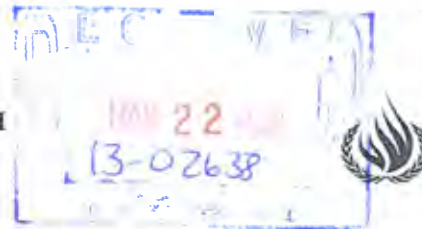




For Info  
DSG  
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MEMORANDUM



A/TO: Jan Eliasson  
DSG, EOSG

REF: GO

DE/FROM: Navi Pillay  
High Commissioner for Human Rights

DATE: 22 March 2013

OBJET: Twenty-second session of the Human Rights Council (25 February to 22 March  
SUBJECT: 2013)

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Please find attached the note on the highlights of the third week of the twenty-second session of the Human Rights Council (11 – 15 March 2013).

Thank you.

**Weekly Highlights – 3rd week  
(Monday 11 March - Friday 15 March 2013)**

**1. Interactive dialogue with the Commission of Inquiry on Syria**

With the conflict in Syria entering its third year, the interactive dialogue with the Commission of Inquiry (COI) on the situation of human rights in Syria, as at past sessions, garnered significant attention. In his presentation, emphasizing the urgent need for a sustainable diplomatic solution, the Chair of the COI highlighted the effects of the escalation and increased militarization of the conflict on the civilian population, with findings indicating disproportionate use of force and attacks on civilians by government forces, including documented incidents of targeting of hospital and medical structures. However, the COI's work has brought to light that all parties to the conflict were failing to protect civilians, and underlined the need to refer those responsible to justice. The magnitude of the humanitarian crisis was increasing with unprecedented levels of refugees and displaced persons.

According to the Syrian delegation, which maintained its position, the report of the COI was based on unreliable information and lacked credibility, and was silent about foreign interference aimed at destabilizing the country. Delegations generally reiterated concerns and the need to end the violence, and agreed on the need to find a peaceful solution, with expressions of support made to the efforts of the Joint Special Envoy. A number of delegations expressed concern about allegations of sexual violence, and the emergence of sectarian strife, as well as regarding the strain placed on neighbouring countries by the high number of refugees, and multiple calls were made for humanitarian access to the country. A joint cross-regional statement made by Libya on behalf of 62 States strongly condemned serious violations of international human rights and humanitarian law, stressing the need for accountability and endorsing the various calls made to the Security Council to refer the situation in Syria to the ICC. A number of speakers also supported the renewal of the mandate of the Commission. The Russian Federation, Venezuela and Cuba qualified the report as "unbalanced" and regretted that the report once again omitted referring to terrorist attacks committed in Syria.

**2. Interactive dialogue with Special Rapporteurs with country mandates (11-12 March)**

The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea presented his report which provided a comprehensive review of the UN documents on the human rights violations in DPRK since the inception of his mandate in 2004, bringing to light nine interlinked key patterns which revealed the existence of widespread and systematic violations, many of which may amount to crimes against humanity under art. 7(1) of the Rome Statute. This warranted the establishment of an inquiry mechanism which is well-resourced and could work in a more systematic

and comprehensive manner. In the light of concerns over impunity and the longstanding and steadfast refusal by the DPRK to cooperate with the Council mandate, it was the responsibility of the international community to increase scrutiny. The concerns expressed by the Special Rapporteur about the continuing human rights situation, including the use of political prison camps, were strongly echoed by a number of countries and the proposal to establish an inquiry mechanism was welcomed and supported by speakers from EU and WEOG countries, Japan, Republic of Korea and Argentina. DPRK reiterated its rejection of the mandate of the SR and his report, which in its view was based on material fabricated by “hostile forces” aimed at sabotaging, defaming and creating international pressure under the pretext of protecting human rights. Like the mandate of the Special Rapporteur, DPRK thought that the proposed inquiry mechanism was the product of politicisation as well.

The Special Rapporteur on the situation of human rights in Myanmar in his report acknowledged the encouraging cooperation of the Government, ongoing reforms and progress achieved in the human rights situation in the country. An important number of speakers concurred, welcoming access granted to ICRC and the Government’s willingness to cooperate with OHCHR. However the shortcomings and challenges outlined by the Special Rapporteur were also widely echoed in the debate, in particular the need to find permanent solutions to the conflict in Rakhine State, to address the situation of the Rohingya community and the violence in Kachin State. Myanmar was also called upon to release all political prisoners. Speakers, including an ASEAN joint statement, encouraged Myanmar to ensure that humanitarian assistance was delivered in a non-discriminatory manner in Rakhine State. There was also a call for the release all political prisoners. Myanmar expressed appreciation to the Special Rapporteur’s work and report but considered that it contained some recommendations it did not accept, while certain issues referred to therein had already been addressed in the context of the reform process.

The concerns expressed by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran were shared by a number of speakers, including regarding the evidence identified in his report of **widespread** use of torture, as well as the high number of executions especially for charges which do not meet international standards of serious crimes, and also including public and mass executions and the execution of minors. Despite certain improvements, women’s rights remained curtailed, including access to public office and to a number of fields of study. The Special Rapporteur also made reference to discrimination and punitive actions against religious minorities. The continuing restrictions on freedoms of expression and assembly, waves of arrest and incidents of harassment and intimidation of journalists and **human** rights defenders point to a further shrinking of the political space, which some speakers saw related to the forthcoming presidential elections.

In a harsh statement, the Iranian delegation represented by Mr Mohammad Javad Larijani, Secretary-General of the Iranian High Council for Human Rights rejected the report as a product initiated by the USA and its European allies **and** containing unfounded allegations and accusations. Iran accused the Special Rapporteur of failing to observe the



principles of impartiality, honesty, transparency and fairness, and of conducting interviews with biased media and being prejudiced about the claims; the Special Rapporteur had reduced himself to a political opponent acting against Iran in contradiction of the Code of Conduct. In reaction to the statement by Iran, the President of the Council said that a mandate-holder had been targeted in this statement and that derogatory remarks and references had been made against the person of the Special Rapporteur, which was a very serious issue. In its concluding remarks, Iran rectified its remarks by indicating that the object of their statement had been the methodology of the Special Rapporteur, and not the person.

### 3. General debate on item 4 (country situations)

On 12 March the Council held its general debate on country-specific issues. Apart from numerous references to the human rights situations in **DPRK, Iran, Myanmar and Syria**, the situation in **Mali** came out as one of the dominant issues in the debate as did during the High-level Segment, in which Mali was represented by its Minister of Justice and a large number of countries from the region participated. Speakers condemned the human rights violations in northern Mali, including violence against children and women, the recruitment of child soldiers, and the destruction of religious sites, and called for accountability. The report of the High Commissioner was well received. In it she noted the risk of reprisals and inter-ethnic conflicts as well as the need to address the displacement of populations from northern Mali and bring to justice those involved in ethnically motivated human rights violations. Support was expressed to the dispatch of the OHCHR human rights observers. Major positive developments mentioned were the agreement signed between Mali and the ICC, the recent establishment of the *Commission dialogue et conciliation*, as well as the efforts deployed by ECOWAS, the African Union and the international community to re-establish constitutional order and preserve the territorial integrity of Mali.

Other country situations most frequently referred to by WEOG/EU States and NGOs included Sri Lanka, which was called upon to implement the LLRC recommendations through its National Action Plan, China (with particular reference to the situation of Tibetans), the DRC (in particular as regards sexual violence), the Sudan (South Kordofan and Blue Nile regions) and Belarus. The situations in Bahrain and Cuba were also mentioned, notably in the context of restrictions on freedoms of speech and assembly and harassment of human rights defenders; as well as the adoption of laws aimed at restricting NGO activity in some countries, in particular in Central Asia, and proposed anti-LGBT legislation in Russia and Ukraine. Stating that discrimination of minorities occurred in all parts of the world, Austria (main sponsor of resolutions on minority rights) referred to the situation of Roma in Europe, an issue also mentioned by China, which, together with Iran, referred to the prevalence of racial discrimination in the USA and in Europe. Ecuador referred to the need for more transparency and accountability regarding the use of drones and extraordinary renditions. This issue was echoed by Cuba, which also pointed to the suppression in USA and Western Europe of social movements such as Occupy Wall Street and the “Indignados”.

#### **4. Item 5 (human rights bodies and mechanisms)**

On 12 March the Council also held an interactive dialogue with the independent expert on minority issues whose report focused on the rights of linguistic minorities. During the general debate, as at the last session, Hungary, on behalf of a cross-regional group of 56 States, made a joint statement on the issue of reprisals against those cooperating with the UN and its mechanisms in the field of human rights, calling for greater coordination among UN bodies and mechanisms and on the HRC to ensure follow-up on reprisal cases and develop a coherent and effective response.

#### **5. Panel discussion on the impact of corruption on human rights**

On 13 March, the Council held a panel discussion on the impact of corruption on human rights. This was the first time this issue was debated by the Council, and in the debate, corruption was generally recognized as an obstacle to the realization of all human rights, including the right to development. Whereas it was acknowledged that all countries were affected and that everywhere, combating corruption was difficult, the burden was greater and the fight against corruption even harder in developing countries and in countries with weak institutions. The principles of transparency, accountability, non-discrimination and meaningful participation mentioned by the HC were reiterated by panellists and speakers as the most effective means to fight corruption, which could only be fully efficient through the human rights approach. Education, public awareness campaigns, empowerment of victims, and the establishment of national anti-corruption agencies and accountability mechanisms were identified as effective steps to combat corruption. Repatriation of illicit funds derived from corruption was an important issue, but a comprehensive approach to combating corruption in all its forms through strengthening good governance and the rule of law was needed, including clear legislation against corrupt practices, a free and independent media, and an effective and independent judiciary. International cooperation and exchange of good practices were important in the fight against corruption.

#### **6. UPR**

From 13 to 15 March, the Council considered and adopted the outcomes of UPR with regard to the States reviewed at the 14<sup>th</sup> session of the UPR Working Group: Czech Republic, Argentina, Gabon, Ghana, Peru, Guatemala, Benin, Republic of Korea, Switzerland, Pakistan, Zambia, Japan, Ukraine and Sri Lanka.

As requested by the Council in its decision of 29 January 2013 on the “non-cooperation of a State under Review with the Universal Periodic Review mechanism”, the President of the Council provided an oral update on appropriate steps and measures undertaken to urge Israel to resume its cooperation with the UPR mechanism. His final report will be submitted in June 2013 at which point in time the Council will have to take a final stand on the matter.

**7. Draft resolutions**

A total of 38 draft resolutions will be considered next week, of which seven are country-specific (Syria; DPRK; Sri Lanka; Myanmar; Iran, Mali; Libya), apart from five under item 7.

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