

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## COUNCIL UPDATE – ITEM 4 HUMAN RIGHTS COUNCIL, 11<sup>TH</sup> SESSION 8 AND 9 JUNE 2009

Overview .....	1
General debate .....	1
Further information.....	3

### Overview

On 8 and 9 June 2009, the Council held a general debate under Item 4 on human rights situations that require its attention. The debate was little different from previous ones, with a very particular mix of States taking the floor.<sup>1</sup> A large number of NGOs took the opportunity to participate although some expressed regret at the reduction of their speaking time due to bad time management elsewhere.<sup>2</sup> Rights of reply were heard in the middle of NGO statements rather than at the end of the item as is usually the case, and expectedly descended into bitter bilateral exchanges between Syria and Israel and between Japan and the Democratic People's Republic of Korea (DPRK).

### General debate

Several States made general comments about the consideration of country situations by the Council.<sup>3</sup> They mostly argued in favour of a 'robust dialogue'<sup>4</sup> on any situation of human rights violations. With regard to the mandate of the Council, Switzerland said that the Council should be able to deal with a larger number of specific cases and expressed its support for the Council to take up any situation. Sweden noted that the world looks to the Council to address serious human rights violations and insisted that it is necessary for the Council to do so in order to maintain its legitimacy. Italy highlighted the fact that one of the main duties of the Council is to closely monitor and promptly act to prevent serious human rights violations. Belgium welcomed the opportunity to discuss issues in countries and maintained that it is the responsibility of the Council to look at situations in every part of the world. Many insisted the legitimacy and credibility of the Council rests on its ability to address serious human rights violations. In this context, the US expressed disappointment at the recent no-action motion, which was used to block consideration of proposals at the recent special session on Sri Lanka.

Cuba, unsurprisingly, took an opposing view arguing that Item 4 should not only be used to discuss country specific situations, but instead thematic 'situations' such as the world financial crisis and what it called 'a crisis of ethics'.

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<sup>1</sup> The following States took the floor: Czech Republic (on behalf of the EU), Canada, Netherlands, UK, Switzerland, Italy, France, Germany, Japan, Argentina, Cuba, Israel, United Arab Emirates, Sweden, Australia, Ireland, Sudan, Belgium, US, Libya.

<sup>2</sup> Asian Legal Resource Centre (ALRC) and Human Rights Watch (HRW).

<sup>3</sup> Switzerland, Sweden, Italy, Belgium, US.

<sup>4</sup> US.

The remainder of the general debate focused on situations of concern to States and NGO. As it has become common practice for general debates under Item 4, a long list of country situations was raised. However, the list is virtually unchanged from one session to the next, and on most situations the Council has not even considered taking action. In a customary defence of their well-known positions, a number of States exercised their right of reply at the end of the segment. The United Kingdom emphasised its readiness to engage bilaterally with any of the countries discussed during the debate.

The situation in **Myanmar** received considerable attention from States, with a number expressing their concern at the detention of Ms Aung San Suu Kyi and other political prisoners and prisoners of conscience,<sup>5</sup> and the undermining of the political process before the 2010 elections. Amnesty International and the Asian Forum for Human Rights and Development (Forum Asia) also expressed their concern at the renewed arrest of Aung San Suu Kyi.

**The Sudan** was another situation of concern during the debate. The Czech Republic (on behalf of the EU) argued that in consideration of the widespread use of torture and the impunity for sexual violence against women, the extension of the mandate of the Special Rapporteur is a priority. The US also strongly urged the Council to decide on a one year extension of the mandate. Ireland emphasised the need for accountability and expressed its support for the work of the International Criminal Court (ICC).

Ireland also called on the Government of the Sudan to reverse its decision to expel international humanitarian aid organisations. The Sudan highlighted the cooperation of the Government which led to the CPA and DPA peace agreements and argued that the improved security situation renders the appeal for the renewal of the extension of the Special Rapporteur’s mandate unnecessary. It further claimed that the special procedures mandate is flagrantly political in nature. The United Arab Emirates, on behalf of the Arab Group, praised Sudan and urged the Council to support Sudan in its efforts.

The Czech Republic (on behalf of the EU) reiterated its call for an independent and credible investigation into violations of international human rights and humanitarian law in **Sri Lanka**. France, Sweden and Ireland echoed this call in their national capacities. In a strong statement, Ireland explained that its conviction stems from historical experience and also expressed its regret that the Council was unable to reach a meaningful outcome at the recent special session. Human Rights Watch drew attention to the continuing threats and dangers confronting journalists and doctors in Sri Lanka.

Regarding **Iran**, the execution of juveniles was a cause of particular concern for many State.<sup>6</sup> The Czech Republic (on behalf of the EU) raised concerns about intimidation of human rights defenders and freedom of expression and association in Iran. Canada, Germany and the UK referred in particular to the arbitrary detention of members of the Baha’i Community, and France drew attention to the detention of people because of their sexual orientation or gender identity. Israel highlighted violations of women’s rights.

In addition to these situations discussed in some detail, concerns were also expressed about Zimbabwe,<sup>7</sup> Democratic Republic of Congo,<sup>8</sup> Afghanistan,<sup>9</sup> Democratic People’s Republic of Korea (DPRK),<sup>10</sup> Fiji,<sup>11</sup> Kenya,<sup>12</sup> and Pakistan.<sup>13</sup>

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<sup>5</sup> Czech Republic, on behalf of the European Union (EU), Canada, the Netherlands, the UK, Switzerland, Italy, France, Argentina, Australia and the US.

<sup>6</sup> Canada, the Netherlands, France, Germany and Belgium.

<sup>7</sup> Czech Republic (on behalf of the EU), Canada, the UK, Germany and Ireland all expressed concern at human rights violations in Zimbabwe.

<sup>8</sup> Sweden, Ireland and Belgium all referred to this situation. The widespread use of sexual violence against women and children was highlighted by Sweden.

<sup>9</sup> NGOs Lawyers’ Rights Watch Canada and Nord Sud XXI called for a Special Rapporteur on the situation of civilians in armed conflict and human rights violations by US bombing.

## 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](mailto: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 11<sup>th</sup> 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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<sup>10</sup> Japan referred to the poor human rights situation in the Democratic People’s Republic of Korea (DPRK) and the UK urged the granting of access to a Special Rapporteur.

<sup>11</sup> The UK and Australia called on the Government of Fiji to uphold human rights for all.

<sup>12</sup> The Czech Republic (on behalf of the EU) encouraged continued progress and the Netherlands recommended an independent investigation into the killing of two people who cooperated with the Special Rapporteur.

<sup>13</sup> The Netherlands and Switzerland expressed concern about the situation of internally displaced persons (IDPs).

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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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