

COUNCIL MONITOR

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Human Rights Monitor Series

COUNCIL UPDATE – ITEM 3, SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF MIGRANTS HUMAN RIGHTS COUNCIL, 11TH SESSION 16 JUNE 2009

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Overview

The discussion on the ‘follow-up and implementation of the Vienna Declaration and Programme of Action’ (Item 8) focused much on discrimination against women, a topic that had also been discussed during two panel debates earlier in the session. The VDPA reaffirms the obligation of all States to promote and protect all human rights and fundamental freedoms, regardless of their political or economic systems and regardless of their national and regional particularities and diverse historical, cultural and religious experiences.

General debate on Item 8

Discrimination against the **human rights of women** was one of the main areas of concern during the debate. The annual full day discussion on women’s human rights which took place on 4 June¹ was welcomed by several States, including the Czech Republic (on behalf of the EU), Columbia (on behalf of a cross-regional group of countries),² Paraguay (on behalf of MERCOSUR and Associated States), and the United States of America (US). These States recalled that numerous speakers at the panel session confirmed that inequalities of women and men before the law still exist, and expressed their commitment to achieving equality of men and women before the law.

During the panel discussion, the High Commissioner for Human Rights, States and members of civil society called for the establishment of a new special procedures mechanism to address laws that discriminate against women, strengthen States’ actions in this area and promote best practices across societies.

Columbia (on behalf of the cross-regional group) restated the principal role the Council has to play to ensure non-discrimination against women in law and recommended the co-operation between a future special procedures mandate on laws that discriminate against women and the Committee on the Elimination of Discrimination against Women. The European Union for Public Relations acknowledged the progress made during the 15 years since the adoption of the VDPA and highlighted areas of concern regarding the rights of women that continue to be violated

¹ See ISHR’s full report in the Council Updates for more information. Available at www.ishr.ch, *Council Updates*, under Item 3.

² Bosnia and Herzegovina, Burkina Faso, Chile, Congo, Cote d’Ivoire, France, Hungary, Mexico, Norway, Slovenia, Switzerland and Uruguay.

and require the utmost priority, including improvement in maternal health, health and nutrition of adolescent girls, gender sensitisation of the police, judiciary and teachers, and mainstreaming gender in all state organs.

The universality of human rights and the concept of **traditional values** was another topic of discussion that arose as a result of a draft resolution presented by the Russian Federation at this session. The Russian Federation reiterated the principle of universality of human rights while pointing out that the values of human rights are not equally shared in different societies. In order to overcome this issue, it recommended the ‘creation of a synergy between human rights and traditional values in order to achieve equal value between the two’. Austria argued that traditional values cannot be invoked to deny people their human rights and especially. It drew attention to violations of the rights of women, such as traditional practices like forced marriages and genital mutilation. The Canadian HIV/AIDS Legal Network underlined that the draft resolution on traditional values is completely inconsistent with international human rights. It noted many cultural practices that are harmful to women for example, genital mutilation, forced feeding of women, early marriage, early pregnancy and dowry price. It argued that ‘Despite their harmful nature and violation of international human rights laws, such practices persist because they are not questioned and take on an aura of morality in the eyes of those practising them’. The Human Rights Council of Australia stated that some traditional values are human but some are truly inhuman and can therefore not be defended. These inhuman values include the repression of women, war, domination of one group by another, slavery, infanticide, and human sacrifice. In reference to the recommendation made by the representative of the Russian Federation, the Human Rights Council of Australia argued that the VDPA had ensured synergy between human rights and traditional values. The Council should carefully distinguish the positive traditional values from the negative ones and measure all these values against the *Universal Declaration of Human Rights*.

The Vienna Declaration and Programme of Action highlights **regional arrangements** which play a fundamental role in promoting and protecting human rights by reinforcing universal human rights standards at the regional levels. In commenting on this part of the VDPA, Paraguay (on behalf of the MERCOSUR and Associated States) drew attention to a meeting of a high-level panel on human rights protection and promotion in the region focusing on a monitoring system for children’s and adolescents’ rights and the idea to draft an optional protocol to the *Convention on the Rights of the Child* to allow individual complaints under the Convention. The Council at this session discussed the establishment of a working group to initiate the drafting of such an optional protocol.

Slovenia underlined the importance of **regional mechanisms** and noted an increase in the establishment of these mechanisms since the adoption of the VDPA. However it drew attention to the need for strengthening relations between the Organisation for Security and Co-operation in Europe (OSCE), the EU and the UN and the different regional mechanisms and the UN. Columbia supported the conclusions of the report by the Secretary-General on regional arrangements for the promotion and protection of human rights,³ which recommended the institutionalisation of a high level focal point to facilitate the establishment of networks for the exchange of information between the Council, regional mechanisms, sub-regional mechanisms and the Office of the High Commissioner for Human Rights (OHCHR). The Asian Forum for Human Rights and Development called on all ASEAN (Association of Southeast Asian Nations) member States to adopt the Terms of Reference which will be adopted at the 42nd ASEAN Ministerial Meeting to establish the first regional human rights mechanism in South East Asia. This regional mechanism will ensure that all ASEAN member States adhere to their obligations under international human rights norms and standards.

There was common concern over the **economic crisis**, which Brazil referred to as ‘one of the biggest challenges to the realisation of human rights’ and highlighted how this crisis is affecting the most vulnerable both domestically and internationally. It acknowledged Amnesty International’s efforts aimed at combating poverty and highlighted the need for NGOs to follow this path. Brazil also called on the special procedures to work on the issue of the economic crisis. In the same vein, Senegal focused on the need to renew States’ commitment to the realisation of economic, social and cultural rights and the right to development in the context of the financial crisis.

³ A/HRC/11/3.

Further information

For further information on the Human Rights 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.
- Oral statements made at the Council, as well as other 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'.
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 11th session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/11session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm>.

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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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.

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