

COUNCIL MONITOR

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COUNCIL UPDATE – ITEM 8 HUMAN RIGHTS COUNCIL, 10TH SESSION 24 MARCH 2009

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Overview

The general debate under Item 8 ranged widely from human rights violations based on sexual orientation and gender identity, to the human rights of women and migrants, to the right to self-determination and the issue of human rights education. Only a small number of States took the floor during the debate and none of them commented on the reports that were before the Council for discussion.¹

Item 8: Follow-up and implementation of the Vienna Declaration and Programme of Action

Most speakers reaffirmed the importance of the Vienna Declaration and Programme of Action (VDPA).² Austria informed the Human Rights Council (the Council) that a report on the 15th anniversary meeting on the VDPA held in Vienna in August 2008 had been published. Several States called for cooperation, ‘dialogue’ and ‘solidarity’ between States to deal with various challenges in the protection of human rights.³ On this note, Indonesia informed the Council that ASEAN will soon establish a regional human rights body. Pakistan, on behalf of the Organisation of the Islamic Conference (OIC), specifically encouraged States to put aside ‘political considerations’ when dealing with human rights, while Iran cautioned against selectivity. The Russian Federation stated that the VDPA could only be achieved through constructive dialogue and respect for national specificities.

¹ The general debate was focused around four reports: A/HRC/10/41 Report of the Secretary-General on regional arrangements for the promotion and protection of human rights; A/HRC/10/54 Report of the Secretary-General on national institutions for the promotion and protection of human rights; A/HRC/10/55 Report of the Secretary-General on the process currently utilized by the International Coordinating Committee of National Institutions to accredit national institutions in compliance with the Paris Principals, and ensure the process is strengthened with appropriate periodic review and on ways and means of enhancing participation of national human rights institutions in the work of the Human Rights Council; and A/HRC/10/63 Report of the Office of the High Commissioner for Human Rights on integrating the human rights of women throughout the United Nations system.

² Czech Republic (on behalf of the European Union), Indonesia, Chile, Russian Federation, Austria, Turkey, Iran, and Argentina.

³ Pakistan (on behalf of the Organisation of the Islamic Conference), Russian Federation, and Indonesia.

A number of States⁴ reaffirmed their commitment to the joint statements made by Norway to the Council on 1 December 2006, and Argentina to the UN General Assembly on 18 December 2008, expressing concern about human rights violations based on **sexual orientation and gender identity**, and requesting the Council to pay particular attention to this subject in the future. Denmark, on behalf of the Nordic States,⁵ added that States should apply the Yogyakarta Principles on the application of international human rights law to issues of sexual orientation and gender identity.⁶ The US announced that it joined the 2008 statement, a move that was applauded by the European Region of the International Lesbian and Gay Association.

Chile, on behalf of the Group of Latin American and Caribbean Countries (GRULAC), drew attention to the need for greater protection of the human rights of **migrants** and called for the rejection of certain actions against migrants such as the criminalisation and detention of migrants, and the sanctioning of undocumented migrants. Chile expressed concern about recent EU directives which could impinge on the human rights of migrants and urged States to think carefully about the direction of their migration policies. The Arab Commission on Human Rights took up the issue of migrant detention and suggested there was a need for a new special procedures mandate on this. The National Human Rights Commission of Korea informed the Council of the existence of guidelines for cooperation between national human rights institutions in Asia in dealing with human rights issues relating to migrants and multicultural societies.⁷

Algeria and Pakistan (on behalf of the OIC) brought up the issue of the **right to self-determination**, to be balanced with a State's right to territorial integrity and sovereignty.⁸ Morocco regretted the statements by some States that could be perceived as undermining the latter and reminded the Council of the rights enshrined in UN General Assembly *Resolutions 1514*⁹, *1541*¹⁰ and *2625*.¹¹ In reference to Western Sahara, the Centrist Democratic International made the point that self-determination does not mean independence. The Indian Council of South America specifically questioned India's rejection of the Advisory Committee proposal 1/12¹² on the issue of peoples' right to self-determination as not in compliance with the Council's mandate and requested that the Council explore this subject at the next session.

Some States commented on the rights of **women and children**. Indonesia referred to the important contribution the VDPA could make to the protection of the rights of women and children, and welcomed the work of the Committee on the *Convention on the Rights of the Child* (CRC) and the Council in preparing for the 20th anniversary of the CRC in 2009. Kuwait and Algeria informed the Council of progress at a national level to improve the situation of women. Algeria announced the removal of its reservation to paragraph two of the *Convention for the Elimination of Discrimination Against Women* (CEDAW). The International Federation of University Women made a joint statement¹³ in favour of maintaining the current momentum of the world

⁴ Czech Republic (on behalf of the European Union), Argentina, Denmark (on behalf of Norway, Sweden, Finland, and Iceland), and Colombia.

⁵ Norway, Finland, Sweden, Denmark, and Iceland.

⁶ <http://www.yogyakartaprinciples.org/>

⁷ These guidelines were the outcome of an international conference on the human rights of migrants and multicultural societies held in Seoul, Republic of Korea, in November 2008.

⁸ Pakistan (on behalf of the Organisation of the Islamic Conference), Algeria, and Morocco.

⁹ 14 December 1960; 'Declaration on the granting of independence to colonial countries and peoples.'

¹⁰ 15 December 1960; 'Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73e of the Charter.'

¹¹ 24 October 1970; 'Declaration of principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations.'

¹² A/HRC/AC/2000/1/2.

¹³ On behalf of International Federation of Business and Professional Women, Women's International Zionist Organization, World Federation for Mental Health, Women's World Summit Foundation, International Alliance of Women, Women's International League for Peace and Freedom, Federation of Associations of Former International Civil Servants (FAFICS), Soka Gakkai International (SGI), World Wide Organization for Women, Federación de Asociaciones de Defensa Y Promoción de los Derechos Humanos, Brahma Kumaris World Spiritual University (BKWSU) . General Board of Church And Society of The United Methodist Church, Federation of American Women's Clubs Overseas (FAWCO), Zonta International, International Network for

movement for equality for women. The International Humanist and Ethical Union described the abusive and discriminatory situations experienced by Dalit women in India and women in some Muslim societies.

Turkey, Iran and the European Group of NHRIs, on behalf of its A status members, raised the matter of **human rights education**. Turkey stated its support for the Council's *Resolution 6/10* requesting the Advisory Committee to prepare a declaration on this issue. The European Group of NHRIs underlined the importance of States having action plans on this issue and the role that NHRIs can play in assisting in the implementation of such plans.

A number of national human rights institutions (NHRI) took the floor. The NHRI of Mexico made a joint statement¹⁴ which flagged instances of threats to the independence of NHRIs such as budget cuts, and the specific reduction in personnel and operations of the NHRI of the Republic of Korea. The International Coordinating Committee (ICC) of NHRIs expressed appreciation for the support of the Secretary-General and OHCHR in enhancing the ICC accreditation procedure and regional cooperation between NHRIs.

On separate issues, the Arab Commission on Human Rights reminded States that to ensure the independence of the Treaty Bodies they should not propose or appointment candidates with political posts. The USA raised its concern that work on the defamation of religion was focused on protecting a religion rather than persons.

Further information

For further information on the BODY, 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.

Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 10th 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.

the Prevention of Elder Abuse (INPEA), Pan Pacific and South East Asia Women's Association (PPSEAWA), Femmes Africa Solidarite (FAS)

¹⁴ On behalf of Mexico, Ireland, Malaysia, India, New Zealand, Australia, and Republic of Korea.

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