

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## DAILY UPDATE HUMAN RIGHTS COUNCIL, 9<sup>TH</sup> SESSION 24 SEPTEMBER 2008

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### Overview

The final day of the Council session was dedicated primarily to the adoption of resolutions of the Council. The meeting began with the presentation by the Deputy High Commissioner of The Office of the High Commissioner for Human Rights's (OHCHR) report to the Council on technical and financial services. Ms Kang stated that the question of permanent webcasting of various mechanisms was being given due consideration. As the report was very recently published, States were not in a position to comment on its substance.

The President then presented his nominations for the appointment of outstanding mandate holders. These were: Ms Monorama Biswas (Bangladesh) Ms Mirjana Najcevska (Macedonia) to the Working Group of experts on people of African descent; Mr Olivier de Frouville (France) to the Working Group on enforced or involuntary disappearance; and Ms Catarina de Albuquerque as the Independent Expert on the issue of human rights and safe drinking water. These were approved by the Council without any comment from States. Amnesty International commented on the completion of a further round of selecting special procedures mandate holders, saying that the Consultative Group had improved its working methods considerably. The NGO drew particular attention to the information provided by the Consultative Group on each candidate, and about the inclusion of considered candidates as annexes to the report.<sup>1</sup> Amnesty International encouraged the Consultative Group to give further improve the selection process by elaborating specific criteria for each mandate, taking into account the views of outgoing mandate holders, and to consider the need for a gender balance across the entire special procedures system.

The adoption of 27 resolutions and decisions saw only three resolutions adopted by vote. The European Union (EU) called for a vote on all three resolutions. Two of the resolutions - on international solidarity and unilateral coercive measures were adopted by a sizeable majority, with support to the EU coming only from Canada, Japan, the Republic of Korea, Switzerland and Ukraine. The Council also adopted by vote a resolution on follow up to the report of the High Level Fact-finding Mission to Beit Hanoun. The EU, Canada

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<sup>1</sup> The report of the Consultative Group to the President is available at <http://tinyurl.com/4wtbtx>.

and Japan voted against with the EU reiterating that it could not endorse the recommendations of the High Level Mission.

The resolution on the Sudan was adopted by consensus after a last minute re-writing of significant parts of the resolution leading to a much weaker text. Most notably, the mandate was only extended for six months until June 2009. Some argued that this decision should not create a precedent in relation to country mandates, it clearly did so by departing from the institution-building text's provision that country mandates are established for one year. The Sudan noted that this was a step in the right direction towards eliminating the mandate.

Other notable resolutions included follow-up to the 7<sup>th</sup> special session of the Council on the world food crisis, a first resolution on transitional justice since the Commission on Human Rights in 2005, and the extension of the special procedure mandate on Cambodia for one year.

## Resolutions adopted by consensus

### Item 1

#### ***Presidential statement: Strengthening the Council***

The President presented a Presidential statement on strengthening the Council.<sup>2</sup> He explained that there was a need to continue to strengthen the Council and the office of the President. He noted that there had been delays in translation of documents and challenges in relation to securing webcasting. The decision would not have any programme budgetary implications.

The statement was adopted by consensus.

#### ***President's statement on follow-up to President's statement 8/1***

During the 8<sup>th</sup> session, the President made a statement on the 'modalities and practices for the universal periodic review' (UPR).<sup>3</sup> Between the 8<sup>th</sup> and the 9<sup>th</sup> session, there has been a number of informal consultations on the UPR, since some delegations had not been happy with the format of the report of the adoption of UPR outcome documents done during the 8<sup>th</sup> session. The result of these consultations is the President's statement adopted at the current session, in which the format of the reports of the UPR is managed in more detail. In particular, the statement specifies that 'a word limit shall apply to documentation related to the universal periodic review' and provides a chart fixing this word limit for each document involved. President Uhomoibhi presented his statement as the result of long consultations. Only the Russian Federation commented on it, seeking confirmation that the annual report of the Council to the General Assembly indeed only contains adopted resolutions. The President agreed with this understanding, and Pakistan demanded that this 'ruling' by the President be annexed to the Presidential statement.<sup>4</sup>

The statement was adopted by consensus.

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<sup>2</sup> A/HRC/9/L.27. All draft resolutions are available at <http://www2.ohchr.org/english/bodies/hrcouncil/9session/resolutions.htm>

<sup>3</sup> See <http://portal.ohchr.org/portal/pls/portal/docs/1/1866345.PDF>.

<sup>4</sup> Earlier versions of the Presidential statement had contained a specific provision that the report of the Council to the General Assembly would only contain resolutions adopted, and no narrative of the debates in the Council.

### Item 3

#### **Commemorative session on the occasion of the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights**

The President presented the draft proposal on a commemorative session on the occasion of the 60<sup>th</sup> anniversary of the *Universal Declaration of Human Rights*.<sup>5</sup> The draft text proposed to convene a one-day session to be held in December 2008 in recognition of this anniversary.

There were no comments by States and the decision was adopted by consensus.

#### **Missing persons**

Azerbaijan, the main co-sponsor of this text, welcomed the successful 22 September 2008 panel discussion on missing persons, which it considered to have generated interesting and thought-provoking ideas.<sup>6</sup> Azerbaijan looked forward to the High Commissioner's summary of the panel's deliberations, and noted that the procedural resolution under consideration requested the Council's Advisory Committee to prepare a study on best practices relating to this issue.

The resolution was adopted without a vote.

#### **Mandate of the Special Rapporteur on toxic wastes**

Cote d'Ivoire (on behalf of the African Group) introduced the draft resolution on the mandate of the Special Rapporteur on the adverse effects of the movement and transport of toxic wastes on the enjoyment of human rights. The text reinforces the mandate of the Special Rapporteur by broadening its scope to cover any movement of toxic waste. It also highlights the dangers of dumping toxic productions and encourages States to address violations.

France (on behalf of the EU), whilst accepting the draft as a whole, expressed concerns that the text is not adequately based on human rights principles. India, supporting the draft, encouraged the widening of the mandate to cover all types of illicit movement.

Canada, whilst agreeing not to block consensus, voiced concerns about the reference in the resolution to the right to safe water and sanitation, which, in its view, does not enjoy international consensus. It further stated the potential for duplication, confusion and wasted resources with the mandate of existing international treaties such as the *Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal*.<sup>7</sup>

The draft was adopted without a vote.

#### **The right to development**

Cuba, on behalf of the Non-Aligned Movement (NAM), welcomed the conclusions and recommendations contained in the latest report of the Working Group on the right to development. The resolution would renew the mandates of the Working Group (until it completes the tasks entrusted to it by Council Resolution 4/4)

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<sup>5</sup> A/HRC/9/L.6.

<sup>6</sup> A/HRC/9/L.5.

<sup>7</sup> Available at [www.basel.int/text/documents.html](http://www.basel.int/text/documents.html)

and the high-level task force on the implementation of the right to development (until the 11<sup>th</sup> session of the Working Group in 2010).<sup>8</sup> The text also endorses the work plan of the task force for 2008-2010.

In general comments, France (on behalf of the EU) reaffirmed the primacy of the responsibility of States to create suitable conditions for the realisation of the right to development, which in turn should be supported by the international community. France joined consensus on the text, on the condition that the work of the Working Group and task force should not imply legally binding national standards.

In the only explanation of vote, Canada noted that it considered it inappropriate to refer to creating new standards while the work of the task force was still ongoing. Canada joined consensus on the understanding that the reference to a legally binding standard was only one of many options that may be considered in the future.

The resolution was adopted without a vote.

### ***Human rights of migrants***

The draft resolution on human rights of migrants was submitted by Mexico and Guatemala.<sup>9</sup> Mexico stated that the resolution was based on the structure and content of the *Universal Declaration of Human Rights*. It reiterated that the rights of all people must be respected at all times and that the rights to life, non-discrimination, freedom, health and education, for example, are not limited to national borders. The resolution called on States to respect these rights.

Canada claimed that closer cooperation between the Global Forum on Migration and Development and the UN was not desirable, as suggested by the resolution. Canada believed that this Forum presented important opportunities for international dialogue on migration issues and should remain independent of the UN. Nonetheless, Canada stated that it could support the consensus on the resolution.

The draft resolution was adopted without a vote.

### ***Follow-up to the 7<sup>th</sup> special session of the Council on the world food crisis***

Cuba, as the main sponsor, declared that the ‘enormous support’ for the resolution was a gesture of States’ commitment to overcoming the crisis.<sup>10</sup> It indicated that the resolution placed enormous responsibility on the UN Special Rapporteur to find solutions to the implementation of the right.

Canada stated that it remained deeply concerned with the food crisis, but that it had reservations about the text, including the lack of clear affirmation of the primary responsibility on States, and the lack of reference to the free consent of States to act in solidarity. It also believed that access to aid was a fundamental element to realising the right to food and should have been included. Despite this, it supported the efforts of the Council in relation to the food crisis and joined consensus on the resolution.

The resolution was adopted by consensus.

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<sup>8</sup> A/HRC/9/L.12.

<sup>9</sup> A/HRC/9/L.14.

<sup>10</sup> A/HRC/9/L.15.

### ***Human rights and indigenous peoples***

Guatemala (one of the main co-sponsors of this resolution, along with Mexico) reported that this was the first substantive resolution on the issue of indigenous peoples since the adoption of the UN *Declaration on the Rights of Indigenous Peoples*.<sup>11</sup> Guatemala outlined some of the key elements of the text, including: a request to the Expert Mechanism on the rights of indigenous peoples to prepare a study on lessons learnt and challenges in achieving the implementation of the right to education; and a request to both the Expert Mechanism and the Special Rapporteur on indigenous people to submit recommendations to the Durban Review Conference.

The resolution was adopted without a vote.

### ***Effective implementation of human rights instruments***

Canada presented the draft resolution on the effective implementation of human rights instruments, having traditionally led the resolution before the Commission and the General Assembly.<sup>12</sup> The text encourages treaty bodies to improve and harmonise their working methods, reduce and simplify the reporting burden, and ensure more effective follow up.

The resolution was adopted without a vote.

### ***Protection of the human rights of civilians in armed conflict***

The draft resolution was presented by Egypt.<sup>13</sup> Egypt emphasised the vulnerability of certain groups in armed conflicts, such as women and children, and stressed that civilians are entitled to a high degree of protection of their human rights. This protection must continue to be provided by international humanitarian law and be complemented by human rights law. Egypt stated that the draft resolution re-affirms Commission on Human Rights *Resolution 2005/63* on the protection of the human rights of civilians in armed conflicts. It conveyed hopes of deepening cooperation to support regional efforts aimed at the protection of civilians in armed conflicts and invited the OHCHR to convene an expert consultation on this issue.

Egypt made several oral revisions to the draft resolution before it was adopted without a vote.

### ***Human rights and transitional justice***

Switzerland, as main sponsor, stated that the present resolution was based on the last substantive resolution on the subject, adopted by consensus at the Commission on Human Rights in 2005, and reflects new developments related to transitional justice such as the UN Peace Building Commission.<sup>14</sup> The resolution reflects a global approach to transitional justice, and addresses all rights and all judicial and non-judicial measures. The resolution emphasises that broad consultations are required in each case, and shows the important role of women in transitional justice. It calls on OHCHR to step up its driving role based on close co-operation with national authorities, in accordance with identified needs, and requests that OHCHR submit an exhaustive study on the subject to the Council.

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<sup>11</sup> A/HRC/9/L.17.

<sup>12</sup> A/HRC/9/L.20.

<sup>13</sup> A/HRC/9/L.21.

<sup>14</sup> A/HRC/9/L.22.

India stated that it attached importance to the issue of transitional justice, and had supported the resolution in 2005. However, it had reservations about the text, including: the need for the principle of States' consent in working with OHCHR being expressly provided; that the Council provide a leadership role in relation to transitional justice issues and not OHCHR; and that the elements provided for the study in the resolution are indicative and not exhaustive. It expressed particular regret that discussions on the draft resolution had not been pursued for a longer period.

The resolution was adopted by consensus.

In general comments, Algeria stated that it fully agreed with India. In addition, it believed that transitional justice and strategies in crisis situations should be the subject of a panel or a working group.

### ***Right to the truth***

Argentina, the main co-sponsor of this resolution, outlined the history of this issue in the international human rights system (including Commission on Human Rights *Resolution 2005/66*, and Council *Resolution 2/105*).<sup>15</sup> It recalled that the recognition of this right had recently been elaborated in a legally binding instrument – namely the *International Convention for the Protection of All Persons from Enforced Disappearance*. Argentina noted that the resolution under consideration, among other things, requested OHCHR to undertake a comprehensive study on best practices for the implementation of this right, with a view to creating guidelines on protecting relevant archives and records.

The resolution was adopted without a vote.

### ***Human rights voluntary goals***

Brazil introduced the draft resolution, which creates a firm commitment to a positive agenda of cooperation between developed and developing countries.<sup>16</sup> Cuba, congratulated Brazil for the initiative, but noted that significant gaps exist in the draft as not all rights are included, particularly 'third generation rights' such as the rights to development and to a clean environment, and group rights.

The resolution was adopted without a vote.

### ***UN Guidelines for conditions of alternative care for children***

The resolution was sponsored by Brazil,<sup>17</sup> which emphasised the relevant provisions in the *Convention of the Rights of the Child* and re-affirmed its commitment to the principles of the *Universal Declaration of Human Rights*. Brazil welcomed a further engagement by the international community in the preparation of guidelines on alternative care.

Bangladesh and Indonesia appreciated the emphasis placed on such a significant issue and provided support for the appropriateness of the guidelines. Both States raised their concern, however, that the drafting process of the guidelines had to be more inclusive, transparent and intergovernmental in the future.

The resolution was adopted by consensus.

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<sup>15</sup> A/HRC/9/L.23.

<sup>16</sup> A/HRC/9/L.25.

<sup>17</sup> A/HRC/9/L.26.

## **Item 4**

### ***Human rights situation in the Sudan***

Egypt (on behalf of the African Group) introduced a revised draft resolution,<sup>18</sup> tabled by the African Group and the EU, on the situation of human rights in the Sudan following further consultations with ‘all relevant stakeholders’. It explained that the new draft takes note of progress while acknowledging the need for continued monitoring. Both Egypt (on behalf of the African Group) and France (on behalf of the EU) hoped that the Council would adopt the resolution without a vote.

France (on behalf of the EU) added that the Special Rapporteur’s latest report confirms that the situation in the Sudan is a legitimate concern to the Council and the international community at large. It explained that the resolution reflects the Special Rapporteur’s conclusions. France (on behalf of the EU) emphasised that the extension of the mandate for six months only would not constitute a precedent for the Council’s decisions on country mandates in general nor on this mandate in particular.

The Sudan spoke as the concerned country. It underlined that the Government has provided ‘total cooperation’ with the Council and has demonstrated its flexibility. It reiterated that it would have preferred for the mandate not to be extended but that it had accepted the renewal in a ‘spirit of dialogue and cooperation’. The Sudan also underlined that the ‘partial renewal’ for only six months meant that ‘we are on the right track’. It expressed its reservations about paragraph three of the resolution. Finally, it underlined that the Council must make efforts to verify information it received and ensure that its resolutions are accurate.

The resolution was adopted by consensus.

In general comments and explanation of vote on Item 4, Switzerland stated that it was satisfied with the extension of the mandate and that the resolution addressed concerns about human rights violations. It also stated its understanding that the mandate will continue until the June 2009 session of the Council, to avoid that it would simply lapse.

China noted that the Sudan has displayed a ‘positive and constructive attitude’ by allowing the Special Rapporteur to visit. It underlined that the Council should continue to deal with the situation in a ‘spirit of dialogue and cooperation’.

The revised resolution is significantly weaker than the original draft presented by France (on behalf of the EU). Many of the paragraphs that expressed serious concern about the human rights situation and about specific violations have been deleted. The demands on the Government of the Sudan to implement the recommendations of the Special Rapporteur and those of the Group of Experts on Darfur have also been watered down, as have provisions that urged the Government’s to address impunity. Most importantly, the resolution only extends the mandate of the Special Rapporteur ‘until June 2009’, contrary to the institution-building package, which states that country mandates are established for one year. The exact duration of the mandate is likely to become the subject of discussions in the future. This decision has created a very negative precedent for country mandates in general. In light of the Sudan’s comments it is clear that extending the mandate in the future will prove very difficult in the current environment.

## **Item 9**

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<sup>18</sup> A/HRC/9/L./Rev.1.

***Mandate of the Working Group of experts on people of African descent***

South Africa introduced the resolution by stating that informal consultations had shown the important progress made by the Working Group in its work, including in relation to health and the role of the media. However, it stated that implementation of recommendations had remained a challenge. South Africa explained that the resolution would extend the mandate of the Working Group for three years.

France (on behalf of the EU) stated that in the past the EU was not in a position to support the resolution as it was of the opinion that all persons are entitled to equal protection from discrimination, and that the singling out of specific groups could create separate standards. Despite these reservations, however, the EU could now join in the consensus, as the new text was clearer that measures adopted must be applicable to all persons, and not applied only to persons of African descent.

The resolution was adopted by consensus. Japan stated after the adoption that it had reservations about the budgetary implication, although it did not elaborate on this.

**Item 10**

***President's statement on the situation of human rights in Haiti***

The President introduced this statement, which he said was the result of broad consultations with interested parties.<sup>19</sup> Speaking as a concerned country, Haiti thanked those States that had supported the continuation until 2010 of the mandate of the Independent Expert on the situation of human rights in Haiti. It expressed appreciation for the efforts of the former mandate holder, Mr Joinet, in particular his 'enormous' contribution to consolidating the rule of law in Haiti.

The text was adopted without a vote.

***Advisory services and technical assistance for Cambodia***

The draft resolution on advisory services and technical assistance for Cambodia was introduced by Japan.<sup>20</sup> Japan noted the progress made in Cambodia since the removal of the Khmer Rouge and the intensification of Government efforts. The extension of the mandate was described as a 'meaningful improvement' for the human rights situation in Cambodia.

Cambodia, in response, expressed its thanks to Japan and the cosponsors. It hoped that the new Special Rapporteur will work closely with the Government.

The draft resolution was adopted without a vote, Japan said since there were budgetary implications of the resolution, it would have preferred to be informed of these in advance. This would enable the Council to consider these in detail. The Secretariat, however, specified that the budget for the technical assistance to Cambodia was already contained in the OHCHR budget for the current biennium. France (on behalf of the EU), while welcoming the adoption of the resolution, said it remains concerned about continuing human rights violations, and maintains that the recent elections in Cambodia were not compliant with international.

***Advisory services and technical assistance for Liberia***

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<sup>19</sup> A/HRC/9/L.9.

<sup>20</sup> A/HRC/9/L.16.

France (on behalf of the EU) very briefly presented the resolution on advisory services and technical assistance for Liberia in the Human Rights Council.<sup>21</sup> It stated that progress has been made by the Government of Liberia to further improve and accelerate the development of human rights in Liberia and that continued support of the international community was necessary. France welcomed the report by the Independent Expert on technical cooperation and advisory services for Liberia and also complemented the work by UNIMIL.<sup>22</sup>

The President informed the Council that the representative from Liberia was unable to attend the session of the Council to speak as a concerned country. No other States spoke and the resolution was adopted without a vote.

### ***Advisory services and technical assistance for Burundi***

France (on behalf of the EU) introduced the draft resolution on Burundi. It stated that the resolution welcomes the efforts made by the Government to improve the situation, and the cooperation between the Government and the Independent Expert. France introduced several oral amendments, the most notable of which is the extension of the mandate only until the establishment of a national human rights commission. The resolution does not specify what criteria such a national. The Independent Expert is invited to report to the Council at the session following the establishment of a national human rights commission, and the High Commissioner to the 12<sup>th</sup> session of the Council.

Burundi as the concerned country called on the international community to live up to its promises and pay the amounts it had promised to Burundi. Failure to do that would shed doubt on the commitment of these partners to the promotion and protection of human rights. The delegation added that it was ‘difficult to talk about civil and political rights if people are hungry’.

The draft resolution was adopted by consensus.

## Resolutions adopted by vote

### **Item 3**

#### ***Human rights and international solidarity***

The resolution on international solidarity was tabled by Cuba.<sup>23</sup> Cuba highlighted sustainable social and economic development and the need to strengthen solidarity between generations as central to the resolution. The resolution requests that the Advisory Committee prepare inputs to contribute to the elaboration of a draft declaration on international solidarity.

France (on behalf of the EU) provided an explanation of the vote before the vote by stating that the EU attached importance to the concept of international solidarity as a core principle of the UN Charter. It pointed to its donor contributions as a symbol of such solidarity. However, France argued that the EU could not accept the idea that human rights depend on international solidarity and that it is the responsibility of each State to ensure the human rights of persons under its jurisdiction. It stated that international solidarity could not be defined as a human right in legal terms, but instead was an important moral principle. On this basis the EU called for a vote, and stated that it would vote against.

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<sup>21</sup> See Document A/HRC/9/L.19 for the complete draft resolution

<sup>22</sup> United Nations Mission in Liberia

<sup>23</sup> A/HRC/9/L.7

The resolution was adopted by a vote of 33 in favour, 13 against and no abstentions.

### ***Human rights and unilateral coercive measures***

The draft resolution on human rights and unilateral coercive measures was introduced by Cuba (on behalf of the NAM). The text requests the end of coercive extraterritorial measures that are not in accordance with international law, namely international humanitarian law. It further condemns continued unilateral actions as tools for economic pressure with a view to prevent and remove unilateral actions that run counter to development and free trade.

Canada reiterated its continued opposition to the resolution as the text does not distinguish adequately between which measures are in accordance or consistent with international law.

The decision was adopted by vote, with 33 in favour, 11 against and two abstentions.

### **Item 7**

#### ***Follow-up to Resolution S-3/1: Human rights violations emanating from Israeli military incursions in the occupied Palestinian territories and the assault on Beit Hanoun***

Pakistan introduced the draft resolution<sup>24</sup> on behalf of the OIC, the Arab Group, and the African Group. It expressed appreciation to the ‘objective reporting’ of the High Level fact-finding Mission in conformity with its mandate and noted the ‘objective recommendations’ on how to ensure protection of Palestinian civilians. Pakistan explained that the resolution focuses exclusively on the report and calls on the international community to faithfully implement its recommendations. Pakistan orally revised the resolution in the hope of meeting the concerns of some States about blankly endorsing the recommendations of the High Level fact-finding Mission. It also expected that all members of the Council would support the resolution, as, in its view, it is a ‘requirement’ that the recommendations of such high level panels must be implemented. Pakistan called on the Council to deal with the ‘appalling and illegal situation’ by rising above ‘geopolitical and ideological’ considerations and ‘respond to the call of conscience’.

The concerned countries did not make any statements.

In explanations of vote, the Netherlands (on behalf of France, Germany, the UK, Slovenia, Slovakia, and Italy) regretted that no open-ended consultations on the draft resolution were held. It stated that these countries could not ‘endorse’ the High Level Mission’s recommendations or ‘ensure their implementation’. The oral revisions made by Pakistan did not alter this conclusion. Further, these States did not agree that the international community had failed in its role to uphold human rights and international humanitarian law in the occupied Palestinian territories. The Netherlands also reiterated the countries’ firm commitment to the peace process. It stated that the draft resolution was ‘seriously unbalanced’. Finally, it stated that the follow up proposed in the resolution by the General Assembly and the Secretary-General was unnecessary and ‘inappropriate’ since the High Level Mission had already reported to the Council. The Netherlands then called for a vote.

Canada explained that the draft resolution did not reflect the respective roles and responsibilities of all concerned parties nor did it accurately represent the situation. It called the draft resolution ‘fundamentally flawed and one-sided’.

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<sup>24</sup> A/HRC/9/L.8.

The resolution was adopted by 32 in favour, 9 against,<sup>25</sup> and 5 abstentions.<sup>26</sup>

Egypt expressed regret that some had taken Mr Desmond Tutu's recommendations lightly and saw this as a demonstration of political consideration. It claimed that this would harm the Council's credibility. In general comments Algeria urged the Council to move beyond 'ideological and group thinking'. It noted that a consensus based approach should continue to guide the Council's work and that 'politicisation' should not be allowed to win over human rights concerns in the OPT.

## Other issues

### Withdrawn or postponed resolutions

Ukraine informed the Council that the resolution on the **remembrance of Holodomor of 1932 and 1933 in Ukraine** was withdrawn as the subject was being considered by other forums.<sup>27</sup> It however called upon States to show solidarity with the people of Ukraine in commemorating one of the worst events in its history, and to double its efforts to ensure that such events never happen again.

Russia stated that it had had serious problems with this resolution and was 'greatly satisfied' that it has been withdrawn as it was 'counter-productive, confrontational and had no prospects'. Russia claimed that 44 Council members had objections to it, so it was important that there be 'no illusions' about why it was withdrawn.

Egypt (on behalf of the African Group) recalled that it had introduced a resolution on **security arrangements for the Human Rights Council**<sup>28</sup> to draw attention to certain Council practices that it considered to be in violation of the *Vienna Convention on Diplomatic Relations and the diplomatic status of delegates*. However, Egypt advised that following consultations with the President of the Council and the Ambassador of Denmark, co-sponsors would not insist on taking action at this stage. Accordingly, action on this resolution was deferred until the March session of the Council.

The President informed the Council that the Advisory Committee would present its report to the Council at its 10<sup>th</sup> session in March 2009, and so the tabling of **resolutions relating to the Advisory Committee** would also be postponed until the March session.

In what seemed to be completely unrelated comments, Singapore gave an impassioned reply to an EU statement of 15 September 2008 on the abolition of the death penalty and the General Assembly resolution on a moratorium. It referred to these as a clear attempt by some States to impose their view that this is a human rights issue on others. It underlined that there is no international consensus on the issue of the death penalty and that differences of view in this regard should be respected.

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<sup>25</sup> France, Germany, Netherlands, UK, Slovenia, Slovakia, Italy, Canada, Japan.

<sup>26</sup> Bosnia and Herzegovina, Cameroon, Republic of Korea, Switzerland, and Ukraine.

<sup>27</sup> A/HRC/9/L.4

<sup>28</sup> A/HRC/9/L.1.

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## **ABOUT THE PUBLICATION**

The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at [www.ishr.ch](http://www.ishr.ch).

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