



Thirteenth UNHRC session concludes

Resolutions adopted on Burma, North Korea, Guinea and DRC; Iranian victims neglected

The UN Human Rights Council concluded its Thirteenth Session on March 26th with marked improvements in how the Council addresses serious human rights situations around the world. The Council took action on North Korea, Myanmar (Burma), Guinea and the Democratic Republic of Congo, as well as adopted a follow-up resolution to monitor Israeli and Palestinian investigations into violations during the Gaza conflict of 2009.

While yet another resolution on the controversial concept of "defamation of religion" was adopted, several states withdrew their previous support for the resolution, resulting in its lowest margin of adoption to date. Also, efforts by several states to restrict the activities of human rights defenders in the resolution on the protection of human rights defenders were also defeated.

Despite this progress, the Council failed to confront the serious and ongoing human rights violations in the Islamic Republic of Iran despite continued calls from the international community to address grave abuses against Iranian citizens. Finally, despite resistance from the human rights community, a UN expert report on "secret detention" was successfully blocked by several states from being considered at this session and deferred to the June session.

Marked improvement in addressing human rights situations

Resolutions on North Korea and Myanmar (Burma) obtained noticeably larger support this session than in previous years. Both resolutions expressed serious concerns over the systematic violations of civil, economic and cultural rights observed in both countries, and extended the mandates of the country rapporteurs for one year.

The resolution on North Korea saw positive shifts in the voting pattern. Brazil and Djibouti voted in favor this session after abstaining last year, while Nigeria abstained after opposing the resolution the previous year.

"We hope that this shift means a reconsideration of Brazil's position at the Human Rights Council in matters related to severe violations taking place in the world," said Camila Asano, project officer for Conectas Human Rights.

In cases such as North Korea, where individuals are systematically deprived of their fundamental freedoms, Brazil must decide its position according to the victim's rights."

A resolution on the human rights situation in the Democratic Republic of Congo (DRC) failed to meet the loud call by local and international human rights



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organizations to re-establish a monitoring mechanism on the DRC. Instead, the resolution invites the seven thematic rapporteurs to report back to the Council at its Sixteenth session.

"We regret that once again, the Human Rights Council has not restored an expert on the DRC, even though such a mechanism was recommended by both the thematic special procedures of the Council and the High Commissioner for Human Rights, both of which presented alarming reports on the DRC during this session," said Dismas Kitenge, president of Group Lotus in the DRC. The group urged the DRC to establish a timetable to implement the recommendations as stipulated by the resolution.

A new resolution on the Republic of Guinea strengthened technical services in Guinea and condemned the massacre of peaceful protesters on September 28, 2009. The resolution, adopted by consensus, stopped short of creating an independent expert as called for by human rights groups, and only invites the High Commissioner for Human Rights to report to the Council on the situation at its Sixteenth session.

"Given the failings of the resolution, the question of the prosecution of perpetrators and the protection of victims should be addressed during the UPR session of Guinea in May 2010," said Solange Fiaty, coordinator of the secretariat of the West African Human Rights Defenders Network.

In addition, the Council adopted a follow-up resolution on the International Fact-Finding Mission on the Gaza Conflict (the Goldstone Report). The resolution establishes a committee of experts to monitor the progress of investigations by both the Israeli government and Palestinian authorities into the violations conducted by each side in the armed conflict. The resolution requests that the committee and the Secretary-General report back on their findings at the Council's Fifteenth session. The resolution was opposed by the United States, Hungary, Italy, Netherlands, Slovakia and the Ukraine.

Alarming, the Council failed to take much needed action on the serious human rights situation in Iran. Arab and Iranian human rights groups have continuously urged the international community to put pressure on the government after its poor performance during the UPR in February and worsening situation inside the country.

"The failure of the Human Rights Council to table and pass a resolution about the grave deterioration of human rights in Iran indirectly legitimates the Iranian government's crackdown on peaceful citizens demanding their rights," said Hadi Ghaemi, executive director of the International Campaign for Human Rights in Iran. "The Council's silence can be interpreted as indifference and a betrayal of the Iranian people and of the principles of the United Nations."

During the session, the East and Horn of Africa Human Rights Defenders Network (EHARHDN) called for a re-enforcement of human rights monitoring and reporting mechanisms in Somalia and Burundi given the deteriorating situation in both countries. EHAHRDN urged the UN to combat impunity in Somalia, and for the Independent Expert on Burundi to report to the Fourteenth session of the Council.



Support for 'defamation of religion' declines

The problematic resolution on 'combating defamation of religion,' sponsored by the OIC, was once again adopted by the HRC during the Thirteenth session, but by the lowest margin yet. In anticipation of the debate, forty-seven NGOs from around the world urged members of the HRC to reject the adoption of any text that undermines the right to freedom of expression. The vote of 20 states in favor, 17 against and 8 abstentions marked the lowest state support for the resolution since its inception. "This narrow margin signaled growing opposition to a concept that would limit free expression," said Julie de Rivero, Geneva advocacy director of Human Rights Watch.

A cross-regional group of states, including Mexico, Uruguay, Argentina, Zambia and South Korea shifted their votes to oppose the resolution at this session. Following the vote, the Cairo Institute for Human Rights Studies (CIHRS) released a statement on the resolution's waning support. "Today the Human Rights Council moved a little closer to confirming the universality and inviolability of freedom of expression," said Jeremie Smith, Geneva director of CIHRS.

Efforts by the African Group and the OIC to draft additional legally binding norms to complement the International Convention on the Elimination of Racial Discrimination met with strong opposition from a cross-regional group of states, exposing deep divisions on issues related to freedom of religion, discrimination, and freedom of expression. The Council subsequently decided to postpone the discussion to the Sixteenth session.