

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## COUNCIL UPDATE – ITEM 10 – GENERAL DEBATE HUMAN RIGHTS COUNCIL, 12<sup>TH</sup> SESSION 2 OCTOBER 2009

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### Overview

On 2 October, the Council held a general debate under Item 10 of its agenda, ‘technical assistance and capacity building’. Ms Kyung-wha Kang, Deputy High Commissioner for Human Rights, briefly presented several reports prepared by the Office of the High Commissioner for Human Rights (OHCHR) on technical assistance activities undertaken in the last year. She updated the Council on the situations in Burundi, Liberia and Cambodia. Only very few States took the floor during the debate. While many States have argued that cooperation and technical assistance is the best way to promote and protect human rights, these same States are generally not participating in specific discussions about how the Council can do this.

### General debate

The general debate on OHCHR’s reports was short and drew very little attention. Most interventions remained superficial and general, with only few mentions of specific situations. Sweden (on behalf of the EU) felt that country specific mandates are useful to assist States in their implementation of human rights obligations, and it welcomed **capacity building work carried out by OHCHR**, and in particular by the offices in Nepal and Uganda. It also welcomed the new OHCHR regional office in Brussels, and said it looked forward to a ‘good and intensified dialogue on human rights’ with the High Commissioner. All States do not share this openness towards the establishment of regional offices. In the past, some have argued that regional offices could only be established with the consent of all States in the given region.

Brazil expressed its ‘full commitment to **enhancing cooperation**’ and repeated the rhetoric that Item 10 should be a means to improve human rights situations through improved dialogue and cooperation. However, it did not suggest more concretely how the Council could improve human rights situations through cooperation or in which countries this approach should be pursued.

## Burundi

The Deputy High Commissioner highlighted the progress, albeit slow, on the issue of transitional justice. She also expressed concern about ‘disturbing trends in restrictions on civil and political rights and in targeted violence’ and the denial of the rights to freedom of expression, association and assembly of opposition and civil society groups, particularly in view of the elections scheduled for 2010.<sup>1</sup> In her presentation, Ms Kang drew specific attention to recommendations contained in the report to implement the new criminal code, which she generally welcomed, with the exception of provisions criminalising homosexuality. She clearly stated that the latter infringes the right to privacy and non-discrimination.

Burundi, as a concerned country, thanked the Deputy High Commissioner for Human Rights for the report. However, it claimed that many of the issues raised had already been addressed in the recent UPR of Burundi. The delegation also updated the Council on recent developments, thanking civil society organisations for their support in changing laws and policies. It called on the international community to provide support for the upcoming elections in 2010.

Several States commented on the situation in Burundi, and in particular regretted that the Independent Expert on Burundi does not report to the Council more regularly.<sup>2</sup> Human Rights Watch pointed out that the Independent Expert should report to the Council despite the failure of the Government to establish a national human rights institution (NHRI). It also expressed concern about the political violence in the country, and doubted that free and fair elections would be possible in this climate. The Cairo Institute for Human Rights Studies (CIHRS) suggested closer monitoring of the situation by the Council, to ensure that the few positive developments are preserved. Both HRW and CIHRS joined the Deputy High Commissioner in condemning the provisions in the new criminal code criminalising homosexuality.

## Liberia

The Deputy High Commissioner drew attention to important improvements in the institutional framework since the abolition of the special procedures mandate on the country in 2008. She particularly welcomed the establishment of a NHRI. However, she emphasised that important challenges remain, including cases of rape and other sexual violence, and widely practiced harmful traditional practices. She also regretted the weak institutions in the criminal justice system. As an illustration, she mentioned that over 90 percent of the prison population is in pre-trial detention.

It was notable that only few comments were made on the situation in Liberia. Given that the special procedures mandate on this country was terminated a year ago, this low level of interest seems rather disappointing. Sweden (on behalf of the EU) supported continued reporting by OHCHR. The *Rencontre Africaine pour la Défense des Droits Humains* (RADDHO) expressed concern about the situation of former child soldiers.

## Cambodia

The Deputy High Commissioner also presented an OHCHR report on Cambodia, which complemented that of the Special Rapporteur discussed separately.<sup>3</sup> The report focuses on the land and livelihood programme, which OHCHR has developed in cooperation with the Government. It also expressed concern about the ‘disinformation complaints’ used to suppress public criticism, a concern also raised by the Special Rapporteur.

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<sup>1</sup> See A/HRC/12/43.

<sup>2</sup> The Independent Expert’s mandate is created until the establishment of a national human rights institution (NHRI) compliant with the Paris Principles. Strangely, however, the Independent Expert is not to report to the Council until after the establishment of an NHRI. Delegations regretting this included Sweden (on behalf of the EU), Belgium, Human Rights Watch, Cairo Institute for Human Rights Studies.

<sup>3</sup> See ISHR’s *Council Update* on that, available at [www.ishr.ch/council\\_updates](http://www.ishr.ch/council_updates).

Cambodia, as the concerned country, also updated the Council on developments in the past year. On the issue of ‘disinformation campaign’, it claimed that it had replied to special procedures in relation to freedom of expression. Viet Nam congratulated Cambodia for its progress.

### Further information

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- 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 12<sup>th</sup> session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/12session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/12session/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.*

## **COUNCIL MONITOR STAFF**

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

## **CONTRIBUTORS**

**Felice Drott**, Intern  
**Jade Johnston**, Intern  
**Mabel Kirabo Kiggundu**, Intern  
**Isabella Ries**, Intern  
**Peter Tubman**, Intern  
**Katelan Wick**, Intern

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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 Council 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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