Human Rights Council holds separate interactive dialogues on the human rights situations in Cambodia, Somalia and Sudan

AFTERNOON

GENEVA (26 September 2018) - The Human Rights Council this afternoon continued to discuss its technical assistance and capacity building agenda item and held separate interactive dialogues with the Special Rapporteur on the situation of human rights in Cambodia, the Independent Expert on the situation of human rights in Somalia, and with the Independent Expert on the situation of human rights in Sudan.

Presenting her third substantive report on the human rights situation in Cambodia, Rhoda Smith, Special Rapporteur on the human rights situation in Cambodia, said that the focus of her report was on monitoring the impact of elections on human rights since Cambodia held local and communal elections in June 2017, Senate elections in February 2018, and National Assembly elections in July 2018.  The June 2017 elections were considered free but the situation then deteriorated rapidly.  Kem Skoha, the President of the main opposition party, the Cambodia National Rescue Party, was arrested on treason-related charges in September 2017, the party was dissolved and their seats redistributed to other parties.  The ruling party won all seats in the Assembly, making Cambodia a de facto single party State.

Speaking as the concerned country, Cambodia regretted that the report highlighted very few positive developments and disregarded the reality on the ground.  It was disappointing that non-credible and politically motivated sources of information were reflected in the report.  Cambodia moved forward elections on July 29 as previously scheduled and the absence of one former political party should not be interpreted as though human rights or freedom of expression had been undermined or curtailed.

In the interactive dialogue, speakers expressed deep concern about significant steps backwards for Cambodia’s fragile democracy and the restrictive conditions in which the parliamentary elections had taken place in July 2018.  The arrests, threats and harassment against media and civil society underlined the severity of the situation.  The dissolution of the main opposition party, the imprisonment of its leader Kem Sokha, the reallocation of seats to unelected representatives, and the imprisonment of political opponents was deplorable.  The Government was called on to stop misusing the legal system to suppress critical voices and to remove all restrictions on fundamental freedoms.

Speaking in the interactive dialogue were Sweden on behalf of a group of countries, European Union, Canada, Germany, Switzerland, France, Japan, China, Myanmar, Australia, Venezuela, Belgium, United Kingdom, Ireland, New Zealand, Philippines, Lao People’s Democratic Republic, Thailand, and Viet Nam.

The following non-governmental organizations also spoke Nonviolent Radical Party Transnational and Transparty, Asian Forum for Human Rights and Development Forum-Asia, International Commission of Jurists, Lawyers Rights Watch Canada, Human Rights Now, Association of World Citizens, Human Rights Watch and Amnesty International.

Bahame Nyanduga, Independent Expert on the situation of human rights in Somalia, highlighted the plight facing women and young girls, in particular the endemic problem of sexual and gender-based violence and the problem of abductions and forced recruitment of children by Al Shabaab.  Critical challenges that impacted the human rights situation in Somalia were the right to life and other rights.  The continued attacks by Al Shabaab on government officials and institutions, and on the Somalia National Army were a cause of instability and civilians were caught in the cross fire.  Life continued to be lost due to fighting between rival clans and sub clans.

Speaking as the concerned country, Somalia highlighted the adoption of a collaborative working arrangement with the Independent Expert on the situation of human rights in Somalia.  Several gains had been made in the area of human rights, including addressing the challenge of gender-based and conflict-related sexual violence; enhancing protection of child rights; enabling a constitutional, policy and legislative environment for women’s political participation; expediting the finalization of the establishment of the National Human Rights Commission in accordance with the Paris Principles; and taking steps to be part of the regional and international human rights legal framework.

In the ensuing discussion, speakers welcomed the improvement of human rights in Somalia, despite remaining challenges regarding freedom of expression and opinion, internally displaced persons, rights of children, and sexual and gender-based violence.  They congratulated Somalia on its efforts to establish the National Human Rights Commission and to end the public executions of persons sentenced to the death penalty, and commended the Government’s efforts to finalize the Constitution before the 2020 elections.  It was imperative that technical assistance and capacity building for Somalia were strengthened.  Speakers noted that Somalia needed to build a political system based on inclusive politics, embracing all segments of the population, and they encouraged the Federal Government to fully implement the political roadmap for 2020.

Speaking in the interactive dialogue were European Union, Qatar, United Nations Children’s Fund, Egypt, France, Saudi Arabia, Russian Federation, Netherlands, Italy, Djibouti, China, Australia, Sudan, Venezuela, United Kingdom, Yemen, Botswana, Turkey, Germany, and Mozambique.

Also taking the floor were the following non-governmental organizations: International Educational Development, International Federation of Journalists, East and Horn of Africa Human Rights Defenders Project, *Rencontre Africaine pour la defense des droits de l'homme,* United Nations Watch and Association of World Citizens.

Aristide Nononsi, Independent Expert on the situation of human rights in Sudan, said the Government’s arms collection campaign in Darfur appeared to have reduced weapons use by various armed militias, contributing to the improvement of security, especially in North and South Darfur states.  There was a significant decline in military operations in the conflict-affected areas of Darfur, Blue Nile and South Kordofan.  Nevertheless, daunting challenges remained, including the harassment of women, sexual and gender-based violence, and dire socio-economic conditions resulting in the fact that 36.1 per cent of the population lived in poverty.  The Government was called on to effectively implement the national poverty reduction strategy and the donor community was urged to provide the necessary financial support to Sudan to improve the protection of human rights.

Sudan, speaking as the concerned country, expressed concern that the Independent Expert’s report had focused on limited individual cases, and only gave a generalized view of the situation in Sudan.  Sudan emphasized that it had achieved great progress on human rights, highlighting how it had a new provisional constitution for the country.  Sudan also underlined that it had opened dialogue between the Government and the opposition, and said the doors of dialogue remained open to all political parties and armed groups.  Sudan noted that it had continued to introduce amendments to its legal framework and legislation to support human rights.  However, Sudan stressed that it had not received any funding to implement the recommendations from the Universal Periodic Review.

In the ensuing discussion, speakers noted the cooperation of the Sudanese Government with the mandate and recognized the efforts to address challenges, including in the fields of non-proliferation of weapons, trafficking in persons and strengthening human rights institutions.  High concerns remained about the harassment and arbitrary detention of human rights defenders, restrictions on freedom of expression and opinion, and violence against women.  The fight against impunity was a priority, so the Government was urged to launch independent investigations.  The international community was called on to provide technical assistance to Sudan and support the ongoing reconciliation efforts.  Several States suggested ending the mandate on Sudan.

Speaking in the interactive dialogue were Togo on behalf of the African Union, Tunisia on behalf of Arab Group, European Union, Pakistan on behalf of the Organisation of Islamic Cooperation, Qatar, Lebanon, Egypt, Denmark, France, Switzerland, Saudi Arabia, Netherlands, United Arab Emirates, Djibouti, Tunisia, China, Australia, Venezuela, Kuwait, Bahrain, State of Palestine, United Kingdom, Eritrea, Yemen, Germany, Libya, Jordan, Democratic People’s Republic of Korea, Belarus, Algeria, Nigeria, Ethiopia, Turkey, South Sudan and Mauritania.

Also taking the floor were the following non-governmental organizations: Maarij Foundation for Peace and Development, World Evangelical Alliance, Eastern Sudan Women Development Organization, Christian Solidarity Worldwide, East and Horn of Africa Human Rights Defenders Project, International Federation for Human Rights Leagues, Human Rights Watch and *Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme*.

The Council will resume it work on Thursday, 27 September, at 9 a.m. when it will hold an interactive dialogue with the Independent Expert on the Central African Republic.  It is then scheduled to hold a general debate on technical assistance and capacity building, including on the High Commissioner’s report on Georgia, before it starts taking action on decisions and resolutions.

**Interactive Dialogue with the Special Rapporteur on the Situation of Human Rights in Cambodia**

**Documentation**

The Council has before it the **Report of the Special Rapporteur on the situation of human rights in Cambodia** ([A/HRC/39/73](http://undocs.org/A/HRC/39/73)).

The Council has before it an **addendum** to the **Report of the Special Rapporteur on the situation of human rights in Cambodia** ([A/HRC/39/73/Add.1](http://undocs.org/A/HRC/39/73/Add.1)).

The Council has before it an **addendum** to the **Report of the Special Rapporteur on the situation of human rights in Cambodia – comments by Cambodia** ([A/HRC/39/73/Add.2](http://undocs.org/A/HRC/39/73/Add.2)).

**Presentation of Report by the Special Rapporteur on the Situation of Human Rights in Cambodia**

RHODA SMITH, Special Rapporteur on the situation of human rights in Cambodia, presented her third substantive report on the human rights situation in Cambodia.  Between 2017 and 2018, Cambodia had held local and communal elections in June 2017, Senate elections in February 2018 and National Assembly elections in July 2018, so the significant focus of her work was monitoring the impact of the elections on the human rights situation.  An addendum to the annual report analysed the elections and the Royal Government of Cambodia had submitted a full response to this addendum.  The Government of Cambodia was thanked for its cooperation, for issuing invitations for visits in August 2017 and March 2018, and for facilitating meetings.  Cambodia had made impressive strides in laws, policies and practice and the June 2017 communal elections were generally considered free.  However, the situation then deteriorated rapidly.  Kem Skoha, the President of the main opposition party, the Cambodia National Rescue Party, was arrested on treason-related charges in September 2017 and the Ministry of Interior filed a motion with the Supreme Court to dissolve the party.  The party was dissolved in November and their seats were redistributed to other parties who at the time held no seats in the Assembly.  This meant disenfranchising more than 40 per cent of the electorate that had voted for the Cambodia National Rescue Party.  The ruling party secured most of the commune-level seats and was holding 99 per cent of the commune chief positions, thus also directly affecting the indirectly elected Senate elections in February 2018 and taking all elected seats.  National elections in July 2018 proceeded without the main opposition party and without the principal opposition political actors as 118 were banned by the Supreme Court from all political activity.  The ruling party won all seats in the Assembly, making Cambodia a de facto single party State.

Laws were used to restrict debate and target the media, opponents and civil society.  In March 2018 lèse majesté provisions were introduced in Cambodian law and at least three persons were arrested under such provisions.  The Ministries of Interior, Information and Posts and Telecommunications adopted an Inter-ministerial Proclamation to control social media, based on vague restrictions.  In response to calls for a boycott of the elections, the Government referred to boycott appeals as violations of the national law, asking for legal action on grounds that the boycott was affecting public order and national security.  Yet boycotts were permitted under international human rights law.  The release of a number of political actors from detention was welcomed.  Nonetheless, they remained under threat of being detained again at any time.  Kem Sokha was released under judicial supervision in September but the charges remained.  The Working Group on arbitrary detention in April 2018 said that his detention was arbitrary.   Five staff of the Cambodian Human Rights and Development Association were released in June 2017 after 427 days in pre-trial detention but the court convicted them on count of bribery of witness, raising serious questions about the integrity of the judicial process.  Other individuals were accorded royal pardons, Tep Vanny, a land rights activists and James Ricketson, the Australian film maker convicted of treason and espionage and later freed and deported.  Previously convicted on insurrection charges, 14 members of Cambodia’s National Rescue Party were also released.

Ms. Smith called on the Government to expand the place for civil society, including withdrawing the requirement for civil society actors to give prior notification to the Ministry of Interior before undertaking activities.  The Government was also urged to review administrative requirements placed on civil society, such as tax laws.  Those two actions alone would expand civil society place and they would be much more than symbolic gestures.  Cambodia had periodic reports scheduled for several treaty bodies over the next year and was preparing its third cycle of Universal Periodic Review early in 2019.  Cambodia would also have its voluntary national review by the High Level Political Forum on Sustainable Development in 2019.  The Government had extended an invitation for the Rapporteur’s next mission in October/November to continue dialogue and examine issues around realising human rights in the context of the Sustainable Development Goals.

**Statement by the Concerned Country**

Cambodia, speaking as the concerned country, regretted that the report highlighted very few positive developments and disregarded the reality on the ground.  Cambodia expressed disappointment that non-credible and politically motivated sources of information were reflected in the report, and lamented that the principles of impartiality in information gathering had not been fairly applied. Some allegations, it was felt, were too vague and open to subjective interpretation and political manipulation at the expense of the Government’s reputation.  However, Cambodia stated that these allegations did not deter its commitment to the principle of multi-party democracy through which the Government would be elected through a periodic, free and fair election.  This was why Cambodia had moved forward elections.  Cambodia emphasized that the absence of one former political party should not be interpreted that human rights or freedom of expression had been undermined or curtailed.  Cambodia underlined that boycotting an election was not a crime under Cambodian law, but it was a crime where it undermined others’ rights or destroyed the public’s trust in the election.  Cambodia also drew the Council’s attention to the high turnout during the Cambodian election of over 83 per cent, the smooth electoral process, the absence of violence, all of which signified how human rights and democracy had become deeply rooted and were broadly flourishing in Cambodian society

**Interactive Dialogue**

Sweden, also speaking on behalf of Denmark, Finland, Iceland and Norway, expressed deep concern about the restrictive conditions in which the Cambodian parliamentary elections had taken place in July 2018.  The arrests, threats and harassment against media and civil society underlined the severity of the situation.  European Union reminded that the past year had seen significant steps backwards for Cambodia’s fragile democracy.  The parliamentary elections in July 2018 had taken place in a highly restrictive environment and were clearly not representative of the democratic will of the Cambodian citizens.  Canada expressed profound concern about the conduct of the parliamentary elections in Cambodia, with the exclusion of the main opposition party and the imprisonment of its leader Kem Sokha.  How could the international community defend and promote human rights in Cambodia, while ensuring the commitment of the political party in power?

Germany regretted the increasing authoritarian tendencies in Cambodia and the exclusion of the main opposition party from July’s illegitimate elections.  Germany called on the Government to stop misusing the legal system to suppress critical voices, and to instead allow open debate and critical reporting.  Switzerland voiced concern about the increasing restriction of civil society space in Cambodia.  What urgent measures should the Government of Cambodia take to revitalize the past democratic progress?  France was concerned about the worsening of the general human rights situation in Cambodia and it shared the recommendation of the Special Rapporteur that Cambodia remove all obstacles to and restrictions on fundamental freedoms.  What priority measures should be taken to support Cambodia in that respect?

Japan noted that the election in July was disappointing from various perspectives, including that of the large number of invalid votes that had been cast.  Views on Cambodia’s technical cooperation needs were welcomed in order to improve the situation.  China said that elections had gone smoothly and the Royal Government of Cambodia was congratulated.  Cambodia had maintained political stability, improved socio-economic conditions and the international community was asked to follow the wishes of Cambodia.  Myanmar commended Cambodia for its continued constructive engagement with all relevant human rights bodies, including that of the Special Procedures.  The international community was encouraged to provide technical assistance and capacity building to Cambodia.

Australia was disappointed that the people of Cambodia were not able to choose their representatives freely in the election on 29 July, thus undermining 25 years of progress towards democracy.  Cambodia was urged to re-examine changes to laws used to restrict freedom of expression.

**Remarks by the Special Rapporteur**

RHODA SMITH, Special Rapporteur on the situation of human rights in Cambodia, thanked all speakers for their comments and said that she had heard many ideas on how to move forward with the situation.  There were many opportunities for improvement, including within the Universal Periodic Review.  States that had technical cooperation projects with Cambodia were encouraged to enter dialogue with the Cambodian authorities to develop programmes to their needs.  As for the matter of priorities and taking into account the importance of the Sustainable Development Goals, in Cambodia there could be no sacrifice of human rights at the expense of anything else.  Human rights were necessary to have peace and development.

**Interactive Dialogue**

Venezuela reiterated that the issue of human rights could not be advanced through the selective imposition of human rights mandates against sovereign States, especially when these did not have the consent of the country concerned.  Venezuela praised Cambodia for holding national elections on 29 July, with a historic participation rate of 83 per cent.  Belgium was concerned about the regression in the area of political rights, especially with regard to the 2018 elections.  The dissolution of the main opposition party, the reallocation of its seats to unelected representatives, and the imprisonment of political opponents was deplorable. United Kingdom expressed deep concern regarding the human rights situation in Cambodia.  The United Kingdom shared the Special Rapporteur’s concerns about the severe regression of political rights.  The United Kingdom urged the Government of Cambodia to allow for credible, multi-party democracy and free debate.

Ireland welcomed the positive gains made in Cambodia in respect of economic and social rights.  However, Ireland expressed concern at the findings of the Special Rapporteur on the restriction of political space and the highly restrictive environment in which the recent election in Cambodia took place.  Ireland welcomed the release on bail of Kem Sokha from prison on humanitarian grounds. New Zealand urged the Government of Cambodia to fully implement the recommendations in the report of the Special Rapporteur on the situation of human rights in Cambodia.  New Zealand regretted that Cambodia’s 29 July elections were neither free nor fair, and failed to represent the will of the Cambodian people.  New Zealand urged Cambodia to cease all harassment of political opposition, journalists and civil society.  Philippines underlined that the international community needed to take full cognizance of where Cambodia had come from, and how much it had achieved since the Paris Peace Agreement was concluded in 1991.  The Philippines emphasized that Cambodia was currently enjoying the longest period of peace in its modern history, and as a result, was well on its way towards achieving greater progress, development and prosperity.

Lao People’s Democratic Republic congratulated Cambodia on having ensured that the 2018 general elections were free and fair, and commended it for its engagement and cooperation with the United Nations human rights mechanisms.  It called on the international community to constructively engage and continue providing technical assistance and capacity building to Cambodia.  Thailand encouraged Cambodia to do its utmost to address challenges and to harness the synergy and mutually reinforcing linkages between human rights and the 2030 Agenda for Sustainable Development.  International cooperation was an important means through which States could enhance their capacity to promote and protect human rights.  Viet Nam encouraged Cambodia to continue its efforts to promote and protect the rights of vulnerable and ethnic minority groups, and to create favourable conditions and take appropriate measures to ensure the legitimate rights and interests of Cambodians of Vietnamese origin.

**Remarks by the Special Rapporteur**

RHODA SMITH, Special Rapporteur on the situation of human rights in Cambodia,
noted that many speakers had already proposed steps that the Government of Cambodia could take to improve the situation, like lifting the charges against Kem Sokha, lifting the ban on 118 political actors, allowing for the reinstatement of opposition parties, expanding the space for civil society, and expanding dialogue between all civil society and the Government.  The United Nations was one of the mechanisms to use for these interactions.  Other steps included ensuring that restrictions on civil society were lifted, like the October notification requirements, and making sure that all laws and regulations were applied fairly and transparently.  Concerning further technical assistance for Cambodia, governments could include human rights issues in their dialogues and interactions with the Cambodian Government.  The Cambodian authorities should and could systematically review all laws to ensure their compatibility with international human rights standards.  Responding to a comment from Venezuela, the Special Rapporteur assured that she and her mandate strongly condemned any form of racial discrimination by any political actor or any individual.

**Interactive Dialogue**

Nonviolent Radical Party, Transnational and Transparty said that 29 July 2018 marked the death of democracy in Cambodia.  The ruling party had moved ahead with a sham election in full breach of the Cambodian Constitution and the international obligations of the country.  Asian Forum for Human Rights and Development Forum-Asia, in a joint statement, acknowledged the recent release of human rights defenders and political activists, but noted that restrictions were not fully lifted and many still faced detention.  Provisions of the Penal Code added restrictions on freedom of expression and the draft Cybercrime Law would extend those restrictions.  International Commission of Jurists said that findings of the Special Rapporteur demonstrated the utter inadequacy of the Council’s technical assistance and capacity building mechanism.  The Government of Cambodia continued to misuse laws to supress fundamental freedoms so what approach should the Council take to ensure the rule of law in Cambodia?

Lawyers Rights Watch Canada noted that in Cambodia, harassment was carried out to protect business interests of government officials involved in illegitimate land acquisition.  The Special Rapporteur was asked to consider a special report on illegitimate land acquisition and its impact on over 830,000 people in Cambodia since 2000, including involuntary displacement.  Human Rights Now said that the independent media, including over a dozen radio stations, had been shut down in Cambodia, and journalists had been detained on espionage charges.  Under such conditions, States’ efforts for a legitimate election in Cambodia, such as Japan’s electoral forum assistance, had not resulted in genuine political participation.  Association of World Citizens said that between 2013 and 2018, human rights had become much more restricted in Cambodia and attempts to improve the situation had failed.  After 2018, the elections could just have been declared invalid, given the absence of the opposition party and the electoral reform.

Human Rights Watch expressed concern that on 29 July, a sham election that was neither genuine nor free or fair saw the ruling Cambodian People’s Party secure its continued rule after arbitrarily dissolving the main opposition Cambodia National Rescue Party.  Human Rights Watch lamented that civil and political rights had hit a new low in Cambodia.  Amnesty International said it shared the concerns of the Special Rapporteur over the continued blatant attack of rights to freedoms of association, expression and peaceful assembly by the Cambodian Government.  Amnesty International called on the international community to take concrete measures to address the continuing degradation of human rights in Cambodia.

**Concluding Remarks**

Cambodia, speaking as the concerned country, said that Cambodia had suffered a lot as a result of the civil war, noting that no Cambodian born before the 1990s had ever experienced a real taste of peace.  As the late Secretary-General Kofi Annan once said, there was no development without security.  The same was true for Cambodia, with peace and security came development.  The Government had not ignored other rights and freedoms and listened to all based on mutual respect.  The Council was not a forum for launching political propaganda for one political party at the expense of others.  Human rights should not be politicized but applied in a fair and impartial manner.  All citizens were equally treated before the law and the recent release on bail, with some judicial condition of Kem Sokha was based on humanitarian act under the prerogative of the investigating judge.

RHODA SMITH, Special Rapporteur on the situation of human rights in Cambodia, reiterated that Cambodia used to have a vibrant civil society.  To return to that, the Government had to remove restrictions limiting activities of civil society.  The Penal Code had to be reviewed for compliance with the international human rights standards.  The ruling party was dominating legislative and executive power so all draft laws had to be reviewed for compliance with international human rights standards before adoption.  Those found wanting had to be repealed.  Civil society could be reinvigorated but it required action on behalf of the Government as well as regular dialogue with civil society.  Peace, society and development were all predicated on society allowing for human rights development.  Work on the Sustainable Development Goals in Cambodia had to focus on peace, justice, development and freedom.  Focusing on goal 16, including the freedom of information law, was important.

**Interactive Dialogue with the Independent Expert on the Situation of Human Rights in Somalia**

**Documentation**

The Council has before it the **Report of the Independent Expert on the situation of human rights in Somalia** ([A/HRC/39/72](http://undocs.org/A/HRC/39/72)).

**Presentation of Report by the Independent Expert on the Situation of Human Rights in Somalia**

BAHAME NYANDUGA, Independent Expert on the Situation of Human Rights in Somalia, said his report highlighted the overall improvement, and challenges that continued to impact the human rights situation in Somalia.  He undertook his fifth mission to Somalia from 25 April to 4 May 2018, and engaged the Federal Government on its human rights programme.  His many meetings had enabled him to grasp critical issues, in respect of the objectives of his mission and the general human rights situation in the country.  He highlighted the plight facing women and young girls, in particular the endemic problem of sexual and gender based violence and the problem of abductions and forced recruitment of children by Al Shabaab.  The fact that women were fearlessly participating in leadership in Somalia, in spite of the threats and challenges, must be commended and supported.   Critical challenges that impacted the human rights situation in Somalia were the right to life and other rights.  The continued attacks by Al Shabaab on government officials and institutions, on the Somalia National Army and on the troops of the African Union Mission in Somalia were a cause of instability, and civilians were caught in the cross fire.  Life continued to be lost due to fighting between rival clans and sub clans.  During the reporting period, the Federal Government had embarked on the process of adopting a permanent constitution; once finalised, the Constitution would clarify the division of powers and responsibilities between the two levels of government.  International economic and financial agencies had acknowledged the improvement in various sectors of the economy and could ensure that Somalia accessed international funding for its development.  Another positive development was the selection of members of the National Human Rights Commission, a long-standing recommendation of the Council.

Mr. Nyanduga said that he also followed up on issues impacting the rights of children during his latest trip.  The abduction and forcible recruitment of children was contrary to established international norms for the protection of children and the prohibition of their involvement in armed conflicts.  He had witnessed rehabilitation programmes for young persons captured from Al-Shabaab, conducted by civil society organizations in Mogadishu and Garowe with the support of the United Nations Children’s Fund.  Turning to the violation of women’s rights in Somalia, reports of sexual and gender-based violence cases, which amounted to conflict-related sexual violence, continued to reach him.  In most of those cases, the perpetrators were either not arrested, or if arrested, the perpetrator was released and the matter resolved by clan elders.  There was also the continuation of female genital mutilation/cutting practices.  The Federal Government was in the process of passing the sexual offences bill, which, when adopted, would effectively criminalise a wide range of sexual offences, provide support to survivors and define the roles and responsibilities during investigation and prosecution of sexual violence.  On the right to freedom of expression and opinion, he had reported on cases of arbitrary arrest, detention without trial, harassment and acts of intimidation of journalists.

The challenge for Somalia was to strike a balance between national security interests, the rights to exercise freedom of expression and opinion by journalists, and the right of the public to access information.  Somalia continued to suffer from the effects of the conflict, drought and heavy rains, all of which occurred within the last 12 months.  Internally displaced persons continued to face uncertainty, marginalisation and hardships.  He concluded by congratulating all the international partners for the support they continued to give Somalia and urged the Federal Government to ensure that it implemented its human rights obligations and Council recommendations.

**Statement by the Concerned Country**

DEQA YASIN, Minister for Women and Human Rights Development of Somalia, expressed Somalia’s commitment to ensuring the improvement of the human rights situation in Somalia for the benefit of all people.  She noted several gains made by Somalia in the area of human rights, including addressing the challenge of gender-based and conflict-related sexual violence; enhancing the protection of child rights; enabling a constitutional, policy and legislative environment for women’s political participation; expediting the finalization of the establishment of the National Human Rights Commission in accordance with the Paris Principles; and taking steps to be part of the regional and international human rights legal framework by initiating ratification processes for key international human rights treaties.  However, Ms. Yasin regretted the obstacles and burdens, which required consistent, coordinated and timely technical and financial support for human rights and gender priorities. Alarming, only one per cent of human rights and gender projects were currently being implemented by the Government, suggesting a lack of investment in the Government’s efforts to drive change.  Ms. Yasin concluded by reaffirming Somalia’s continued commitment and determination to cultivate a culture of protection of and respect for human rights on its journey towards becoming a human rights-based society, and called for support from the international community on this path.  Ms. Yasin expressed a particular desire to see the response to the Independent Expert’s recommendations urging the international community to support Somalia with technical and financial resources to be able to sustain the gains made and advance further in the future.

**Interactive Dialogue**

European Union was concerned about persistent violations, in particular those affecting women and girls, including sexual violence, forced marriages and recruitment of children in armed conflict.  The European Union encouraged the Federal Government to adopt legislation against sexual offences, reinforce the protection of children against abduction, and protect the freedom of expression.  Qatar welcomed progress made by Somalia, politically, socially and economically, and congratulated efforts to strengthen human rights.  To build on what was achieved, Qatar urged the international community and stakeholders to coordinate efforts.  Qatar stressed its support for Somalia and its right to peace and prosperity.  United Nations Children’s Fund welcomed the progress made to realise child rights, in particular the passing of the Sexual Offence Law in Somaliland; in the first half of 2018, 2,564 cases of grave violations against children were reported.  The Fund was also concerned about widespread gender-based violence.

Egypt praised progress achieved on the political front and the holding of the Constitutional Conference in May 2018.  The primary responsibility to promote and protect human rights remained with the Somali Government and Egypt called upon the international community to help Somalia confront the challenges to sustainable development.  France was concerned about the volatile security system with civilians targeted by Al Shabaab.  Sexual violence, forced marriages and female genital mutilation were also alarming and France urged for the improved protection of Somalia’s population, particularly for women and children.  The access to education for women and girls was the key to success.  Saudi Arabia supported Somalia in pursuing its efforts to bolster peace and commended its efforts to adopt a permanent constitution for the 2020 elections as well as a national human rights institution.  Saudi Arabia called on the international community to continue its support for Somalia.

Russia expressed concern that the situation in Somalia remained turbulent.  Russia emphasized the importance of not allowing a repeat of political conflict between the branches of power which took resources away from the fight against terrorist networks.  Netherlands concurred with the Independent Expert’s observations on the importance of strengthening the institutions of law and order in Somalia.  The Netherlands also echoed the Independent Expert’s call to the international community to step up efforts to support Somali authorities to strengthen judicial institutions and urged the Government of Somalia to show real progress.  Italy congratulated Somalia for the relevant improvements in the human rights situation, notwithstanding the threat of terrorism and the dire humanitarian context.  Italy encouraged the Somali Government to take the necessary measures to further protect and promote the rights of women and children.

Djibouti welcomed the maturity of Somali politicians which had led to progressive improvements in the political, socio-economic and humanitarian fields, as well as in the matter of human rights in Somalia.  Djibouti supported the initiatives launched by the Somali Government in advancing and protecting human rights.  China commended Somalia for its constructive progress in the process of peaceful reconstruction.  China promised to make new contributions towards peace, development and stability in Somalia.  Australia expressed concern about the high levels of sexual and gender-based violence against women and girls in Somalia. Australia called on the Government of Somalia to finalise and implement the Sexual Offences Bill to ensure a legal framework to protect the rights of women and girls and hold perpetrators accountable.

Sudan welcomed the positive developments realized by Somalia, including the establishment of a National Human Rights Commission, and campaigns to address sexual violence.  Sudan commended the Government’s efforts to finalize the Constitution before the 2020 elections.  Venezuela reiterated that it was possible to advance the protection of human rights only through genuine dialogue and cooperation with the concerned country.  It congratulated Somalia on its efforts to establish the National Human Rights Commission and to end the public executions of persons sentenced to the death penalty.  United Kingdom welcomed the progress observed in the report on Somalia, but remained deeply concerned about civilian casualties at the hands of terrorists, displaced persons, children in armed conflict, sexual and gender-based violence, and restrictions on journalists and freedom of expression.

Yemen noted the Independent Expert’s appeal to Member States and the Council to step up their efforts to support Somalia in the sphere of human rights.  Yemen called on the international community to mitigate the suffering of the Somali population, and bolster the capacity of Somalia to return to peaceful life and to achieve stability and economic development.  Botswana welcomed the improvement of human rights in Somalia, despite remaining challenges regarding freedom of expression and opinion, internally displaced persons, rights of children, and sexual and gender-based violence.  It was imperative that the technical assistance and capacity building for Somalia were strengthened.  Turkey stated that Somalia needed to build a political system based on inclusive politics, embracing all segments of the population.  It encouraged the Federal Government to fully implement the political roadmap for 2020, and called on the international community to constructively engage with Somalia.

Germany called on Somalia’s Government to implement its human rights commitments in full and to finalise the operationalisation of the National Human Rights Commission.  Germany asked the Independent Expert for his views on the development of a framework for the protection of internally displaced persons and how their protection could be increased.  Mozambique noted that Somalia still faced multiple challenges, in part, as a result of Al Shabaab’s destabilising actions, the active conflict between Puntland and Somaliland, and the presence of sexual and gender-based violence.  Mozambique appealed to the international community to continue providing multifaceted assistance to Somalia.

International Educational Development stated that its work in Somalia had primarily been in the area of judicial reform because of its belief that Somalia could not unify without a fully functioning judiciary.  The organization asked the Independent Expert how he planned to support the efforts of the international community to provide financial support and training.  International Federation of Journalists said the scale and severity of ongoing human rights violations against journalists and trade union members in Somalia required immediate action by the Council.  A repressive piece of legislation, which restricted freedom of expression and journalists’ basic rights was still under the consideration of parliament.  East and Horn of Africa Human Rights Defenders Project remained concerned about violations of freedom of expression, women’s rights and children’s rights, including the rights of minors recaptured from Al-Shabaab.  They also deplored acts of intimidation, harassment and attacks against journalists.

*Rencontre Africaine pour la défense des droits de l’homme* was still concerned about the persistent violations of the right to freedom of opinion and expression by federal and regional security forces.  What was the solution for the clan-based crisis which was severely weakening the country’s institutions?  United Nations Watch drew attention to Somalia’s human rights record, namely arbitrary detentions, child soldiers, disruption of humanitarian assistance, lack of free and fair elections, widespread violence against women, and forced labour.  Did it make any sense for Somalia to be elected to the Human Rights Council?  Association of World Citizens welcomed the positive developments in Somalia, namely the establishment of the National Human Rights Commission and suspension of public executions.  However, the organization regretted the worrisome level of sexual and gender-based violence against women.

**Concluding Remarks**

BAHAME NYANDUGA, Independent Expert on the situation of human rights in Somalia, expressed gratitude to those States which had expressed support for his mandate, and all other interlocutors for their comments.  Speaking of internal displacement, the Independent Expert noted that it had to be approached through durable solutions at the level of the State, such as adoption of relevant laws.  Forced evictions from land was an area that required particular attention and resources.  While there were human rights challenges, there existed public defender organizations in the country that dealt with some human rights challenges, namely with sexual violence.  As for clan-based violence, one had to understand that governance in Somalia was based on clans.  Mr. Nyanduga reminded that much progress had taken place in Somalia and its election to the Human Rights Council would give it impetus to implement relevant recommendations.  Somalia should be given a chance to be accepted as a member of the international community.

**Interactive Dialogue with the Independent Expert on the Situation of Human Rights in Sudan**

**Documentation**

The Council has before it the **Report of the Independent Expert on the situation of human rights in Sudan** ([A/HRC/39/71](http://undocs.org/A/HRC/39/71)).

The Council has before it an **addendum** to the **Report of the Independent Expert on the situation of human rights in the Sudan – comments by the Sudan** ([A/HRC/39/71/Add.1](http://undocs.org/A/HRC/39/71/Add.1)).

**Presentation of Report by the Independent Expert on the Situation of Human Rights in Sudan**

ARISTIDE NONONSI, Independent Expert on the situation of human rights in Sudan, said he had conducted one mission to Sudan in April this year and thanked the Government and other stakeholders, including civil society representatives, human rights defenders, the diplomatic community in Khartoum, and representatives of the United Nations agencies and the African Union-United Nations Hybrid Operation in Darfur for their cooperation and support.  One new development was the Government’s arms collection campaign in Darfur which had started in July 2017 and which appeared to have reduced the use of weapons by various armed militias and criminals, contributing to the improvement of security, especially in north and south Darfur states.  There was a significant decline in military operations in the conflict-affected areas of Darfur, Blue Nile and South Kordofan and the Government of Sudan was commended for facilitating access to humanitarian agencies for delivery of humanitarian assistance to people in need.

Nevertheless, daunting challenges remained in ensuring the protection of human rights, including restrictions on political rights, freedom of the press, and freedom of assembly.  Arbitrary arrests, torture and illegal detention were still perpetrated by the Sudanese security forces who used intimidation and violence to silence women across the country.  Such abuses were made worse by the wider context of gender inequality in Sudan and the legal framework that institutionalized it.  Public morality offences discriminated against women and included humiliating corporal punishment.  The authorities were called on to end the practice of harassment and targeting of women in Khartoum for alleged indecent dress or street trading.  In Darfur, sexual and gender-based violence was a serious concern.  Displaced women and girls were the victims of sexual violence occurring around the camps for displaced persons or villages of return.  The Office of the Special Prosecutor for Darfur was strengthened with additional staff in order to improve access to justice, but much remained to be done to combat impunity.  The Government had adopted austerity measures in the 2018 budget, resulting in rising prices of essential commodities so now 36.1 per cent of population lived in poverty, whereas 25 per cent lived in extreme poverty.  The regions with the lowest poverty incidents were Northern and Al Gezira states, followed by River Nile state.   North Kordofan, South Kordofan and Darfur were the poorest.  The realization of socio-economic rights was a key to long-term stability and the Government was called to effectively implement the national poverty reduction strategy.

In his previous reports, Mr. Nononsi said he had identified some urgent areas for technical assistance to the Government and made recommendations for the establishment of an appropriate legal framework, institutional arrangements and democratic reforms.  Technical assistance was provided by the United Nations Development Programme and the Government of Canada to the Sudan National Human Rights Commission and the Advisory Council for Human Rights in the field of human rights.  The Government of Canada was providing funding for the joint rule of law and human rights programmes in Darfur, strengthening the formal justice system in Darfur.  The Government of Italy provided financial support to the National Council for Persons with Disabilities and the Secretary General of the National Council for Child Welfare.  Technical assistance needs were broad and they required high levels of funding, so they had to be sourced both internally from the Government and externally from the donor community.  In conclusion, Mr. Nononsi urged the international community and donors to provide the necessary financial support to Sudan to improve the protection of human rights.

**Statement by the Concerned Country**

MOHAMMED AHMED SALEM, Minister of Justice of Sudan, speaking as the concerned country, expressed concern that the Independent Expert’s report had focused on limited individual cases, and only gave a generalized view of the situation in Sudan.  Sudan had achieved great progress on human rights, highlighting how it had a new provisional constitution for the country.  Sudan had also opened dialogue between the Government and the opposition, and the doors of dialogue remained open to all political parties and armed groups.  Sudan continued to introduce amendments to its legal framework and legislation to support human rights.  However, Sudan had not received any funding to implement the recommendations from the Universal Periodic Review.  Sudan highlighted its campaign to collect weapons and reduce weapons trafficking.  Sudan called on the international community to support its progress, particularly in the rehabilitation of combat zones.

**Interactive Dialogue**

Togo, speaking on behalf of the African Group, stressed that each country had different human rights challenges and it was thus important to grasp the nature and specificities of those countries, as well as their capacities to deal with those challenges.  Instead on insisting on taking measures that clearly exceeded countries’ capacities, it was better to assist them in their national efforts.  Tunisia, speaking on behalf of the Arab Group, appreciated the cooperation of the Sudanese Government with the Independent Expert.  It called on all stakeholders to cooperate to bolster peace and reconciliation in the country, and it called on the international community to provide technical assistance to Sudan.  European Union recognized the efforts by Sudan to address human rights challenges, but it remained deeply concerned about the harassment and arbitrary detention of human rights defenders, restrictions on freedom of expression and opinion, and violence against women.

Pakistan, speaking on behalf of the Organization of Islamic Cooperation, stated that every country had human rights challenges and that it was important to understand them, as well as the country’s capacities to address them.  It called on the international community to continue supporting technical assistance to Sudan.  Qatar said that the best way to address the human rights situation in any country was by enhancing its capacities and strengthening its national mechanisms through the provision of genuine technical assistance.  Bearing in mind that all human rights were interdependent, Qatar had hoped that the report on Sudan would be more balanced and objective.  Lebanon stated that Sudan’s cooperation with the Independent Expert and the Council had been positive and had led to improvements, namely in the fields of non-proliferation of weapons, protection of children, and trafficking in persons.  Lebanon commended Sudan’s efforts since 2011 despite the scarcity of technical assistance, and it supported the call for the end of the mandate.

Egypt welcomed the marked progress in Sudan and congratulated the Sudanese authorities on their cooperation with the Independent Expert, and on their openness and seriousness.  The best means to tackle any challenges had to be based on constructive dialogue, which was why Egypt welcomed the renewal of the mandate of the Independent Expert for a final year.  Denmark commended Sudan for appointing key personnel for the National Commission for Human Rights and for the increasingly positive role it had assumed for the stability of the broader region.  Sudan was called on to ratify the Convention against Torture.  France was concerned about human rights violations in Sudan, particularly the persistence of violations of women and children’s rights, and the authorities were called on to undertake measures to end it.  Switzerland welcomed efforts such as the campaign to collect the arms in Darfur and the fact that Sudan was not on the list of States recruiting child soldiers.  The improvement of humanitarian access was acknowledged and concern was expressed over insecurity that affected civilians in the region Jebel Marra.  Saudi Arabia welcomed the content of the report and efforts exerted by the Government of Sudan, which had made the mission a success.  The national dialogue conference was welcomed and all stakeholders were invited to promote national reconciliation and peace and cooperate with the Government.

Netherlands welcomed the efforts of the Government of Sudan to improve the situation of human rights.  However, the Netherlands noted with concern the severe restrictions on the freedom of expression, such as the imprisonment of students and human rights activists and the suspension of newspapers.  United Arab Emirates welcomed the Sudanese Government’s determination to make sure that human rights were respected.  The United Arab Emirates encouraged Sudan to preserve human rights and bring back peace and security in all regions.  Djibouti praised the Sudanese Government for its important institutional reforms in matters of justice, equal rights for its citizens and the diversity of the Sudanese identity.  Djibouti encouraged the Sudanese Government to continue its efforts in achieving reforms and implementing the recommendations from the Independent Expert.

Tunisia welcomed efforts by Sudan to open up humanitarian corridors and access to affected regions.  Sudan needed to be encouraged along this path through technical assistance and capacity building from the international community.  China welcomed Sudan’s efforts in pursuing nationwide dialogue and peacebuilding.  China applauded the efforts and achievements of the Sudanese Government in promoting and protecting human rights.  China supported the termination of the mandate of the Independent Expert on Sudan.  Australia welcomed ongoing efforts by Sudan to address human rights issues.  However, Australia expressed concern at the continued restrictions placed on freedom of expression and assembly.  Australia also urged Sudan to introduce a moratorium on the death penalty.

Venezuela condemned the use of human rights as a political tool, the end being to demonize developing countries.  Sudan was making huge sacrifices, had taken in two million refugees, and did not have sufficient cooperation or assistance in that regard.  It was only through effective cooperation between nations that solutions could be found.  Kuwait said international mechanisms needed to work towards improving human rights.  Looking at the political and social situation in Sudan, there had been improvements, particularly in the promotion and advancement of human rights; the right to the freedom of expression enabled citizens to participate more in political life.  Bahrain said that there was an escalation of terrorism all over the world.  The African continent had not been spared, and neither had Sudan.  Internally, Sudan had made a huge effort to achieve an end to the conflict and Bahrain called on the Council to provide support and remove it from this agenda item.

State of Palestine welcomed the cooperation shown by the Sudanese Government with the Independent Expert, facilitating his access despite the challenges.  Although the creation of the National Human Rights Commission was encouraging, Sudan needed to continue efforts to uphold fundamental freedoms and bring legislation in line with international commitments.  United Kingdom said they would continue to discuss human rights challenges with the Government of Sudan and continue to provide technical assistance.  The United Kingdom welcomed the Independent Expert’s views on which of his recommendations in particular should be implemented as a matter of immediate priority.  Eritrea did not support special mechanisms.  The fact that Sudan had been under the Independent Expert’s mechanism for two years raised questions as to its effectiveness.  Eritrea believed that the real solution to the problem would come from within Sudan and looked forward to a home grown response.

Yemen welcomed the efforts of the Government to improve the situation, as evidenced by reports on Darfur.  National dialogue held between belligerents had led to true reconciliation and the Government was urged to continue with reforms and the Council to rethink whether Sudan should still be on this agenda item.  Germany called for the swift implementation of recommendations, especially those calling for a repeal of the 2015 constitutional amendments which gave the National Intelligence Security Service the right to arrest and detain.  The fight against impunity was of the highest importance so the Government was urged to launch independent investigations.  Libya paid tribute to efforts made by Sudan in promoting human rights.  The country had reformed its institutions, not overlooking any category of society, and its efforts had been crowned with a government of national understanding.

Jordan welcomed the active cooperation of Sudan with human rights mechanisms, including the Council and the Office of the High Commissioner.  Sudan was active in restoring peace in the region, opening all humanitarian corridors and creating checkpoints to combat trafficking, so its removal from this agenda item was suggested.  Democratic People’s Republic of Korea believed that country-specific mandates were often misused as a tool to infringe upon sovereignty and interfere in internal affairs.  The concern of Sudan was shared over several parts of the report, which lacked correct reflection of the reality on the ground.  Belarus fully supported the Council when it expanded technical cooperation programmes, upon the request of the State.  The efforts of Sudan to maintain peace in the region and act as a mediator were recognized.

Algeria welcomed the progress achieved in terms of promoting human rights in Sudan and restoring peace at the national and regional levels.  Algeria commended the role played by Sudan in combatting terrorism and human trafficking.  Algeria also noted the restoration of stability in numerous conflict regions within Sudan.  Nigeria commended the Government of Sudan for scaling up its efforts in the field of human rights, as well as peace and security.  Nigeria also applauded Sudan for its efforts in the fight against human trafficking.  Nigeria urged the international community to continue to support the Government of Sudan in its efforts to uphold human rights.  Ethiopia recognized the progress made regarding human rights in Sudan.  Ethiopia also commended Sudan for its long-standing tradition of hosting refugees and protecting and sheltering the needy.  Ethiopia regretted that there had been no significant technical and financial support provided to Sudan.

Turkey congratulated the Government of Sudan for accomplishing remarkable progress in the sphere of human rights these last few years on its path to integration into the international community.  Turkey called on Sudan to continue to establish the institutions, mechanisms and judicial protocols necessary to promote and protect human rights.  South Sudan commended Sudan for the spirit of cooperation shown through the period of its placement under the Special Procedures.  South Sudan praised Sudan for positively enhancing the human rights situation on the ground and called on the region and the international community to support Sudan in its continuous cooperation with international human rights mechanisms.  Mauritania applauded the improvement of the human rights situation in Sudan.  Mauritania praised the important measures taken by Sudan to promote and protect human rights, and called for Sudan to be removed from the agenda item on technical assistance and capacity building.

Maarij Foundation for Peace and Development appreciated Sudan’s readiness to pursue dialogue as a participatory means for all the people of Sudan, and commended the initiative of the Sudanese President to reunite with the brothers in southern Sudan and to achieve reconciliation and restore the spirit of tolerance.  World Evangelical Alliance noted that churches had recently been destroyed in Sudan, under the excuse that they were not properly licensed.  The Sudanese authorities also continued to confiscate church properties and sell them off to businessmen allied with the Government.  Eastern Sudan Women Development Organization regretted that Sudan had not received any support for civil society organizations.  The organization noted some positive steps in the country, such as the appointment of the National Human Rights Commission in April 2018, and the establishment of the modern Sudanese judicial system, based on the rule of law.

Christian Solidarity Worldwide remained concerned about the egregious human rights violations in Sudan, including continuing violations of the right to freedom of religion or belief, and restrictions faced by human rights defenders.  The organization urged the Council to take heed of those abuses and to ensure that they were not met with impunity.  East and Horn of Africa Human Rights Defenders Project noted that throughout the years, Sudan had failed to cooperate with the mandate of the Independent Expert and human rights mechanisms by denying experts’ access to certain areas, in particular conflict areas, and by intimidating civil society.  Sudan needed more political will to improve the situation, rather than more technical assistance.  International Federation for Human Rights Leagues reminded that dissenting voices in Sudan had been met with excessive use of force by the Government forces, while media coverage had been limited.  The organization also drew attention to the violence perpetrated against women.  Various laws needed to be reformed to meet international standards.

Human Rights Watch stressed that the human rights situation in Sudan had not improved; the armed conflicts that started in Darfur in 2003 and in Southern Kordofan and Blue Nile in 2011 were not over.  Government forces still attacked, burned and looted civilian property, forcing thousands to flee their homes.  *Conseil International de Soutien à des Procès Equitables et aux Droits de l'Homme* said that the archives of Sudan were full of human rights violations.  Sudan remained a failed State, continuing to keep people as hostages and imposing restrictions.  Blue Nile, Darfour and Southern Kordofan remained dark zones where atrocities were committed.

**Concluding Remarks**

ARISTIDE NONONSI, Independent Expert on the situation of human rights in Sudan, appreciated the comments and observations made.  The commitment and efforts of the Government of Sudan to improve the human rights situation were acknowledged, even though many challenges remained.  In a meeting with Sudanese officials from the Embassy in Geneva yesterday, they assured their full support for his recommendation regarding the establishment of an office of the Office of the High Commissioner for Human Rights in Khartoum and it remained to be seen when and how it would be possible.  During that meeting, the officials had said they agreed to the deployment of a technical assessment mission to Sudan to discuss technical cooperation with the Government and civil society.  The mission was scheduled for the first week of November and it would inform about the most urgent needs to improve the human rights situation in the country.  Mr. Nononsi believed that the establishment of an appropriate legal institutional framework arrangement, including the reform of the security services and democratic reforms, was the key step to be undertaken by the Government of Sudan.  This should be done with the cooperation of the international community.  He urged the Human Rights Council to continue its engagement with the Government of Sudan and civil society.

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