

GLOBAL CENTRE FOR THE RESPONSIBILITY TO PROTECT

25 November 2024

Your Excellency,

On behalf of the Global Centre for the Responsibility to Protect, I am writing to you regarding the 48th session of the Universal Periodic Review (UPR) of the UN Human Rights Council (HRC) in Geneva.

In 2005 heads of state and government unanimously agreed on the responsibility of states to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing. Under the Responsibility to Protect (R2P), it is the primary responsibility of each individual state to protect their own population and the responsibility of the international community to assist them in doing so. The UPR can play an important role in assessing each country's institutional preparedness to protect human rights and prevent mass atrocities. During the 48th session of the UPR working group, I would therefore like to respectfully encourage you to provide all states that are under review with the following recommendations, where applicable:

- Expeditiously appoint an [R2P Focal Point](#) – a senior government official responsible for the promotion of mass atrocity prevention at the national, regional and international level;
- Sign, ratify and implement the core instruments of International Human Rights Law and International Humanitarian Law (IHL), including the Convention on the Prevention and Punishment of the Crime of Genocide, Additional Protocols I and II to the 1949 Geneva Conventions, Rome Statute of the International Criminal Court (ICC), Convention relating to the Status of Refugees and its 1967 Protocol, Arms Trade Treaty and 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict;
- In keeping with R2P's Pillar II, request support from other states, as well as regional and international organizations, when atrocity risks exist that cannot be addressed by your state alone;
- Ensure that all national security forces respect human rights and IHL and fulfill their responsibility to protect all populations within the territory of your state, regardless of race, gender, nationality, ethnicity, religion, sexual orientation or any other status;
- Support accountability for atrocity crimes and all relevant institutions of international justice;
- Issue open invitations to HRC-mandated Special Procedures and fully cooperate with all other HRC mechanisms and procedures;
- Protect human rights defenders and the media, as well as the rights of civil society to operate freely, safely and independently;
- Consult and utilize the [Framework for Action for the Responsibility to Protect](#) to assess gaps and identify opportunities to address national atrocity risks.

In addition to these general recommendations, we respectfully ask you to consider the tailored recommendations provided below for Bosnia and Herzegovina, El Salvador, Iran and [Iraq](#).

Bosnia and Herzegovina

Next year will mark the 30th anniversary of the genocide in Srebrenica, where approximately 8,000 Bosniak men and boys were systematically murdered by the Bosnian Serb Army of the

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Republika Srpska. More than 25,000 civilians were forcibly displaced from the area as Serb forces carried out a campaign of so-called “ethnic cleansing.” While over the past three decades, Bosnia and Herzegovina has undertaken significant steps to address the genocide, war crimes, crimes against humanity and ethnic cleansing that were committed in the context of the 1992–1995 armed conflict, radical nationalism, extreme xenophobia and hate speech leave multi-ethnic populations at risk of entrenched discrimination and marginalization.

Severe tensions with the Republika Srpska – established within Bosnia and Herzegovina following the Dayton Peace Agreement – have raised particular concern for growing atrocity risks in recent years. President Milorad Dodik has continuously promoted the Republika’s exit from key institutions within Bosnia and Herzegovina, including by passing legislation that threatened the constitutional order of the country. On 22 April the former UN Special Rapporteur on the rights to freedom of peaceful assembly and of association also expressed concern over the proliferation of restrictive laws and bills in Republika Srpska related to the freedom of association, opinion and expression, and peaceful assembly, warning that “a fragmented and identity-based governance system and divisive politics have restricted free and meaningful inclusion and participation” of all segments of society.

Highly divisive narratives by political leaders, including hate speech, inflammatory rhetoric and denial of past atrocities, has contributed to an environment conducive to the exclusion and targeting of individuals and communities based on their ethnic background, religion, gender, sexual orientation or political affiliation. The UN Special Adviser on the Prevention of Genocide, Alice Nderitu, warned in January 2024 that “the continued spreading of genocide denial and glorification of its perpetrators is alarming and will continue to hamper sustainable reconciliation and peace in the region.” The decision by the UN General Assembly on 23 May 2024 to designate 11 July as the “International Day of Reflection and Commemoration of the 1995 genocide in Srebrenica” has been instrumentalized by the leadership of the Republika Srpska to unify Serb communities and fuel grievances and further separation amongst ethnic communities.

The Global Centre therefore urges you to include the following recommendations to Bosnia and Herzegovina during the UPR session on 29 January:

- Take immediate measures to ensure a bottom-up approach to atrocity prevention and efforts to address long-standing grievances and political marginalization;
- Continue to take meaningful steps to address the legacy of the genocide, crimes against humanity and war crimes, including by supporting locally driven inclusive truth-seeking and accountability processes;
- Expand financial and political support to national and local civil society organizations engaged in community-led processes to address grievances and ethnic tensions;
- Ensure the political participation of all citizens regardless of national and ethnic origin, at all levels of governance, and identify strategies to counter the manipulation of past grievances, hate speech and incitement to violence and the denial of past atrocity crimes.

The Global Centre further respectfully encourages you to consider the following advanced question for the review of Bosnia and Herzegovina:

- What steps has Bosnia and Herzegovina taken to address and counter the glorification of convicted war criminals and other perpetrators of atrocity crimes?

El Salvador

Since the imposition of a state of emergency on 27 March 2022 by President Nayib Bukele to allegedly curb a spike in gang violence, an estimated 80,000 individuals – many of whom are young men from low-income neighborhoods – have been arrested, often without proof of involvement in gang activity. Many of the recorded arbitrary detentions are also often accompanied by short-term enforced disappearances and the widespread violation of due process rights. Human rights organization Cristosal warned that more than 260 individuals died in state custody between March 2022 and July 2024, although the actual figure is likely much higher. Cristosal also warned that ongoing serious violations and abuses, including torture and ill-treatment of detainees by prison guards and other state officials, are carried out as a state policy authorized at the highest level of government with the deliberate and systematic targeting of a “specific segment of the population, including mostly young residents of communities in conflict,” referring to El Salvador’s soaring levels of violence and insecurity.

Since President Bukele took office in June 2019, he has severely undermined human rights protections, as well as the independence of the country’s institutions, and now effectively controls the legislative branch. The absence of independent state institutions that can guarantee the rule of law and ensure good governance leaves populations in El Salvador particularly vulnerable to violence at the hands of the state apparatus and has facilitated ongoing systematic violations and abuses. Among other measures, on July 26, 2023, El Salvador’s Legislative Assembly passed legislation allowing courts to conduct mass trials of up to 900 individuals accused of belonging to the same criminal group or coming from the same region. Cristosal concluded that ongoing violations and abuses may amount to crimes against humanity. At the time of writing, the state of emergency remains in place.

The current crisis follows decades of serious human rights violations and high levels of insecurity in El Salvador. Security forces have been accused of extrajudicial executions, sexual violence and torture in the context of fighting violent crime. According to Human Rights Watch, gangs and police were involved in some of the 13,000 disappearances recorded between 2014-2020 alone. At the same time, gang violence has been a defining feature of daily life in El Salvador for decades, resulting in an exorbitant number of killings, as well as rape and sexual violence, recruitment of children, abductions and forced displacement of civilians on behalf of gang members. Impunity for past and ongoing violations constitutes a key enabler of violence and emboldens state agents to perpetrate systematic violations.

The Global Centre therefore urges you to include the following recommendations to El Salvador during the UPR session on 20 January:

- Immediately lift the state of emergency, reinstate all rights and guarantees suspended since March 2022, and release all individuals arbitrarily detained;
- Adopt concrete measures to address the root causes and consequences of violent crime and gang violence, including long-term strategies to address socio-economic inequality, and ensure systematic civil society participation in its development and implementation;
- Ensure transparent, credible and independent investigations into widespread allegations of violations of due process rights, torture and ill-treatment, short-term enforced disappearances and the death of more than 260 individuals in state custody;
- Take immediate measures to clarify the fate and whereabouts of individuals forcibly disappeared;

- Develop and implement a comprehensive and gender-sensitive reparations plan for victims of human rights violations committed under the state of emergency;
- Create a national registry that records individual cases of human rights violations perpetrated under the state of emergency, ensuring the participation of victims, survivors, affected communities and wider civil society throughout the process.

The Global Centre further respectfully encourages you to consider the following advanced question for the review of El Salvador:

- What steps has El Salvador taken to align criminal procedure legislation adopted or amended during the state of emergency with Inter-American human rights standards?

Iran

Human rights violations in Iran have dramatically escalated following the death of Mahsa Amini, an Iranian-Kurdish woman who died in police custody in September 2022 due to alleged torture and ill-treatment following her arrest by the “morality police” for purportedly violating Iran’s strict requirements on women’s dress. Amini’s death sparked widespread protests on the entrenched discrimination against women and girls and the “Woman, Life, Freedom” movement, to which Iranian authorities responded with repression. The authorities vilified protesters, used physical, psychological and sexual violence, judicial harassment and a wide range of other means to suppress peaceful dissent. Regions with minority populations were particularly affected. Over 22,000 people were arrested and more than 520 people, including 72 children, killed. According to the HRC-mandated Independent International Fact-Finding Mission (FFM) on the Islamic Republic of Iran, many of the violations in relation to the protests amount to crimes against humanity of murder, imprisonment, torture, rape and other forms of sexual violence, persecution, enforced disappearance and other inhumane acts, as committed as part of a widespread and systematic attack directed against women, girls and others expressing support for human rights. The FFM also concluded that the crime against humanity of persecution on the grounds of gender had been committed, as well as the crime against humanity of gender persecution intersected with discrimination on the grounds of ethnicity and religion.

Crimes related to the 2022-2023 protests continue. Thousands of people, including children, have been subjected to abusive interrogations, arbitrary detention, unjust prosecution and suspension or expulsion from education or employment for peacefully exercising their human rights. Activists, including human rights defenders, members of ethnic and religious minorities and dissidents, remain in prison on vague national security charges or are serving sentences following unfair trials. Intelligence and security bodies continue to target family members of those unlawfully killed during the protests. The FFM has faced restrictions imposed by the government, including with online communications, harassment and intimidation of victims, witnesses and their families inside and outside the country.

Since the “Woman, Life, Freedom” uprising, Iranian authorities have persistently used the death penalty as a tool of oppression to create a pervasive sense of fear, exert control over populations and consolidate authority, according to Amnesty International. Iran’s use of the death penalty is inconsistent with Iran’s obligations under international human rights treaties to which it is a state party. Per capita executions reached an eight year high in 2023, with 2,300 people executed during Iran’s third UPR cycle. The death penalty is reportedly used

disproportionately against religious and ethnic minorities, including Kurds in Western Iran, Baluchis in Sistan and Baluchistan Province and Arabs in Khuzestan Province.

Women's rights continue to be severely curtailed, amid expanded compulsory hijab laws and the exclusion of women from civil society. Honor killings continue to be committed exclusively against women with full impunity under Article 301 of the Islamic Penal Code, further threatening women's rights and status. Lesbian, gay, bisexual and transgender (LGBT) people, as well as ethnic and religious minorities, are also subject to systemic discrimination.

Meanwhile, Iranian officials suspected of criminal responsibility for crimes under international law continue to evade justice, as there have been no impartial, independent and effective domestic investigations. Iranian authorities have refused to cooperate with an independent investigative body, and an internal special committee established by Iran's late president serves to deny and distort allegations of criminal wrongdoing. The FFM warned that long-standing patterns of human rights violations are facilitated by "pervasive impunity" and authorities "deliberately and systematically" obstruct efforts by the victims and their families to obtain redress.

The Global Centre therefore urges you to include the following recommendations to Iran during the UPR session on 24 January:

- Promptly cease the harassment and intimidation of victims, witnesses and their families, and guarantee the FFM unrestricted use of online communications;
- Immediately halt human rights violations and potential crimes against humanity, and ensure accountability for all perpetrators, regardless of their rank or position;
- Abolish the death penalty, particularly for juveniles; annul all convictions and death sentences resulting from unfair trials; and release individuals whose detentions are arbitrary due to violations of fair trial rights, especially in cases involving confessions obtained through torture or other ill-treatment;
- Conduct thorough, impartial and transparent investigations into the deaths of protesters during the nationwide protests in 2022-2023;
- Ratify the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and the Convention for the Protection of All Persons from Enforced Disappearance;
- Guarantee unfettered access for the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the FFM, as well as ensure cooperation with other UN Special Procedures.

The Global Centre further respectfully encourages you to consider the following advanced questions for the review of Iran:

- What measures are the Iranian authorities taking to ensure full cooperation with the FFM?
- What actions are the Iranian authorities taking to end impunity and ensure accountability for those responsible for the violent crackdowns on peaceful protests in 2022-2023?

Iraq

In the aftermath of the 2019 protests, during which at least 560 protesters were killed and hundreds forcibly disappeared, accountability remains absent for the abusive actions committed by state security forces and state-affiliated armed groups. In its 2023 report the UN Committee on Enforced Disappearances highlighted a resurgence of enforced disappearances from 2018-2020, urging Iraq to criminalize this practice; yet Iraq's legal framework still lacks specific provisions addressing enforced disappearances.

Torture continues to be used in Iraq to secure confessions, with the UN Security Council-mandated Assistance Mission for Iraq documenting the complicity of senior officials and judicial authorities in tolerating and endorsing this practice in its 2021 report. Additionally, Human Rights Watch warned that the Iraqi government has dramatically increased the scale and pace of unlawful executions in 2024. A group of UN Special Procedures have issued multiple warnings this year that the systematic executions of prisoners sentenced to death based on "torture-tainted confessions," and pursuant to a vague counterterrorism law, amount to arbitrary deprivation of life under international law and could constitute crimes against humanity.

In recent years state and non-state actors have continued to abduct, rape, torture and kill LGBT people, amounting to structural violence. According to Human Rights Watch, hypervulnerability of the LGBT population and loosely defined "morality" clauses, coupled with the lack of domestic violence and anti-discrimination legislation and reliable complaint systems, have created an environment where police and armed groups can abuse LGBT people with impunity.

This year marked 10 years since the so-called Islamic State of Iraq and the Levant (ISIL) launched a campaign of armed violence targeting ethnic and religious minorities in northern Iraq. The UN Commission of Inquiry on Syria found that ISIL had "committed the crime of genocide as well as multiple crimes against humanity and war crimes against the Yazidis." Ten years on from the genocide, the Yazidi community continues to face significant challenges. While the 2021 Yazidi Survivors Law recognizes the genocide and provides a legal pathway for survivors to claim reparations, ongoing discrimination, hate speech and the incomplete implementation of non-financial provisions remain persistent challenges. Approximately 2,700 Yazidis, primarily women and girls, remain in captivity or missing.

Furthermore, the expiration of the mandate of the UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL has created a critical gap in support for future prosecutions and accountability. Iraqi courts have relied on broad terrorism laws without adequately addressing specific crimes or ensuring fair trial standards, which serve neither the justice needs nor the rights of survivors considering ISIL's crimes. Despite repeated UPR recommendations, Iraq has not criminalized genocide, crimes against humanity or war crimes, leaving vulnerable groups without essential legal protections. The absence of comprehensive legislation exacerbates the suffering of Yazidis and other minority communities in Iraq, including Christians, Shabak and Kaka'i, and presents a risk of recurrence of possible atrocity crimes.

The Global Centre therefore urges you to include the following recommendations to Iraq during the UPR session on 27 January:

- Promptly include the crime of enforced disappearances as a separate offense in national legislation;

- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Immediately conduct impartial, thorough and transparent investigations into all credible allegations of torture and ill-treatment and enforced disappearances, in accordance with international standards, and ensure accountability for these crimes;
- Promptly halt all executions and ensure a fair retrial for prisoners on death row, particularly those accused of terrorism-related offences;
- Pass legislation to criminalize genocide, war crimes and crimes against humanity, as well as ratify the Rome Statute of the ICC;
- Provide guarantees to uphold international law standards in judicial proceedings;
- Investigate all reports of violence against people targeted due to their actual or perceived sexual orientation or gender identity and expression, and publicly and expressly condemn all such violence;
- Fully implement all aspects of the Yazidi Survivors Law.

The Global Centre further respectfully encourages you to consider the following advanced questions for the review of Iraq:

- What specific actions is the government taking to address the issues of torture and enforced disappearances perpetrated by its security forces?
- What measures is the Iraqi government implementing to ensure accountability for the atrocities committed during the 2019 protests?
- What steps is Iraq taking to fully implement the Yazidi Survivors Law, support the rights and reparations of survivors and enhance legal protections for vulnerable groups?

Thank you for your enduring support.

Sincerely,



Savita Pawnday
Executive Director