

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

HUMAN RIGHTS COUNCIL, 4TH SESSION DAILY UPDATE, 23 MARCH 2007

| | |
|---|----|
| Overview..... | 1 |
| Interactive dialogue on OPT and Beit Hanoun: continued | 2 |
| Special Rapporteur on the Democratic People's Republic of Korea | 3 |
| Independent Expert on Burundi..... | 5 |
| Special Rapporteur on Myanmar..... | 7 |
| Independent Expert on Liberia | 9 |
| Related Debate..... | 10 |
| Rights of Reply..... | 11 |
| Resolutions adopted by consensus..... | 11 |

Overview

The Council started today's work with the President explaining that after his meeting with the Bureau on the programme of work, the Bureau recommended that the decision-making (originally planned for the end of the day) be postponed to the end of the session. However, the Council did make decisions on two resolutions. He also informed delegates that some draft resolutions were ready for consultation. He reminded all delegations that the time allocated to each speaker in the interactive dialogue had been shortened for today to two minutes.

The Human Rights Council (the Council) then heard the remaining statements by States and NGOs on the report by Mr John Dugard, Special Rapporteur on the situation of human rights in the **Occupied Palestinian Territories** since 1967 as well as the presentation of Ms Chinkin, one of the two members of the High Level Fact-Finding Mission to travel to Beit Hanoun.¹ It then went on to consider reports by country-specific special procedures, including the report by Mr Vitit Muntarbhorn, the Special Rapporteur on the situation of human rights in the **Democratic People's Republic of Korea (DPRK)**, Mr Akich Okola, Independent Expert appointed by the Secretary-General on the situation of human rights in **Burundi**, Mr Paulo Sérgio Pinheiro, Special Rapporteur on the situation of human rights in **Myanmar**, and Ms Charlotte Abaka, Independent Expert on technical cooperation and advisory services in **Liberia**.

¹ These were the statements that were carried over from the previous day. For details of the earlier part of the consideration of the two reports, please check the ISHR *Council Monitor Daily Update* 22 March 2007, available at <http://www.ishr.ch/hrm/council>.

Many States regretted the lack of cooperation extended to the mandate holders by both the DPRK and Myanmar, and called on both Governments to cooperate with the Council. However, others reiterated their calls for the abolishment of country-specific mandates established without the consent of the concerned State. In the case of Burundi, many States noted the positive steps taken. A number of African States called on the international community to continue their support, and reminded the Council that stability in Burundi had repercussions on the whole Great Lakes region. On the situation in Liberia, Ms Abaka highlighted the importance of human rights institutions in post-conflict societies, pointing to the need in Liberia to operationalise the Truth and Reconciliation Commission (TRC) and the Independent National Human Rights Commission. She stressed the importance of country mandates, highlighting the case of Liberia. Ms Abaka noted the importance of States deciding to cancel the debt owed by Liberia to them, as the money could now be used to provide opportunities for the enjoyment of economic, social and cultural Rights.

The related debate followed. Several countries took the opportunity to support the work of special procedures and country mandates in particular including, Canada, France, Australia, the USA, and Japan. The Council then heard a number of rights of reply to the day's discussion.²

The Council ended its week with two resolutions being adopted by consensus; first, *Resolution A/HRC/2/L36* introduced by Switzerland on strengthening the role of the Office of the High Commissioner for Human Rights (OHCHR) in peace-building operations in transitional states; second, *Resolution A/HRC/4/L9* introduced by Portugal on realising economic, social and cultural rights.

Interactive dialogue on OPT and Beit Hanoun: continued

The list of speakers remaining from yesterday's presentation of the report of the High Level Fact-Finding Mission to Beit Hanoun (the Mission) was carried over. States and NGOs reiterated their support on the effort of the team and the Special Rapporteur.³ Iran⁴ reiterated the urgent need for the fact-finding mission to visit Beit Hanoun. Germany, on behalf of the European Union (EU), expressed its regret on Israel's failure to cooperate with the Mission. It also suggested that both parties to the conflict should struggle for peace and the protection of civilians' rights.

Four NGOs submitted a joint statement highlighting both the domestic and international impunity enjoyed by Israeli soldiers and Government with respect to violations of human rights law and international humanitarian law in the OPT.⁵ They asked the Council to take immediate action to end impunity and to verify the legality of Israeli policies. There was also a request for the Council to react to the lack of cooperation from Israel, as they stated that since 1967, there has been a total of 47 Security Council resolutions relating to the OPT and Israel has refused to abide by these resolutions, without any reprisals by the international community.⁶ FIDH recommend that the Council should address the advisory opinion of the International Court of Justice relating to the OPT, and it should request the Israeli Government to free Palestinian detainees. The Security Council

² The DPRK, Iran, and the Sudan.

³ Chile, Germany (on behalf of the EU), Iran, Organization of Solidarity of Asia, Africa and Latin America, Syrian Republic, and the Union of Arab Jurists. North Sud XXI (NGO) submitted a written statement but did not take the floor.

⁴ Oral statements made during the Council's sessions are available on the OHCHR extranet which can be accessed at <http://portal.ohchr.org> (fill out the form on www.ohchr.org/english/bodies/hrcouncil/form.htm to receive the user name and password).

⁵ Al-Haq, Law in the Service of Man, and the Badil Resource Center for Palestinian Centre for Human Rights (PCHR)

⁶ Supported by Amnesty International, Syrian Republic and the Union Of Arab Jurist

should also deploy an interposition force⁷ in the OPT with the mandate to halt the worsening of the humanitarian crisis by ensuring the necessary assistance and protection for the Palestinian people.⁸

The International Organization for the Elimination of All Forms of Discrimination suggested that the Council should take responsibility to stop the suffering of the victim and adopt sanctions against Israel. The Union of Arab Jurist stated that what had happened in Palestine had been reproduced in Iraq, so the Council should focus on ending both situations and assist organisations working towards that goal. The Organization of Solidarity of Asia, Africa and Latin America called on the USA to divert its financial and military assistance for Israel to alleviate the humanitarian crisis suffered by civilians of the OPT. The Organization for Defending Victims of Violence stressed the need for Israel and the international community to recognise the rights of Palestinians to self-determination, as well as their right to elect and form their own government.

UN Watch stated that the Council had been selectively treating allegations put forward against Israel while Hamas and Hezbollah had been granted impunity. It stated that the Council was “run by dictators” who seek to demonise Israeli democracy, to de-legitimise the Jewish State, and to scapegoat the Jewish people. The President of the Council rejected the tone in which the statement was made, and stated that he would not tolerate that kind of offensive statement again in the Council.

Special Rapporteur on the Democratic People’s Republic of Korea

Mr Vitit Muntarbhorn, the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, presented his annual report to the Council.⁹ During the period under review, Mr Muntarbhorn has repeatedly transmitted communications to the Government of the DPRK, including on 20 December 2005, 4 January 2006, 12 April 2006, 5 May 2006, and 18 August 2006. The DPRK had only replied to three of these communications, by re-stating its position that it does not recognise the mandate of the Special Rapporteur. Mr Muntarbhorn reiterated his regret for the DPRK’s continued non-cooperation by not accepting him to undertake a visit to the country.¹⁰ Despite the DPRK’s commitment to human rights in various national laws¹¹ and under the human rights treaties,¹² the human rights situation remains grave in a number of key areas.¹³ The Special Rapporteur recalled that the DPRK is bound by its obligations under international law.

In his presentation, the Special Rapporteur expressed his concern about the missile and nuclear tests carried out by the DPRK in the face of global condemnation, especially through the adoption by consensus of Security

⁷ An "interposition force" is a peacekeeping force that is placed between two warring parties to separate them.

⁸ FIDH.

⁹ A/HRC/4/15, 7 February 2007. The report is available at

<http://www.ohchr.org/english/bodies/hrcouncil/4session/reports.htm>. ISHR has prepared unofficial summary of this report under its Reports in Short publication, which is available at www.ishr.ch/hrm/council.

¹⁰ Oral statements made during the Council’s sessions are available on the OHCHR extranet which can be accessed at <http://portal.ohchr.org> (fill out the form on www.ohchr.org/english/bodies/hrcouncil/form.htm to receive the user name and password).

¹¹ The Government has revised the Criminal and Criminal Procedure Codes in 2004 and 2005 and published a legal compendium for public use in 2004.

¹² The DPRK is a party to four human rights treaties, namely the *International Covenant on Civil and Political Rights* (ICCPR), the *International Covenant on Economic, Social and Cultural Rights* (ICESR), the *Convention for the Elimination of All Forms of Discrimination against Women* (CEDAW), and the *Convention on the Rights of the Child* (CRC).

¹³ Namely rights pertaining to food, nutrition and related matters; rights pertaining to security of the person, humane treatment and justice; rights pertaining to refugees; rights concerning vulnerable groups (women, children, and elderly people); and rights concerning the responsibility of the State authorities to protect human rights and fundamental freedoms.

Council resolutions imposing sanctions on the country.¹⁴ He said that the ensuing isolation of the country was aggravating the situation in the DPRK. In addition, many violations of, both civil and political rights and economic, social and cultural rights still persisted in the country. In December 2006, Mr Muntarhorn had undertaken a field visit to Japan, the Republic of Korea and Mongolia to assess the impact of the human rights situation in the DPRK on these countries. On his mission to Japan, the Special Rapporteur was mainly concerned by the abductions of Japanese nationals in the DPRK.¹⁵ With respect to his visit to the Republic of Korea, Mr Muntarhorn underlined the need to revive the “six-party talks”.¹⁶ The Special Rapporteur welcomed the cooperation between both countries to deal with the issue of missing persons and the reunification of families separated by the Korean war of 1950-1953. In his findings on Mongolia, Mr Muntarhorn noted that the main impact of the human rights situation in the DPRK on Mongolia was the issue of asylum seekers and refugees who fled from DPRK to Mongolia to seek protection.

Interactive Dialogue

The DPRK reiterated its rejection of the Special Rapporteur’s mandate. It stated that it “categorically and absolutely” rejected the report of the Special Rapporteur on the grounds that they do not recognise *Resolution 2004/13* that had set up the mandate. The representative claimed that the mandate was part of a political conspiracy by the USA, Japan and the EU,¹⁷ built on politicisation, double standards, and selectivity and “represented a confrontation between foreign forces trying to infringe upon DPRK’s social system in the pretext of human rights”. The DPRK stressed that it intends to develop its social system by itself. The DPRK emphasised that sovereignty and dignity constitute important values in the country, and therefore it will not accept the Special Rapporteur’s presence.

The Republic of Korea, along with several other States commended Mr Muntarhorn for his work and emphasised the importance of the mandate.¹⁸ A few States also urged the continuation of the Special Rapporteur’s mandate.¹⁹ The Republic of Korea put a number questions to the Special Rapporteur, including what kind of technical assistance could be provided by the OHCHR to promote human rights in the DPRK; what sort of immediate resources could be provided by the international community; and what kind of regional cooperation was needed to protect human rights, particularly the rights of refugees from the DPRK.

Germany (on behalf of the EU) emphasised the necessity of full cooperation between States and UN bodies.²⁰ It deplored the DPRK’s unwillingness to cooperate with the Special Rapporteur. It stated that future visits to the country could improve the human rights situation in the country. Therefore, the DPRK was urged to accept visits by the Special Rapporteur.²¹ They urged the DPRK to seek technical assistance from the OHCHR and from the international community to help promote and protect human rights. Germany asked Mr Muntarhorn whether he was in contact with the Chinese authorities to discuss the human rights situation in the DPRK and whether he had the intention to undertake a visit to China’s border with the DPRK.

¹⁴ S/RES/1718, 14 October 2006.

¹⁵ He also highlighted the missile tests and the nuclear test carried out by the DPRK. Regarding the abductions, he noted that even after the adoption of *Pyongyang Declaration* of 2002, which was aimed to help settle the abductions issue, the matter was still not entirely clarified.

¹⁶ The so-called “six party talks” are negotiation between the DPRK, the Republic of Korea, the USA, the Russian Federation and Japan, and are aimed at denuclearising the Korean peninsula.

¹⁷ Cuba.

¹⁸ The Republic of Korea, Germany (on behalf of the EU), the Netherlands, UK, Japan, Canada, and New Zealand.

¹⁹ Japan.

²⁰ Supported by the Netherlands and the UK.

²¹ The Netherlands, the USA.

A number of States took up the issue of food security.²² The United Kingdom (UK) welcomed the good work done by the World Food Programme (WFP). They regretted the suspension of the UNDP project in the country to provide humanitarian aid, in particular food aid, and questioned the impact of such a measure. New Zealand highlighted that the suspension of the UNDP programme would affect vulnerable groups adversely, especially women and children, and asked the Special Rapporteur how the Council could support these persons. Australia, Canada and USA commented on violations of civil and political rights in the DPRK, namely restrictions of the freedom of peaceful assembly and instances of torture, inhuman and degrading treatment. The USA expressed its concern on politically motivated detentions. Japan, as one of the neighbouring countries affected by the human rights situation in the DPRK, commented on the issue of abductions of Japanese nationals. They stated that the DPRK did not take measures to resolve the issue. Japan urged the Government of the DPRK to clarify the abductions issue and to hand over the perpetrators.

China deplored all politicisation in the name of human rights. It also strongly opposed the country-specific mandate on the situation of human rights in the DPRK.²³ China urged the Special Rapporteur to have a fair, objective and constructive attitude in carrying out his mandate. Regarding the issue of illegal immigrants, China claimed that under international law, illegal immigrants are different in nature from asylum-seekers and refugees. Illegal immigrants could not automatically become asylum-seekers just because they come from the DPRK. In his replies, Mr Muntarhorn urged China to see the illegal immigrants, asylum-seekers and refugees from a protection angle, rather than from a purely semantic point of view. He said that if a person was not protected by its own State, the international community should show its solidarity.

In his replies, Mr Muntarhorn stressed that he focused first and foremost on the protection of victims when carrying out his mandate. He urged the Government of the DPRK to reconsider its position and to see the mandate as the window of opportunity to get assistance for a number of challenges, such as the improvement of the justice system. Mr Muntarhorn gave several recommendations to the DPRK, in particular not to punish the refugees who return or are returned to the DPRK; to provide effective resettlement of refugees; to support the World Food Programme and to use the six party talks as the umbrella and the settlement of all human rights differences and humanitarian problems. He also supported a dialogue with the neighbouring countries. Noting an encouraging development, Mr Muntarhorn expressed his appreciation regarding the DPRK's engagement within the Committee on the Rights of the Child (CRC).

Independent Expert on Burundi

Mr Akich Okola, the Independent Expert on the situation of human rights in Burundi, presented his interim report.²⁴ The presentation covered the sixth and seventh mission of the Independent Expert to the country, which took place from 7 to 14 October 2006 and from 14 to 27 January 2007 respectively. The report focused on a wide range of issues, including economic, social, and cultural rights, but also issues of impunity and the lack of food security. He mentioned a number of programs designed at the promotion of economic, social and cultural rights, which the Government of Burundi is implementing, including efforts to provide universal primary education and free medical care for young children and expectant mothers.²⁵ He discussed the "perennial problem" of food security and expressed concern that the harsh measures required by the international community regarding stability and good governance might be too utopian for Burundi's current predicament. Referring to recent efforts to increase stability in the wake of the armed conflict in Burundi, Mr Okola expressed his hope for the ceasefire agreement to be implemented, and that the government would

²² UK, Australia, and New Zealand.

²³ Cuba.

²⁴ A/HRC/4/5, 26 February 2007. The reports are available at <http://ohchr.org/english/bodies/hrcouncil/4session/reports.htm>. ISHR has produced unofficial summaries (*Reports in Short*) of these reports that are available at www.ishr.ch/hrm/council/reports_in_short/.

²⁵ Oral statements made during the Council's sessions are available on the OHCHR extranet which can be accessed at <http://portal.ohchr.org> (fill out the form on www.ohchr.org/english/bodies/hrcouncil/form.htm to receive the user name and password).

show its political will to establish the Truth and Reconciliation Commission as well as the Special Chamber within the Burundian court system as suggested by the United Nations.²⁶ On a positive note, he stated that he was encouraged by the improved relationship between the Government and the national media, and hoped that this would continue. Regarding the Muyinga massacre, he praised the Government for creating a judicial commission to look into the matter, but expressed concern that the report on the issue had not been made public. In his recommendations, he appealed to other bodies of the United Nations, donor countries as well as the international community at large to continue supporting the Government in its efforts, mentioning that he thought it was necessary for the maintenance of the positive efforts realised in Burundi.

Interactive Dialogue

Burundi responded to the presentation by saying that they appreciated the report, which in general reflected the situation. They stated they would like to take the opportunity to include nuances not mentioned and highlight efforts made since the last country visit. They discussed their Constitution, which includes 55 references to international instruments and obligations. They described their work on establishing a national independent human rights commission to replace previous efforts that were not in line with the *Paris Principles*, calling it a priority. They also discussed their efforts to end impunity, which included: the revisions of their criminal code; harsher punishments for rape, torture, and other violations; and the abolishment of the death penalty. The representative clarified that the ceasefire talks were in the final stages, and joined the Independent Expert in hoping that it would bring about stability. She assured that concerns regarding political prisoners are being attended to, with a number of detainees in the process of being released. After surpassing her time limit, she concluded by saying that the Government was calling for a report on the Muyinga massacre, and reaffirmed her Government's commitment to human rights and cooperation that led to their realisation.

Several States mentioned their appreciation for the Government's support and cooperation with the Independent Expert.²⁷ Others expressed appreciation for the Independent Expert's understanding regarding the progress made in the country.²⁸ Kenya and the Democratic Republic of the Congo (DRC) commented on the need for the international community's ongoing assistance to Burundi. The Sudan showed concern that the international community was putting unfair pressures on Burundi regarding the standards applied for receiving aid, while Rwanda asked the international community to continue its support. The DRC agreed with the Independent Expert's characterisation of the necessity of stability, explaining that economic stability was vital for the stability of the entire Great Lakes region and the fostering of peace. Kenya agreed that economic and social stability were critical, and asked for other governments to support Burundi in this pursuit.

Germany (on behalf of the EU) asked the Independent Expert how the gains in the relationship between the Government, civil society, and the media could be consolidated. Mr Okola responded that the assistance of the international community was imperative, and that the maintenance of the special procedures mechanisms would help continue a vital dialogue. Canada asked about the degree to which a lack of political will contributed to impunity.²⁹ Mr Okola responded that the problem lies in a culture of impunity, and that this must be addressed with reconciliation, as embodied in the Truth and Reconciliation Commission. Without going into detail, he said that there continued to be a problem with the justice aspect of this Commission. In response to a question from Canada expressing concern for children imprisoned together with adults, he noted that during his most recent visit in January 2007, he did not see this practice, and he believed the Government was taking the necessary actions to stop it.

²⁶ The Committee against Torture in its 37 session's examination of Burundi had reminded Burundi of this fact. To access the ISHR Treaty Body Monitor, please go to <http://www.ishr.ch/hrm/tmb/>.

²⁷ Belgium, Germany (on behalf of the EU), Kenya, and the USA

²⁸ Canada, the DRC, Kenya, and Rwanda.

²⁹ Belgium asked a similar question, phrasing it specifically in terms of the Truth and Reconciliation Commission.

A number of countries asked questions that could not be answered in the short time available. The USA asked for specific situations in which the Council could assist. Norway enquired about the Independent Expert's view of the implications of the recent progress Burundi's delegation had outlined. They also stressed the need for coordination between the Government and other actors and asked the Independent Expert what opportunities he saw for peace building in this process. Canada asked how impunity was tackled, in particular in terms of perpetrators of sexual violence.

Mr Okola noted that he hopes the important role the civil society is playing in Burundi following its elections will continue, and that they will continue to keep the Government "on its toes". He said that the point raised about the value of food assistance was well-founded, and reiterated that the country does indeed need this kind of assistance.

Special Rapporteur on Myanmar

Mr Paulo Sérgio Pinheiro, the Special Rapporteur on the situation of human rights in Myanmar presented his 6th and final report to the Council.³⁰ He gave a review of the progress made by Myanmar in the last year and during his mandate. He noted that progress in implementing the 'Seven Point Plan' has been limited. He welcomed the release of a large number of political prisoners, but noted that 1'201 prisoners are still being held in custody; 79 activists have been arrested this year; and several key political figures are being held under house arrest. He commented that in the last few days, several activists have been arrested for distributing copies of the *Universal Declaration on Human Rights*. He acknowledged steps taken to draft a new Constitution and praised the development of a new agreement with the International Labour Organization (ILO) which should provide a complaints mechanism for dealing with cases of forced labour. However, he also highlighted the prevailing culture of impunity, which had been a focus of his report. He raised concern that increasing militarisation in Eastern Myanmar could worsen the human rights situation there and increase the flow of refugees and internally displaced persons (IDPs) leaving the area. He reported widespread violations of human rights in Eastern Myanmar, including sexual abuse and forced labour. He called upon the Government of Myanmar to authorise access for humanitarian organisations to provide assistance to those in need, particularly the International Committee of the Red Cross (ICRC). He closed his statement by stressing the importance of keeping Myanmar high on the Council's agenda and the need for the international community to better coordinate their approach to Myanmar.

Interactive Dialogue

Myanmar opened the interactive dialogue by emphasising the steps they had taken towards progress. It reiterated their advances in drafting a Constitution, granting amnesty to political prisoners and drafting an agreement with the ILO. It stated that they had made significant progress on the issue of child soldiers, discharging 567 soldiers on the grounds of their age and then allowing UN agencies and foreign missions to visit recruitment units. It stated that Myanmar had been responding to UN mechanisms, had received visits from the Under-Secretary General, and was taking steps to submit its overdue report to the Committee on the Elimination of Discrimination against Women. Finally, it stated that Myanmar was not in a situation of armed conflict, but was experiencing "unprecedented peace and tranquillity" and that its remaining human rights problems must be addressed without politicisation and selectivity.

³⁰ A/HRC/4/14, 12 February 2007. The reports are available at <http://ohchr.org/english/bodies/hrcouncil/4session/reports.htm>. ISHR has produced unofficial summaries (*Reports in Short*) of these reports that are available at www.ishr.ch/hrm/council/reports_in_short/.

All States who took the floor welcomed the Special Rapporteur's report.³¹ The majority of States expressed concern at the human rights situation in Myanmar.³² Norway described the conditions as "deteriorating". Several States expressed concern that Myanmar was becoming less cooperative with international mechanisms and organisations, noting in particular that Myanmar had not permitted the Rapporteur to visit since 2003 and has severely restricted the work of the ICRC.³³

Other issues raised in the interactive dialogue included freedom of religion, forced labour, child soldiers, as well as the issue of refugees and IDPs. The Netherlands stated that there had been reports of violations of freedom of religion against both Muslims and Christians, with forced conversions and the destruction of churches. The Becket Fund for Religious Liberty and Anti-Slavery International also discussed the plight of religious minorities, focusing on the Muslim population. Worldview International Foundation argued that child soldiers were still common in Myanmar. Finland asked the Special Rapporteur for his assessment of forced labour in Myanmar. New Zealand and Anti-Slavery International discussed the increasing number of IDPs. The Czech Republic asked how refugees from Myanmar to neighbouring countries were being treated. The Netherlands also asked how the Special Rapporteur could cooperate with the ILO to capitalise on their field presence in Myanmar. Several delegations called for a dialogue between the Government and all ethnic groups and political actors in Myanmar.³⁴ Sweden asked how willing the Special Rapporteur felt Myanmar was to engage with all ethnic groups in the national reconciliation process. Human Rights Watch pointed out that the process of drafting a new Constitution had dragged on for nearly 14 years and that the Constitution was being designed to entrench the power of the military. Several States asked the Special Rapporteur for guidance on how the international community, particularly the Council, could engage more effectively with Myanmar.³⁵

India and China were the only States to emphasise progress in Myanmar. India argued that the international community should encourage Myanmar's current trend towards improvement, which has been marked by the release of prisoners and discussions with the ILO. China called upon the international community to be patient with Myanmar and support the Government of Myanmar in their efforts to speed up the reconciliation process. The Special Rapporteur stated that he has been patient throughout the seven years of his mandate and the time has come to speed up the dialogue.

In his replies, the Special Rapporteur said that obstacles to the work of the ICRC were of particular concern and significant and that the ICRC have not been allowed to visit prisoners. States were particularly concerned about political prisoners³⁶ and impunity.³⁷ The Special Rapporteur reiterated this concern and stated that political transition could not occur while political prisoners were still being held. In response to concerns about the guarantee of freedom of religion, the Special Rapporteur stated he too had heard such reports, but was not in a position to verify the allegations or say whether they were part of a systematic policy. Responding to questions on how the Council could engage constructively with Myanmar, the Special Rapporteur highlighted the important role of regional organisations, such as ASEAN, and suggested that the role of the Human Rights Council should be to coordinate the "cacophony" of international voices on Myanmar into one cohesive approach.

³¹ Norway, Germany (on behalf of the EU), India, the Netherlands, the Czech Republic, Sweden, New Zealand, China, the USA, Finland, the Republic of Korea, Australia, Japan, Canada.

³² Norway, the Netherlands, the Czech Republic, Sweden, New Zealand, the USA, Finland, the Republic of Korea, Australia, Japan.

³³ Norway, Germany (on behalf of the EU), Sweden, the USA, Finland, Australia, Japan.

³⁴ The USA, Canada, Australia and the Republic of Korea, International Federation for Rights of Ethnic, Religious, Linguistic and Other Minorities.

³⁵ Norway, Germany (on behalf of the EU), New Zealand, Japan, Canada.

³⁶ Norway, New Zealand, the Republic of Korea, Australia, Japan, Canada, Human Rights Watch.

³⁷ Norway, Germany (on behalf of the EU), New Zealand, Canada, Human Rights Watch.

Independent Expert on Liberia

Ms Charlotte Abaka, the Independent Expert on technical cooperation and advisory services in Liberia presented her report.³⁸ Her statement contained updated information as of February 2007.³⁹ She highlighted the importance of human rights institutions in post-conflict societies, pointing to the need in Liberia to operationalise the Truth and Reconciliation Commission and the Independent National Human Rights Commission. Ms Abaka declared that the role of Independent Experts is crucial. She pointed out that the draft act for the establishment of the National Reform Commission had been sent to the Legislature. Ms Abaka stated that the political will of Liberia existed and that the mandate of the Independent Expert should be renewed. Ms Abaka thanked those States⁴⁰ that have agreed to cancel the debt owed by Liberia to them, as the money could now be used to provide opportunities for the enjoyment of economic, social and cultural rights. Ms Abaka reported that Japan would support Liberia through the United Nations Development Fund.

Interactive Dialogue

Liberia was not present to give their comments. Germany (on behalf of the EU) stated that although it values the work of Ms Abaka, the situation in Liberia was far from satisfactory. Germany was positive about the amendment to rape legislation, but was concerned about the lack of implementation. Germany understood that there had been only one conviction since the amendment, but asked the Expert if there had been any additional convictions. Further, Germany asked if legislation on female genital mutilation was being drafted. Ms Abaka restricted her answer to rape cases, and stated that the main problem is that in many cases interpretation is not according to the law.

She recommended that judges from other countries assist the process to make sure that the law is properly applied. Although Ms Abaka understood that while the Constitution states that a judge in Liberia must be Liberian, she urged members of the Council to take up this recommendation. The Expert also noted that rape cases perpetrated by peacekeepers is also a serious issue that needs to be addressed.

Ghana noted positive developments, and pointed out the enormity of the challenges faced by Liberia after forty years of armed conflict. The USA also supported Liberia, and explained that it is offering technical assistance and working actively with the Government. The USA inquired into the current state of Truth and Reconciliation Commission and what the Council could do in order to play a more active role. Ms Abaka responded by stating that there is a great deal of scepticism around the TRC, and that things have not gone as well as expected. She noted that donors are withholding funding because simple administrative tasks are not being completed. Ms Abaka requested that the OHCHR assist Liberia in establishing the Secretariat for the TRC.

Ms Abaka also stated that it was critical that the OHCHR assist Liberia with the review of their Constitution. Ms Abaka believed that Liberia could learn from South Africa in their review of laws, and allow for international instruments to be automatically implemented into domestic law upon adoption.

Canada cited the Independent Expert's report according to which there was only one NGO giving legal aid to victims of gender-based violence, known as the Liberian Women's Lawyer Society. The delegation asked the international community to strengthen the role of NGOs. Ms Abaka explained that this group only operated in

³⁸ A/HRC/4/6, 28 February 2007. The reports are available at <http://ohchr.org/english/bodies/hrcouncil/4session/reports.htm>. ISHR has produced unofficial summaries (*Reports in Short*) of these reports that are available at www.ishr.ch/hrm/council/reports_in_short/.

³⁹ Oral statements made during the Council's sessions are available on the OHCHR extranet which can be accessed at <http://portal.ohchr.org> (fill out the form on www.ohchr.org/english/bodies/hrcouncil/form.htm to receive the user name and password).

⁴⁰ Such as the USA, China, Germany, and Norway.

Monrovia, and that women living outside the city do not have access to their services. Ms Abaka recommended that the international community could facilitate transportation for women from outside Monrovia to help solve this problem.

Femmes Africa Solidarity thanked the international community for bringing Charles Taylor to justice, and offered their support to the people of Liberia. Ms Abaka closed by thanking governments that have cancelled Liberia's foreign debt, and urged others to do the same.

Related Debate

Germany (on behalf of EU) reiterated the need for States to cooperate with the mechanisms of the Council. The EU expressed its concerns about the human rights situation in Myanmar and called for the release of all prisoners, and for Myanmar to take urgent steps to address the concerns on impunity for all violations, including sexual violence committed by members of the military. The UK noted there is a lack of basic human rights in Myanmar including freedom of speech and association, and called for the appropriate UN bodies to take urgent action.

Germany (on behalf of the EU) drew attention to the DPRK, identifying the lack of freedom of expression, association and movement, arbitrary detention, extra judicial executions and infanticide as important concerns. Germany mentioned Burundi as a good example of cooperation between the Government and the Special Rapporteur.

Canada also voiced concerns regarding countries where restrictions on civil society were in place - Belarus, Nigeria, Zimbabwe - and referred to recent incidents involving the disruption of peaceful protests in Vietnam and Iran. The violation of rights of religious and ethnic minorities in Iran⁴¹ and cases of torture during formal detention in China were also mentioned. The comprehensive approach adopted by Louise Arbour in combating impunity was noted, with particular reference made to the need to address impunity in Haiti.

At this point China raised a point of order asking the President to clarify the distinction between "related debate" and "general debate" and enquired as to whether States could make reference to other States that were not within the mandate of the five special procedure mandates considered over the last two days.

France supported the work of the special procedures referring to their work in monitoring local situations, and regretted that some States are not cooperative. France expressed concern on the situations of human rights in Myanmar and the DPRK and called for those States to receive the visits of the relevant Special Rapporteur. Finally, France welcomed the developments in the situation in Burundi and expressed concern for violations of human rights and humanitarian law by all parties in the OPT.

Canada argued that country mandates enhance analysis, dialogue and co-operation between States. Canada cited the UN Secretary-General's comment that special procedures are a sign of transparency. Japan observed that one day the need for country mandates will cease. However at this point in time, human rights gaps will occur without a country focus in the Council. Australia noted that country mandates are good instruments to effectively respond to human rights emergencies. Similarly, the USA supported the continuation of country mandates, citing Myanmar and the DPRK as good examples.

Nigeria congratulated the Special Rapporteur on the OPT on his report on the situation of human rights in the OPT. Nigeria identified several concerns raised in the report including, the confiscation of lands, demolition of houses, military incursions and illegal detention. Nigeria asked the Council to act in order to prevent further violations. Nigeria cited three points mentioned in the report: the right of Palestinians to their lands; the

⁴¹ Baha'i, Sunni, Christian, Sufi religious minorities and Kurd, Azeri, Arab ethnic minorities.

withholding of funds; and the need for a durable solution to the Middle-East conflict. The International Association of Jewish Lawyers and Jurists (IAJLJ) criticised Mr Dugard's report on the situation of human rights in the OPT. The IAJLJ claimed that the mandate itself 'vilifies' Israel.

The Holy See focused attention on the rights to the child, arguing that States and society should support the family to counter the vulnerability of children. It called for an end of violence perpetrated against children. Nord-Sud XXI focused on the situation in Equatorial Guinea. They noted evictions undertaken by the government, including expropriation of lands and houses, affects minorities. Interfaith International spoke about the human rights situation in Baluchistan (Pakistan), referring to cases of enforced disappearances, abductions, illegal detention and other gross violation of human rights by Pakistani police.

Rights of Reply

The DPRK rejected comments made by the USA, Japan, and Germany (on behalf of the EU), arguing that they are political comments designed to discredit the social system of the DPRK. They argued that one of the primary purposes of the new Council was to remove politicisation, and in this spirit, all country mandates should be removed. Iran argued that as Canada has such a poor human rights record on indigenous, migrant and race related issues, it has no right to address Iran on human rights issues. The Sudan stated that there is no genocide occurring in the Sudan.

Resolutions adopted by consensus

*Resolution A/HRC/2/L36*⁴² was introduced by Switzerland. The purpose of the Resolution is to strengthen the role of the Office of the High Commissioner for Human Rights (OHCHR) in peacebuilding operations in transitional States. No States chose to comment on the Resolution and it was adopted by consensus.

Resolution A/HRC/4/L9 was introduced by Portugal. The purpose of the Resolution is to promote and protect economic, social and cultural rights through the active work of States, the OHCHR, other UN agencies and civil society. Six recent ratifications of the *International Covenant on Economic, Social and Cultural Rights* were welcomed. Senegal stated that they would like to have co-sponsored the Resolution but were concerned by the omission of a right to food. The Resolution was adopted by consensus.

⁴² Draft and final version of resolutions as well as the voting record is available on the OHCHR extranet which can be accessed at <http://portal.ohchr.org> (fill out the form on www.ohchr.org/english/bodies/hrcouncil/form.htm to receive the user name and password).

COUNCIL MONITOR STAFF

Meghna Abraham, Program Manager, Information Program
Gareth Sweeney, Human Rights Officer, Information Program
Michael Ineichen, Fellow, Information Program
Tony Morris, Information Program
Eléonore Dziurzynski, Communications Officer, Information Program

Contributors

Elodie, Intern
Rami Chalabi, Intern
Hannah Klein, Intern
Alison Leon, Intern
James Moffat, Volunteer
Jumi Rahayu, Intern
Francesca Restifo, Volunteer
Katrine Thomasen, Program Manager, Liaison, Coordination and Advocacy Program
Betty Yolanda, Intern

ABOUT THE PUBLICATION

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/hrm/council

SUBSCRIPTION

If you wish to receive the Council Monitor Daily Updates by e-mail during the Council session, please e-mail information@ishr-sidh.ch with 'subscribe' in the subject line. Your e-mail address and personal information will not be shared or sold to any third parties. We may from time to time send you a notification about other publications in the Human Rights Monitor Series that you may be interested in downloading or subscribing to.

COPYRIGHT AND DISTRIBUTION

Copyright © 2007 International Service for Human Rights

Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.

DISCLAIMER

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on or any use of this publication. We are however happy to correct any errors you may come across so please notify information@ishr-sidh.ch