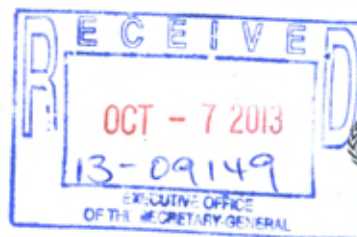




DSG/AGP/1

MEMORANDUM



ATO: Mr. Jan Eliasson  
Deputy Secretary-General

DE/FROM: Ms. Navi Pillay  
High Commissioner for Human Rights

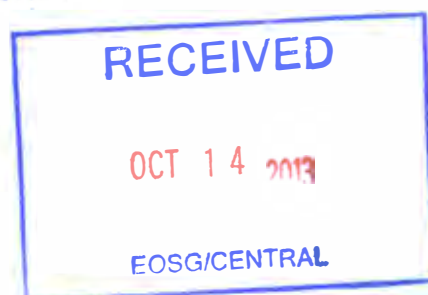
REF: GO/let

DATE: 7 October 2013

OBJET: Twenty-fourth session of the Human Rights Council (9 – 27 September 2013)  
SUBJECT:

Please find attached the weekly highlights of the third week of the twenty-fourth session of the Human Rights Council, which concluded on 27 September.

Thank you.



HRT/03/001

Human Rights Council – 24<sup>th</sup> session  
(9- 27 September 2013)

**Weekly Highlights – Third week**

*Main highlights of the third week include the interactive dialogues with the Working Group of Experts on People of African Descent and the mandate-holders of special procedures with country mandates (Cambodia, Somalia and Sudan), a high-level interactive **dialogue** on Somalia in the presence of the Prime Minister of the country, the consideration of country reports of the SG and the HC and the interactive dialogue on the Central African Republic (“CAR”) in the presence of two Ministers of the country, as well as the adoption of 40 draft proposals. Also this week, the Commissioner for Human Rights, Humanitarian Action and Relations with the Civil Society of Mauritania addressed the Council.*

**Universal Periodic Review (UPR)**

During the general debate, all delegations welcomed the letter from the Council President recalling the basic principles governing the process, while reiterating the need to ensure the integrity of the UPR. Most of the statements were made against the background of the difficulties surrounding the adoption of the UPR outcome on Azerbaijan and the concerns expressed over the way in which the Russian Federation considered two recommendations put forward by Georgia.

**Human rights situation in Palestine and other occupied Arab territories (Agenda item 7)**

The general debate on item 7 began with the statement of the Deputy High Commissioner, in the absence of the HC on mission, introducing the SG’s report on the human rights situation in the OPT, including East Jerusalem. The Deputy High Commissioner referred to the human rights situation in Gaza, including the impact of the ongoing blockade and urged Israel to put an end to punitive measures against civilians. The ongoing settlement policy with all its negative impacts and the lack of accountability for crimes and violations of human rights and humanitarian law, including failures by all parties to effectively investigate such violations, were among the issues raised in the report. In view of Israel’s continued absence from the Council, the overwhelming majority of delegations called on Israel to resume its cooperation with the Council and OHCHR. These calls should also be seen against the background of the upcoming UPR Working Group session in October during which, the review of Israel had been rescheduled for the last time. Among the many issues raised, most of the delegations expressed concern about the marked acceleration of settlement construction, the situation of Palestinian detainees and prisoners and the lack of accountability for crimes and **violations**. The USA continued to make no statement in the discussion. The EU and other WEOG members also did not participate in the discussion. It should be noted that the OIC proposed the establishment of a special procedure mandate on unilateral coercive measures and called for the establishment of a commission of inquiry into the situation of Palestinian detainees and prisoners.

**The implementation of the Vienna Declaration and Programme of Action (Agenda item 8)**

The EU focused its intervention on the importance of protecting the independence of OHCHR, ensuring the participation of civil society representatives in the work of the Council, as well as of their role as human rights defenders in their respective countries. Their protection against harassment, intimidation or any forms of reprisals was considered to be a common responsibility and the role of the national authorities. WEOG member States warned against the danger of the use of cultural relativism and traditional values to undermine the principle of universality of human rights as set forth in the VDPA. The USA focused its intervention on arbitrary detention and unjust imprisonment of political leaders and human rights defenders in a number of countries, in particular, Belarus, Cuba, DPRK, Syria, China, Iran, Egypt and Bahrain, while acknowledging the positive steps being taken by Myanmar.

#### **Interactive dialogue with the Working Group of Experts of People of African Descent**

The representative of the Working Group introduced its reports, including on the issue of the recognition of people of African descent through education, cultural rights and data collection. The African States continued to support the call by the WG to the GA to launch the International Decade for the People of African Descent in 2013 and to adopt a programme of action under the theme "Recognition, Justice, Development". The EU continued to question the added value of such a Decade as it felt it was, *inter alia*, promoting the concept of cultural relativism in the enjoyment of human rights. However, the EU supported GA resolution 67/155 and the request of the PGA to launch a preparatory intergovernmental process for the Decade.

#### **General debate on racism, racial discrimination, xenophobia (item 9)**

In the course of the general debate under item 9, the OIC proposed to give practical shape to the Istanbul Process which, at its last meeting, had called for the creation of an implementation support unit within OHCHR to implement an action plan contained in HRC resolution 16/18 ("Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief"); for a debate on the setting up of an observatory; and for setting up an open-ended working group of experts to discuss further the issue of criminalization of incitement to hatred. The Arab Group, supported by Iran and a few other countries, continued to deplore anti-Muslim hate speech and growing incidences of Islamophobia, as well as the on-going racial discrimination in the Western States. The EU, while acknowledging the importance of the fight against racism and racial discrimination, questioned the usefulness of the Council mechanisms to fight against racism.

#### **Interactive dialogue on the Central African Republic (item 10)**

In the context of the crisis in CAR, an interactive dialogue on the human rights situation in the CAR was held in the presence of the Ministers of Justice and of Interior of CAR. This dialogue was held at the request of the CAR and following a specific decision of the Council. It is the first time that an interactive dialogue on a country situation was held at the request of the country concerned and in the presence of its senior officials at the podium. As such, it has set an encouraging precedent. The Deputy High Commissioner introduced the interim report of the HC on the human rights situation in the CAR which built upon the fact-finding mission deployed by the HC from 20 June to 11 July 2013 and described the violations of international human rights



and humanitarian law committed by the former Bozizé regime and the non-state armed group, the Séléka coalition from December 2012 and March 2013 and thereafter. The ethno-religious dimension of the crisis was highlighted, as well as the regional impact of the situation in CAR with increasing numbers of refugees and IDPs. The Ministers of the CAR confirmed the Government's willingness to implement the recommendations of the HC while requesting assistance in this regard. The EU expressed support to the African Group's initiative to provide assistance to the CAR, including through the establishment of the mandate of an Independent Expert.

### **Interactive dialogues on Somalia**

A stand-alone high-level interactive dialogue on **Somalia** took place with the participation of the Prime Minister of the Federal Government of Somalia, H.E. Mr. Abdi Farah Shirdon, the SRSGs of the UN and the AU, the Independent Expert on Somalia and civil society representatives in the country, serving as panellists. The aim of the dialogue was to explore how stakeholders can work effectively towards the finalization and **implementation** of the human rights road map and the realization of human rights in Somalia. In the statements made by the Prime Minister, the Deputy High Commissioner and the Independent Expert on Somalia, security concerns were singled out, mostly in reference to extrajudicial executions and continued attacks by Al-Shabaab, in particular to the terrorist attack in a mall in Nairobi. Other issues highlighted during the discussion included the challenge to ensure the provision of basic social services and develop governance structures, as well as to counteract gender-based violence and violence against children, and to provide security and safety of journalists and press freedom advocates. Calls for increased support from the international community were made by the African Group, while the EU and its Member States, as well as other delegations (Australia, Egypt and Ethiopia) expressed satisfaction with the outcome of the international conference on the New Deal Compact for Somalia, held in Brussels on 16 September.

During the subsequent and separate interactive dialogue, Mr. Shamsul Bari, **Independent Expert on the situation of human rights in Somalia** presented his final report commending the progress made by the Somali authorities, calling for close cooperation between UNSOM and OHCHR on the implementation of the human rights road map, and recommending OHCHR to consider establishing a stand-alone presence in due course. Delegations highlighted the challenges facing the country with a focus on the efforts to address the climate of impunity, reform and strengthen the judiciary, establish a national human rights institution, as well as to continue the engagement of the UN, the AU and the Inter-governmental Group on Development with the Somali authorities in the implementation of the post-transition human rights roadmap.

### **Interactive dialogues with special procedures mandate-holders with country mandates**

The **Special Rapporteur on the human rights situation in Cambodia** introduced his annual report, building upon two visits conducted in December 2012 and May 2013. The SR noted a change of behaviour of the authorities since his December visit which took place in a frosty atmosphere with even personal attacks directed at the SR. On the contrary, his May 2013 visit was conducted in a more cooperative atmosphere despite some unpleasant incidents. The SR reported some positive developments with the release of prominent human rights defenders and

the granting of pardon to the leader of the opposition. However, issues of concern remained, such as reported massive electoral irregularities, and excessive use of force against peaceful protesters. ASEAN member States **supported** the efforts of Cambodia to overcome human rights challenges and called on the international community to support Cambodia in its endeavours, while WEOG member States also noted the many challenges ahead.

**The Independent Expert on the situation of human rights in the Sudan** reported on the steps taken by the Sudanese authorities towards improving **the** human rights situation in the country and on areas identified for technical assistance and capacity-building. He also highlighted the ongoing challenges due to the conflict in Darfur, South Kordofan and Blue Nile. South Sudan aligned itself with the statement made by the African Group which called for extended support to the mandate of the Independent Expert and for his unfettered access to the country.

#### **General debate technical assistance and capacity-building (Agenda item 10)**

The presentation of the HC report on **Sri Lanka** and the situation in the country dominated attention during the general debate under item 10. One of the major concerns expressed in the discussion was the allegations of retaliation against and intimidation of persons cooperating with the OHCHR and the HC. While the EU echoed the concerns expressed by the HC on the restrictions of freedoms in Sri Lanka, as well as the slow accountability process, **ASEAN** member States highlighted the progress **made** by the Sri Lankan authorities. Pakistan, Venezuela, Russian Federation, Cuba, Belarus and Bolivia continued to oppose the US-led resolution on Sri Lanka adopted last March as highly politicized and irrelevant.

The situation in **Yemen** also drew a lot of attention from the participants. All speakers welcomed the positive and cooperative attitude of the authorities of Yemen. It was noted that challenges still remained in particular in relation to the need to ensue accountability but the country was firmly committed in addressing them.

The African Group **continued** to support the efforts undertaken by **the DRC** and welcomed the creation of the National **Commission** for Human Rights. A number of speakers called for the establishment of an annual panel on the fight against sexual violence.

The recent visit of the DHC to DRC and her forthcoming visit to Yemen were noted with appreciation by delegations.

#### **Election of new members of the HRC Advisory Committee**

The Council elected by acclamation five new members of the Advisory Committee for a three-year **term**: Ms. Hoda Elsadda (Egypt), Mr. Alfred Ntunduguru Karokora (Uganda), Mr. Yishan Zhang (China), Mr. Kaoru Obata (Japan), Mr. Mikhail Alexandrovich Lebedev (Russian Federation). With regard to the 6<sup>th</sup> member, prior to the session, controversy arose with respect to the candidate put forward by Switzerland (Prof. Jean Ziegler) and, during the election, the USA commented on the admissibility of a former member of the Committee. In the margin of the session, **UN Watch** campaigned against his candidacy. During a secret ballot Mr Ziegler was elected obtaining 33 votes defeating the candidate from Spain (12 votes).



## Resolutions

A total of 40 draft proposals were adopted by the HRC representing the largest number for a June/September session. The tendency of avoiding a vote continues with 34 of the proposals adopted without a vote. The table of adopted resolutions and decisions is attached.

### a) Country specific resolutions

The Council adopted a resolution on the **Syrian Arab Republic** submitted by the USA, France, Germany, Italy, Jordan, Kuwait, Morocco, Qatar, Saudi Arabia, Turkey and UK. It is the first time that France, Germany, Italy and Jordan joined the core group of a resolution on this country. The text, which is short and concise, strongly condemns the gross, systematic and widespread violations of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, as well as any human rights abuses and violations of international humanitarian law by armed opposition groups. It also strongly condemns the use of chemical weapons. Calling for a vote, Venezuela regretted the lack of balance in the text which did not refer to the gross violations committed by anti-government armed groups. The resolution was adopted by 40 votes in favour, 1 against and 6 abstentions. In comparison with the voting results at the June session, the number of States voting in favour has increased with Angola, Gabon and Pakistan returning to their earlier positions to support. During the voting process, EU members and **Switzerland** expressed regret about the weak language on accountability at the international level, while reiterating the need to refer the situation to the ICC.

Under the agenda item on technical assistance and capacity building, the Council adopted without a vote the resolutions on **the DRC, the Sudan, Somalia and the CAR** submitted by the African Group, as well as on **Cambodia** (submitted by Japan) and **Yemen** (submitted by Yemen and the Netherlands). It should be noted that the resolution on the CAR decided to establish a new Independent Expert mandate and the resolution on the Sudan extended the mandate of the Independent Expert for another year. It should also be noted that in the resolution on the DRC the Council decided to organize a high-level dialogue on the sexual violence in the country at the 25th session. The resolutions on Cambodia (for the second time) and Somalia (for the first time) have extended the mandate of the Special Procedure mandates by two years with the consent of the concerned countries – which, nonetheless, represents an exception to the one-year rule applicable to country mandates.

### b) Thematic resolution

Against the background of increased attempts to restrict space for NGOs' participation in the HRC including through intimidation, harassment and reprisals, the **Council** adopted two important resolutions relating to the protection of the role of civil society. As expected, **however**, certain aspects of these resolutions were **subjected** to challenges from a like-minded group of States, including the Russian Federation, Cuba, Venezuela, China, Pakistan and India.

The draft resolution entitled "**Civil society space**" was submitted by Ireland on behalf of a large cross-regional group of States and introduced together with Tunisia. Cuba and Pakistan submitted amendments, among others, to introduce elements on the modalities of NGO

participation in UN meetings (ECOSOC Resolution 1996/31) or to subject their role to the consent of States in providing assistance during humanitarian and other crises. The amendments were rejected by a large margin. Those voting in favour of the amendments referring to the NGO's consultative status with ECOSOC were Ethiopia, India, Kuwait, Libya, Malaysia, Mauritania, Pakistan, Qatar, Uganda, UAE and Venezuela joined by Ecuador and the Philippines. The text as a whole was adopted without a vote.

Likewise, difficulties and lengthy discussions accompanied the process of adoption of the draft resolution addressing the issue of reprisals, entitled "Cooperation with the UN, its representatives and mechanisms in the field of human rights". In the text the Council requested the SG, in cooperation with the HC, to designate, within the existing structures, an UN-wide senior focal point to promote prevention of, protection against, and accountability for reprisals and intimidation. Ten amendments had been put forward by a group of States led by the Russian Federation, Venezuela, China, India and Pakistan. The most problematic ones intended to reject the role of the HRC President in dealing with cases of reprisals and the establishment of the above-mentioned focal point. Most of the delegations in support of the draft resolution referred to the SG's statement denouncing reprisals at the High-level Event on Supporting Civil Society on 23 September. All the amendments were rejected by a large margin. Subsequently, at the request of India, the operative paragraph on the senior focal point was voted upon separately and has been retained. The resolution as a whole was subjected to a vote and adopted by 31 votes in favour, 1 against (Venezuela) and 15 abstentions.

The Council adopted a number of resolutions deciding to hold panel discussions on different themes in 2014. One of such resolutions was submitted by the African Group to organize a high-level panel discussion at its June 2014 session on the identification of good practices in combating female genital mutilation, including cross-border female genital mutilation. The other one submitted by Austria, Switzerland, Brazil, Morocco and Tunisia decided to hold a panel discussion on the issue of the safety of journalists also at the June 2014 session.

The annual resolution on racism and racial discrimination, xenophobia and related intolerance submitted by South Africa on behalf of the African Group has requested the SG to resuscitate the work of the five Independent Eminent Experts (appointed by the SG in 2003) before the end of the 68<sup>th</sup> Session of the GA and requests the Experts to hold a special meeting before December 2013 to conduct an appraisal of the work undertaken hitherto and the recommendations made in this regard, in order to present an update report to this end to the HC, the SG and the HRC at its 25<sup>th</sup> Session (June 2014). The voting pattern has not changed so much since its last resolution last September, although, in addition to EU members, Japan and the Republic of Korea (not members last year) also abstained and Switzerland (which voted in favour last year) abstained this time. The USA continued to oppose the DDPA and all related mechanisms, voting against the resolution as in the past – joined by the Czech Republic this time.

The Council adopted a few resolutions on new themes which had never been addressed in the past at least in a targeted or specific manner. One of them is the resolution on local government and human rights (submitted by the Republic of Korea) which has requested the Advisory Committee to prepare a research-based report on the role of local government in the promotion and protection of human rights. In a resolution (submitted by Ecuador, Peru and Costa Rica)

entitled "Impact of arms transfers on human rights in armed conflicts", the Council expressed its deep concern at the fact that arms transfers to those involved in armed conflicts may seriously undermine the human rights of civilians; and urged all States to refrain from transferring arms to those involved in armed conflicts when States assess that such arms are sufficiently likely to be used to commit or facilitate serious violations or abuses of international human rights law or international humanitarian law. In a resolution entitled "Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps", the Council (submitted by Sierra Leone on behalf of a cross-regional group of 13 States) decided to convene a panel discussion on this subject.

Building upon the resolution at its 21<sup>st</sup> session, the Council adopted a resolution on the human rights of older persons (submitted by Argentina and Brazil on behalf of CELAC), establishing a new mandate of Independent Expert on the enjoyment of all human rights by older persons and requesting the SG to ensure that the comprehensive report of the Independent Expert at the Council's 33<sup>rd</sup> session (September 2016) is brought to the attention of the GA open-ended Working Group on Ageing.

As a follow-up to the resolution on albinism last June, the Council adopted a resolution entitled "Technical cooperation for the prevention of attacks against persons with albinism" submitted by the African Group. It has requested the Advisory Committee to prepare a study on the situation of human rights of persons living with albinism. The resolution on promoting human rights through sports and the Olympic ideal submitted by the Russian Federation on behalf of a cross-regional group of States also requested the Advisory Committee to prepare a study on the possibilities of using sport and the Olympic ideal to promote human rights for all and to strengthen universal respect for them.

The resolutions, decisions and President's statements adopted at the current session provide for the establishment of new mandates and the implementation of a number of activities amounting to 3.5 million dollars.

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