

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## COUNCIL UPDATE – PLANNED INITIATIVES HUMAN RIGHTS COUNCIL, 12<sup>TH</sup> SESSION 7 SEPTEMBER 2009

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### Overview

Norway, together with India, South Africa, the Russian Federation and Chile held an informal meeting on 7 September 2009, to give States the opportunity to exchange information on their planned initiatives for the 12<sup>th</sup> session of the Human Rights Council (the Council). Many of the proposals mirror resolutions adopted in 2008 during the 9<sup>th</sup> session of the Council. The following is a list of what was announced.

- The USA and Egypt will be the primary cosponsors of a resolution on **freedom of expression**. According to Canada, who was traditionally the main sponsor of this initiative, the two States have made significant progress in their bilateral discussions. Egypt and the USA said that they are confident that the resolution has a good chance at regaining consensus within the Council. In 2008, the resolution on freedom of expression was adopted by a vote, following the controversial introduction of amendment to the draft.<sup>1</sup>
- The Russian Federation plans to continue negotiations on its draft resolution on **‘Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind.’**<sup>2</sup> It was introduced but later withdrawn at the June session. The initiative met many reservations and even opposition from several States and NGOs that saw it as an attempt at undermining the universality of human rights. The Russian Federation argued that its initiative was aimed at strengthening human rights protection by building a ‘more common and universal approach’ to human rights values. It held three informal consultations during the 11<sup>th</sup> session on the draft resolution. Despite support from several States such as the Sudan, Sri Lanka, Pakistan, Belarus, China, Algeria, Syria, South Africa, Egypt, and Vietnam, many others questioned the initiative. In this context, the Russian Federation decided to postpone the further consideration of the resolution. During the negotiations, one of the key topics of discussion was the meaning of ‘traditional values’, which the Russian Federation never explained clearly and comprehensively. It was in no small part this uncertainty that gave rise to reservations and questions about the intentions of the Russian Federation in presenting this text.
- In the context of the review of the Council in 2011, the Russian Federation has also circulated a draft of its procedural initiative on the establishment of a **Working Group to review the work and functioning of the Council**. The draft asks the Office of the High Commissioner for Human Rights (OHCHR) to consult with all stakeholders on the issue, and to present a report to the 13<sup>th</sup> session in March 2010. Although the Working Group would only take up its work after that report, the Russian Federation suggests that the Council already create it now.

<sup>1</sup> See ISHR’s *Human Rights Monitor 2008*, available at [www.ishr.ch/hrm](http://www.ishr.ch/hrm).

<sup>2</sup> A/HRC/11/L.1, available at [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/11/L.1](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/11/L.1).

- Hungary plans to reintroduce a draft resolution from the 2005 session of the Commission on Human Rights dealing with on **cooperation with representatives of UN human rights bodies** and mechanism. This resolution was originally intended to protect anyone who cooperates with and otherwise uses UN mechanisms, for instance by submitting information or providing testimony, and called on governments and UN bodies to prevent retaliation against these persons.<sup>3</sup> It is the first time that the Council will take up this traditional initiative from the Commission, and thereby assume its responsibility as main UN human rights body in protecting victims against retaliation. Several cases over the past year alone have shown the importance of this initiative.<sup>4</sup>
- Sweden spoke on behalf of the EU and stated that there are no EU initiatives planned. However, it emphasised that the EU was ready to cooperate with the African Group on any **resolutions on Somalia**. Notably, Nigeria who has taken over the coordination of the African Group from Egypt, did not speak during the meeting.
- Japan will also propose the extension of the mandate of the **Special Rapporteur on the situation of human rights in Cambodia** for one year and is currently in consultation with the Cambodian government over this.
- Belgium will introduce its draft **on regional arrangements** for the promotion and protection of human rights based on *Resolution 6/20*.
- Hungary will also propose an initiative on the **independence and impartiality of the judiciary and lawyers**.
- Guatemala and Mexico will take up *Resolution 9/7* on the **human rights and indigenous people**.
- Mexico and Columbia are co-sponsoring an initiative on **discrimination against women**.
- Mexico alone will propose a resolution on the **human rights of migrants**.
- Japan has drafted a resolution under item 3 on the **elimination of discrimination against persons affected by leprosy and their family members** within the framework of resolution 8/13.
- Egypt will reintroduce *Resolution 9/9* on the protection of the **human rights of civilians in armed conflict**.
- Egypt and Brazil will present a resolution on the impact of the **financial and economic crisis** on the enjoyment of human rights.
- Egypt, Brazil, India and South Africa announced a resolution on the **access to medication** health care in light of the two million people who are lacking it.
- On behalf of the Non-Aligned Movement (NAM), **Egypt** will present two resolutions, one on **unilateral coercive measures** and one on the **right to development**.<sup>5</sup>
- Switzerland is set to continue with its traditional resolution on **transitional justice**, building on last year's text that and the High Commissioner's report on transitional justice presented to the upcoming session.
- Argentina is presenting, as in 2008, a draft on the **right to truth**, focusing on the preservation of archives and witness protection.
- Spain and Germany will present a resolution on access to **safe water and sanitation** on the occasion of the presentation of the Independent Expert's report.
- Romania together with a range of co-sponsors will present a resolution on **human rights and extreme poverty**, an initiative deferred from the June 2009 session.
- Cuba will submit two draft resolutions, one on **international solidarity** and human rights and the other on the **right to food**.
- **Costa Rica** will present a resolution on the second phase of the world program on **human rights education**.

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<sup>3</sup> See ISHR's *Briefing paper on the right to access international bodies*, available at <http://tr.im/y9OD>.

<sup>4</sup> See for instance ISHR's *Council Update* on the dialogue with the High Commissioner at the 11<sup>th</sup> session about the killing of two human rights defenders in Kenya who had submitted information to the Special Rapporteur on extrajudicial executions. Available at <http://tr.im/y9O7>.

<sup>5</sup> Egypt has taken over the coordination of NAM from Cuba. The Egyptian Ambassador is also a member of the Bureau of the Council.

- Canada announced that it would defer follow-up to its *Resolution 9/8* on the **effective implementation of human rights instruments** until the next session. It explained that the report asked for by that resolution had not been completed, and therefore action was deferred until March 2010.

### Further information

For further information on the Human Rights Council, please consult the following resources:

- Web site of the International Service for Human Rights, providing up-to-date information before, during and after sessions of the Council: <http://www.ishr.ch/council>. During the session, ISHR will provide information about the Council's proceedings on a regular but not daily basis. You can subscribe to receive alerts of our publications by sending an email to [information@ishr.ch](mailto:information@ishr.ch).
- Oral statements made at the Council, as well as other informal documents and draft resolutions are available on the 'OHCHR extranet' at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: 'hrc extranet' Password: '1session'.  
Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 12<sup>th</sup> session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/12session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/12session/reports.htm>.

*NGOs and human rights defenders seeking more specific information or individual advice on the Council session, please contact the ISHR secretariat by email or phone at +41 (0) 22 919 71 00.*

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The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at [www.ishr.ch](http://www.ishr.ch).

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