increased political persecution, stigmatisation, criminalisation and arbitrary detentions against them, highlighting the importance of their work for democracy.
- 10 Invite civil society organisations to meet with your representations in Guatemala, to learn about their concerns and protection needs, paying special attention to the participation of rural and indigenous peoples' organisations.

<sup>2</sup><https://elperiodico.com.gt/nacionales/2021/01/28/guatemala-rompe-su-record-de-corrupcion-1/>

<sup>3</sup>In its 2019 Annual Report, Global Witness states that already in 2018 Guatemala had the highest per capita assassination rate regarding land and environmental rights defenders. <https://www.globalwitness.org/en/campaigns/environmental-activists/enemies-state/>

<sup>4</sup><http://www.oas.org/es/CIDH/jsForm/?File=%2Fes%2Fcidh%2Fprensa%2Fcomunicados%2F2021%2F031.asp&s=09>



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<sup>4</sup><http://www.oas.org/cs/CIDH/jsForm/?File=%2Fes%2Fcidh%2Fprensa%2Fcomunicados%2F2021%2F031.asp&s=09>