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ANALYTICAL OVERVIEW HUMAN RIGHTS COUNCIL, 10TH SESSION

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Introduction

The 10th session of the Human Rights Council (the Council) started with three days of High Level Segment. Copies of country statements are available online¹ and the following is not a comprehensive overview of the statements made by high level dignitaries.

Some highlights of the segment included: **States announced that they had put forward their candidatures for Council membership** (Kenya for the May 2009 elections, Spain for the period 2010-2013, and Switzerland for which period?); **States made known their intended activities during the Council** (the Russian Federation would table a resolution on arbitrary deprivation of nationality, Switzerland and Morocco had launched a UN declaration on human rights education and training that would be presented by the Advisory Committee, and France would present a resolution calling upon all States to ratify the *Convention for the Protection of All Persons from Enforced Disappearance*); **States reported on activities undertaken in their countries** (Zimbabwe had enacted a constitutional amendment to establish a National Human Rights Institution in the country during 2009, and Colombia had entered into 64 voluntary commitments as a result of the universal periodic review); **States**

¹ <http://portal.ohchr.org/portal/page/portal/HRCExtranet/10thSession/OralStatements>

reported on changes to their treaty body commitments (Botswana stated that an amendment withdrawing its reservation on the *Convention of the Rights of the Child* was in process, Morocco announced the lifting of its reservations to the *Convention for the Elimination of Discrimination Against Women* and the ratification of the *Convention on the Rights of Persons with Disabilities* (CPRD), and Bosnia and Herzegovina made known that it was considering the possible ratification of the CPRD); **States pledged to submit treaty body reports** (Tanzania committed to report to the Committee on Economic, Social and Cultural Rights and the Human Rights Committee in 2009); and **States invited the High Commissioner for Human Rights and special procedures to visit** (Zimbabwe claimed that a request by the High Commissioner to visit would be honoured in the near future, and Viet Nam declared its intention to invite a number of special procedures to visit the country in 2009).

Interaction with the High Commissioner

The Council held an interactive dialogue with the High Commissioner for Human Rights, Ms Navanethem Pillay, on the occasion of the presentation of her annual report.² The Council also heard a brief presentation by the Deputy High Commissioner, Ms Kyung-wha Kang, of various **thematic reports** submitted by the High Commissioner or the Secretary-General. The substance of these reports will be discussed below.

The dialogue between member and observer States of the Council, national human rights institutions (NHRI), non-governmental organisations (NGOs) and the High Commissioner was held in a constructive atmosphere. It was welcome that the High Commissioner responded to questions three times during the dialogue, rather than just at the end, as this was conducive to a more interactive discussion. It was notable that the High Commissioner did not shy away from difficult and specific questions put to her, and she answered most questions in a very structured and detailed manner. Several NGOs took the floor, and raised a variety of **country situations** of concern to them. It was noteworthy that the High Commissioner took time to respond, sometimes individually, to these statements as well. That part of the discussion will be covered below under ‘Country Focus’.

While the States that took the floor generally appreciated the High Commissioner’s efforts at holding open and transparent consultations with all States throughout the year and commended her openness to dialogue, some States³ continued to be rather critical with regards to the **field presence and composition of the staff of the Office of the High Commissioner for Human Rights** (OHCHR). Although both the previous and current High Commissioner have recognised the lack of ‘balanced geographical representation’ in the staff of OHCHR, and have started addressing it, this recurring discussion on the composition of the staff of OHCHR is related to the desire by some States to exert more control on OHCHR through the Council. Some States again made strong critical comments on this topic and Cuba (on behalf of the Non-Aligned Movement) asked that the High Commissioner indicate a timeline for fixing this ‘problem’. Egypt (on behalf of the African Group) claimed that the composition of OHCHR staff should reflect the ratio of the different regional groups within the UN system. Bangladesh even suggested that the secretariat of the Council, as a part of OHCHR, should reflect the same regional diversity as the Council.

In her response, the High Commissioner acknowledged the problem and said the issue was ‘high on her list’. Ms Pillay pointed out that progress towards a more geographically balanced OHCHR staff had been made. She also pointed out that in terms of gender balance, OHCHR is exemplary.⁴ She requested States’ understanding that she needs to ‘address the issue with caution’ and with ‘due regard to the rights and aspirations’ of her staff. After all, she said, she has to respect the human rights of her staff, and categorically rejected the idea of simply dismissing staff from overrepresented regions.

² A/HRC/10/23, A/HRC/10/31/Add.1, A/HRC/10/31/Add.2, A/HRC/10/32, A/HRC/10/37, A/HRC/10/52, A/HRC/10/53, A/HRC/10/G/4

³ Pakistan (on behalf of the OIC), Egypt (on behalf of the African Group), Cuba (on behalf of the NAM) and many developing countries belonging to these groups

⁴ In this context it is interesting to note that the discussion did not touch on the gender balance within staff from each region.

Some States also repeated calls for a formal debate in the Council on the relationship between OHCHR and the Council, whereas others were firmly of the opinion that this relationship is sufficiently clear.⁵

Cuba was the main sponsor of a **resolution on the composition of the staff of the OHCHR** aimed at increasing the representation of staff from developing countries.⁶ The resolution was adopted after a vote that was called by Germany (on behalf of the European Union): 33 in favour; 12 against; two abstentions.⁷ Canada, Germany (on behalf of the EU) and Switzerland spoke against the resolution before its adoption explaining that the Council, in their view, has no competence to deal with this matter which is exclusively under the purview of the 5th Committee of the General Assembly. They also objected to the introduction of a concept of regional balance rather than geographical balance based on countries of origin of the staff. The resolution also invites the High Commissioner to consider introducing a zero-growth cap on recruitment of staff from countries or regions that are already over-represented in OHCHR.

Thematic Mandates (and related Council resolutions)⁸

The following thematic mandates reported to the 10th session of the Council: the Working Group on arbitrary detention; the Working Group on mercenaries; the Special Rapporteur on food; the Independent Expert on access to safe drinking water and sanitation; the Special Rapporteur on adequate housing; the Special Rapporteur on human rights and countering terrorism; the Special Rapporteur on torture; the Working Group on enforced disappearances; the Special Rapporteur on freedom of religion or belief; the Independent Expert on minority issues; the Special Rapporteur on human rights defenders; the Representative of the Secretary-General on internally displaced persons; and the Special Rapporteur on trafficking in persons, especially women and children.

The Chairperson of the **Working Group on arbitrary detention**, Ms Manuela Carmena Castrillo, reported⁹ on visits to Italy and Colombia, to which Italy replied in detail and Colombia reminded the Working Group that it should adhere to the *Code of Conduct for special procedures*. A number of States¹⁰ rejected the Working Group's request in its annual report to expand its mandate to cover the rights of all detainees. The annual report, among other thematic issues, examined the rights of all persons deprived of their liberty. The Working Group argued in the report that although several thematic mandates visit detention centres, no mandate comprehensively covers the protection of all rights of all detainees. Interestingly, Cote d'Ivoire at the end of the session announced its intention to propose a new resolution at the next session of the Council in June on the detention of immigrants and asylum seekers. The Working Group also recommended to the Council that it provide additional funds for it to be able to carry out five country visits per year. Regrettably, the resolution makes no direct reference to this although it generally calls for the Secretary-General to ensure that the Working Groups receives the necessary support to effectively carry out its mandate. Other issues raised during the debate included immigrants in irregular situations, the link between deprivation of liberty and corruption, and criticism of the late preparation of reports by the Working Group.¹¹

⁵ For more information about this issue, see ISHR's *Human Rights Monitor 2008*, available at www.ishr.ch/hrm08.

⁶ A/HRC/10/L.21/Rev.1

⁷ Chile and the Republic of Korea abstained, while members of the EU together with Canada, Japan and Switzerland voted against. For the full details of the vote, please visit the OHCHR extranet. ²

⁸ For detailed reports on each of the thematic mandates see ISHR's *Council Updates*, Item 3.

http://www.ishr.ch/index.php?option=com_content&task=view&id=471&Itemid=513

⁹ A/HRC/10/21, 16 February 2009 (annual report), Add. 1, (Opinions adopted by the Working Group, not yet published), Add. 2, 21 November 2008 (Mission report to Mauritania), Add. 3, 16 February 2009 (Mission report to Colombia), Add. 4, 9 February (Mission report to Ukraine), Add. 5, 26 January 2009 (Mission report to Italy).

¹⁰ Pakistan (on behalf of the OIC), Saudi Arabia, Algeria and Mexico.

¹¹ Pakistan (on behalf of the OIC), Saudi Arabia, Norway and Malaysia.

France was the main sponsor of a **resolution on arbitrary detention**¹² encouraging States to consider the recommendations of the Working Group and to ensure that irregular migrants and asylum seekers are protected from arbitrary arrest. The resolution was adopted without a vote.

The interactive dialogue which followed the presentation of the annual report¹³ of the **Working Group on the use of mercenaries** by the Chairperson, Mr Alexander Nikitin, was relatively constructive. Despite a number of objections to recommendations made to the United Kingdom (UK) following a visit by the Working Group, there was notable support (including from the UK) for the greater regulation of private military and security companies,¹⁴ and the drafting of an international convention on mercenaries.¹⁵

Cuba was the main sponsor of a **resolution on the use of mercenaries** as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.¹⁶ In proposing the resolution Cuba requested the Working Group to present elements of a possible draft convention on private military companies and a model law to the Council in September 2010. The resolution was adopted after a vote: 32 in favour; 12 against, three abstentions.¹⁷

The Council warmly welcomed the research on the contribution of development cooperation, food aid and international trade on the **right to food** by the Special Rapporteur, Mr Olivier de Schutter. The research presented in his report¹⁸ triggered an active dialogue with more than 35 States, one NHRI and 11 NGOs taking the floor to express their views.

A **resolution on the right to food**¹⁹ (sponsored by Cuba) was adopted without a vote. The resolution analyses the right to food in general terms and does not focus on the current world food crisis. The resolution, among others, requests the Human Rights Council Advisory Committee to undertake a study on discrimination in the context of the right to food and present to the 13th session in March 2010.

The first preliminary report²⁰ of the newly created special procedure mandate on the issue of human rights related to **access to safe drinking water and sanitation** set out the Independent Expert's intention to focus on the issue of sanitation in her first year. States generally supported and encouraged Ms Catarina de Albuquerque's future work.

The report²¹ of the **Special Rapporteur on adequate housing**, Ms Raquel Rolnik, focused on how certain economic, financial and housing policies have impacted the right to adequate housing in recent years. Ms Rolnik's recommendations concentrated on changing perceptions of housing, adopting a human-rights approach, and increasing public funding. During the interactive dialogue most States were complimentary of the report and in agreement with the Special Rapporteur's observations and recommendations. Only a handful of States expressed

¹² A/HRC/10/L.19

¹³ A/HRC/10/14; Add.1 (communications to and from Governments); Add. 2, 19 February 2009 (report on mission to the UK); Add. 3, 26 February 2009 (report on the regional consultation for the Eastern European Group and Central Asia region on the activities of private military and security companies: regulation and oversight).

¹⁴ UK, Pakistan (on behalf of the OIC), Cuba, Russian Federation, Egypt (on behalf of the African Group), Nigeria, and South Africa.

¹⁵ UK, Cuba, Nigeria and the Russian Federation.

¹⁶ A/HRC/10/L.24

¹⁷ Switzerland, Chile and Mexico abstained while EU countries as well as Japan and the Republic of Korea voted against.

¹⁸ A/HRC/10/5 and Add.2

¹⁹ A/HRC/10/L.25

²⁰ A/HRC/10/6

²¹ A/HRC/10/7

disagreement with the report, mostly disagreeing with criticisms of their own domestic housing situations.²² Several NGOs illustrated their statements with reference to situations in specific countries.²³

In presenting his annual report, the **Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**, Mr Martin Scheinin, commented on the role of intelligence agencies in the fight against terrorism and his visit to Spain.²⁴ Spain rejected several of the Special Rapporteur's findings and conclusions claiming that they did not 'reflect the facts'. Many States highlighted their own counter-terrorism efforts and some States endorsed the Special Rapporteur's recommendation to develop guidelines on human rights compliance and best practices for intelligence agencies.²⁵ The Czech Republic (on behalf of the EU) stated that the recommendations were 'far-reaching' and required careful study. Drawing from the Special Rapporteur's report, a number of States²⁶ affirmed the need to empower effective oversight mechanisms of intelligence agencies. Regional and international cooperation were broadly encouraged²⁷ though the sentiment was checked by China also stressing the importance of respect for territorial integrity in counter-terrorism measures. The Special Rapporteur announced his intention to conduct a joint study on secret detention with the Special Rapporteur on torture. The study will be presented to the Council in March 2010.

A **resolution on the protection of human rights and fundamental freedoms while countering terrorism**²⁸ was sponsored by Mexico and was adopted without a vote. The text invites the Special Rapporteur and the High Commissioner to strengthen their contribution to current UN discussions on procedures against entities and individuals when countering terrorism, to report on this to the next session, to prepare a compendium on good practice in consultation with civil society, and to suggest measures for State oversight when countering terrorism.

The **Special Rapporteur on torture** and other cruel, inhuman or degrading treatment or punishment, Mr Manfred Nowak, presented his annual report, including reports on country visits to Denmark and Moldova, and a preliminary report on his visit to Equatorial Guinea.²⁹ While Denmark and Moldova welcomed Mr Nowak's observations, Equatorial Guinea reserved the right to comment on receipt of the final report. Mr Nowak also addressed two thematic issues: that of the death penalty as a form of cruel, inhuman or degrading treatment or punishment; and a human rights based approach to drug policies. The matter of the death penalty was addressed in response to a question posed by France (on behalf of the EU) during the 63rd session of the General Assembly, as to whether or not the death penalty was compatible with the prohibition of cruel, inhuman or degrading punishment under international law. Mr Nowak's discourse provoked a strong reaction from many States who rejected his analysis,³⁰ and some accused the Special Rapporteur of overstepping his mandate. Other States encouraged further discussion of the issue,³¹ however, as the originator of the debate, it is notable that France or the EU as a whole did not comment. In contrast, Mr Nowak's work on drug policies was largely welcomed and the subject noted as needing further study and action.

²² Canada and Chile.

²³ Amnesty International regarding the situations in Canada and Cambodia; The Asian Legal Resource Centre on the Republic of Korea; the Lawyers for Democratic Society on the Republic of Korea, Bangladesh and Brazil; and the General Federation of Iraqi Women on Iraq.

²⁴ A/HRC/10/3, A/HRC/10/3/Add.1 (Communications to and from governments), and A/HRC/10/3/Add.2 (mission to Spain).

²⁵ New Zealand and Austria.

²⁶ South Africa, Slovenia Brazil, Czech Republic (on behalf of the EU), Iceland and Tanzania.

²⁷ Yemen (on behalf of the Arab Group) Indonesia, China, and Slovenia.

²⁸ A/HRC/10/L.31

²⁹ A/HRC/10/44 14 January 2009, Add. 1, 23 January 2009 (mission to Equatorial Guinea), Add. 2, 18 February 2009 (mission to Denmark), Add. 3, 12 February 2009 (mission to the Republic of Moldova), Add. 4, 17 February 2009 (communications to and from governments), Add. 5, 17 February 2009 (follow-ups).

³⁰ Egypt, Pakistan (on behalf of the OIC), Saudi Arabia, China, Bangladesh, Yemen (on behalf of the Arab Group), Algeria, Iran, Sudan, Botswana, Singapore and Malaysia.

³¹ Brazil, Spain, Switzerland, Luxembourg, Thailand, Slovenia and New Zealand.

Denmark was the main sponsor of a **resolution on torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of medical and other health personnel**.³² In presenting the resolution Denmark explained that it contains a set of ethical principles for medical and other health personnel and is about States' obligations in this regard rather than individuals'. A vote was taken on operational paragraph 18 with 27 in favour; ten against; and ten abstentions, which meant that it was retained.³³ The vote was called by Egypt, which has traditionally cosponsored the resolutions on torture, based on concerns that were largely unrelated to the substantive topic of the resolution and merely focused on the noting of the Special Rapporteur's report. Egypt argued that the Special Rapporteur's focus on the death penalty was unsolicited and should not be allowed without the prior approval of the Council. After the vote was taken, Egypt argued that when part of a resolution has been voted upon, the entire resolution must automatically be subject to a vote. Although several States strongly objected to this reading of the rules of procedure,³⁴ the argument was regrettably left unresolved by the President. He simply stated that since there was no consensus on the text the Council would proceed to a vote on the resolution as a whole. This allowed Egypt not to be seen to be calling for the vote on the resolution as a whole, an action that it was clearly keen to avoid. The resolution was then adopted by 34 in favour; none against; and 13 abstentions.³⁵ The majority of States that had abstained on the previous vote, voted in favour of the resolution as a whole. Those States that had voted against abstained on the resolution and were joined by Ghana, Jordan and Senegal which had abstained on the paragraph.

The Chairperson-Rapporteur of the **Working Group on enforced or involuntary disappearance**, Mr Santiago Corcuera, presented the annual report and a report on the visit to Argentina.³⁶ Among the issues addressed during the interactive dialogue were the mandate and workload of the Working Group and the special situations concerning women and children.

A **resolution on enforced or involuntary disappearances**³⁷ was sponsored by France and adopted without a vote. The resolution encourages States to renew their commitment to cooperate with the Working Group and calls on all States to ratify the *Convention for the Protection of All Persons from Enforced Disappearance* as soon as possible.

The Special Rapporteur on **freedom of religion or belief**, Ms Asma Jahangir, presented her annual report³⁸ and its addendums on country visits conducted during the past two years to Tajikistan, the UK, Angola, Israel and the occupied Palestinian territory (OPT), India, and Turkmenistan. The annual report covered a study on the link between discrimination on the basis of religion or belief and the enjoyment of economic, social and cultural rights.

The Czech Republic was the main sponsor of a **resolution on discrimination based on religion or belief and its impact on economic, social and cultural rights**.³⁹ For the first time in the Council the resolution was adopted following a vote: 22 in favour; one against; and 24 abstentions. The vote was called by Pakistan (on behalf of the OIC) explaining that it would abstain. It expressed concerns about 'imbalance' in the text and argued that

³² A/HRC/10/L.32.

³³ In favour: Angola, Argentina, Bolivia, Bosnia and Herzegovina, Brazil, Cameroon, Canada, Chile, France, Gabon, Germany, Italy, Japan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Republic of Korea, Slovakia, Slovenia, Switzerland, UK, Ukraine, Uruguay, Zambia. Abstained: Azerbaijan, Burkina Faso, Cuba, Ghana, Indonesia, Jordan, Philippines, Russian Federation, Senegal, South Africa. Against: Bahrain, Bangladesh, China, Djibouti, Egypt, India, Malaysia, Pakistan, Qatar, Saudi Arabia.

³⁴ Chile, Switzerland, Canada, Mexico, Netherlands.

³⁵ In favour: Angola, Argentina, Azerbaijan, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Canada, Chile, Cuba, France, Gabon, Germany, Indonesia, Italy, Japan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Philippines, Republic of Korea, Russian Federation, Slovakia, Slovenia, South Africa, Switzerland, Ukraine, UK, Uruguay, Zambia. Abstained: Bahrain, Bangladesh, China, Djibouti, Egypt, Ghana, India, Jordan, Malaysia, Pakistan, Qatar, Saudi Arabia, Senegal.

³⁶ A/HRC/10/9 (annual report), Add.1 (mission to Argentina).

³⁷ A/HRC/10/L.20.

³⁸ A/HRC/10/8 and Addendums: A/HRC/7/10/Add.2.; A/HRC/7/10/Add.3; A/HRC/7/10/Add.4; A/HRC/10/8/Add.2; A/HRC/10/8/Add.3; and A/HRC/10/8/Add.4.

³⁹ A/HRC/10/L.34.

distinctions between religious communities do not in and of itself constitute discrimination. South Africa stated that it had major problems with the resolution and would vote against. It explained that the lack of reference in the text to the justiciability of economic, social and cultural rights was ‘inconceivable’ and it also found the shift in focus from religious intolerance to discrimination based on religion or belief ‘problematic’. Indonesia, Malaysia, Cuba, and the Russian Federation also expressed concerns.

The **Independent Expert on minority issues**, Ms Gay McDougall, presented her annual report and reports on her country visits to Guyana and Greece.⁴⁰ During the interactive dialogue, only a small number of States commented on the reports. As concerned countries, Greece raised some concerns about a number of issues raised in the country visit report, and Guyana criticised the report on the country visit with regard to its scope, methodology, findings and conclusions. The report on Greece led to several exchanges of rights of reply between Cyprus, Greece and Turkey.

The **Special Rapporteur on the situation of human rights defenders**, Ms Margaret Sekaggya, presented her annual report and mission reports to Togo and Guatemala.⁴¹ As well as reporting on her activities, Ms Sekaggya also addressed the thematic question of how the universal periodic review (UPR) process could enhance the protection of human rights defenders. Ms Sekaggya recommended improvements to the UPR to ensure a genuine dialogue and strengthen cooperation among States, civil society and human rights defenders. Although during the subsequent interactive dialogue most States commended Ms Sekaggya on her work, some States⁴² did not approve of the detailed nature of her recommendations concerning the UPR, arguing that the UPR process was too young for such an analysis to be useful.

The Council also held an interactive dialogue with the **Representative of the Secretary-General on the human rights of internally displaced persons** (IDPs), Mr Walter Kälin. In discussing Mr Kälin’s annual report⁴³ the following issues were addressed: the increased numbers of IDPs due to natural disasters and armed conflict; the need to prevent displacement due to natural disaster; the need to include durable solutions for IDPs in peace processes; States’ obligation to protect their populations; and the establishment of good practices in IDP policy. The country missions to Georgia and Chad, and the current situations in Colombia, Philippines, Sri Lanka and the Sudan were also addressed. Unfortunately the Council was running behind schedule on this item and the time limit of interventions had to be reduced, including for Mr Kälin. This reduced the holding of a substantive interactive dialogue with the effective participation of the mandate holder.

In reacting to the report⁴⁴ of the **Special Rapporteur on trafficking in persons, especially women and children**, Ms Joy Ngozi Ezeilo, several States expressed support for the Special Rapporteur and her work. However, there were mixed reactions to one of her recommendations to create a global action plan to combat trafficking in persons: Egypt, Russian Federation, Belarus spoke out in favour; the Czech Republic (on behalf of the EU) expressed reservations.

Cuba was the main sponsor of a new **resolution on the promotion and protection of cultural rights and respect for cultural diversity**.⁴⁵ The resolution established a new position of Independent Expert in the field of cultural rights for three years. The resolution was adopted without a vote after oral revisions. The Council had in *Resolution 6/6* requested the High Commissioner to consult with a broad range of stakeholders regarding the establishment of such a mandate and report back to it.⁴⁶ The large majority of submissions received had supported the establishment of a new special procedures mandate.

⁴⁰ A/HRC/10/11 (annual report), Add.1, Add.2 (mission to Guyana), Add.3 (mission to Greece).

⁴¹ A/HRC/10/12 (annual report), Add.2 (Togo), Add.3 (Guatemala the country visit to Guatemala was conducted by Ms Sekaggya’s predecessor, Ms Hina Jilani).

⁴² Bangladesh, Algeria, Russian Federation, Venezuela.

⁴³ A/HRC/10/13.

⁴⁴ A/HRC/10/16.

⁴⁵ A/HRC/10/L.26.

⁴⁶ A/HRC/10/60.

Thematic debates

This section examines the other thematic debates the Council held, including as part of panel discussions, and under Items 3 (promotion and protection of human rights), 8 (follow up to the Vienna Declaration and Programme of Action) and 9 (racism). Panel discussions were held on: the right to food; the rights of the child; and the rights of persons with disabilities. During general debates the issues of maternal mortality; the global economic crisis; climate change; rights of indigenous people; migrants; and sexual orientation and gender identity were addressed. Other debates focused on: racism; defamation of religion and Durban issues; deprivation of nationality and forensic genetics.

Panels

The panel discussion on the **right to food** took place on the morning of 9 March 2009. In her opening remarks, the High Commissioner briefly outlined the implications of the global food crisis to frame the discussion. Ms Pillay underscored the need to protect marginalised segments of society, particularly the rural and urban poor, and urged the inclusion of the human rights dimension to any national or international food security strategy.

The expert panel was made up of: Mr Paul Nicholson, a representative for Via Campesina, an international movement connecting farmers around the world, and offered a ‘peasant’s perspective’ to the discussion; Ms Andrea Carmen, who represented the International Indian Treaty Council and drew attention to the impact of the food crisis on indigenous populations; Mr David Nabarro, the co-ordinator of the Secretary General’s High Level Task Force on the Global Food Security Crisis; Mr Jean Ziegler, a member of the Human Rights Council’s Advisory Committee but who spoke in his personal capacity; and Mr Olivier De Schutter, the Special Rapporteur on the right to food.

Discussion revolved around the following points: the need for a coordinated global response, reforming the international framework where necessary; and the impact of the right to food on other rights, particularly those of vulnerable groups.

In implementation of Council *Resolution 7/29* on the **rights of the child** adopted in March 2008, and in light of the 20th anniversary of the *Convention on the Rights of the Child* (the Convention), the first annual full-day meeting on the rights of the child took place on 11 March 2009. Two expert panels were held, each of which were followed by an interactive discussion with States, NHRIs and NGOs. The first panel focused on promoting the implementation of the Convention at the international level and the second panel on national implementation and monitoring. The discussions showed that many activities have been undertaken to incorporate the obligations of the Convention, which enjoys almost universal ratification. However all stakeholders stressed that despite improvements on the enjoyment of the rights of the child in the last years many pressing concerns still need to be addressed at both the international and national levels to ensure the protection and fulfillment of all rights of the child.

A couple of resolutions concerning child rights were adopted without a vote. Austria was the main sponsor of a **resolution on human rights in the administration of justice, in particular juvenile justice**.⁴⁷ As explained by Austria, a resolution on this topic was last adopted by the Human Rights Commission in 2004 and by the General Assembly in 2007. This resolution was aimed at improving the administration of justice worldwide by making certain recommendations and addressing the situation of women with children in prison in particular. Brazil was the main sponsor of a **resolution on draft United Nations guidelines for the appropriate use and conditions of alternative care for children**.⁴⁸ Brazil welcomed the process of consultations that was taking place on the guidelines and announced its intention to take further action at the Council’s 11th session.

⁴⁷ A/HRC/10/L.15

⁴⁸ A/HRC/10/L.18

The Council also held its first ever panel debate on the **rights of persons with disabilities**, in accordance with Council *Resolution 7/9*. Chaired by Mr Marius Grinius, the dialogue was based on a study⁴⁹ undertaken by OHCHR that detailed key challenges for implementation of the *Convention on the Rights of Persons with Disabilities (CPRD)*. The panel also drew attention to the main challenges that States face, including present discrimination and exclusion of persons with disabilities; the negative perception of incompetence of persons with disabilities; the need to shift from a medical model to a social model perspective; and to review domestic law by removing discriminatory provisions, and establishing new legislative measures that accommodate persons with disabilities. States, NGOs and NHRIs then took part in the interactive dialogue, raising, amongst other issues, the need to include civil society in the implementation process; the need for further guidelines and good practices for effective implementation of the CPRD; and the possibility of establishing a new fund to promote implementation.

Panel discussions are increasingly taking up a lot of the Council's time, While this new format can undoubtedly be useful, consideration should be given to how the Council can make the panels more effective and to limiting their number at each session. The latter would allow them not to take away time from the Council's other important business.

General Debates

Item 3: promotion and protection of human rights

New Zealand made a statement on **maternal mortality** on behalf of 82 States. Following from a panel event held on the subject at the June 2008 session of the Council, New Zealand noted that 500,000 women die each year as a result of pregnancy or childbirth, of which most deaths are preventable. It drew attention to international commitments to illustrate that such failures in prevention could constitute violations of women's human rights, including rights to life, health and education. It noted that the decrease in global figures was far below those needed to reach the Millennium Development Goals, and stressed the need for both increased partnerships as well as individual State's respect for its human rights obligations. Recognising the important role of the World Health Organisation and others, it turned to the specific contributions that the Council could make in tackling this problem, including: identifying human rights dimensions; considering information on discrimination in the provision of and access to health care; addressing the issue through the UPR and treaty body dialogues; and requesting States to include women in decision making about maternal health. In its statement New Zealand pushed for the Council to take concrete action by June 2009.

The impact of the **global economic crisis** on the protection of human rights was echoed by many participants during the debate.⁵⁰ Chile reminded the Council that following its 10th special session,⁵¹ it must 'illuminate the path towards economic recovery'. Brazil endorsed this by noting the negative impact on peace and security and claimed that developing States will be affected most. China encouraged special procedures to incorporate these factors in their work while strictly adhering to their mandates, while Turkey called upon the Council to consider the financial crisis' particular impact on women. The UN Population Fund elaborated that women are primary caregivers, and female headed families are often poorer.

A number of States and other stakeholders⁵² responded to the recent report of OHCHR on **climate change and human rights**.⁵³ The Maldives and Bhutan in particular spoke from experience of the direct impact of climate change, with the former claiming that while the outcomes of the report were 'conservative', it was nonetheless important that the human rights impact was noted, as the failure of the United Nations Climate Change Conference

⁴⁹ Thematic study by the Office of the United Nations High Commissioner for Human Rights on enhancing awareness and understanding of the Convention on the Rights of Persons with disabilities, A/HRC/10/48, 26 January 2009.

⁵⁰ Chile (on behalf of GRULAC), Brazil, China, Turkey, UN Population Fund.

⁵¹ For more information, see ISHR's report on the special session on the impact of the financial crisis on the promotion and protection of human rights at www.ishr.ch.

⁵² Switzerland, Canada, China, Maldives, Bhutan, World Bank, Costa Rica, International Working Group for Indigenous Affairs, and International Institute for Non-Aligned Studies.

⁵³ A/HRC/10/61

in December 2008 to incorporate human rights would affect millions worldwide. It stated that it would follow up with a resolution on climate change at the 11th session in order to send a ‘strong message’ to the Conference. Canada, on the other hand, raised concern with assertions of links between human rights and climate change in the absence of consensus among States. It argued that guidelines are not binding on States, and that what was first needed was discussion and consensus among States. The World Bank also briefed the Council on its efforts regarding climate change, conceding that it does not employ a rights-based approach but informing that it is currently undertaking a study on climate change, human rights and legislative frameworks.

On the issue of the **rights of indigenous peoples**, Switzerland made the very practical proposal of bringing all relevant reports together for consideration at the same time during Council sessions. Canada stated that it did not consider the *Declaration on the Rights of Indigenous Peoples* and *ILO Convention No. 169 concerning indigenous and tribal peoples in independent countries* to constitute customary international law, presumably as it was one of the few States that delayed and opposed the adoption of the *Declaration on the Rights of Indigenous Peoples*.

The Russian Federation was the main sponsor of a **resolution on human rights and arbitrary deprivation of nationality**.⁵⁴ The resolution recognises the disproportionate effect of deprivation of nationality on minorities and was adopted without a vote after being revised orally. The Russian Federation requested the Secretary-General to prepare a report on the right to nationality for the 13th session of the Council in March 2010.

Argentina was the main sponsor of a **resolution on forensic genetics and human rights**⁵⁵ which aims at promoting the use of forensic genetics in the context of violations of human rights. The resolution was adopted without a vote but with requests that OHCHR seek information from States and other stakeholders in relation to best practices in the use of forensic genetics and report to the Council at its 15th session in September 2010.

A **resolution on the question of the realization in all countries of economic, social and cultural rights: follow up to Human Rights Council resolution 4/1**⁵⁶ was sponsored by Portugal and was adopted without a vote after minor revisions. The resolution welcomed the increasing number of States parties to the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), noted with interest the Optional Protocol to ICESCR and invited States to ratify it, and requested the High Commissioner to submit an annual report on the realisation of economic, social and cultural rights.

Item 8: follow-up and implementation of the Vienna Declaration

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 NGO 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 NHRIs in Asia in dealing with human rights issues relating to migrants and multicultural societies.⁵⁷ As mentioned above, Cote d’Ivoire is expected to propose a new resolution on the detention of migrants at the Council’s next session.

A number of States⁵⁸ reaffirmed their commitment to the joint statements made by Norway to the Council on 1 December 2006, and by Argentina to the General Assembly on 18 December 2008, expressing concern about

⁵⁴ A/HRC/10/L.35

⁵⁵ A/HRC/10/L.36

⁵⁶ A/HRC/10/L.14

⁵⁷ 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.

⁵⁸ Czech Republic (on behalf of the EU), Argentina, Denmark (on behalf of Norway, Sweden, Finland, and Iceland), and Colombia.

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,⁵⁹ added that States should apply the *Yogyakarta Principles on the application of international human rights law to issues of sexual orientation and gender identity*.⁶⁰ The US announced that it joined the 2008 statement, a move that was applauded by the NGO European Region of the International Lesbian and Gay Association.

Other debates

Racism

Under Item 9 (racism, racial discrimination and related intolerance), the Chairperson of the Ad Hoc Committee on the Elaboration of Complementary Standards, Mr Idriss Jazairy, the Ambassador of Algeria, presented the report on its first session.⁶¹ The Ad Hoc Committee met from 11 to 21 February 2008 and from 15 to 19 December 2008. It considered all contributions made to it, including by the five experts on the content and scope of substantive gaps in the existing international instruments to combat racism and by the Committee on the Elimination of All Forms of Racial Discrimination on possible measures to strengthen implementation through optional recommendations or the update of its monitoring procedures. In response to a lack of concrete proposals from interested delegations on possible areas requiring attention, the Chairperson drafted a non-paper to provide a comprehensive overview of the issue and to elicit reactions from delegations. The Chairperson-Rapporteur acknowledged that the deliberations had often been difficult and reflected divergent views. Nevertheless, the Ad Hoc Committee had completed its first session in a consensual spirit by adopting a road map for the preparation of complementary standards whose ‘scope, form and nature’ could vary according to the gap to be filled. The road map sets out the next steps of the process leading up to the next session of the Ad Hoc Committee in October 2009.

The debate that followed demonstrated deep divisions among States on this issue. A few States reiterated their reservations about the need to develop complementary standards to fight racism.⁶² They argued that the full ratification and implementation of the *International Convention on the Elimination of All Forms of Racial Discrimination* is key and provides a sufficient basis for combating racism. The Republic of Korea stated that new standards should not duplicate existing instruments. Many other States spoke in favor of new international standards.⁶³ South Africa (on behalf of the African Group) stated that the development of complementary standards needs ‘fast tracking’ and underlined that there is a need for new standards on incitement to religious hatred. Syria argued that the new standards should cover racist practices during foreign occupation. The Russian Federation stated that the work should continue in the same constructive spirit, while Algeria urged all stakeholders to participate in the process.

South Africa was the main sponsor of a **resolution on ‘From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance’**.⁶⁴ The resolution was adopted without a vote. The resolution requests the Secretary-General to examine the obstacles to the effective implementation of the mandate of the Group of Five Eminent Experts. It also requests the Council to take appropriate action in accordance with its process of ‘review, rationalisation and improvement’ of mandates. It is unclear how this process will be conducted as the review of the Council’s mandates have long been completed.

Many States used the opportunity to comment on the preparations for the upcoming **Durban Review Conference**, to be held from 20 to 24 April 2009. Several speakers reaffirmed the Durban Declaration and Programme of

⁵⁹ Norway, Finland, Sweden, Denmark, and Iceland.

⁶⁰ <http://www.yogyakartaprinciples.org/>

⁶¹ A/HRC/10/88

⁶² Czech Republic (on behalf of the EU) and Slovenia.

⁶³ Egypt, Pakistan, Yemen (on behalf of the Arab Group), South Africa (on behalf of the African Group), Malaysia, Russian Federation, Singapore, Algeria, Syria, and Venezuela.

⁶⁴ A/HRC/10/L.9/Rev.1

Action (DDPA) as the basis for the Review Conference. Egypt stressed that all States should reaffirm the DDPA. The US has made it clear that it will not be able to join the Review Conference if it unequivocally reaffirms the DDPA. The Czech Republic (on behalf of the EU), Egypt and the African Union stated that efforts should focus on ensuring its full implementation. The African Union noted that little progress in implementation has been made so far. The Czech Republic (EU) cautioned that the DDPA should not be reopened, while Amnesty International stated that the Review Conference should build on the DDPA.

Commenting on the draft outcome document, several States⁶⁵ noted that they are carefully reviewing the revised and latest draft, the so-called rolling text.⁶⁶ Cuba (on behalf of the NAM) stated that the draft was an attempt at constructively advancing the negotiations. Many other States also acknowledged it as a ‘good’ and ‘sound’ basis for a positive outcome of the Review Conference.⁶⁷ Amnesty International stated that while the text was a good basis, it should be more action oriented. The *Mouvement contre le racisme et pour l’amitié entre les peuples* argued that improvements to the text still had to be made in the areas of acknowledging the colonial past and the right to self-determination.

States and other stakeholders also reaffirmed the need for a consensual outcome to the Review Conference⁶⁸ and for it to be a successful event⁶⁹ with a positive outcome.⁷⁰ India underlined the need for flexibility while Switzerland spoke of willingness to compromise. The Czech Republic (EU) and India stated that the outcome should send a strong message.

Cuba (on behalf of the NAM), Pakistan (on behalf of the OIC), Morocco and Algeria urged that all States be represented at the Review Conference at the highest political level. Switzerland, Morocco and Syria encouraged all States to become involved in the process. So far, Canada, Israel and the US have stated that they will not participate actively. Pakistan (on behalf of the OIC) and Turkey underlined the importance of civil society participation.

Although most of the comments made were general and focused on the process, some speakers also addressed more substantive issues related to the Review Conference. Notably, several States argued that new and contemporary forms of racism should be addressed.⁷¹ The *Fédération Internationale des ligues des Droits de l’Homme* welcomed the exclusion of the concept of ‘defamation of religions’ from the draft outcome document.

States also discussed briefly the future of the various mechanisms to follow up on the DDPA. The Czech Republic (EU) and Slovakia argued in favour of the streamlining and rationalisation of existing follow-up mechanisms. The Russian Federation stated that there was a need to ensure synergies and cooperation between the mechanisms, while Egypt, Brazil and Burkina Faso underlined the need to ensure their effectiveness and enhance their performance, including through the provision of adequate resources. Egypt noted that it was ready to consider the proposal made by the High Commissioner in her contribution to the Review Conference⁷² of creating an observatory on racism within OHCHR.⁷³

Council’s Mechanisms

The Chair of the **Human Rights Council Advisory Committee** (the Advisory Committee), Mr Miguel Alfonso Martinez, presented the outcome from the Advisory Committee’s first two sessions and some procedural questions

⁶⁵ Czech Republic (on behalf of the EU), Cuba (on behalf of the NAM), Pakistan (on behalf of the OIC), and Angola.

⁶⁶ Available at <http://www.un.org/durbanreview2009/pdf/Rolling%20text%20YB,%2017-3-2009.pdf>

⁶⁷ Brazil, Turkey, Slovakia, Morocco, and India.

⁶⁸ Republic of Korea, Czech Republic (on behalf of the EU), Egypt, India, Qatar, Malaysia, Senegal, Kuwait, and Algeria.

⁶⁹ Slovakia, China, Russian Federation, Senegal, Turkey, and *Fédération Internationale des ligues des Droits de l’Homme*.

⁷⁰ Brazil, India, Pakistan, Cuba (on behalf of the NAM).

⁷¹ Indonesia, Yemen (on behalf of the Arab Group), Qatar, Angola, Iran, Algeria, African Union, and Libya.

⁷² Report of the High Commissioner for Human Rights on ‘Implementation of the Durban Declaration and Programme of Action and Proposals for its Enhancement’, available at http://www.un.org/durbanreview2009/pdf/Report_of_the_High_Commissioner.pdf

⁷³ See paragraph 131 of the rolling text.

related to its work. In this regard, Mr Martinez highlighted five of the Committee's recommendations that require the Council's follow-up.⁷⁴ Mr Martinez emphasised that such recommendations were merely suggestions that could be acted upon at the discretion of the Council. On the other hand, Mr Martinez raised his concerns about some procedural obstacles faced by the Advisory Committee, in particular time constraints. He therefore requested that the Advisory Committee is allocated a two week session rather than only one week. Additionally, he also suggested that OHCHR avoid organising other meetings during the Advisory Committee's session.

During the general debate, two main issues were raised. Firstly, speakers commented positively on the draft declaration on human rights education and training and emphasised the importance of completing its formulation.⁷⁵

Secondly, focus was on the mandate of the Advisory Committee. States had different opinions on this matter with some States acknowledging the need of the Advisory Committee to be able to take initiatives within its mandate. However, others took a contrary view. Cuba advocated that the Advisory Committee should not be restricted in carrying out its work, given that it acts as the 'think tank' of the Council. With this understanding, the Advisory Committee could suggest new issues to be discussed by the Council. In line with this suggestion, several States also expressed their support for the current practice of the Advisory Committee.⁷⁶ Other States preferred the Advisory Committee to strictly comply with its mandate to only act at the request of the Council.⁷⁷ The US and New Zealand asserted that the Council does not need to adopt the draft resolutions of the Advisory Committee, as all issues must first be discussed by the Council before any resolutions can be adopted by it. Canada specifically suggested that the gender mainstreaming issue should be left pending until the next session. On the other hand, the Advisory Committee was requested to finish up the outstanding works of the former Sub-Commission on the Promotion and Protection of Human Rights.⁷⁸ At the initiative of the Czech Republic the Council decided by vote⁷⁹ to issue as UN documents all the studies and reports that had been completed by the Sub-Commission.⁸⁰

Cuba was the main sponsor of a **resolution on the Social Forum**⁸¹ which was adopted without a vote. The resolution calls for an increase in the participation of NGOs in the Council and proposes the establishment of a voluntary fund to support the participation of NGOs in the Forum.

The Independent Expert on minority issues, Ms. Gay McDougall, who is chairing the **Forum on Minority Issues** (the Forum),⁸² briefly presented her report on the first thematic issue chosen by the Forum: minorities and the right to education. The Independent Expert expressed her satisfaction with the first session of the Forum held in December 2008 which brought together about 370 individuals from all regions. She underlined that the Forum's recommendations are phrased in broad terms to allow their effective implementation in countries with diverse historical, cultural and religious backgrounds. She also mentioned the future thematic issues that the Forum will address.⁸³

⁷⁴ The five recommendations are on: human rights education and training, right to food, leprosy, gender mainstreaming, and protection of civilians in armed conflict.

⁷⁵ Chile, Pakistan (on behalf of the OIC), Morocco, Mexico, Switzerland, Soka Gakkai International, International Organisation for the Right to Education and Freedom of Education (OIDE), Arab Commission for Human Rights.

⁷⁶ Pakistan, Russian Federation, China, Nigeria, Egypt.

⁷⁷ US, New Zealand, India, Indonesia.

⁷⁸ Egypt, Lutheran World Federation.

⁷⁹ 29 in favour, three against and 15 abstentions. Brazil, India and Mauritius voted against.

⁸⁰ A/HRC/10/L.33/Rev.1.

⁸¹ A/HRC/10/L.22

⁸² The Council established the Forum on Minority Issues through *Resolution 6/15* to provide a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities, as well as thematic contributions and expertise to the work of the Independent Expert on minority issues.

⁸³ Minorities and political participation, minorities and media, and minorities and development processes.

Only few States referred to the Forum during the debate.⁸⁴ They mostly welcomed the successful conduct of the Forum, the valuable study on education, and the recommendations issued. Recalling the great importance of education for minorities, Slovenia stated that after abolishing the Working Group on Minorities of the former Sub-Commission on the Promotion and Protection of Human Rights, there was an urgent need for the Council to address minority issues. Hungary underlined the significance of achieving good relationships between minority and majority populations and added that minorities should be granted the right to take decisions of their own and to be involved in the political decision-making process. Slovenia stressed that equal access to education also meant having the right for minorities to be educated in their mother tongue. In this regard, the Russian Federation asked the Council to pay more attention to the right of Russian minorities living in a certain number of countries to use their own language in books and schools. Austria called upon States to implement the Forum's recommendations and hoped that other UN mechanisms such as the treaty-monitoring bodies and the special procedures follow up on them in their work.

Universal periodic review

From 18 to 20 March 2009, the Council considered and adopted the reports of sixteen States that had been reviewed by the UPR Working Group at its third session in December 2008. This was followed by a general debate on the UPR on 20 March 2009. The adoption of reports was notable for the controversy surrounding the adoption of the report of Israel due to the fact that it had not expressly declared its position on a number of outstanding recommendations. Israel was not the first country to have done this,⁸⁵ and it clarified during the consideration of its report that the additional recommendations to those it had explicitly accepted had been 'noted' in accordance with the requirements of the institution-building text. Palestine nonetheless requested that a break be taken before the adoption of the report to consider actions to be taken. This eventually resulted in a postponement until the following day for the adoption of Israel's report and strong allegations of selectivity by a number of States. However, it also raised legitimate discussion around the status of outstanding recommendations and the need for the State under review to clearly state its position before the adoption of the report. In contrast, the adoption of the report of Botswana provided an example of best practice as the country provided a chart listing its positions on all the recommendations made during the review.

In other cases, the same small number of States tended to engage in providing comments before the adoption of reports,⁸⁶ with the notable new participation of the United States (US), which had not previously taken an active part in the UPR process, and Djibouti, which recently established a permanent mission after it became a member of the Council in 2006. A recurrent theme throughout the adoption of reports was the need for the international community to provide technical assistance to developing countries in implementing the recommendations made to them. The UK later informed the Council that it had contributed to the UPR fund in this regard.

The general debate on the UPR saw laudatory comments by the majority of States on the performance of the UPR to date, with a number identifying areas where the UPR needed to be cautious in its evolution, but with very few raising critical concerns in relation to shortcomings. The interventions of NGOs were particularly useful in providing some balance in this regard. Among the most notable aspects of the debate were suggestions to amend the modalities for speaking time so as to ensure that all inscribed speakers are heard, the use of the general debate under Item 6 on the UPR as an opportunity to follow up on implementation of recommendations, the complementarity of the UPR with the treaty monitoring bodies and the system of special procedures, the question of the status of recommendations that are not accepted by States yet reflect their international human rights obligations, the adoption of the report on Israel and the question of equal treatment, the balance of national and international NGOs in the submission of information to the UPR, and suggestions by some States that the UPR should replace country mandates and resolutions of the Council.

⁸⁴ Pakistan, Russian Federation, China, Slovenia, Austria, Iran, Greece, Macedonia, and Hungary.

⁸⁵ See for example, South Africa, Pakistan, Czech Republic.

⁸⁶ Egypt, Algeria, Senegal, and Brazil.

There were also no controversies under the adoption of reports and the general debate in relation to the content of statements by NGOs and other stakeholders, as had been the case in previous Council sessions.

Country Focus

Country visits, mandates and resolutions

During the 10th Council session, the special procedures (both thematic and country-specific) presented 28 reports on visits to and situations in 27 countries. The reports on the country visits by the thematic special procedures did not attract much attention. Most often only the country that had received the visit commented on the report, while other States tended to focus on the thematic reports.

Africa

- **Angola:** Special Rapporteur on the freedom of religion or belief (A/HRC/7/10/Add.4)
- **Chad:** Representative of the Secretary-General on internally displaced persons (A/HRC/10/13/Add.4)
- **Democratic Republic of the Congo:** Combined report of the Special Rapporteur on violence against women, the Representative of the Secretary-General on internally displaced persons, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the right to health, the Special Representative of the Secretary-General on the situation of human rights defenders, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, and the Special Representative of the Secretary-General for children and armed conflict (A/HRC/10/59)
- **Mauritania:** Working Group on arbitrary detention (A/HRC/10/21/Add.2)
- **Somalia:** Independent Expert on the situation of human rights in Somalia (A/HRC/10/85)
- **Togo:** Special Rapporteur on human rights defenders (A/HRC/10/12/Add.2)
- **Equatorial Guinea:** Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/10/44/Add.1)

Asia

- Democratic People's Republic of Korea: Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (A/HRC/10/18)
- India: Special Rapporteur on the freedom of religion or belief (A/HRC/10/8/Add.3)
- Maldives: Special Rapporteur on adequate housing (A/HRC/10/7/Add.4, preliminary notes)
- Myanmar: Special Rapporteur on the situation of human rights in Myanmar (A/HRC/10/19)
- Tajikistan: Special Rapporteur on the freedom of religion or belief (A/HRC/7/10/Add.2)
- Turkmenistan: Special Rapporteur on the freedom of religion or belief (A/HRC/10/8/Add.4)

Eastern Europe

- Georgia: Representative of the Secretary-General on internally displaced persons (A/HRC/10/13/Add.2)
- Ukraine: Working Group on arbitrary detention (A/HRC/10/21/Add.4)
- Moldova: Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/10/44/Add.3)

Latin America and Caribbean

- Argentina: Working Group on enforced or involuntary disappearances (A/HRC/10/9/Add.1)
- Colombia: Working Group on arbitrary detention (A/HRC/10/21/Add.3)

- Guatemala: (then) Special Representative of the Secretary-General on the situation of human rights defenders (A/HRC/10/12/Add.3)
- Guyana: Independent Expert on minorities (A/HRC/10/11/Add.2)

Western Europe and other States

- Canada: Special Rapporteur on adequate housing (A/HRC/10/7/Add.3)
- Denmark: Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/10/44/Add.2)
- Greece: Independent Expert on minorities (A/HRC/10/11/Add.3)
- Israel: Special Rapporteur on the freedom of religion or belief (A/HRC/10/8/Add.2)
- Italy: Working Group on arbitrary detention (A/HRC/10/21/Add.5)
- Spain: Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/10/3/Add.2)
- United Kingdom: Special Rapporteur on the freedom of religion or belief (A/HRC/7/10/Add.3), Working Group on the use of mercenaries (A/HRC/10/14/Add.2)

Dialogues with country-specific special procedures

The **Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (DPRK)**, Mr Vitit Muntarbhorn, presented his annual report.⁸⁷ The Special Rapporteur once again highlighted the lack of cooperation by the Government with his mandate and drew attention to the problematic areas of access to food and basic necessities, personal security, freedoms, and asylum and immigration. During the interactive debate States were divided between those supporting⁸⁸ the mandate and those opposing⁸⁹ all country mandates, including this one. However, a **resolution on the situation of human rights in the DPRK**⁹⁰ co-sponsored by the Czech Republic (EU) and Japan and proposing the extension of the Special Rapporteur's mandate for one year was adopted following a vote: 26 in favour; six against; and 15 abstentions.⁹¹ Only China, Cuba, Egypt, Indonesia, Nigeria, Russian Federation voted against the continuation of the mandate.

The report⁹² of the **Special Rapporteur on the situation of human rights in Myanmar**, Mr Tomas Ojea Quintana, mainly focused on the Special Rapporteur's findings during his last country visit from 14 February to 19 February 2009 and the developments since his visit in August 2008. The Special Rapporteur described both the visits and dialogue with the Government of Myanmar as constructive. However, he identified various areas of serious human rights violations such as the detention of prisoners of conscience, the conditions in prisons, the use of anti-personnel landmines, the recruitment of child soldiers, the discrimination of minorities, forced labour, and the shortage of food supply in certain regions. To address these issues Mr Quintana recommended four core human rights elements to be implemented before the national elections in Myanmar in 2010. Myanmar partly accepted the report of the Special Rapporteur, but rejected specific findings and claimed that the report 'fails to reflect the true situation on the ground.' During the interactive dialogue all States that spoke welcomed the Special Rapporteur's report. Overall States did not criticise the report or its findings, but several ASEAN members and

⁸⁷ A/HRC/10/18.

⁸⁸ Chile, Japan, Canada, Australia, Czech Republic (on behalf of the EU), Republic of Korea, UK, Sweden, United States, New Zealand, Switzerland.

⁸⁹ Cuba, China, Syria, Laos, Thailand, Sri Lanka, Sudan, Timor Leste, Russian Federation.

⁹⁰ A/HRC/10/L.27.

⁹¹ In favour: Argentina, Bahrain, Bosnia and Herzegovina, Burkina Faso, Cameroon, Canada, Chile, France, Germany, Ghana, Italy, Japan, Jordan, Madagascar, Mauritius, Mexico, Netherlands, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Switzerland, UK, Ukraine Uruguay, Zambia; against: China, Cuba, Egypt, Indonesia, Nigeria, Russian Federation; abstained: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Djibouti, Gabon, India, Malaysia, Nicaragua, Pakistan, Philippines, Qatar, Senegal, South Africa.

⁹² A/HRC/10/19.

neighbouring countries only highlighted positive developments regarding human rights without making any reference to specific and existing human rights violations which were outlined in Mr Qunitana's report.

The mandate of the Special Rapporteur was extended for one year in a **resolution on the situation of human rights in Myanmar**⁹³ sponsored by the Czech Republic. The resolution was adopted without a vote after oral revisions were made and, amongst other issues, calls on the Government to ensure impartiality in the judiciary and provide training to security personnel.

On 17 March 2009, the Council held a follow-up discussion to its 8th special session on the human rights situation in the East of the **Democratic Republic of the Congo** (DRC). The Deputy High Commissioner for Human Rights, Ms Kyung-Wha Kang, presented a report⁹⁴ on the deteriorating human rights situation and the activities of OHCHR and the UN Mission (MONUC) in the DRC. Mr Walter Kälin, Representative of the Secretary-General on the human rights of IDPs, then presented the combined report⁹⁵ of seven thematic special procedures on technical assistance to the Government of the DRC and urgent examination of the situation in the east of the country. In his presentation Mr Kälin thanked the Government of the DRC, and in particular the minister for human rights, for their cooperation with the seven rapporteurs but explained that while the Government may not be the perpetrator of many of the human rights abuses taking place in the country, it is responsible because it routinely fails to protect its people. Based on their assessment, the seven special procedures identified eight priorities for Government action and international assistance: to fight impunity and strengthen law enforcement and justice sectors; to reform the security sector; to prevent the recruitment of children by armed groups and socially reintegrate children associated with armed groups; to protect women's rights and ensure gender equality; to address economic root causes of human rights violations; to protect the rights of the displaced and minorities; to provide access to health care, especially for marginalised groups; and to strengthen state and civil society structures to protect and promote human rights. In concluding, Mr Kälin called upon the Council to establish a special procedure mechanism on the human rights situation in the DRC and to establish benchmarks to measure human rights progress in the DRC, in consultation with the Government, civil society and donors.

Following both presentations, States engaged in an interactive dialogue which was marked by a polarisation of regional groups. Most States were complimentary of the DRC's cooperative efforts. However, whilst the African Group States focused on the DRC's positive achievements, the Government's successes, and the need for greater technical assistance from the international community, States from the Western European and Others Group (WEOG) and a few other States⁹⁶ expressed deep concerns about the deteriorating human rights situation and the need for serious judicial and legislative reforms. These latter States also voiced strong support for the creation of a special procedure on human rights in the DRC.

Two competing **resolutions on the DRC** were tabled by the EU and Egypt (on behalf of the African Group) respectively. While the EU text had been tabled first and normally should be considered for adoption first, Egypt invoked the rules of procedure arguing that the Council should decide to consider the African text first. Although Germany opposed this motion calling it 'hostile', the Council proceeded with a vote deciding to consider Egypt's proposal first.⁹⁷

Egypt in introducing its resolution on the DRC explained that it was not shying away from acknowledging the 'difficult situation' in the DRC but underlined that it was not necessary to condemn the country. It stated that it was proposing a further report by the group of seven special procedures to the March 2010 session. The resolution also calls on OHCHR to enhance its technical assistance activities in the DRC.

⁹³ A/HRC/10/L.28.

⁹⁴ A/HRC/10/58.

⁹⁵ A/HRC/10/59.

⁹⁶ Japan, Chile.

⁹⁷ 30 in favour, 15 against, and two abstentions.

Germany noted that the Council mandated a group of thematic special procedures to report on the situation a year ago and that the situation had further deteriorated, which had led to the convening of a special session. It stated that it remained seriously concerned about the situation and that the Council must seriously address it and follow the recommendation of seven special procedures mandates to establish a specific mandate on the DRC. It then introduced four amendments from the floor to be considered as a package, which would express alarm at the situation; condemn the acts of violence; request the thematic special procedures to form a coordinated group to provide monitoring and reporting by making visits and establishing benchmarks and evaluate progress made; and ask them to report and provide recommendations to the Council at its September 2009 session and a full report to the 13th session in March 2010. Egypt called on the Council to reject the package of amendments and support the African Group resolution as it is.

Chile in a strong statement underlined that the Council was faced with a serious human rights situation and that it would be difficult for any member not to condemn continuing violations against civilians, the recruitment of child soldiers, and sexual violence. It quoted Desmond Tutu as saying that it is Africans that need protection of their lives and human rights. Chile then appealed to the conscience of each member State to look at what is happening and respond.

The DRC made a long statement outlining its efforts to improve the human rights situation in the country, including dismantling of armed groups, reform of the judiciary. It underlined that a new era where people would enjoy their rights was beginning and that the Council should have confidence in the Government's commitment to change. It stated that the recommendations of the seven special procedures would be examined with a view to their implementation. It finally asserted its determination to cooperate with the Council without being subject to 'inappropriate pressure'.

The vote on the amendment led to its rejection with 18 votes in favour, 21 against and eight abstentions.⁹⁸ It was notable that several African States that supposedly endorsed the resolution presented by Egypt abstained on the amendments, including Burkina Faso, Ghana, Jordan, Mauritius, Senegal and Zambia.

Germany (on behalf of the EU) then stated that the African Group resolution did not offer the needed support to the DRC and that it would therefore abstain. Chile explained that while it had wished for a stronger resolution it was important to maintain the existing mechanism and that it would support the text. The resolution was then adopted by 33 in favour and 14 abstentions (from EU countries, as well as Canada, Japan, Nicaragua, Switzerland, and the Republic of Korea).

Under Item 10 on technical assistance and advisory services, the Independent Expert on Somalia, Mr Shamsul Bari, presented his annual report.⁹⁹ He described the situation as the 'worst humanitarian crisis in the world' and the 'most forgotten humanitarian crisis'. He expressed great frustration and disappointment in his inability to visit Somalia due to the volatile situation but added that for Somalia there was light at the end of the tunnel as the withdrawal of Ethiopian troops, the Djibouti Peace Agreement, and the newly elected government meant there was an opportunity for real change to take place. The interactive dialogue on the human rights situation in Somalia was constructive with States agreeing as to the gravity of the situation and the need for international action and support. In addition Somalia was receptive to all comments and recommendations. Only a handful of States expressed diverging viewpoints and these were with regards to the type of intervention needed, the appropriateness of setting up an international investigative body for human rights violations in Somalia,¹⁰⁰ and the usefulness of the Council

⁹⁸ In favour: Argentina, Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Japan, Mexico, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, UK, Ukraine, Uruguay; against: Angola, Azerbaijan, Bangladesh, Bahrain, Bolivia, Djibouti, Cameroon, China, Cuba, Egypt, Gabon, India, Indonesia, Madagascar, Malaysia, Nicaragua, Pakistan, Philippines, Qatar, Saudi Arabia, Senegal, South Africa Nigeria, Russian Federation; abstained: Brazil, Burkina Faso, Ghana, Jordan, Mauritius, Senegal, Zambia.

⁹⁹ A/HRC/10/85.

¹⁰⁰ Yemen (both in national capacity and on behalf of the Arab Group), Human Rights Watch, Czech Republic (on behalf of the EU).

holding a special session on the human rights situation in Somalia.¹⁰¹ Only Ethiopia¹⁰² expressed dissatisfaction with the mandate. In concluding, Mr Bari suggested how a transitional justice mechanism could be established and repeated his recommendation that a special session be held on Somalia, with the human rights situation looked at under various thematic mandates.

Egypt (on behalf of the Africa Group) was the main sponsor of a resolution **on assistance to Somalia in the field of human rights**¹⁰³ which was passed without a vote.

Under Item 7, the ‘human rights situation in **Palestine and other occupied Arab territories**’, the Council held two separate interactive dialogues: first, on the combined report¹⁰⁴ of ‘all relevant special procedures mandate-holders’ as follow-up to the special session on Gaza held in January 2009; and second, on the annual report¹⁰⁵ of the Special Rapporteur on the human rights situation in Palestine and other occupied Arab territories, Mr Richard Falk. In addition the Council also held a general debate on this item. Unsurprisingly, the issues addressed in all three sets of discussions were very similar. While some States made efforts to focus their interventions on the specific topics for discussion, general comments on the situation in the occupied Palestinian territories (OPT) were mixed with comments on one or both reports during all three debates.

All three discussions were held in the charged atmosphere that is characteristic of the Council’s debates on this issue. The political character of the Council’s work came to the forefront more than during other discussions at this session. At the same time, and although the fundamental divergences of opinion on this issue were again the dominant factor in the debate, the general atmosphere during the debates was slightly less confrontational than during previous sessions. The imminent holding of the Durban Review Conference could have impacted on the nature of the discussion as all delegations are keen to ensure its smooth running. In the context of the preparations for the Durban Review Conference, proposals to single out the situation in the OPT in the text of the outcome document (as it is in the Durban Declaration and Programme of Action) have contributed to the decision by the US to withdraw from the conference, and to the threat by some members of the EU to do the same. The latest draft outcome does not contain any specific references to the situation in the OPT and States have generally agreed that it is a good basis for reaching a consensual outcome to the Review Conference.

Overall, however, the discussion on this item remains a disappointing part of the Council’s work. Too often the possibility of a substantive human rights dialogue in the Council is dismissed in favour of polarised point-scoring. This does no service and offers no support to those in that region whose human rights are being routinely violated, Palestinians, Israelis, and others.

High Commissioner’s country activities

¹⁰¹ Bangladesh, Bahrain, Czech Republic (on behalf of the EU), Djibouti

¹⁰² Ethiopia criticised the Independent Expert for his reliance on documentation prepared by NGOs such as Human Rights Watch which they called ‘inaccurate’.

¹⁰³ A/HRC/10/L.12.

¹⁰⁴ A/HRC/10/22, combined report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on violence against women, its causes and consequences, the Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on the right to food, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right to education and the Independent Expert on the question of human rights and extreme poverty. This report was submitted pursuant to Council *Resolution S-9/1* on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza strip, in which the Council requested all relevant special procedures mandate-holders to seek and gather information on violations of human rights of the Palestinian people and submit their reports to the Council.

¹⁰⁵ A/HRC/10/20

Under Item 2, reports of the High Commissioner and the Secretary-General, the High Commissioner reported on OHCHR technical assistance activities in several countries,¹⁰⁶ including reports on the deteriorating conditions in **Afghanistan**,¹⁰⁷ **Bolivia**,¹⁰⁸ **Colombia**,¹⁰⁹ **Guatemala**,¹¹⁰ **Nepal**¹¹¹ and **Sierra Leone**.¹¹²

The concerned countries generally made commented on their efforts to advance human rights although Sierra Leone did not comment at all. Most of these reports attracted little interest from States although the Czech Republic (on behalf of the EU) commented on all reports with the exception of the one on Bolivia. The report on Nepal received attention from several States. In that context, the Czech Republic (on behalf of the EU), Canada, Switzerland, Finland, Ireland and Denmark called for the extension of OHCHR's mandate in Nepal. The UK, Ireland and Switzerland welcomed the commitment of the newly elected Government to promote human rights, establish the rule of law and tackle impunity. The UK additionally welcomed the creation of the National Human Rights Council, while Ireland, echoing the views of OHCHR, referred to the need to establish a national mechanism to protect human rights defenders.

General debates on country situations

During the general debate on Item 4 the Council discussed **human rights 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 those raised at previous sessions and included the DPRK, the DRC, Iran, Myanmar, the Sudan, Sri Lanka and Zimbabwe. NGOs also drew attention to situations in Cameroon, China/Tibet, Iraq, Kashmir, Libya, Thailand, Turkey, the US, and Vietnam.

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 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. A number of stakeholders¹¹³ urged the Council to urgently hold a special session to address the 'desperate situation'.

The Czech Republic (on behalf of the EU) and various other States and stakeholders¹¹⁴ expressed deep concern about the deteriorating human rights situation in **Iran**. They focused in particular on executions of juveniles, arbitrary detention and harassment of religious and ethnic minorities, women's activists, students and union members. The Czech Republic (on behalf of the EU) and other States and stakeholders¹¹⁵ also expressed their opposition to the discrimination and harassment of religious minorities, in particular the Baha'is. 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

¹⁰⁶ These reports were considered in close connection to the reports of special procedures on technical assistance and advisory services (Item 10). For more information see ISHRs Council Updates, under Item 10.

¹⁰⁷ A/HRC/10/23.

¹⁰⁸ A/HRC/10/31/Add.2.

¹⁰⁹ A/HRC/10/31/Add.2.

¹¹⁰ A/HRC/10/31/Add1

¹¹¹ A/HRC/10/53

¹¹² A/HRC/10/52

¹¹³ Forum Asia, Franciscans International, International Educational Development and Pax Romana.

¹¹⁴ Australia, New Zealand, Amnesty International, and FIDH.

¹¹⁵ Netherlands, Ireland, and Baha'i International Community.

requests by international human rights mechanisms. The *Fédération Internationale des ligues des Droits de l'Homme* recommended the establishment of a special rapporteur on Iran.

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 general debate on Item 10 covered the situation in Somalia and the need for special mandates, intervention, and assistance, in the DRC, Sri Lanka, and Iraq. Brazil spoke generally on the role and perceptions of special procedures, explaining that although Item 10 is often perceived negatively, special procedures are important for the promotion and protection of human rights and that their role should be seen positively. Brazil further proposed that States move away from the 'exercise of finger-pointing and bashing' and use Item 10 to create a positive agenda. The Czech Republic (on behalf of the EU) and Human Rights Watch expressed their concern about the situation in the DRC and the need to establish a special rapporteur on the DRC. The DRC itself disagreed saying that such a mandate can only be with the cooperation of the concerned State and that it is a tool better suited to large-scale violations of human rights.

The US expressed concern more generally about the closing of OHCHR field offices and the elimination of special procedures on countries. The US also expressed regret that Sri Lanka continues to decline an OHCHR presence. In response, Sri Lanka declared that it sees no need for the additional presence of international monitors and that 'it is unfortunate that the world continues to show a lack of sensitiveness regarding the situation in Sri Lanka'. The NGO North-South 21, called for a special mandate on Iraq and Iraq itself expressed concern about the need to continue the provision of UN assistance.

In her opening presentation at the Council, the High Commissioner expressed 'pressing concern' about the situation in the **Sudan**. She drew attention to the recent indictment of the President of the Sudan, Omar Al-Bashir for crimes against humanity and war crimes by the International Criminal Court (ICC). She urged the Government to cooperate with all UN entities, and ensure the safety of its population. Several States stepped in to the defence of the Sudan, with Egypt (on behalf of the African Group) arguing that cooperation with the ICC is a matter of State sovereignty, and claiming that asking States to 'do more than what they have committed to' would be contrary to the Vienna Convention on the Law of Treaties. Nigeria stated that the ICC should not be 'politicised'. The Sudan, unsurprisingly, claimed that with issuing the arrest warrant, the ICC had become 'politicised' and lost its credibility. A couple of NGOs, on the other hand, welcomed the decision by the ICC. Human Rights Watch stressed that the indictment made clear that 'even those at the top can be held to account'. The Cairo Institute for Human Rights Studies recalled that all States parties to the *Rome Statute* have an obligation to abide by the arrest warrant.

Re-engagement of the US

The March 2009 session of the Council saw the US actively re-engage in the debate after having suspended its participation as an observer State in 2008. The US also announced that it would seek membership of the Council and was successfully elected in the General Assembly. It will become a member of the Council from 19 June 2009.

The US delegation actively participated in all discussions as well as in negotiations on several resolutions, including on torture, discrimination based on religion or belief, defamation of religions and the country-specific resolutions.

Generally the US seemed quite supportive of the work of the Council and of the UN human rights mechanisms, in particular the special procedures. During the item 4 general debate the US stated that they attach importance 'to the international community addressing the critical human rights situations of our day'. It went further underlining that it does not consider views about its human rights record voiced by other States or NGOs as interference in internal affairs. The US spoke strongly in support of the Council's special procedures mandates discussed during

the session, including the mandate of the Special Rapporteurs on the DPRK on Myanmar and on Somalia,¹¹⁶ respectively, and expressed disappointment regarding the end of the mandate of the Independent Expert on the DRC. It commended the role of OHCHR in human rights protection and promotion activities. The US statement on torture¹¹⁷ recalled the efforts of the new Administration to comply with its international obligations. Although it supported the resolution on torture and the role and responsibility of medical and other health personnel, it did not favour attaching too much importance to the report of the Special Rapporteur on torture, which had dealt with the question of the death penalty (see above).

The deep concerns they expressed addressed the following matters: the fates of asylum seekers in the DPRK; the situation in the DRC namely rampant sexual violence, alarmingly widespread impunity, lack of a functioning justice system; and the dire need for the protection of civilians to be improved; the plight of prisoners of conscience in Myanmar, Zimbabwe, Iran, China, the DPRK, Sri Lanka, Southwest Asia and Azerbaijan. It also affirmed solidarity with human rights defenders around the world.

At last, some others issues predictably saw the US express its strong traditional political views. During the interactive dialogue on Item 7,¹¹⁸ the US voiced concern about the use of the Council as a platform to single out Israel for criticism even adding that special sessions devoted solely to the human rights situation in Gaza undermined the credibility and balance that the Council should enjoy and exercise. Concerning the resolution on 'Combating defamation of religions', the US were among those stating that it could not accept or understand the concept of 'defamation of religions' and favoured that of 'incitement to religious hatred' for the very reason that international law states that rights apply only to individuals and not to religions. It expressed concern about how the concept of defamation seeks to limit freedom of expression.

¹¹⁶ During the informal meetings of the resolution on Assistance to Somalia in the Field of Human Rights.

¹¹⁷ Intervention for the Interactive dialogue with the Special Rapporteurs on Torture and on Human Rights and Counter terrorism, Statement by the Delegation of the United States, March 10.

¹¹⁸ Interactive Dialogue on the Follow Up of Special Sessions on Beit Hanoun and Gaza.

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