

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

COUNCIL UPDATE – ITEM 4, HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION HUMAN RIGHTS COUNCIL, 10TH SESSION 17 AND 23 MARCH 2009

Overview	1
General debate on Item 4	1
Rights of reply.....	4

Overview

On 17 and 23 March the Human Rights Council (the Council) discussed situations that require its attention. Only 18 States but more than 60 NGOs took part in the general debate. States, as in previous sessions, drew attention to a relatively small list of country situations of concern. The rest was similar to previous to those raised at previous sessions and included DPRK, DRC, Iran, Myanmar, the Sudan, Sri Lanka and Zimbabwe. NGOs in addition to the issues raised by States drew attention to situations in Cameroon, China/Tibet, Iraq, Kashmir, Libya, Thailand, Turkey, the US, and Vietnam.

General debate on Item 4

The following analysis of country situations raised during the debate is arranged alphabetically by country.

Several NGOs commented on the situation in **Tibet, China**.¹ The International Commission of Jurists stated that the High Commissioner for Human Rights should be allowed to visit the region to assess the situation. The Asian Indigenous and Tribal Peoples Network stated that the Working Group on enforced disappearances should intervene in relation to the crackdown on Tibetans. The International Fellowship of Reconciliation expressed concern about the patriotic re-education campaign in Tibet.

The Czech Republic (on behalf of the EU) called for urgent attention to a broad range of systematic and widespread human rights violations in the **Democratic People's Republic of Korea (DPRK)**. Unsurprisingly, the DPRK stated that it opposed the resolution on the situation in the country.

The Czech Republic (on behalf of the EU) noted the efforts of the **Democratic Republic of the Congo (DRC)** to address the political and economic challenges and find a solution to the conflict. However, it expressed deep concern at the continuing violations such as killings, rape, torture, incommunicado detention and sexual violence. Germany was concerned about the particular situation of vulnerable groups such as women and children. Germany

¹ Amnesty International, International Commission of Jurists, Asian Indigenous and Tribal Peoples Network, Society for Threatened Peoples in a joint statement, International Educational Development, International Fellowship of Reconciliation, Helsinki Foundation for Human Rights,

stated that a future mandate on the DRC should be adopted by consensus and in close cooperation with the Government. Ireland stated that the Council should draw conclusions from the High Commissioner's report on the DRC. FIDH urged the Council to establish a special procedures mandate in response to the situation in the DRC.

The Czech Republic (on behalf of the EU) raised the grave situation in **Eritrea** for the first time in the Council and noted the lack of free media, routine arrests of human rights defenders and journalists, restrictions on freedom of movement, and arbitrary detention. France also stated that the situation must be urgently improved.

The Czech Republic (on behalf of the EU) expressed deep concern about the deteriorating human rights situation in **Iran**,² in particular executions of juveniles, arbitrary detention and harassment of religious and ethnic minorities, women's activists, students and union members.³ It also expressed its opposition to the discrimination and harassment of religious minorities, in particular the Baha'is.⁴ France and Ireland underlined discrimination against women. Israel stated that Iran continues to use 'toxic hatred' through anti-Semitism and systematically violate human rights. The US expressed concern about restrictions on the media. Amnesty International stated that Iran is avoiding scrutiny of its human rights record by failing to implement visit requests by international human rights mechanisms. FIDH recommended the establishment of a special rapporteur on Iran.

DPRK stated that the wars in **Iraq** and **Afghanistan** had resulted in serious human rights violations. The Union of Arab Jurists expressed concern about the killing of more than one million people in Iraq and the use of torture. Human Rights Watch was concerned about the situation in detention facilities and about violence against women and girls. It urged the Council to adopt a resolution on the situation and establish a special rapporteur to monitor it.⁵ The NGO EAFORD underlined that the Council must discuss the situation and asked why the High Commissioner had never drawn the Council's attention to the grave and pervasive violations in Iraq.

Ireland called on **Israel** to respect its international obligations, including in relation to the illegal settlements in the **occupied Palestinian territories**. It also called for an appropriate independent investigation into the attack on Gaza.

The DPRK stated that **Japan** should provide compensation and accept responsibility for past violations.

The Czech Republic (on behalf of the EU) and the Netherlands expressed concern about the killing in **Kenya** of two human rights defenders and called for an independent investigation into their killing.

The Czech Republic (on behalf of the EU) and the UK expressed deep concern about the situation in **Myanmar**. It called for the large number of political prisoners there to be released. Germany urged the Government to engage the opposition and ethnic groups in an inclusive process of national reconciliation and implement the recommendations of the Special Rapporteur on Myanmar. The International Peace Bureau drew attention to the situation of the Rohingya minority. Reporters Without Borders International expressed concern about the violations against journalists in the country.

The Netherlands called for an extension of the mandate of the Independent Expert on **Somalia**.

the Czech Republic (on behalf of the EU) and the Netherlands invited the High Commissioner to brief the Council on the situation in **Sri Lanka**. Canada and Australia also expressed concern about the deteriorating situation. France and Switzerland drew attention to the 'alarming situation' of civilians in the conflict zone and called on all parties to respect human rights and international humanitarian law. Germany acknowledged the violations committed by both sides to the conflict. Japan and the Netherlands expressed concern about the civilian casualties. The International Commission of Jurists called for an independent investigation, a mission to be deployed by the

² Australia.

³ New Zealand, Amnesty International, FIDH.

⁴ Netherlands, Ireland, Baha'i International Community.

⁵ Also mentioned by EAFORD.

Security Council, and the appointment of a special representative by the Secretary-General. The Asian Legal Resource Center and Forum Asia expressed concern at the Council's inaction and asked what more was needed before action would be taken. Forum Asia, Franciscans International and Pax Romana urged the Council to urgently hold a special session to address the 'desperate situation'.⁶

The Czech Republic (on behalf of the EU) expressed concern about the serious human rights situation in **the Sudan** where civilians suffer grave human rights violations, including sexual violence, recruitment of child soldiers and a general atmosphere of impunity. Several States expressed serious concern at the expulsion of 13 humanitarian agencies following the indictment of President Al-Bashir by the International Criminal Court (ICC).⁷ Japan and the Netherlands urged the Government to reconsider its decision. France and Australia expressed concern about the situation in Darfur. Ireland, New Zealand and FIDH expressed support for the ICC with Ireland urging that those responsible for human rights violations must be held to account.

Amnesty International welcomed the steps by **the US** to close the Guantanamo detention facility and end secret detention. It underlined the need to comply fully with international standards and to guarantee remedies for human rights violations.

In relation to **Western Sahara**, Morocco and Algeria made predictable statements. Algeria highlighted the right to self-determination while Morocco accused Algeria of human rights violations. Algeria called for the Council to put an end to serious human rights violations in that region. Several NGOs also commented on the situation.⁸

In relation to the situation in **Zimbabwe**, the Czech Republic (on behalf of the EU) expressed hope for political and economic reform but expressed concern about restrictions on freedom of expression, unlawful detention and enforced disappearances and severe food shortages.⁹ France stated that the rule of law must be re-established and that human rights defenders and politicians must be unconditionally released. The UK expressed concern at serious human rights violations. Ireland was concerned about prison conditions. Australia called on Zimbabwe to respect the power sharing agreement. Conectas, in a joint statement, was concerned about gross and systematic violations and urged the Council and OHCHR to address the situation. The International Commission of Jurists invited the High Commissioner to visit the country and strengthen the presence of OHCHR there. Conectas and the International Commission of Jurists also encouraged special procedures to be allowed to visit.

Some States used the opportunity to highlight **thematic issues** of concern to them that were sometimes related to particular country situations. The US stated that it did not consider comments by others about its human rights record to be interference in its domestic affairs. It focused its statement on the plight of **prisoners of conscience** in Zimbabwe, China, Cuba, Myanmar, DPRK, Azerbaijan, Sri Lanka and Iran. The Cairo Institute for Human Rights studies focused on **freedom of expression** in the Arab region. Iran expressed concern about discrimination against **minorities** in the Czech Republic and France; social exclusion of indigenous peoples and harassment of religious minorities in Canada; and racial discrimination in the US. China made several general comments about the relevance of Item 4 and the need for a constructive approach. It underlined that all States are calling for cooperation to overcome several **global challenges** such as the financial crisis, climate change, energy problems, and the food crisis and that cooperation would be the most effective solution. Sweden noted that panel discussions could be a useful format to address situations of concern. While stating that the UPR has proved useful and that it must be open, critical and forward looking, Sweden regretted attempts at restricting the examination of countries.

Other situations raised included: disappearances and arbitrary detention of Kurds in **Turkey**;¹⁰ **Libya**'s treatment of black African migrants;¹¹ killings during a demonstration and arbitrary detention in **Cameroon**;¹² raids on

⁶ International Educational Development.

⁷ Czech Republic (on behalf of the EU), Canada, Switzerland, UK.

⁸ France Liberte, International Educational Development, International Youth and Student Movement for the UN, Union de l'Action Feminine, International Democratic Center.

⁹ New Zealand.

¹⁰ Europe Third World Center.

NGOs by the army and the branding of human rights defenders as insurgents in **Thailand**;¹³ on-going violations in **Fiji**;¹⁴ a new law restricting advocacy by ‘foreign’ NGOs in **Ethiopia**;¹⁵ food security and land issues in **Madagascar**;¹⁶ torture and abuse of human rights defenders in the provinces of **Papua and West Papua in Indonesia**;¹⁷ the situation in **Kashmir**;¹⁸ the situation in **Vietnam**;¹⁹ violence against men by women in **Cameroon**;²⁰ and abuse of Dalits in Tamil Nadu, **India**.²¹

Rights of reply

Azerbaijan replied to the comment by the US. It regretted that the US had not participated in the discussion during the UPR on Azerbaijan in February 2009. It further noted that Azerbaijan is keen to benefit from the cooperation of all human rights mechanisms and welcomed the interests of other countries.

Sri Lanka replied to the statements by several NGOs. It argued that the Government is engaged in a legitimate military and humanitarian operation aimed at liberating its people. It further stated that the Under-Secretary General for Humanitarian Affairs, Mr John Holmes had visited the villages in which internally displaced persons are being sheltered and that UNHCR officials are also present at these villages.

Japan replied to the statement made by the DPRK stating that the abduction of innocent people is an extreme case of violation of human rights.

China rejected the statements made by NGOs concerning Tibet. It argued that the statements have nothing to do with human rights, that they distorted facts and contained groundless allegations. It underlined that the issue is separatism and rejected that there were any religious or cultural issues. China urged NGOs to acknowledge the progress in Tibet.

¹¹ UN Watch.

¹² FIACAT.

¹³ Asian Legal Resource Center.

¹⁴ Australia.

¹⁵ Czech Republic (on behalf of the EU).

¹⁶ Franciscans International and Pax Romana.

¹⁷ Franciscans International and Pax Romana.

¹⁸ International Human Rights Association of American Minorities,

¹⁹ Agir ensemble pour les droits de l’homme.

²⁰ Cercle de recherché sur les droits et le devoirs de la personne humaine.

²¹ Mbororo Social and Cultural Development Association.

COUNCIL MONITOR STAFF

Eléonore Dziurzynski, Communications Officer
Michael Ineichen, Human Rights Officer
Gareth Sweeney, Deputy Manager
Katrine Thomasen, Manager International Programme

CONTRIBUTORS

Jessika Croizat, Intern
Joelle Dek, Intern
Surya Gopalan, Intern
Ladina Knapp, Intern
Beth Lehner, Intern
Clara Martino, Intern
Patriani P. Mulia, Intern
Isabella Ries, Intern

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.

SUBSCRIPTION

If you wish to receive the Council Monitor Daily Updates by e-mail during the Council session, please e-mail information@ishr.ch with 'subscribe' in the subject line. Your e-mail address and personal information will not be shared or sold to any third parties. We may from time to time send you a notification about other publications in the Human Rights Monitor Series that you may be interested in downloading or subscribing to.

COPYRIGHT, DISTRIBUTION AND USE

Copyright © 2009 International Service for Human Rights. Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders. ISHR accepts no responsibility for any inaccuracies arising from or connected to unapproved or unofficial translations of its publications or parts thereof.

DISCLAIMER

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on, or any use of this publication. We are however happy to correct any errors you may come across so please notify information@ishr.ch.