

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## COUNCIL ALERT HUMAN RIGHTS COUNCIL, 10<sup>TH</sup> SESSION 2 TO 27 MARCH 2009

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### Overview

The 10<sup>th</sup> session of the Human Rights Council (the Council) will take place from 2 to 27 March 2009 in the Palais des Nations in Geneva. For the first time, the Council will be able to use its new and renovated ‘Human Rights and Alliance of Civilizations Chamber’.<sup>1</sup> While the room has become particularly famous for the expensive piece of art decorating its ceiling – it was also labelled the ‘Sistine Chapel of the 21<sup>st</sup> century’ – the additional space might actually make the physical experience for NGOs following the Council more pleasant.

On 16 February 2009, the Council held an organisational meeting. Council President, Ambassador Martin Uhomoibhi of Nigeria, explained the programme of work for the upcoming session, which was followed by very few interventions from States. Compared to previous organisational meetings, the current one was fairly uneventful and focused purely on technical issues. Subsequently, Norway, Chile, South Africa, India and the Russian Federation held a ‘transparency meeting’, which was an informal meeting for delegations to share information on planned initiatives and resolutions. It became clear that familiar tensions among States are likely to arise during the session.

### Programme of work

The draft programme of work is available on the Council’s Web site.<sup>2</sup> Past practice has shown that the programme of work is subject to frequent changes during the session, in particular as a result of delays and sessions running over time. It is to be hoped that the additional amount of time allocated to important agenda items this time will

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<sup>1</sup> <http://www.droitshumains-geneve.info/Barcelo-unveils-UN-Sistine-Chapel,3730>

<sup>2</sup> <http://www2.ohchr.org/english/bodies/hrcouncil/10session>

avoid this scenario for the March session. Over the course of the four-week session, there are currently three days of full-day meetings planned.<sup>3</sup> Some of the expected highlights of the session are discussed below.

### High level segment

The March session is the Council's main session of the year, and with four weeks also the longest. The first two and a half days will be dedicated to a '**high level segment**', during which high level State representatives address the Council. One President, two Vice Presidents, and a long list of ministers are expected in Geneva to outline their plans and priorities in terms of human rights for the coming year. It will be interesting to see how States that have so far not interacted systematically with the Council, including the US, will use this part of the session. The high level segment is also often used to announce States' candidatures for the Council elections taking place in May at the General Assembly.

### Panel discussions

Consolidating the practice that the Council has developed, a number of **thematic panel discussions** will be held throughout the session. On 6 March, New Zealand and Mexico will jointly organise a panel on the rights of persons with disabilities;<sup>4</sup> Cuba is taking the lead for a panel discussion on the 'realization of the right to food' scheduled for 9 March 2009; and the Czech Republic (on behalf of the European Union) and Uruguay (on behalf of the Group of Latin American States) is organising the programme for the annual full day meeting on the rights of the child. The latter will focus on challenges to the implementation of the *Convention on the Rights of the Child* (CRC) on the 20<sup>th</sup> anniversary of its entry into force. In the past, the quality of panel discussions has varied greatly. In order to improve these panels as an innovative working method for the Council, President Uhomoibhi produced a paper on modalities in early 2009.<sup>5</sup> It among others encourages 'the selection of independent experts' as panellists, and might contribute to more substantive and relevant discussions.

### Thematic focus

The Council will hold interactive dialogues with 14 thematic **special procedures** mandate holders, as part of its 'promotion and protection of all human rights' under Item 3, and the focus on racism under Item 9.<sup>6</sup> For several mandate holders that were appointed in 2008 under the new appointment process, this will be the first time they report to the Council. It will be interesting to observe how States react to these reports, and whether the frequent attacks on individual mandate holders observed in previous sessions persist, or if the new appointment process has indeed contributed to a higher level of cooperation by States with the special procedures. The following substantive initiatives and resolutions are expected during the session:

- The Czech Republic (on behalf of the EU) will present resolutions on the **implementation of the CRC**, and on **religious intolerance**.
- Pakistan (on behalf of the OIC) will present a resolution on '**defamation of religions**'.
- Egypt (on behalf of the African Group), together with the Arab Group and 'possibly members of other groups' will present a resolution on **freedom of expression**.
- The Russian Federation will present a resolution on **arbitrary deprivation of nationality**.

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<sup>3</sup> The 7<sup>th</sup> session in March 2008 had seven full day meetings.

<sup>4</sup> A concept note on all panels is available on the OHCHR extranet.

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/10thSession>. You will need to login using 'hrc session' as username, and '1session' as password.

<sup>5</sup> Available at <http://portal.ohchr.org/portal/page/portal/HRCExtranet/2009-10Communications#com%202009-10>.

<sup>6</sup> These include, in order of appearance, the Working Group on arbitrary detention, the Working Group on the use of mercenaries, the Special Rapporteur on the right to food, the Independent Expert on access to safe drinking water, the Special Rapporteur on adequate housing, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the Special Rapporteur on torture, the Working Group on enforced disappearances, the Special Rapporteur on freedom of religion, the Independent Expert on minority issues, the Special Rapporteur on human rights defenders, the Representative of the Secretary-General on internally displaced persons (IDPs), and the Working Group on people of African Descent,

- Portugal intends to present a resolution dealing with **economic, social and cultural rights**, and will particularly look at the contribution of UN mechanisms to the implementation of these rights.
- The Philippines, together with Germany will present a resolution on **trafficking in persons**.
- Mexico will present a resolution on the rights of persons with **disabilities** (jointly with New Zealand), and on the protection of **human rights when combating terrorism**.
- Morocco and Switzerland are co-sponsoring an initiative on the draft **declaration on human rights education and training**. The Human Rights Council Advisory Committee has also discussed this issue during its second session in January 2009 and will submit a draft decision to the Council to mandate it to continue its work towards the elaboration of such a declaration.
- Argentina is leading an initiative on **forensic experts and human rights**.
- Denmark, in the context of its annual resolution on torture, will focus on the **role and responsibility of medial and other health personnel in the prevention of torture**.
- France will present resolutions on **arbitrary detention** and on **enforced disappearances**.
- Austria will be focusing on the **administration of justice**, with an emphasis on juvenile justice.
- South Africa announced that the African Group would present two ‘procedural resolutions’ on **racism**.<sup>7</sup>
- The Maldives will present a follow-up resolution on **human rights and climate change**.

Among the more contentious issues to be discussed during the session are the question of ‘defamation of religions’, presented by Pakistan (on behalf of the OIC) and the alternative approach focusing on ‘religious intolerance’ by the Czech Republic (on behalf of the EU). During an OHCHR-organised seminar in late 2008, there had been indications that States would start using human rights terminology of ‘incitement to hatred’ as proposed by the Special Rapporteur on freedom of expression and the Special Rapporteur on racism. It is yet to be seen if the seminar has had the desired effect of rendering the discussions of this difficult topic less polarised.

Similarly tensions are likely to arise in relation to Egypt’s intention to present a resolution on freedom of expression. Egypt (on behalf of the African Group) announced that the resolution would build on the consensus resolution passed by the last session of the former Commission on Human Rights (CHR), with the addition of ‘one element from last year’s resolution’. It is very probable that this additional element is inspired by the provision included in *Resolution 7/36* on freedom of expression asking the Special Rapporteur on freedom of expression to ‘report on instances in which the abuse of the right of freedom of expression constitutes an act of racial or religious discrimination’.<sup>8</sup> That controversial provision was inserted by a vote of the Council at the initiative of Pakistan (on behalf of the OIC). Following that vote, most original co-sponsors withdrew their sponsorship. Egypt is now seeking to take over the traditional initiative of Canada. This is likely to create a difficult negotiation environment on a topic that has become one of the most sensitive themes the Council deals with.

### Country focus

Four interactive dialogues with **country-specific special procedures mandate holders** are scheduled for the session.<sup>9</sup> In addition, follow-up to the special sessions on the situation in the Democratic Republic of the Congo (DRC) and the special sessions on the occupied Palestinian territories (OPT) are planned. The Council’s handling of situations of human rights violations in specific countries will again be among the most divisive and controversial areas of its work.

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<sup>7</sup> One on the ‘elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination’ (following *Resolution 6/21*) and one following *Resolution 6/22* called ‘From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance.’

<sup>8</sup> See ISHR’s *Analytical Overview of the 7<sup>th</sup> session of the Human Rights Council* for a discussion of this resolution and the process of its adoption. Available at [http://www.ishr.ch/council\\_monitor](http://www.ishr.ch/council_monitor).

<sup>9</sup> Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea (DPRK), the Special Rapporteur on the situation of human rights in Myanmar, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and the Independent Expert on the situation of human rights in Somalia.

While the Czech Republic (on behalf of the EU) said it was ‘looking forward to work with the African Group on **Somalia** and find a solution to the **DRC**’, this offer of joint work by two of the most active groups of States in the Council was rejected off the cuff by the Egyptian delegate. He announced that the African Group would ‘decide soon’ whether to submit a resolution on Somalia but that any initiative will be by ‘Africa only’. On the same note, the African Group is considering to submit a proposal on follow-up to the special session on the DRC. The outright rejection of cross-regional work on these important initiatives does not bode well

In relation to the **OPT**, a series of proposals will be submitted by Pakistan (on behalf of the OIC), including on the right to self-determination, the Israeli settlements, Israeli practices, and follow-up to special sessions. Like the Syrian resolution on the occupied Golan, which was announced as ‘fortunately exactly the same as last year’s resolution’, these resolutions can be expected to mirror previous decisions of the Council.

Towards the end of the session, the President of the Council will appoint a new mandate holder as Special Rapporteur on the situation of human rights in **Cambodia**.

### Universal periodic review (UPR)

The Council will also consider and adopt 16 reports of the 3<sup>rd</sup> session of the UPR Working Group.<sup>10</sup> According to the agreed modalities, the State under review, member and observer States, and other stakeholders will have 20 minutes each to express their views on the reports. In addition, it will hold a general debate on the UPR, which will hopefully be used to comment on the institutional aspects of the UPR mechanism, but also on substantive follow-up to previous reviews by States under review, their peers and other stakeholders.

### Further information

For further information on the Council, please consult the following resources:

- Web site of the International Service for Human Rights, providing up-to-date information before, during and after sessions of the Council: <http://www.ishr.ch/council>. During the session, ISHR will provide information about the Council’s proceedings on a regular but not daily basis. You can subscribe to receive alerts of our publications by sending an email to [information@ishr.ch](mailto:information@ishr.ch).
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 10<sup>th</sup> session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/10session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/10session/reports.htm>.
- More informal documents and draft resolutions are available on the ‘OHCHR extranet’ at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: ‘hrc extranet’ Password: ‘1session’.

*NGOs and human rights defenders seeking more specific information or individual advice on the Council session, please contact the ISHR secretariat by email or phone at +41 (0) 22 919 71 00.*

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<sup>10</sup> The reports on Botswana, Bahamas, Burundi, Luxemburg, Barbados, Montenegro, United Arab Emirates, Israel, Liechtenstein, Serbia, Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan, and Tuvalu will be adopted.

## **COUNCIL MONITOR STAFF**

**Eléonore Dziurzynski**, Communications Officer

**Michael Ineichen**, Human Rights Officer

**Gareth Sweeney**, Deputy Manager

**Katrine Thomasen**, Manager International Programme

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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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