

Highlights of the Human Rights Council's 18th Regular session

Center for UN Reform Education, October 11, 2011

Ending on September 30, the 18th Regular Session of the Human Rights Council resulted in 31 resolutions, 2 Presidential Statements, the appointment of new Special Procedures mandate holders and an extension of mandates of Special Rapporteurs. The Center for UN Reform Education provides an overview of the achievements.

However, according to a range of different human rights NGOs, including International Service for Human Rights, the Cairo Institute for Human Rights and Forum-Asia, the 18th session of the Council has been a step back in terms of improving the Council's response to urgent human rights situation. In particular, the Council has failed to take strong action on the situations in Yemen, Sri Lanka and Belarus.

Resolutions Adopted by the Council

Organizational and procedural matters

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General;

On **preventable maternal mortality, morbidity and human rights**, the Council requested the Office of High Commissioner to set up an expert workshop in cooperation with other relevant entities of the United Nations system, open also to the participation of Governments, regional organizations, relevant United Nations bodies, and civil society organizations. The aim is to prepare concise technical guidance on the application of a human rights-based approach to the implementation of policies and programs to reduce preventable maternal mortality and morbidity, including the recommendations contained in the report of the Commission on Information and Accountability for Women's and Children's Health.

On **the question of the death penalty**, addressed by a report by the Secretary-General, the Council requested the Secretary-General to continue to submit to the Council a yearly supplement to his 5-year report on capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, paying special attention to the imposition of the death penalty on persons younger than 18 years of age at the time of the offence, on persons with mental or intellectual disabilities and on pregnant women.

On the **resumption of Libya's membership** in the Human Rights Council, the Council welcomed the commitments put forward by Libya to uphold its obligations under international human rights law, to promote and protect democracy, human rights and the rule of law and cooperation with relevant international human rights mechanisms including the Office of the High Commissioner for Human Rights and the International Commission of Inquiry established by Human Rights Council resolution S-15/1. The Council recommended that the General Assembly lift the suspension of Libya's membership rights in the Human

Rights Council at its current session.

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

On the **promotion of a democratic and equitable international order**, the Council decided to set up, for a three-year period, a new Special Procedure mandate of Independent Expert on the promotion of a democratic and equitable international order, with a mandate to identify possible obstacles, to work in cooperation with States in order to foster the adoption of measures at the local, national, regional and international levels and to identify best practices. The Council requested the Independent Expert to present its first report at the Council's twenty-first session regular session.

On the **human right to safe drinking water and sanitation**, the Council acknowledged with appreciation the third annual report of the Special Rapporteur, Catarina de Albuquerque, on the right to safe drinking water and sanitation, and further welcomed the submission of the compilation of good practices on the right to safe drinking water and sanitation, in which the Special Rapporteur put particular emphasis on practical solutions with regard to the implementation of this right. It also called upon States to continuously monitor and regularly analyze the status of the realization of the right to safe drinking water and sanitation on the basis of the criteria of availability, quality, acceptability, accessibility and affordability.

On the **promotion of truth, justice, reparation and guarantees of non-recurrence**, the Council decided to appoint for a period of three years a Special Rapporteur whose tasks would include gathering relevant information on national situations relating to the promotion of truth, justice, reparation and guarantees of non-recurrence in addressing gross violations of human rights and serious violations of international humanitarian law, and to produce recommendations. The Council requested the Special Rapporteur to report every year to the Human Rights Council and the General Assembly.

On the commemoration of the twentieth anniversary of the **Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities**, the Council decided to convene, at its nineteenth session, a panel discussion focusing on the implementation of the Declaration in question, as well as on achievements, best practices and challenges in that regard.

On the **use of mercenaries as a means of violating human rights** and impeding the exercise of the right of peoples to self-determination, the Council once again appealed to all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the actions of mercenaries. It condemned mercenary activities in developing countries in different regions of the world, in particular in areas of conflict, and urged all States to take legislative measures to ensure that their territories and their nationals were not used for the recruitment, financing, training and transit of mercenaries.

On **human rights and indigenous peoples**, the Council appreciated the work of the Special

Rapporteur and the Expert Mechanism on the Rights of Indigenous Peoples, and requested the Expert Mechanism to prepare a study on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples, in addition to a questionnaire survey to seek the views of States on best practices to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples. The Council decided to hold, on an annual basis a half-day panel on the rights of indigenous peoples and to hold, at its twenty-first session, a half-day panel on access to justice by indigenous peoples.

On **human rights and international solidarity**, the Council affirmed that international solidarity was not limited to international assistance and cooperation and aid; it was a broader concept that included sustainability in international relations, and it called on the international community to urgently consider concrete measures to promote and consolidate international assistance to developing countries. The Council requested the High Commissioner to convene in 2012 a workshop for an exchange of views on the gender implications of international solidarity, the role of international solidarity in achieving the Millennium Development Goals and the realization of the right to development.

On the mandate of the Special Rapporteur on the human rights obligations related to **environmentally sound management and disposal of hazardous substances and wastes**, the Council decided to prolong the mandate, with the new title of Special Rapporteur on the human rights obligations related to environmentally sound management and disposal of hazardous substances and wastes, for a period of three years, and called upon countries to facilitate the work of the Special Rapporteur by providing information and inviting him to do country visits.

On human rights and issues related to **terrorist hostage-taking**, the Council requested the Advisory Committee to conduct a study focusing in particular on how hostage-taking by terrorist groups posed challenges and had an adverse impact not only for the protection of the human rights of hostages, but also for the protection and enjoyment of the rights of those living within local communities.

On the promotion and protection of **freedom of expression on the Internet**, the Council adopted a resolution on arranging at its nineteenth session a panel discussion on the promotion and protection of freedom of expression on the Internet, with a particular focus on the ways and means to strengthen its protection in accordance with international human rights law.

On the **promotion of multiculturalism** as a means of protecting human rights and combating xenophobia, discrimination and intolerance, the Council decided to convene at its twentieth session a panel discussion on the promotion of multiculturalism as a means of protecting human rights and combating xenophobia, discrimination and intolerance.

On **human rights in the administration of justice**, in particular juvenile justice, the Council requested the High Commissioner submit an analytical report to the Human Rights Council at its twenty-first session on the protection of human rights of juveniles deprived of their liberty; and decided to continue its work with this issue under the same agenda item in

accordance with its annual program of work.

On the role of **prevention in the promotion and protection of human rights**, the Council stressed that States should facilitate the development of supportive and enabling environments for the prevention of human rights violations and encouraged the Office of the High Commissioner to prepare a practical toolkit to support stakeholders in understanding the role of prevention in the promotion and protection of human rights.

On **regional arrangements for the promotion and protection of human rights**, the Council requested the High Commissioner to hold, in 2012, a workshop on regional arrangements for the promotion and protection of human rights to do an update of developments since the workshop in 2010, and to organize a thematic discussion based on the concrete and practical experience of various regional mechanisms. The High Commissioner was also requested to present to the Human Rights Council, at its twenty-second session, a report on the discussions held at the above-mentioned workshop and on the progress towards the implementation of the present resolution.

On the **human rights of migrants**, the Council called upon States that have not yet signed, ratified or acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as a matter of priority, to consider doing so, and to improve measures to protect the human rights of migrant workers in times of humanitarian crisis. The Council also requested the Special Rapporteur on the human rights of migrants to continue his efforts to promote and support the building of greater synergies between States to strengthen cooperation for the protection of human rights of all migrant workers and their families.

On **human rights and climate change**, the Council called on the Office of the United Nations High Commissioner for Human Rights to set up, prior to the nineteenth session of the Human Rights Council, a seminar on addressing the adverse impacts of climate change on the full enjoyment of human rights and invite States and other relevant stakeholders, including academic experts, civil society organizations and representatives of those segments of the population most vulnerable to climate change, to participate.

On **human rights and unilateral coercive measures**, the Council noted that the thematic study on the impact of unilateral coercive measures on the enjoyment of human rights commissioned in resolution 15/24 required more time for its completion and would therefore be submitted to the Human Rights Council at its nineteenth session. The Council agreed to examine this question in accordance with its annual program of work under the same agenda item.

On **the right to development**, the Council decided to continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals, and furthermore that the criteria should be used in the development of a comprehensive set of standards for the implementation of the right to development. The Council agreed to review the process of the implementation of the present resolution as a matter of priority at its future sessions.

Human rights bodies and mechanisms

On **cooperation with the United Nations**, its representatives and mechanisms in the field of human rights, the Council urged States to take all necessary measures to prevent the occurrence of reprisals and intimidation, considering that free and unhindered contact and cooperation with individuals and civil society were indeed indispensable to enable the United Nations and its mechanisms to fulfill their mandates. Moreover, the Council decided to convene, at its twenty-first session, a panel discussion under agenda item 5 on the issue of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights.

Follow-up and implementation of the Vienna Declaration and Program of Action

On the **promotion of awareness, understanding and the application of the Universal Declaration of Human Rights through sport and the Olympic ideal**, the Council decided to convene, within existing resources, at its nineteenth session, a high-level interactive panel to emphasize, examine and suggest ways in which sport and major sporting events, in particular the Olympic and Paralympics Games, could be used to promote awareness and understanding of the Universal Declaration of Human Rights.

Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Program of Action

On the **incompatibility between democracy and racism**, the Council encouraged States to develop awareness-raising and education campaigns with a view to combating discrimination and intolerance; stressed the need to implement fully obligations under the International Convention on the Elimination of All Forms of Racial Discrimination as the principal convention in the fight against racism. The Council took note of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

On **concrete actions against racism, racial discrimination, xenophobia and related intolerance**, the Council decided that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Program of Action should hold its tenth session from 8 to 19 October 2012; requested the Secretary-General to make available to the Human Rights Council at its twentieth session his progress report submitted to the General Assembly; and encouraged the United Nations High Commissioner for Human Rights to take measures within the framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

On the Mandate of the **Working Group of Experts on People of African Descent**, the Council decided to extend the mandate of the Working Group for a further period of three years; decided that the Working Group should undertake a minimum of two country visits per year; and requested the Working Group to submit an annual report to the Human Rights Council on all activities relating to its mandate.

Technical assistance and capacity-building

On **technical assistance for the Sudan in the field of human rights**, the Council commended the cooperation extended by the Government of the Sudan to the Independent Expert and to the United Nations and African Union missions in the Sudan. The Council noted the humanitarian situation in the provinces of South Kordofan and Blue Nile, and urged all parties to make every effort to immediately end violence and halt clashes. Furthermore the Council called upon the Office of the United Nations High Commissioner for Human Rights to provide the Sudan with the necessary technical support and training and renewed for a period of one year the mandate of the Independent Expert on the situation of human rights in the Sudan. The Council requested the Independent Expert to submit a report for consideration at its twenty-first session.

On **technical assistance and capacity-building for South Sudan in the field of human rights**, the Council called upon the Government of South Sudan to improve ongoing cooperation with the United Nations Mission in South Sudan on issues pertaining to human rights. The Council invited the Office of the United Nations High Commissioner for Human Rights to identify and assess areas of support and to assist South Sudan with appropriate technical assistance if requested, and encouraged the Member States of the United Nations in the framework of international cooperation, relevant United Nations agencies and international financial institutions to provide the Government of South Sudan, upon its request, with appropriate technical assistance and capacity-building to promote respect for human rights.

On **advisory services and technical assistance for Burundi**, the Council recalled resolution 9/19 of 24 September 2008, by which the Council extended the mandate of the Independent Expert on the situation of human rights in Burundi until the establishment of an independent national human rights commission, and welcomed in the creation of an independent national human rights commission and the effective establishment of a human rights institution by the Government of Burundi. The Council noted that the Independent Expert had satisfied the requirements of his mandate.

On **technical assistance and capacity-building to Yemen in the field of human rights**, the Council called upon the Government of Yemen and the other parties to address the recommendations in the report of the High Commissioner and condemned all violations of human rights in Yemen by all parties and called upon all parties to move forward with negotiations on an inclusive, orderly and Yemen-led process of political transition on the basis of the Gulf Cooperation Council's initiative. The Council requested the Office of the High Commissioner to cooperate with donors on ways to assist the Government of Yemen and relevant non-governmental organizations with capacity building for the establishment of a national human rights institution. The Council requested the Office of the High Commissioner to present a progress report on the situation of human rights in Yemen, and the follow-up on the present resolution, to the Human Rights Council at its nineteenth session.

On **advisory services and technical assistance for Cambodia**, the Council decided to extend the mandate of the Special Rapporteur on the situation of human rights in Cambodia

by two years, and requested the Special Rapporteur to report on the implementation of his mandate to the Council at its twenty-first and twenty-fourth sessions. The Council urged the Government of Cambodia to continue to strengthen the establishment of a democratic society, to enhance its efforts to investigate and to prosecute all those who have perpetrated serious crimes, including violations of human rights and to enhance its efforts to resolve equitably and expeditiously land ownership issues.