



## EUSR for Human Rights – Newsletter – November 2024

I will again refer primarily to the situation in Ukraine and in the Middle East, but also remind that unfortunately these are but two situations out of many where civilians are paying a very heavy price, as fundamental norms of international law are violated. Next month, we will look more closely into the situation in Sudan.

19 November marked the 1,000<sup>th</sup> day since Russia invaded **Ukraine** in 2022, which was observed in many places around the world. Ukrainians will remind, however, that the war and violations inflicted by Russia, began many years earlier. I participated in an event opened by the President of the European Parliament focusing on one of the most egregious war crimes: the deportation and illegal transfer of Ukrainian children by Russia. Of the reported 20,000 cases, so far only approximately 1,000 children have been safely returned.

Since the beginning of the war, the Office of the High Commissioner for Human Rights (OHCHR) has verified the killing of at least 12,162 civilians, including 659 children. 14.6 million Ukrainians are in need of humanitarian assistance, and 3.5 million remain internally displaced. During this past month, Russia has intensified its attacks, including through deadly airstrikes, drone attacks and strikes against energy infrastructure. Attacks against such infrastructure, indispensable for the survival of the civilian population, are prohibited under IHL, and are particularly alarming as we are entering the cold winter months.

Throughout the month of November, the **situation in the Middle East** has continued to escalate at an alarming rate. On 27 November, a ceasefire was finally concluded between Israel and Lebanon, providing some relief for civilians, medical workers and other responders. Reports of severe destruction, including of entire villages and other civilian infrastructure, raise serious concerns, as does the number of civilian casualties. Simultaneously, the situation in Gaza has not improved, with very dramatic reports from Northern Gaza, where there is little left to sustain human life. Extremist settler violence continues in the West Bank, coupled with, for example, harassment of Palestinian olive farmers in the context of the vital olive harvest season.

Last month, my office contributed to EU Foreign Ministers' ongoing discussions on the situation in the Middle East by providing an **updated summary of findings** in relation to international humanitarian law (IHL) and international human rights law (IHRL) by independent bodies, including the International Court of Justice (ICJ), OHCHR, and the Office of the Prosecutor of the International Criminal Court (ICC).

I also had the opportunity to engage extensively with civil society, human rights defenders and NGOs working on promotion of human rights. I participated in a several events, seminars and panels and had the honour of giving the 2024 annual **Anna Lindh Lecture** at Lund University, invited by the Raoul Wallenberg Institute (recording [here](#)). My main missions included Egypt and Strasbourg.

## INTERNATIONAL HUMANITARIAN LAW AND ACCOUNTABILITY

On 21 November 2024, the Pre-Trial Chamber of the **ICC issued arrest warrants** for Commander-in-Chief of the military wing of Hamas Mohammed Diab Ibrahim Al-Masri (Deif), Israeli Prime Minister

Benjamin Netanyahu, and former Israeli Minister of Defence Yoav Gallant. In his press release, the ICC Prosecutor notes that ICC judges have confirmed there are reasonable grounds to believe that those subject to the arrest warrants have been responsible for crimes under the Rome Statute.

States are primarily responsible for conducting investigations into violations and crimes allegedly committed within their jurisdiction, and to hold perpetrators to account. Failing this, supranational mechanisms may step in. In this regard, the EU and its Member States, who are all parties to the Rome Statute, have long expressed their **unwavering support to the ICC** and their resolve to defend the Court against any attempts aimed at obstructing the international system of criminal justice.

On 27 November 2024, ICC Prosecutor Karim Khan filed an application for an arrest warrant against Senior General and Acting President Min Aung Hlaing, Commander-in-Chief of the Myanmar Defence Services, for the alleged crimes against humanity of deportation and persecution of the Rohingya, committed in **Myanmar**, and in part in Bangladesh. It is the first arrest warrant sought by the ICC Prosecutor since the opening of the investigation in 2019. In relation to this I had the pleasure of engaging with the Head of the **Independent Investigative Mechanism for Myanmar (IIMM)**, Nicholas Koumjian. The situation in Myanmar is very difficult with a strong military logic prevailing over dialogue and return to democracy. The IIMM should be commended and supported in its work to prepare for accountability and justice for the very serious crimes committed against the people of Myanmar, including the Rohingya.

The **International Committee of the Red Cross (ICRC) Bruges Colloquium on IHL**, the launch of the seventh annual report on the implementation of the **EU Guidelines for the Promotion of IHL**, as well as a series of other meetings, were all opportunities to reiterate the EU's calls for all parties to conflicts to abide by their IHL obligations. At an **international conference on the rights of children in humanitarian crises**, chaired by Her Majesty the Queen of Belgium and organized by the Belgian Ministry of Foreign Affairs, UNICEF Belgium as well as Plan International Belgium, I joined co-panellists' calls to recommit to children's rights and protection, pushing for accountability and giving children a voice.

A welcome development this month is the adoption by consensus in the Sixth Committee of the UN General Assembly of a resolution paving the way for negotiations on a **Convention on the Prevention and Punishment of Crimes against Humanity**. The EU supported this important initiative led by The Gambia and Mexico, to fill a gap in the international treaty framework and to strengthen the protection of civilian populations around the globe.

## MULTILATERAL ENGAGEMENTS

In Strasbourg, I joined the celebrations of the 25<sup>th</sup> anniversary of the establishment of the institution of the **Council of Europe (CoE) Commissioner for Human Rights**. CoE institutions are the EU's natural partners. We come from the same vision, spirit and ambition, to preserve peace and ensure prosperity through human rights, democracy and the rule of law. Many of the standards and guidance set by the Council of Europe are used by the EU itself. In September 2024, on behalf of the EU, the Commission signed the **CoE Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law**, one of CoE's recent groundbreaking achievements.

The EU's accession to the **Istanbul Convention** on preventing and combating violence against women and domestic violence in October 2023 helped reinforce the EU's human rights framework. As we are currently observing the **16 days of activism** against gender-based violence, the Convention remains as crucial as ever: no country - neither in the EU nor in the Council of Europe - has resolved the

epidemic of violence against women and girls. According to the UN, each day, 140 women are killed by a relative! I also raise this issue in all my engagements in third countries.

The EU accession to the **European Convention on Human Rights** (ECHR) remains an unfinished business, which dates back to the conclusion of the Lisbon Treaty. The idea is for EU citizens to be able to challenge the EU's actions and those of its institutions and bodies before the Court. I am pleased that the President of the European Commission defined accession to the ECHR as one of the objectives of her second term in office, something that I discussed with the new Secretary General of the Council of Europe, **Alain Berset**. It was also useful to receive updates on CoE work in the South Caucasus in view of my own engagements.

I further look forward to the adoption of the CoE **Convention on the Protection of Environment through Criminal Law**. The connection between the **environment and human rights** is an example of the application of our fundamental human rights as new challenges emerge. Unfortunately, many activists defending these rights are under attack. Last week, I had a useful discussion with the **UN Special Rapporteur on Environmental Defenders under the Aarhus Convention**, Michel Forst. The relationship between human rights and climate has also been brought to the attention to the international community, as global leaders travelled to COP29 in Baku.

## ENGAGEMENTS ON COUNTRY SITUATIONS

In response to an invitation, I visited **Egypt** from 4 to 5 November 2024. The mission took place in the framework of a deepening strategic partnership between Egypt and the EU, where we have agreed to also discuss human rights. In Cairo, I met with several ministers, the parliament and other important actors in the field of human rights and ongoing reform efforts, including the National Council for Human Rights (NCHR). As always, extensive consultations were held with civil society organizations, human rights defenders and journalists before, during and after the mission. My press statement summarising my mission can be found [here](#).

Based on Egypt's own commitments, international obligations as well as national strategies and consultations, we discussed issues related to persons detained for political reasons, progress on reducing the number of crimes punishable by the death penalty, lifting asset freezes and travel bans, and cooperation with international human rights mechanisms. I was pleased to hear of the subsequent decision to end the asset freeze of four representatives of independent human rights organizations, which is a positive step towards ensuring civic space in Egypt.

We also discussed various on-going legislative reform projects where I underlined the need for broad consultations and scrutiny as to compliance with international norms and standards. Such laws include the **Criminal Procedures Law**, Law Governing the Anti-Discrimination Commission, Personal Status Law, comprehensive legislation on violence against women and girls, and Labour Law. My office is closely following concerns related to the new **Foreigners' Asylum Law**. During my mission, we also discussed the need for effective cooperation in multilateral fora, better reflecting our strategic relationship. I was very well received during my visit and we have agreed to maintain a close and open exchange.

Following my visit to Seoul in October, I continued engaging on the situation in the **Democratic People's Republic of Korea** (DPRK), as the rapprochement between Moscow and Pyongyang threatens security in Asia and Europe in addition to deepening the human rights crisis in the country. I met with Elizabeth Salmón, **UN Special Rapporteur on the situation of human rights in the DPRK**, during her visit to Brussels, exchanging on accountability efforts and the fading consensus on the DPRK file at the UN. I spoke at the **Brussels Forum on the Human Rights Situation in North Korea**, where I also listened

to grim testimonies of women who had defected to the South. With the Head of the **United Nations Human Rights Office in Seoul**, I exchanged on possible inroads to direct engagement with the DPRK.

In an informal discussion with the outgoing Ambassador of **Bangladesh** in Brussels, I enquired about the reform agenda of the interim cabinet of Professor Muhammad Yunus and about key challenges in the aftermath of the student-driven democratic change. With civil society, I also discussed the situation in **India**. While the EU is expanding its strategic partnership with the country, cooperation and dialogue on human rights have a very natural place in the relationship. I hope our local **Human Rights Dialogue** will now be scheduled without further delay.

## **ERADICATION OF TORTURE**

During my travels in October and November, I heard many civil society testimonies on **torture and inhuman or degrading treatment and punishment**. I met a North Korean defector, who shared gruelling stories of starvation and abuse. Recently, I sat down with a former **Ukrainian prisoner of war (PoW)** who had been tortured by Russians every day during his 175-day long captivity. After rehabilitation, he had undertaken a training, and is now working as a peer-to-peer consultant with Ukrainian soldiers returning from Russian captivity. He is the first person released soldiers come into contact with, and with whom they are able to share their accounts of torture. For surviving victims of torture, the ordeal does not stop once the torture stops. Trauma and physical scars remain.

The **Egyptian** authorities have built and refurbished many detention facilities in a very welcome effort to improve conditions of inmates. Yet, there, as in many other parts of the world, we keep hearing reports of cruel and inhuman detention conditions. As part of my visit, I encouraged the authorities there - as I do in all countries - to allow for unannounced visits by independent experts.

During my recent trip to **Kenya**, earlier this year I heard a testimony from a journalist who had been abducted and tortured for exercising their right to freedom of expression and opinion in the context of the Gen-Z mass protests. Unfortunately, the safety of this person has still not been guaranteed. Social protests will occur in many places around the world. Authorities need to deal with this in a way that is based on human rights. Too often, governments forget that they are there to protect the people - not the other way around. There is a clear rise in visible incidents of police violence, including ill-treatment and torture, in the context of peaceful protests. Unfortunately, “accountability” seems to apply more to protesters than to authorities in charge of repression.

Torture is an extreme form of abuse of power. It aims to dehumanize, to scar both the body and the mind. Its effects are life altering, inter-generational, and hard to repair. December will mark the 40th anniversary since the adoption of the **UN Convention against Torture (CAT)**. The prohibition of torture is an international norm from which no derogation is permitted. Yet, time and again, I hear similar stories from former detainees and their loved ones of being kept in conditions intended to break the human spirit. Therefore, I am very deliberate about giving a voice to the survivors of torture and amplifying their stories.

Part of my engagement around the world has been about understanding why states have been falling short on their commitments, as many already have robust legal frameworks in place. While the answer may vary from country to country, it is clear we must double down on our efforts in support of torture prevention. The tools are there: the **Optional Protocol to CAT**, the **Mandela Rules**, **Istanbul Protocol**, and **Mendez Principles**.

## **CIVIC SPACE AND HUMAN RIGHTS DEFENDERS**

This month, a great number of concerns were brought to my attention by NGOs. Extremely worrying trends continue in the **Sahel** region, where democracy has been replaced by military rule - but with no improvement in security. We are alarmed by reports on extrajudicial executions and enforced disappearances of human rights defenders and members of their families in **Burkina Faso**, in addition to the rumoured intention of the authorities to reinstate the death penalty. In **Niger**, the arbitrary detention of democratically elected former politicians continues without due process and guarantees for personal safety. Some are stripped of their citizenship.

In **Mali**, both security and civic rights and freedoms are at risk. In **Somalia**, impunity for the assassination of human rights defenders has become a regularity. All the human rights defenders at risk are in dire need of additional protection and support, both from their state and from the international community. Furthermore, the emergence of new legislation aiming to control the registration processes of independent CSOs is a trend around the globe, with **Eswatini** being the latest example of a context where such a law is under consideration. This poses a significant risk to human rights and democratic freedoms as well as the ability of CSOs to operate independently.

### **UPCOMING ENGAGEMENTS**

In early December, I will gather key actors within the European External Action Service (EEAS) and the Commission together with prominent experts from the OHCHR, the ICRC and civil society to discuss human rights and IHL in relation to **digital technologies**. The EU is the leading actor in creating rules to safeguard human rights in the digital space, but there are still many aspects that need to be fully understood. Earlier this month, the EU and its Member States adopted a **declaration on a common understanding of the application of international law to cyberspace**, reiterating our view that international law, including IHL, is fit for purpose in the digital age. In this fast-moving development, close collaboration with the leading international institutions and civil society is crucial. We need to keep eye on the target and ensure that technological development is steered to the benefit of humanity, including the advancement of human rights.

In mid-December, I will co-chair the **annual Human Rights Dialogue with Saudi Arabia**, to be held in Riyadh. Consultations with international civil society in preparation of my mission have informed the preparations. One important issue on the agenda, among many, will be the unfortunate surge of executions, including for non-lethal crimes. I have been informed that several foreign nationals are on death row and that there is concern over several cases of imminent risk of execution.

In early December, I will also travel to Florence, Italy, to attend an informal dialogue with **Indonesia**, bringing together government, business and civil society to reflect on the state of the bilateral relations. I also look forward to welcoming the Mexican Vice-Minister Enrique Ochoa to Brussels, where we will co-host the annual **EU-Mexico Human Rights Dialogue**.

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