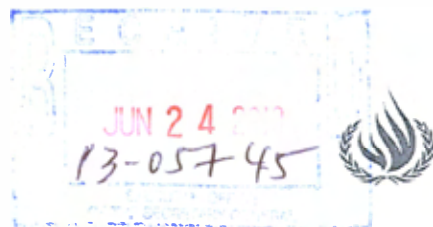




For info:
DSG/AG
(w. enclos.)

MEMORANDUM



A/TO: Mr. Jan Eliasson
Deputy Secretary-General

REF: GO

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

DATE: 21 June 2013

OBJET:
SUBJECT: Twenty-third session of the Human Rights Council (27 May to 14 June 2013)

Please find attached the weekly highlights of the third week of the twenty-third session of the Human Rights Council.

Thank you.

HRT 103/001



Weekly Highlights

Week 3

Main highlights of the last week of the session include consideration of the human rights situation in Palestine, interactive dialogues with the Special Rapporteurs on racism and on Côte d'Ivoire, the panel discussion on democracy and the rule of law, and the adoption of 27 resolutions and decisions, including a President's Statement on Myanmar and a resolution on the deteriorating human rights situation in Syria.

The President of Austria addressed the Council on 10 June and the Minister of Justice of South Sudan made a statement in the context of the presentation of the report of the High Commissioner on technical assistance to that country on 12 June.

1. General debate on the UPR

During the general debate on the Universal Periodic Review, a number of delegations (Cuba on behalf of like-minded group; Ecuador on behalf of several countries from GRULAC) expressed their concerns with regard to OHCHR/Secretariat support to the UPR Working Group during the second cycle. They related to the provision of consistent advice, and sources of information used. Delays in distribution of draft documents and use of external consultants were also cited. As for the conduct of the review, several other delegations (Armenia, Estonia, Georgia, USA, UK, Slovenia) expressed concern on the recent trend of the reports of the Working Group becoming negotiated documents, which threatens the integrity and transparency of the UPR.

2. Human rights situation in Palestine and other occupied Arab territories (Item 7)

On 10 June, the Special Rapporteur on the situation of human rights in the Palestinian territories ("SR") presented his report which expressed grave concerns over the situation of Palestinian prisoners particularly children, the lack of access to water and sanitation in the Gaza strip, condemned Israel's annexationist policies, and recommended the establishment of a commission of inquiry into the situation of Palestinians detained or imprisoned by Israel. In its statement the State of Palestine endorsed the final conclusions and recommendations of the report. During the interactive dialogue, delegations who took the floor (mostly OIC members) expressed appreciation for the SR's work and denounced the smear campaign launched against him (Egypt; Lebanon; Syria; Malaysia), while the EU described his mandate as unbalanced and regretted that parts of the report include political considerations. Speakers condemned Israel's settlement activities, and expressed concern over the treatment of Palestinian prisoners and the deteriorating humanitarian situation in Gaza. Many delegations concurred with the SR's recommendation to investigate the activities of business enterprises that profit from Israel's settlements. Israel's non-cooperation with the HRC was also deplored. As in the last few sessions, the United States did not participate in this interactive dialogue.

As expected from its written statement issued in advance of the session, UN Watch accused the SR of trying to silence the voice of a NGO through his criticism against UN Watch. UN Watch built upon the remarks made by the Secretary-General in January 2011 at the Council and the criticism expressed regarding the SR's remarks about the Boston terrorist bombing. The Touro Law Centre also made a critical statement targeting the SR himself. In his concluding remarks, the SR noted that the accreditation of certain NGOs should be investigated while regretting that UN officials had not sufficiently protected special rapporteurs against defamatory remarks. The President reminded the delegations to avoid personal attacks against a SR, while recalling the rules and procedures of NGO participation in the Council's sessions. It should be noted that during the general debate on agenda item 7 which followed the above-mentioned dialogue with the SR, no WEOG member participated with the exception of Norway.

Weekly Highlights

3. Panel discussion on democracy and the rule of law

On 11 June, the Council held a panel discussion on the common challenges facing States in their efforts to secure democracy and the rule of law. This discussion was made accessible to persons with disabilities. While panellists and participants acknowledged that democracy could take multiple forms, they insisted that its core values were universal. Certain States reiterated their position that democracy did not belong to a single country or region and denounced the attempts to impose a Western model of democracy. The organization of free and fair elections, freedom of expression, freedom of the press, the inclusive participation of all segments of civil society, the promotion of human rights education, and the independence of judges and lawyers were mentioned as effective means of strengthening democracy and the rule of law. The European Disability Forum called on States to take appropriate action in order to facilitate the full participation of persons with disabilities in political processes.

4. General debate on the implementation of the Vienna Declaration and Programme of Action

During the general debate on item 8, delegations expressed concern about persisting discrimination, especially on the basis of sexual orientation and gender identity. The EU expressed concern about attempts to suppress the activities of civil society organizations in some countries, including in Russia and Egypt. Concern was also expressed about the continuing attacks on human rights defenders.

The trend of delivering cross-regional statements on behalf of groups of States continued during this debate. The Czech Republic on behalf of 56 States from all regions delivered a statement on equal access to the political process. Tunisia on behalf of 75 States spoke about freedom of expression and the internet, stressing that there should be as little restriction as possible on the flow of information on the internet. Costa Rica also delivered a joint statement on the recent adoption of the Arms Trade Treaty. Norway's statement on behalf of 32 States mostly from WEOG, Latin American, Eastern European countries and Thailand focused on the International Conference on Human Rights, Sexual Orientation and Gender Identity held in Oslo last April.

5. Racism, racial discrimination, xenophobia and related forms of intolerance (Item 9)

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance presented his annual report on the role of education in preventing and combating racism and discrimination. He emphasized the importance of ensuring that curricula contained adequate and balanced information on the contribution of minorities, migrants and other groups, including for the promotion of tolerance and underlined the need to review the curricula on a regular basis in order to identify and eliminate elements that have the potential of reinforcing stereotypes. Presenting his report to the Human Rights Council on the Glorification of Nazism, the SR expressed concern at the rise of extremist political parties, movements and groups, which continued to pose many challenges, particularly in the context of the current economic and financial crisis and called for continued vigilance. In the ensuing interactive dialogue, South Africa, speaking on behalf of the African Group, welcomed the focus of the report on the need to protect vulnerable groups against racist and xenophobic crimes perpetrated by extremist movements and groups and concurred with the SR regarding the increasing stigmatization and targeting of vulnerable groups in the context of the economic and financial crisis.

Weekly Highlights

6. Interactive dialogue with the Special Rapporteur on Côte d'Ivoire

The Special Rapporteur on Côte d'Ivoire reported on the progress made in the country, while identifying major challenges, including addressing impunity and bringing to justice those responsible for serious human rights violations. He also expressed serious concern about increasing sexual violence in schools and emphasized that it was essential to overcome the political fragmentation particularly in view of the 2015 presidential elections and the rising tensions in the Sahel region. During the interactive dialogue, delegations commended the country's constructive engagement with the SR. The EU and UNICEF echoed the SR's concern over the rise in sexual violence.

7. Technical cooperation and capacity building (Item 10)

The Deputy High Commissioner ("DHC") presented the **HC's report on the situation of human rights in Mali** which built on the findings of the human rights monitoring mission deployed in February/March 2013. The report documents human rights violations committed by both Malian security forces and elements of armed groups, including MNLA, AQMI, MUJAO and the MAA. Of particular concern were reports of sexual violence against women and girls allegedly committed by members of armed groups, principally the MNLA, as well as reports of recruitment of child soldiers by all armed groups in the North of Mali.

The DHC also introduced the **OHCHR report on technical assistance and capacity-building in South Sudan** emphasizing that the human rights situation remained precarious. South Sudan acknowledged the significant challenges facing the new State and that it required external assistance and capacity-building support to successfully overcome them.

During the ensuing general debate on item 10 which followed the presentations on OHCHR's technical cooperation efforts and the report of the Board of Trustees for the Voluntary Fund for Technical Cooperation, the EU acknowledged the important contribution of OHCHR regional offices in providing normative guidance and ensuring that laws and policies complied with international human rights standards, and welcomed the decision by Colombia to extend the mandate of the country office for another three years. The USA urged countries in transition, such as South Sudan and Myanmar to be open to Council mandates and country offices of OHCHR. The African Group stated that it would welcome the publication by OHCHR of a handbook on technical assistance. The *Groupe Francophone* welcomed the HC's decision to deploy a fact-finding mission to the Central African Republic.

8. Appointment of new special procedures mandate-holders

Mr. Gustavo Gallón (Colombia) was appointed Independent Expert on the situation of human rights in Haiti further to the resignation of Mr. Michel Forst, and Mr. Suliman Baldo (Sudan) Independent Expert on the situation of human rights in Mali.

9. Action on draft resolutions and decisions (see the attached list)

Several resolutions adopted on 13 and 14 June were tabled by cross-regional groups of States thus reinforcing a positive trend which has emerged over the past few years. It is equally interesting to observe that country resolutions are now proposed by States other than WEOG members, a fact which comes in sharp contrast with the situation which prevailed until 2010.

a) Country resolutions

The Council expressed its deep concern in the form of a President's Statement at the gross violations of human rights against Muslims in **Myanmar**, including against Rohingya Muslims

Weekly Highlights

in Rakhine State. In spite of joining the consensus, Myanmar expressed serious objection to the text which, in its view, was characterized by inaccuracy, misrepresentation and lack of credible information, arguing that the violence was reciprocal between opposing Buddhists and Muslims and was caused by "miscreants" and expressing strong reservations about the recurrent use of the word "**Rohingya**". The President's Statement includes strong language commonly used in country resolutions under agenda item 4 and focuses on urging the Government to take a number of measures, among others, to **put** an end to all acts of violence and all violations of human rights against Muslims and ensure accountability and to end impunity for all violations of human rights. It also calls upon the Government to speed up the process of establishing an OHCHR country office. This was **the** first country situation initiative presented by the OIC, given that the OIC regards resolutions adopted under agenda item 7 as thematic.

The HRC adopted its second resolution during this session jointly submitted by Qatar, Turkey, Saudi Arabia, UAE, Kuwait, USA and UK on the deterioration of the human rights situation in **Syria**, calling on all parties to refrain from any action that may contribute to the escalation of violations of human rights law or international humanitarian law. Syria rejected the resolution in strong terms. A large number of delegations took the floor in explanations of vote or general comments, **reflecting** the increased level of reservations on certain elements of the text other than the main sponsors, particularly the lack of clear language on **the** adverse consequence of the transfer of weapons, as warned by the High Commissioner and **the** COI. Other issues raised included the language used to refer to the opposition groups, involvement of extremists and foreign non-State actors, the use of chemical weapons, lack of balance and insufficient references to the crimes committed by the opposition. The resolution was adopted by vote at the request of Venezuela with 37 in favour, 1 against (Venezuela) and 9 abstentions. The number of abstentions has increased by 4 since the last session.

Under agenda item 10 on technical assistance and capacity-building, the Council adopted without a vote several country resolutions presented by the African Group, namely on **Côte d'Ivoire** (extension of the mandate of the Independent Expert), **Guinea** (also inviting the HC to submit a report to the next March session) and on **South Sudan** (inviting the HC to submit an interim report in June 2014 and a final report in March 2015). For the first time and in response to the recent crisis and serious human rights violations in the country, the Council also adopted a resolution on the **Central African Republic** calling on the Government to take all necessary steps to put an immediate stop to all acts of violence against the civilian population and to take all necessary steps to ensure there was no impunity for the perpetrators and requesting the High Commissioner to submit an interim report on the human rights situation at the next March session and a report evaluating the needs for technical assistance at the next June session.

The resolution on **Somalia** submitted by a cross-regional group of States (Turkey, UK, Somalia) decided to convene at the next session in September a second stand-alone high-level interactive dialogue with the aim of exploring how all **stakeholders** can work effectively towards the implementation of the roadmap and the realization of human rights in Somalia. Apart from the High Commissioner, the Independent Expert on Somalia and high-level representatives from the Government, the SRSG of the **UN**, the SRSG of the African Union on Somalia and senior representatives of relevant UN agencies are requested to participate.

The resolution on **Eritrea** (submitted by Djibouti, Somalia and Nigeria) which strongly condemns the continued widespread and systematic violations of human rights and extends the mandate of the SR for another year, was adopted without a vote, indicating further isolation of Eritrea. The resolution on **Belarus** (submitted by the EU) also extends the mandate of the **SR** for one year. It is interesting to note that the weak reference to the death penalty was in response to a plea to this effect by a number of countries, including the USA which disagreed during the

Weekly Highlights

voting process that the death penalty equals inhumane treatment. The resolution was adopted by vote of 26 in favour, 3 against (India, Kazakhstan and Venezuela) and 18 abstentions.

b) Thematic resolutions

Reflecting the focus at this session on **women's rights**, a cross-regional group of countries including USA, Egypt, Qatar, Sierra Leone and Brazil (all of which are represented by women Ambassadors) presented a resolution on the role of freedom of opinion and expression in women's empowerment, which was adopted without a vote. The resolution on accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence, presented by Canada, was eventually adopted without a vote further to revisions made by the sponsors at the last minute. Russia, on behalf of like-minded countries, had decided at the last moment to withdraw its six amendments. Speaking on behalf of a group of 19 States (Latin American States, including Cuba and Venezuela, EU members and Norway), Brazil regretted the absence in the revised text of important elements, such as the root causes of violence against women and girls and sex education, as well as the failure to reaffirm some of the important conclusions reached in Beijing and Cairo. The resolution invites OHCHR to make available the expertise to investigate allegations of mass rape or systematic sexual violence. Another resolution on women's rights also extended the mandate of the Working Group on the issue of discrimination of women in law and practice.

For the first time, the Council considered the issue of attacks and discrimination against **persons with albinism**, further to an initiative by the African Group and a proposal made by Somalia at the last session in March 2013, which had not materialized. The resolution, which was adopted without a vote, requests the Office to prepare a report to be submitted to the Council session in September.

Two new mandates were conferred upon the HRC Advisory Committee without a vote, one as a result of an initiative of NAM in the area of enhancement of international cooperation in the field of human rights, and the other on the negative impact of **corruption** on the enjoyment of human rights submitted by a cross-regional group.

Also adopted without a vote was a proposal by Peru and Ecuador on **national policies** and human rights which requests OHCHR to prepare a report on technical assistance and capacity-building options designed to integrate human rights into national policies.

The resolution on the human rights of migrants, in reference to current EU policy, underlined the duty of States to comply with their obligations under international law when enacting and implementing **migration and border security measures**.

A few thematic resolutions, including on the right to education and international solidarity contain reference to the post-2015 development agenda, reflecting the interest of the HRC in the agenda.

c) Financial implications

The adoption of the resolutions during the 23rd session entails additional resource requirements of around **890,000 USD**, which is one of the lowest amounts triggered by the Council's decisions per session. This is primarily due to the fact that no major mandates in terms of financial requirements were created at this session.

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23rd session of the Human Rights Council

Final Symbol	Item No.	L.	Title	Submitted by	PBI	Action Taken
23/1	1	L.1	The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al Qusayr	Qatar, Turkey and the United States of America	NO	Adopted as orally revised by vote Yes 36 No1 Abst 8 (29.05.13/pm)
PRST 23/1	1	L.26	Situation of human rights in Myanmar as regards Rohingya Muslims in Rakhine State and other Muslims	Myanmar and Pakistan (on behalf of the Organization of Islamic Cooperation)	NO	Adopted as orally revised without a vote (14.06.13/am)
23/2	3	L.5	The Role of Freedom of Opinion and Expression in Women's Empowerment	United States of America, Egypt, Qatar, Romania, United Kingdom of Great Britain and Northern Ireland, Brazil, Montenegro, Sierra Leone	NO	Adopted as orally revised without a vote (13.06.13/am)
23/3	3	L.6	Enhancement of International Cooperation in the field of human rights	Iran (Islamic Republic of) (on behalf of the Non-Aligned Movement)	YES	Adopted without a vote (13.06.13/am)
23/4	3	L.7	The right to education: follow-up to Human Rights Council resolution 8/4	Portugal	NO	Adopted as orally revised without a vote (13.06.13/am)
23/5	3	L.8	Trafficking in persons, especially women and children: efforts to combat human trafficking in supply chains of business	Germany and Philippines	NO	Adopted without a vote (13.06.13/am)

Final Symbol	Item No.	L.	Title	Submitted by	PBI	Action Taken
23/6	3	L.9	Independence and impartiality of the judiciary, jurors, assessors and the independence of lawyers	Hungary, Australia, Botswana, Maldives, Mexico and Thailand	NO	Adopted without a vote (13.06.13/am)
23/14	3	L.10 /Rev .1	Access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	Brazil, India, South Africa, Egypt, Indonesia, Senegal and Thailand	NO	Adopted by vote Yes 31 No 0 Abst 16
23/20	3	L.12	Human Rights of migrants	Mexico	NO	Adopted as orally revised without a vote (14.06.13/am)
23/7	3	L.13	Elimination of discrimination against women	Colombia and Mexico	YES	Adopted as orally revised without a vote (13.06.13/am)
23/8	3	L.14	Mandate of the Special Rapporteur on the human rights of internally displaced persons	Austria	YES	Adopted without a vote (13.06.13/am)
23/9	3	L.19	The negative impact of corruption on the enjoyment of human rights	Morocco, Austria, Poland and Indonesia	NO	Adopted as orally revised without a vote (13.06.13/am)
23/10	3	L.20	Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity	Cuba	NO	Adopted without a vote (13.06.13/am)
23/11	3	L.22	The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic,	Cuba	NO	Adopted by vote Yes 30 No 15 Abst 2

Final Symbol	Item No.	L.	Title	Submitted by	PBI	Action Taken
			social and cultural rights			(13.06.13/am)
23/12	3	L.23	Human rights and international solidarity	Cuba	NO	Adopted by vote Yes 32 No 15 Abst 0 (13.06.13/am)
23/13	3	L.25	Attacks and discrimination against persons with albinism	Gabon (on behalf of the African Group)	NO	Adopted as orally revised without a vote (13.06.13/am)
	3	L.27	Human rights and climate change	Philippines and Bangladesh	YES	Deferred to HRC24
23/25	3	L.28	Accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence	Canada	YES	Adopted as orally revised without a vote (14.06.13/am)
23/21	4	L.17	Situation of human rights in Eritrea	Djibouti, Somalia and Nigeria	YES	Adopted without a vote as orally revised (14.06.13/am)
23/15	4	L.18	Human rights situation in Belarus	Ireland (on behalf of the European Union)	YES	Adopted by vote as orally revised Yes 26 No 3 Abst 18 (13.06.13/am)
23/26	4	L.29	The deterioration of the situation of human rights in	Qatar, Kuwait, Turkey, United States of		Adopted by vote

Final Symbol	Item No.	L.	Title	Submitted by	PBI	Action Taken
			the Syrian Arab Republic and the need to grant immediate access to the Commission of Inquiry	America, United Kingdom of Great Britain and Northern Ireland and Saudi Arabia	NO	as orally revised Yes 37 No 1 Abst 9 (14.06.13/pm)
23/16	5	L.21	Promotion of the right to peace	Cuba (on behalf of CELAC)	NO	Adopted by vote Yes 30 No 9 Abst 8 (13.06.13/am)
23/17	8	L.15	National Institutions for the promotion and protection of human rights	Australia	YES	Adopted without a vote (13.06.13/am)
23/22	10	L.2	Assistance technique à la Côte d'Ivoire dans le domaine des droits de l'Homme	Gabon (on behalf of African Group)	YES	Adopted without a vote (14.06.13/am)
23/18	10	L.3	Assistance technique à la République Centrafricaine dans le domaine des droits de l'homme	Gabon (on behalf of African Group)	YES	Adopted without a vote (13.06.13/pm)
23/23	10	L.4	Renforcement de la coopération technique des services consultatifs en Guinée	Gabon (on behalf of African Group)	NO	Adopted without a vote as orally revised (14.06.13/am)
23/114	10	L.11	Assistance to Somalia in the Field of Human Rights	United Kingdom of Great Britain and Northern Ireland, Austria, Djibouti, Italy, Somalia, Sweden, Qatar, Ethiopia, Norway, Turkey, Yemen	YES	Adopted without a vote as orally revised (14.06.13/am)

Final Symbol	Item No.	L.	Title	Submitted by	PBI	Action Taken
23/19	10	L.16	National Policies and Human Rights	Peru and Ecuador	YES	Adopted without a vote (13.06.13/pm)
23/24	10	L.24	Technical assistance and capacity building for South Sudan in the field of human rights	Gabon (on behalf of African Group)	YES	Adopted without a vote as orally revised (14.06.13/am)