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Overview

The morning meeting of the Council on 13 March began with the continuation of the interactive dialogue with the Special Rapporteur on the right to housing, Mr Miloon Kothari, and the Independent Expert on minority issues, Ms Gay McDougall. This was also the final presentation by Mr Miloon Kothari as Special Rapporteur on the right to housing as a component of the right to an adequate standard of living, and he was thanked by many delegations for his work since 2000 as the first mandate holder on housing.

The Council then heard a summary from the Deputy High Commissioner for Human Rights of the reports submitted by the Office of the High Commissioner for Human Rights (OHCHR) to the present session of the Council on access to medication in response to pandemics, extreme poverty, integrating gender into the work of the Council, the realisation of economic, social and cultural rights, and the implementation of the recommendations contained in the study on human rights and disability. Member States proceeded to address issues raised in the reports in the general debate on Item 3, and were followed by observer States and non-governmental organisations (NGOs) who also took the opportunity to raise a variety of thematic and country-specific issues of concern to them.

The President also announced that the Special Rapporteur on trafficking in women and children, Ms Sigma Huda, would be unable to attend the Council session in Geneva and would therefore be unable to present her report. Given that she has been unable to attend any sessions of the Council since 2006 and also that it appeared to be ‘highly unlikely’ that she would be attending future sessions, the President proposed that her mandate be added to the list of vacancies of special procedures for next June.

Item 3 – Promotion and protection of all human rights

Special Rapporteur on adequate housing

Continuation of interactive dialogue

Continuing the interactive dialogue from the previous day,¹ many States expressed their appreciation for the report and the work of Mr Kothari.² Turkey praised the report for its conceptual development of the right to adequate housing and its focus on the obstacles to adequate housing, especially in relation to women, children and other marginalised groups. Venezuela stipulated that the indicators for the right to adequate housing, as developed by Mr Kothari, were vital.

The United Nations Population Fund (UNFPA) stated that the issue of adequate housing is inextricably linked to other rights,³ and that it shared the Special Rapporteur’s vision of a joint humanitarian, human rights view on housing issues. It highlighted the fact that continued city growth was a prominent issue which needed to be addressed with due respect for adequate housing. Supporting the Special Rapporteur’s comments relating to gender and housing issues, it urged that adequate sanitation was an issue that also required a gender focus and that there was an urgent need for increased investment in this area.

Brazil⁴, the Ombudsman for Spain,⁵ Venezuela⁶ and Peru⁷ spoke of domestic initiatives to implement recommendations following country visits. Peru also stressed the importance of an optional protocol to the *International Covenant on Economic, Social and Cultural Rights*, which would assist in clarifying the scope of the right to housing. Furthermore, Peru requested a follow-up visit and Pax Romana called for follow-up action to the Special Rapporteur’s visit to Canada.

Both Mexico⁸ and the Sudan⁹ spoke of domestic issues relating to the construction of hydro-electric plants, with Mexico welcoming recommendations received from the Special Rapporteur as part of his joint visit with

¹ Brazil, Russian Federation, Sudan, Mexico, Venezuela, Peru, Turkey, Nepal.

² A/HRC/7/16, 13 February 2008 (annual report), Add.1, 4 March 2008 (communications to and from governments), Add.2, 7 February 2008 (mission report to Spain), Add.3, 29 February 2008 (mission report to South Africa), Add.4, 28 February 2008 (mission report to Canada). ISHR has prepared unofficial summaries of the reports by special procedures (‘Reports in short’), available at [Hwww.ishr.ch/hrm/council/reports_in_short](http://www.ishr.ch/hrm/council/reports_in_short)

³ This point was also raised by Brazil and Venezuela.

⁴ Brazil highlighted demarcation of indigenous lands among other state policies.

⁵ The Spanish Ombudsman highlighted the 2007 *New Land Act* and the difficulties in implementing recommendations due to the policy fragmentation of autonomous regions. It also highlighted its concern that the Special Rapporteur had recommended the creation of an independent national human rights commission, stating that it the Ombudsman was that commission based on the *Paris Principles (Principles relating to the status and functioning of national institutions for protection and promotion of human rights, General Assembly Resolution 48/134, 4 March 1994)*.

⁶ Venezuela highlighted the *Land and Agrarian Development Act* of 2006

⁷ Peru stated that valuable progress had been made and further work was pending.

⁸ Mexico focussed on a hydro-electric project that had been visited and the broad information received.

the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr Rodolfo Stavenhagen.

Concerning collaboration between the Special Rapporteur and UN Habitat, Turkey asked why communications had not been at ‘the desired level’, as Mr Kothari had described it, and asked what suggestions Mr Kothari had to improve dialogue. In response, Mr Kothari underscored the fact that UN Habitat had not followed the human rights approach that it was mandated to follow, but that it had otherwise been cooperative on indicators for monitoring housing rights and for the development of national policies. He also stated that the UN-Habitat/OHCHR Housing Rights Programme suffered from a lack of funding.

The Centre on Housing Rights and Evictions spoke of the situation in South Africa and raised the issue of planned amendments to legislation, which it claimed would increase evictions, and contradict the State’s present domestic housing policy. It also raised the issues of evictions in Cambodia and the destruction of Roma communities in Turkey.

Finally, Nepal asked the Special Rapporteur if there were any mechanisms to screen the reliability of communications received before sending them to the State, as it was their view that certain communications were submitted by persons whose interests were not the protection and promotion of human rights.

In his closing comments, Mr Kothari thanked Spain for its statement of the previous afternoon as a concerned country, and acknowledged that work had been done in the country. He warned however that making housing cheaper does not automatically lead to increased availability and stressed that there was an urgent need to build affordable housing in Spain.

Concerning South Africa as a concerned country, he thanked it for its constructive collaboration and praised its judicial system,¹⁰ but highlighted the need for legal aid to be made available for civil proceedings. He welcomed that South Africa would be using the *Basic Principles and Guidelines on Development-based Evictions and Displacements*.¹¹

Turning to Canada as a third concerned country, Mr Kothari thanked it for its efforts to cooperate and stressed that funding on three major housing programmes was coming to an end and that if these programmes ceased, the housing situation would worsen.

The Special Rapporteur announced his agreement with Slovenia (on behalf of the EU) that a compilation of best practices would be very useful as would the development of national benchmarks. He thanked Mexico for its tremendous support for women’s access to adequate housing in Mexico and their work regarding dam construction in the country. He also thanked Venezuela for raising the vitally important issue of the right to land and finally thanked the constructive spirit of the dialogue.

Mr Kothari closed by taking stock of his eight years as the first Special Rapporteur on the right to housing. He stated that he had approached the mandate constructively, and he thanked all those who had supported his work over the course of his two terms.

Independent Expert on minority issues

Continuation of interactive dialogue

⁹ Sudan focussed on reparations and relocations

¹⁰ Congratulating inspired court judgements which were also highlighted by The Centre for Housing and Evictions

¹¹ Mr Kothari noted support for these guidelines from Germany and Finland

The Council continued its interactive dialogue from the previous day with Ms Gay McDougall, the Independent Expert on minority issues. A number of States took the floor to commend and thank Ms McDougall for her report.

Brazil stated that it appreciated the achievements that had culminated in the draft *Inter-American Convention against Racism and All Forms of Discrimination and Intolerance*, and cited its domestic efforts such as its national policy to promote racial equality to achieve racial equality. It also pointed out that there is a need for the creation of normative rules on sexual diversity, in particular the rights of homosexual persons, as they remain vulnerable to violence.

The Russian Federation also praised the report of the Independent Expert, highlighting that discrimination against minorities is a problem in developed and developing countries. It also expressed alarm that self-proclaimed democratic countries are increasingly adopting discriminatory provisions into their laws that limit minorities from acquiring citizenship, and thus in effect use citizenship as a tool of discrimination against minorities. Nepal also agreed with Ms McDougall that the systematic denial of citizenship could lead to the mass expulsion of people, while highlighting the efforts in Nepal to address this issue.

Pakistan, on behalf of the Organisation of the Islamic Conference (OIC), endorsed Ms McDougall's conclusions and stated that discrimination is both the cause and result of State action on minorities. It stressed the discriminatory practices of some States towards minorities based on religion and asked the Independent Expert her opinion on how to deal with such cases.

Hungary commented that Ms McDougall's country visits are good for awareness-raising on minority issues, and that the prevention of violence and hate crimes is a core obligation of all States. It inquired if there has been any cooperation with other mandate holders, and the role that the inter-agency group on minorities¹² will play towards this effort. Related to this, Austria asked if publications made by the group have been circulated to actors in the field and whether they have been used. It also requested Ms McDougall to highlight best practices, if any. The Independent Expert responded that the inter-agency group was good for fostering networking, especially in the field. On the question of best practice, Ms McDougall pointed to the examples of Latin American and Caribbean countries, in particular Brazil and its specific Ministry to look at minority issues.

Latvia expressed its appreciation towards Ms McDougall's report despite it having certain factual inaccuracies, which it stated it would address at a later stage. It stressed the need for cooperation between United Nations (UN) agencies and special procedures mandate holders, and stated that it highly appreciated the fact that Ms McDougall is doing so, especially with the Committee on the Elimination of Racial Discrimination. In her replies, the Independent Expert highlighted her work with the Committee on the Elimination of Racial Discrimination, both on thematic and country specific issues.

The Minority Rights Group, in a joint statement, also welcomed the report as a balanced presentation of both positive aspects and challenges facing States. It welcomed the resolution of the 6th session of the Council to form a new forum to deal with minority issues,¹³ and asked how Ms McDougall saw the forum developing over the years.

Several States expressed critical comments regarding the Independent Expert's report.

- Estonia sought to clarify certain aspects of the Independent Expert's report, including that all stateless persons have the right to acquire Estonian citizenship. It also brought attention to the fact that even

¹² The inter-agency group on minorities was consolidated under the OHCHR Indigenous Peoples and Minorities Unit in 2007.

¹³ A/HRC/RES/6/15.

persons of undetermined citizenship enjoy the status of permanent residents in the country. The Former Yugoslav Republic of Macedonia also argued that Ms McDougall's report was inaccurate in that it did not account for the 17 amendments to its Constitution in 2001 related to the improvement of the status of minorities.

- Bhutan expressed its strong disappointment with Ms McDougall's report, arguing that the report falls short of the objectivity and the spirit of constructive dialogue characteristic of UN reports. Specifically, it questioned whether the "experts" mentioned in paragraph 58 of the report were indeed qualified and representative enough to be granted that term. It also asked if the Independent Expert had made any attempts to communicate with the Government in the spirit of dialogue, and pointed out that elements of the report were already dealt with by other UN mechanisms and thus constituted an overextension of her mandate.
- Bangladesh, Sri Lanka and Kenya all challenged Ms McDougall's understanding of the situation of their respective minorities. Bangladesh forcefully pointed out that Ms McDougall's report demonstrated poor understanding of the country's history, and went on to give an account of the origins of the situation regarding Biharis who had remained stranded in Bangladesh when it assumed independence in 1971. It argued that the necessary legal measures had been made to grant citizenship to those who wished to acquire it, and even those who still remain in Bangladesh are placed in United Nations High Commissioner for Refugees (UNHCR) recognised refugee camps and provided free electricity by the Government. Children who are born in these camps are also given citizenship. Bangladesh expressed that it was 'extremely unhappy' by the misrepresentation of the situation, which it believed was better described as a refugee situation than one that had to do with minorities. Sri Lanka stated that the granting of citizenships to Indian Tamils had taken place decades before 2003. Specifically, it cited the legal measures that have been taken to grant citizenship to these workers since the country's independence, which took the form of bilateral agreements with India, in addition to domestic initiatives that dates back to 1964. It concluded by stating that the Tamils are now enjoying their rights to the full extent, including political participation. Kenya also stated that the Government already acknowledged the Nubian situation, and an Inter-Ministerial Committee is working on it. Some Nubians were in fact already getting identification documents and passports, participating in Parliament, and owning land.

A number of speakers highlighted the situation of minorities in particular countries.

- Iran cited portions in the Independent Expert's report that addressed the minority situation in France. It highlighted that minority communities are being pressured to alter their religious identities for full acceptance in French society. It stated that those findings were alarming and required serious attention, and asked for the measures recommended by the Independent Expert to address the issue.
- Canada gave its support to Ms McDougall's conclusions, and cited positive developments in various countries around the world: the court decisions in Egypt that allow the Baha'i to not fill in the religious affiliation field on ID cards; the mobile units that register citizens in Nepal and Sri Lanka; and the creation of the universal civil registry by the Organization of American States. It also stressed the importance of birth registrations in resolving citizenship issues, while asking if the Independent Expert had other means to disseminate the results of her country questionnaires besides merely posting it on the Internet.
- A number of NGOs commended Ms McDougall's report and commented on the situations of minorities. The Asian Forum for Human Rights expressed its thanks for the recent workshop on minorities held by the Independent Expert in Bangkok, and called attention to the human rights situation of minority populations in various Asian countries. It also urged those Asian countries that have not invited Ms McDougall for a country visit to do so. Lastly the organization inquired how the Independent Expert might interact with regional organisations, such as the Association of Southeast Asian Nations (ASEAN). Concerning questions of collaboration with regional mechanisms, Ms McDougall mentioned that she has worked in the past with the Organization of American States, the Council of Europe and the African Union, but that she would welcome further collaboration with other regional groups, particularly in Asia.
- Human Rights Advocates addressed the situation of minorities in the United States of America (US), highlighting the fact that minority youths are five to twenty times more likely than those of the majority

population to receive life sentences without parole for crimes. It also highlighted that Iran and Saudi Arabia exercise the death penalty on juveniles, and that Israel and Argentina give life sentences without parole to youth. It asked Ms McDougall what measures could be taken to address these situations.

- The Jubilee Campaign pointed to the decrease of the population of Sabians in Iraq, which has decreased from 60,000 to 6,000 as a result of violence. Interfaith International also highlighted caste-based violence occurring in India, and asked the Independent Expert to take necessary measures to address the discrimination and violence faced by those of lower castes. The Baha'i International Community addressed discrimination faced by the Baha'is in Egypt, including having to choose among a limited array of religions that did not include their own and to place it on their ID cards. IT welcomed a recent Egyptian High Court ruling, which would allow for this space to be left blank on ID cards.

Ms McDougall concluded the interactive dialogue by thanking States who expressed support for her mandate and stating that she would take into account other points raised. She explained that the States that were mentioned in her report had been highlighted for their positive developments. She thanked France for allowing her to conduct her mission, and for their correspondence, and added that their historic refusal to recognise the concept of collective rights has created obstacles in acknowledging discrimination in the country. She hoped that the State could distinguish between the existence of ethnic minorities and the need for collective rights, which were not necessarily the same. She also thanked all those that had participated in the interactive dialogue for their active engagement and looked forward to good collaboration in the future.

General debate on Item 3

Presentation by the Deputy High Commissioner for Human Rights

Following the conclusion of the interactive dialogue, the Council moved to hear a short presentation by the Deputy High Commissioner for Human Rights, Ms Kyung-wha Kan, on some of the reports and documents that have been submitted to the 7th session of the Council. Ms Kan began with the report on access to medication in response to pandemics, such as malaria and HIV/AIDS, which is a compilation of replies by governments, UN agencies and NGOs to improve access and financing of such medication, as well as the impact of intellectual property rights on access.¹⁴ Moving to the report on extreme poverty, she stated that this issue was an affront to human dignity and a cause and consequence of human rights violations and that the report was a result of consultations with governments, UN agencies and NGOs on a set of draft guiding principles on the implementation of existing norms and standards.¹⁵ She indicated that the report contained various suggestions on how these actors could move forward on this issue. Concerning the integration of a gender perspective in the work of the Council, the Deputy High Commissioner recalled Council *Resolution 6/30* and informed the Council that OHCHR was presently assessing the obstacles and challenges faced, and would report to the Council on its findings at the 9th session in December 2008.

Turning to the realisation of economic, social and cultural rights, Ms Kan simply stated that the report from the Secretary-General shows the increase in the work of OHCHR, the treaty bodies and other relevant agencies in this regard.¹⁶ Ms Khan stated that the Council also had before it an overview of the activities of OHCHR on human rights and disabilities supporting the *Convention on the Rights of Persons of Disabilities*.¹⁷

¹⁴ A/HRC/7/30, available at [Hwww2.ohchr.org/english/bodies/hrcouncil/7session/reports.htm](http://www2.ohchr.org/english/bodies/hrcouncil/7session/reports.htm)

¹⁵ A/HRC/7/32, available at [Hwww2.ohchr.org/english/bodies/hrcouncil/7session/reports.htm](http://www2.ohchr.org/english/bodies/hrcouncil/7session/reports.htm)

¹⁶ A/HRC/7/58.

¹⁷ A/HRC/7/61.

Finally, Ms Kan took the opportunity to very quickly introduce reports that would be discussed under Items 5 (voluntary funds on torture¹⁸ and slavery¹⁹) and 9 (the development of the racial equality index²⁰ and the progress report on the implementation of the recommendations of the Working Group on the Durban Programme of Action²¹). The report of the Working Group is pending endorsement by the Council, which will allow OHCHR to proceed with its mandate.

Statements by member States

Slovenia, on behalf of the European Union (EU), used the general debate on Item 3 to raise an array of issues of concern to the group. It stressed that on the 60th anniversary of the *Universal Declaration of Human Rights* (UDHR) a lot of differences remain. It stated that often discrepancies in **economic deprivation and discrimination** go hand in hand and referred to Burma/Myanmar as a case in point, where the arbitrary confiscation of farmers' land is having a knock-on effect on the right to housing and schooling.²² It declared that **migration** must be viewed in a comprehensive manner, that borders must be secured but the rights of refugees and asylum seekers must be respected. It supported the mainstreaming of gender and minority issues within the UN mechanisms. It raised the issue of 'disturbing instances of **discrimination based on sexual orientation** and gender identity in all parts of the world', including in the Russian Federation, Kuwait, the Sudan and Iran. It claimed that the issue of **child prisoners** is unrecognised and spoke of the grave effects of conflicts on children around the world.²³ It asserted that **freedom and expression** is a necessity in democracy and called for Zimbabwe to respect this right with regard to **human rights defenders** in the run up to the elections, as well as the right of all opposition groups to participate in the political process in Burma/Myanmar. It stated that the practice of **torture** in many countries²⁴ remains alarming. It concluded by stating that it remained gravely concerned about the renewed conflict in **West Darfur** and called upon the Council to operationalise the responsibility to protect.

Japan took the opportunity to focus of the prejudice and discrimination against those suffering from or having recovered from **leprosy**. Stressing that forcible exclusion and inhuman treatment are still prevalent, it called upon the international community to follow its lead in working towards erasing the stigma of leprosy, and stated that it intended to take further measures through the Council.

Pakistan, speaking in an individual capacity, commented on the **right to self-determination** as enshrined in the UN Charter and the International Bill of Rights, and stated that this right cannot be realised under foreign domination and occupation. It highlighted the violation of the free exercise of this right in Kashmir and Palestine, and that dialogue is crucial to resolve the issues. It claimed that the Indian Prime Minister underlined the need to improve the human rights situation in Indian occupied Kashmir and that NGOs regularly draw attention to violations in Kashmir. The delegate concluded that the opportunity must be seized to negotiate settlement of the conflict there.

The Netherlands focused on the right to **freedom of opinion and expression**, noting that there are certain legal limits to this right but that the right must be upheld in the face of extremism. It spoke of its concern regarding the freedom of the media in the Horn of Africa.²⁵ It also urged the Council to pay more attention to the rights of children and called upon the Council to hold **thematic discussions with a focus on children**. It

¹⁸ A/HRC/7/50.

¹⁹ A/HRC/7/63.

²⁰ A/HRC/7/41.

²¹ A/HRC/7/43.

²² Where the arbitrary confiscation of farmers land is having a knock on effect on the right to housing and schooling.

²³ With reference to Congo, Sudan and Sri Lanka

²⁴ Uzbekistan, Belarus, Zimbabwe, Russian Federation, Nepal, Sri Lanka, among others.

²⁵ Highlighting problems in Eritrea, Ethiopia and Somalia

stressed the serious problem of child labour and also raised the issue of a gender perspective on children's issues.²⁶ The Netherlands will hold a conference on violence against girls in 2009. In contrast to the language of the Netherlands, Malaysia raised serious concerns regarding the increase in acts of **defamation of religion**, particularly against Islam, which are seen to 'hide behind' freedom of expression. It also acknowledged that migrants contributed to its own development and that it sought to safeguard the **rights of migrant workers**.

Brazil commended the Deputy High Commissioner and highlighted its support for the **right to development**. It expressed appreciation for the report on the *Draft Guiding Principles of Poverty and Human Rights* and recommended the establishment of a working group to look at forms of implementation.²⁷ It informed the Council of domestic initiatives to provide for more equitable forms of income distribution and its achievements in cutting the number of people living in **extreme poverty** from 28% to 16% of the total population between 1990 and 2005.

Senegal commended the tireless efforts of the **Special Rapporteur on the right to food** and stated that Mr Ziegler will be missed. It declared that despite the world being able to produce twice the required food, people continue to suffer from hunger, which is an 'unacceptable paradox'. It encouraged the adoption of the Optional protocol on the International Covenant on Economic, Social and Cultural Rights which would have a positive impact on the right to food.

France thanked to the Deputy High Commissioner and claimed that the **60th anniversary of the UDHR** was an opportunity to display the **interdependent nature of human rights**. It expressed support for the system of special procedures and its hope for the continuation of the mandates on freedom of opinion and expression, torture, human rights defenders and violence against women. It expressed particular support for the resolution on enforced disappearances and urged the signing of the *Convention against Enforced Disappearance*.

The Russian Federation criticised what it saw as selective approaches and the creation of negativity, 'politicisation' and double standards, as evidenced by the statement of Slovenia (on behalf of the EU), which listed the Russian Federation as among the perpetrators of torture. It claimed that these allegations came from unchecked oral sources and that domestic legislation provides for severe punishment of perpetrators of torture and that incidents of torture are followed up very carefully. It appealed to its 'European colleagues to look at their own territories and practices therein' including the conditions of migrants, police brutality, and previous denials of practices of torture. It concluded that as a \$2 million per annum donor to **OHCHR** it felt that certain issues, in particular the **geographical balance of staff** and the politicised nature of its work, still needed to be rectified.

Statements by observers

After concluding the statements of members of the Council as part of the general debate, the floor was opened to observers. New Zealand focussed on the importance of **non-discrimination** in the universal implementation of all human rights. New Zealand mentioned discrimination against women, children, indigenous peoples, migrants, the poor and other vulnerable groups who face human rights violations. New Zealand also stated that discrimination against persons because of their sexual orientation was widespread, and said that all persons are equally entitled to human rights and that everyone has the right to health regardless of their sexual orientation. New Zealand also expressed its concern that the issue of **disability** had not enjoyed the attention of the Council. It said that the *Convention on the Rights of Persons with Disabilities* embodied a shift in how one should look at disabled persons, namely as persons who are entitled to certain rights rather than the object of social welfare. New Zealand also drew attention to the issue of the right to **education** and stated that primary and secondary education should be ensured for children. Finally, New

²⁶ Mentioning traditional practices of female genital mutilation, and child brides.

²⁷ Also supported by France

Zealand emphasised that it gave special priority to upholding the **rights of women and gender equality**, that it supported a debate on this topic at the next session of the Council, and also that it advocated that a dialogue on gender equality become a regular feature on the Council's agenda.

Denmark, on behalf of the Nordic countries Iceland, Sweden, and Norway, focussed its statement on the right of **indigenous peoples**. Denmark reiterated its commitment to the rights of indigenous peoples and stated that the Permanent Forum on Indigenous Issues was a key forum to raise issues relating to the human rights of indigenous peoples within the UN system, particularly since it gathers the views of different parties, and also acts as a catalyst and advisor for different agencies. Denmark highlighted that the recently adopted *Declaration on the Rights of Indigenous Peoples* (the Declaration) provided a good basis for the Special Rapporteur on indigenous issues to carry out his work, and that it was confident that the Special Rapporteur would seek a constructive dialogue with all concerned parties in discharging his mandate. The delegation of Denmark also mentioned the establishment of an expert mechanism on the rights of indigenous peoples²⁸ at the 6th session of the Council to provide advice on the situation of indigenous peoples on request. It expressed its appreciation that the Council was required to give consideration to experts of indigenous origin in selection of members of this body. Denmark went on to state that all these mechanisms would provide a good basis to improve the human rights of indigenous peoples, and ended by saying that all the Nordic countries would work with interested bodies in promoting the implementation of the Declaration.

Sweden next took the floor to address the issue of **freedom of expression**. Stating that the freedom of expression not only had 'irrefutable value of its own', Sweden emphasised that this freedom was essential for realising many other freedoms and for democratic debate in general. In this respect, Sweden raised the issue of censorship and harassment of journalists and media persons. Sweden also mentioned factors that had influenced the rapid and free flow of information such as cell phones and the growth of the Internet. In particular, Sweden mentioned that in Egypt, China and Iran, among other countries, the Internet was restricted, and 'bloggers' were harassed and censored in many countries. Sweden reiterated that human rights must be respected in the fight against terrorism, and also stated that even if though terrorist organisations do make use of the same information channels, that States should be vigilant that they do not limit freedoms through the surveillance of public spaces such as the Internet in the name of counter-terrorism.

Norway focussed the attention of the Council on the issue of the **human rights of women** and on **gender main-streaming**. It stated that the two guiding principles for addressing these issues should be the *Convention on the Elimination of all forms of Discrimination against Women* (CEDAW) and the *Beijing Platform for Action*,²⁹ which provided a clear framework. It stated that according to the *Beijing Platform for Action* all programming and expenditure should be 'gender responsive'. It went on to say that so far there had only been 'rhetoric' regarding gender mainstreaming and that there were specific deficiencies that needed to be addressed. There was a need for gender-disaggregated data and more resources for women's rights, monitoring and evaluation. Norway stated that a human rights approach to gender implied that women should be able to participate in decision-making, protected from violence, including sexual abuse in peace, conflict or post-conflict situations, protected from harmful traditional practices, and domestic violence. Norway also drew attention to the fact that gender-based violence also affected women differentially according to their sexual orientation, cultural background and multiple other factors, and also called for gender-based discrimination to be addressed.

Tanzania spoke about the importance of **access to medication**, especially in relation to fighting pandemics such as HIV, tuberculosis and malaria. It mainly focussed on the need for the international community to support the efforts of least developed countries in accessing medicines, and appealed to its development partners to extend timely, appropriate and predictable assistance in this regard.

²⁸ A/HRC/RES/6/36.

²⁹ Forth World Conference on Women, September 1995.

The first part of the afternoon session saw a lengthy list of speakers from non-governmental and other international organisations addressing a variety of issues, as follows:

- The **rights of women**,³⁰ especially violence against women, the role of women in decision-making, and allocating resources for promoting the rights of women was addressed by several speakers.
- The topic of migration and the **rights of migrants**,³¹ with particular reference to their right to health, was also raised.
- The topic of **human rights defenders**³², and issues affecting them such as the violation of their rights to freedom of expression, association and assembly, enforced disappearances, violations of their right to a fair trial, and torture of defenders was raised by several speakers.
- The issue of **torture** was raised with reference to Indonesia, Thailand and Sri Lanka, and with particular reference to children and media persons.³³
- The **right to food**, malnutrition and the effect of bio-fuels in raising food prices was also raised.³⁴
- **Freedom of expression**³⁵ and its relationship to freedom of religion was explored by several speakers.
- Many speakers focussed their statements on particular **country situations** where violations were taking place such as: Darfur region in the Sudan³⁶ the Western Sahara region,³⁷ Sri Lanka,³⁸ Baluchistan,³⁹ Iraq,⁴⁰ Kashmir,⁴¹ and Israel and the occupied Palestinian territories.⁴²
- **Violence against children**⁴³ and issues affecting the **children of prisoners**⁴⁴ was also raised as issue of concern.
- Numerous speakers welcomed the work of the **special procedures** of the Council,⁴⁵ with many statements focussing on the importance of country missions or recommendations issued by particular procedures such as the Working Group on enforced disappearances,⁴⁶ the Special Representative of the Secretary-General on human rights defenders,⁴⁷ the Working Group on arbitrary detention,⁴⁸ the Special Rapporteur on the rights of indigenous people⁴⁹ and the Special Rapporteur on the right to food.⁵⁰

³⁰ International Federation of University Women, Baha'i International Community.

³¹ International Federation of Red Cross and Red Crescent Societies, Association of World Citizens.

³² International Association of Democratic Lawyers, International League for the rights and liberation of peoples.

³³ Asian Legal Resource Centre.

³⁴ World Federation of Trade Unions (joint statement), Marangopoulos Foundation for Human Rights.

³⁵ International Humanist and Ethical Union, Becket Fund for religious liberty.

³⁶ United Nations Watch.

³⁷ International League for the rights and liberation of peoples.

³⁸ Human Rights Watch, International Educational Development.

³⁹ Interfaith International.

⁴⁰ Al-Hakim Foundation, Union of Arab Jurists.

⁴¹ World Muslim Congress, International Islamic Federation of Students Organisation.

⁴² Nord Sud XXI.

⁴³ Franciscans International.

⁴⁴ Friends World Committee for Consultation (Quakers).

⁴⁵ Nord Sud XXI, Association of World Citizens.

⁴⁶ Human Rights Watch, Philippine Human Rights Information Centre.

⁴⁷ International Association of Democratic Lawyers, International Educational Development, Nord Sud XXI, International League for the rights and liberation of peoples.

⁴⁸ Nord Sud XXI.

⁴⁹ Society for Threatened Peoples.

⁵⁰ Marangopoulos Foundation for Human Rights.

Rights of reply

India exercised its right of reply to Pakistan, arguing that the Jammu and Kashmir region was an integral part of India, and that the disputed region had already exercised its right to self-determination when India gained independence in 1947. It concluded its reply by expressing its hope that ‘bilateral issues should be resolved bilaterally.’ In its reply to India, Pakistan cited India’s reservations to the articles on the right to self-determination in the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social, and Cultural Rights*, and asserted that Kashmir was recognised as an internationally disputed territory.

The statement by Slovenia (on behalf of the EU) was the focus of replies by Uzbekistan, Belarus, and Zimbabwe. Uzbekistan replied to allegations of torture by Slovenia, stating that these claims were unsubstantiated and that this was a politicisation of issues. The delegation countered with allegations of violations of rights relating to freedom of religion and racial discrimination in EU countries. It then listed its efforts to address torture such as acceding to the *Convention against Torture* (CAT) and implementing almost all recommendations issued by the Special Rapporteur on torture. Belarus challenged the EU to present evidence of specific cases of torture. Zimbabwe in turn accused the EU of engaging in colonial-era politics, and claimed that the statement was ‘characterised by racism, selectivity, and double standards.’ Zimbabwe disputed that human rights defenders were threatened in the run-up to elections in the country and instead asserted that defenders should work independently, rather than be ‘stooges’ of EU countries. Like Uzbekistan, Zimbabwe urged the Council not to turn a blind eye to human rights violations occurring in EU countries.

Morocco exercised its right of reply to assert that it was fully cooperating with the special procedures, and ensured human rights protections for all human rights defenders, including those operating in the region of the Western Sahara.

Egypt and Iran both responded to Sweden’s statement regarding violations of freedom of expression, particularly in relation to censorship on the Internet. Egypt and Iran both cited growing numbers of Internet users and ‘bloggers’ as evidence that they do not censor their populations.

Cuba’s reply to the comments of the US regarding freedom of expression in Cuba. Cuba countered that the US was misinformed and that it should acknowledge the imprisonment of Cuban human rights defenders in the US.

Sri Lanka responded to earlier statements by several speakers regarding the situation in the country, criticising them for claiming that it profiled all Tamils as terrorists, and rebuked them for omitting references to ethnic cleansing activities initiated by the Liberation Tigers of Tamil Eelam (LTTE).

The Sudan responded to the statement of UN Watch, by highlighting its efforts to address the situation in Darfur.

Thailand replied to the Asian Legal Resource Centre, who alleged that the Thai military was engaging in torture in the southern region of Thailand. It disputed this claim, citing its accession to CAT, and also highlighting the importance it accorded to justice, due process, and carrying out investigations into all allegations of wrongdoing.

Chile responded to the Society for Threatened Peoples, which had criticised the Government for its treatment of indigenous peoples. The delegation argued that only certain activities were criminalised, and that the government was going to accede to the International Labour Organization’s *Convention No. 169*, concerning Indigenous and Tribal Peoples in Independent Countries.

Item 4 – Human rights situations that require the Council's attention

Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

The Council began its consideration of Item 4, human rights situations that require the Council's attention, with an interactive dialogue on the annual report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (DPRK), Mr Vitit Muntarbhorn.⁵¹ Mr Muntarbhorn reiterated his approach of inviting the country to respond to the mandate as an opportunity to engage with the UN.⁵² However, he regretted that the authorities of the country had declined to cooperate with him, and had not invited him to visit the country.

On the positive side, Mr Muntarbhorn noted that the DPRK is party to four human rights treaties and has engaged with the treaty bodies. It is also reforming laws with regard to narcotics and money laundering, and has allowed humanitarian agencies to access parts of the country affected by the floods of August 2007. He also welcomed the progress made in the Six-Party Talks with regards to the denuclearisation of the DPRK.

Mr Muntarbhorn analysed the human rights violations in the DPRK through six factors.⁵³ He expressed concern about various issues such as inequity in the development process, which favours the elite; expenditure of available resources on the military industry despite shortages and deprivations suffered by the population; disparity in access to food and other necessities by the elite and the rest of the population; constraints on the enjoyment of civil and political rights, which creates insecurity among the population; non-existence of political participation; abduction of foreign nationals; severe restrictions on freedom of movement within or outside the State; inequality between men and women and the vulnerability of women, children, elderly persons, and those with disabilities; and impunity for perpetrators of serious human rights violations. Mr Muntarbhorn ended the presentation of his report by issuing a series of recommendations to the DPRK and to the international community.

Interactive dialogue

The DPRK, as a concerned country, was given the floor first. It strongly rejected the report of the Special Rapporteur, stating that there was 'no truth in the report', and that it was full of 'slandorous information prefabricated by those hostile to the DPRK' to eliminate its social system. It further stated that the report was 'no more than an unsubstantiated document' with 'no relevance to human rights'. The DPRK pointed out that Western countries 'continue to pursue their purpose to single out DPRK as a target for naming and shaming in the Council', making special mention of the US.

Most States regretted the lack of cooperation of the DPRK authorities with UN mechanisms, in particular with the Special Rapporteur, and urged it to grant him a visit. Many delegations called on the Council to renew this mandate.⁵⁴ Thailand supported the mandate of the Special Rapporteur, but also emphasised the

⁵¹ A/HRC/7/20, 15 February 2008, (annual report) available at [Hwww2.ohchr.org/english/bodies/hrcouncil/7session/reports.htm](http://www2.ohchr.org/english/bodies/hrcouncil/7session/reports.htm). ISHR has prepared unofficial summaries of the reports by special procedures ('Reports in short'), available at [Hwww.ishr.ch/hrm/council/reports_in_short](http://www.ishr.ch/hrm/council/reports_in_short).

⁵² Oral statements made at the Council can be accessed on the OHCHR extranet at [Hhttp://portal.ohchr.org](http://portal.ohchr.org) (fill out the form on [Hwww.ohchr.org/english/bodies/hrcouncil/form.htm](http://www.ohchr.org/english/bodies/hrcouncil/form.htm) to receive user name and password).

⁵³ The inequity factor, the disparity factor, the insecurity factor, the (im)mobility factor, the inequality factor, and the impunity factor.

⁵⁴ US, Slovenia (on behalf of the EU), Korea, Japan, UK, New Zealand, Jubilee Campaign.

need to provide further humanitarian assistance in cooperation with UN agencies. Indonesia pointed out that there is a need to nurture confidence-building between the different parties ‘without being hindered by outside pressure.’ Cuba opposed the renewal of this mandate, declaring that its creation was a direct result of US foreign policy, namely its decision to name the DPRK as a problem. Cuba argued that the situation in the DPRK should instead be addressed through the universal periodic review (UPR). Syria called for the termination of all country mandates, and stressed that ‘serious measures need to be taken to stop naming and shaming developing countries.’

Many States condemned the grave human rights violations in the DPRK. The US and the United Kingdom (UK) were especially concerned about the practice of public executions.⁵⁵ Japan highlighted its efforts to normalise relations with the DPRK, but regretted that the DPRK authorities had not responded positively. The Jubilee Campaign requested that the Council hold a special session on the DPRK, and that the UN initiate an investigation into the ‘litany of human rights violations’ there.

States also took the opportunity to pose some questions to Mr Muntarbhorn. Slovenia (on behalf of the EU) and the UK asked about the evolution of the human rights situation in the DPRK over the past four years. The Republic of Korea inquired about the role of the international community in influencing the DPRK to cooperate with the mandate, and how the DPRK could use OHCHR’s technical assistance. It also asked about the Special Rapporteur’s role in the UPR, while New Zealand asked about the engagement of the DPRK with the treaty bodies.

In his concluding remarks, Mr Muntarbhorn stressed that he had carried out his work in a fair and balanced manner towards the DPRK and all others, pointing out that his report was based on a plurality of sources and a lot of cross-checking. He commented that the DPRK has shown slightly better cooperation with the UN with regard to the supply of food, even though it has refused technical assistance from OHCHR. Nevertheless, political freedoms and rights are still seriously constrained. He stressed the fact that the DPRK is a party to four international human rights treaties, and invited it to collaborate with the relevant treaty bodies and implement their recommendations. He urged that his and others’ recommendations be integrated into the UPR process.

Special Rapporteur on the situation of human rights in Myanmar

The Special Rapporteur on the situation of human rights in Myanmar, Mr Paulo Sergio Pinheiro, presented two reports to the Council – his annual report⁵⁶ and a follow-up mission report.⁵⁷ Mr Pinheiro began by illustrating the grave situation in Myanmar through a number of statistics, and expressed his oft-repeated belief that ‘humanitarian assistance cannot be hostage of politics’. While welcoming the Government’s varying efforts to tackle issues such as forced labour and land confiscation, Mr Pinheiro regretted that such practices are continuing.

The Special Rapporteur was cautious about the Government’s announcement to hold a referendum in May for its new constitution and multiparty democratic elections in 2010, and reflected on ‘a number of expectations and doubts’ which it raises. In this context, Mr Pinheiro called for the release of all political prisoners, the authorisation for all political parties to operate, and the protection of basic civil and political freedoms’. In particular, he urged the Government to engage without delay in a substantive time-bound dialogue with,

⁵⁵ US, UK.

⁵⁶ A/HRC/7/18, 7 March 2008, available at [Hwww2.ohchr.org/english/bodies/hrcouncil/7session/reports.htm](http://www2.ohchr.org/english/bodies/hrcouncil/7session/reports.htm). ISHR has prepared unofficial summaries of the reports by special procedures (‘Reports in short’), available at [Hwww.ishr.ch/hrm/council/reports_in_short](http://www.ishr.ch/hrm/council/reports_in_short).

⁵⁷ A/HRC/7/24, 7 March 2008, available at [Hwww2.ohchr.org/english/bodies/hrcouncil/7session/reports.htm](http://www2.ohchr.org/english/bodies/hrcouncil/7session/reports.htm).

among others, Daw Aung San Suu Kyi. At the same time, Mr Pinheiro welcomed international and regional efforts to encourage the Government of Myanmar to advance democratic reforms with due respect for human rights.

Mr Pinheiro recalled his preliminary findings regarding the human rights implications of the violent crackdown on the peaceful demonstrators in September 2007. He informed the Council that since the end of his mission, he has routinely continued receiving information related to this event. He therefore provided some updated figures on the number of detainees and reported disappearances. According to Mr Pinheiro, the authorities have not provided any further information. He pointed to this as an example of the non-cooperation of the Government, and commented that ‘the promises that the Government of Myanmar makes to this Council are simply not being translated into actions’. As this was his last address to the Council in his capacity as Special Rapporteur on Myanmar, Mr Pinheiro reflected with regret on the non-compliance of the Government. Mr Pinheiro concluded his statement by paying tribute ‘to all those in Myanmar who have fought and still fight to restore democracy in their country assuming extraordinary risks’.

Interactive dialogue

Myanmar, as a concerned State, declared that the Special Rapporteur lacked objectivity and impartiality. Therefore, it expressly rejected all the allegations contained in his two reports. It alleged that the reports attempted to interfere in internal domestic policies of the country, which was beyond his mandate. Myanmar asserted that its Government allows freedom of assembly and freedom of expression in a peaceful manner, according to the rule of law. Furthermore, it stated that ‘there are no political prisoners’ in the country, and explained that actions are simply taken against activities that pose a threat to the peace and stability of the State. It rejected allegations of sexual violence against women by the armed forces, as well as the allegations of human rights violations against returnees in the northwestern part of Rakhine state. It also rejected the allegation that intensified military campaigns are being undertaken in ethnic areas. Myanmar listed a number of political progresses achieved since December 2007, including the approval of its draft constitution in February 2008, the planned national referendum on the Constitution in May 2008, the setting of a timeframe for democratic, multi-party general elections in 2010, the visit of the International Labour Organization (ILO) delegation in February 2008, and the visit of the Special Adviser of the United Nations Secretary-General, Mr Ibrahim Gambari, in March 2008. It stated that these developments demonstrate the commitment of the Government to transform Myanmar into a democratic State. Myanmar underscored that it has been cooperating with the Council and the UN in the field of human rights, and explained that it had been unable to accommodate the Special Rapporteur’s follow-up mission due to the preparation of the national referendum. The delegation stressed that the Special Rapporteur’s approach was inappropriate for his mandate, and expressed its wish to continue cooperating with the UN on the condition that this does not violate the fundamental principles of sovereignty and non-interference in domestic affairs.

States and NGOs were virtually unanimous in commending the Special Rapporteur for his presentation and report, and many States regretted that Myanmar had refused him a follow-up visit.⁵⁸ The Russian Federation, however, stated that the report had a critical tone and touched upon the military situation of the State, an issue that is not part of his mandate.

Many States and NGOs expressed their concern about the deteriorating human rights situation in Myanmar, including restrictions on freedom of expression,⁵⁹ movement, association, and assembly; repression of minority groups;⁶⁰ forced labour in public infrastructure projects, especially in the border areas; and impunity

⁵⁸ USA, Slovenia (on behalf of the EU), Czech Republic, Norway, Japan, Republic of Korea.

⁵⁹ Human Right Watch and Reporters without Borders specifically addressed the censure and control of the media.

⁶⁰ Human Rights First referred particularly to the situation of ethnic nationality groups in the eastern border region; Anti-Slavery International referred to the Rohingya, a Muslim minority of North Arakan State.

for perpetrators. Many States referred to the continuous repression and arrests of human rights activists, especially since the crack-down of the peaceful demonstration in September 2007. According to Slovenia (on behalf of the EU) non-political actors are also affected by this repression. Norway asked the Special Rapporteur for his assessment of the situation of political detainees in Myanmar, in particular those who remain in prison after the crackdown. It also enquired about the use of torture in detention facilities. The Czech Republic enquired whether there have been any positive developments with regard to the access of the International Committee of the Red Cross (ICRC) to detention facilities. Many States and NGOs urged the Government of Myanmar to release political prisoners. Furthermore, they expressed their disappointment with the Government for its failure to comply with the Council's recommendations, and urged it to do so.⁶¹ The Russian Federation, on the contrary, advocated that the situation is 'far from being critical'.

Many States recognised the efforts made by the Government since December 2007 to re-establish peace and democracy.⁶² They expressed their satisfaction with initiatives such as the draft constitution, which will be submitted to a national referendum in May 2008; the setting up of a time-frame for holding a multi-party general election; and the 'seven-stage roadmap' for reconciliation and democratic transition. In addition, many States noted with satisfaction that the country received Mr Gambari, the Secretary-General's Special Envoy to Myanmar, as well as the Director of the ILO. They also noted that Myanmar has extended an invitation to the ICRC. Laos stated that these initiatives would 'pave the way to national reconciliation in the near future'.

Many delegations, however, were not positive about the announcements made by Myanmar. The US and Human Rights Watch stated that the drafting process for the constitution had not included the participation of minorities or democratic opposition parties. The Worldview International Foundation added that the draft falls short of providing the necessary guarantees for the promotion and protection of human rights in the country.⁶³ Furthermore, Human Rights Watch noted that the announcement of a referendum was a 'sham' to distract the international community's attention from the September 2007 crackdown. Slovenia (on behalf of the EU) requested that the Special Rapporteur further elaborate on the guarantees for fundamental freedoms and basic human rights contained in the draft constitution. Many States emphasised the importance of the Government to engage in an inclusive dialogue with all sectors of the population, in particular with opposition parties and minority ethnic groups.⁶⁴

On the role of the international community, in particular the Council, the majority of the States and NGOs stated the importance of a continuous process of dialogue and engagement with Myanmar to advance the process of national conciliation. The Russian Federation stressed that sanctions would be counter productive. Pakistan (on behalf of the OIC) and Laos stressed that they believe in the principle of peaceful settlement of disputes, and urged the international community to avoid any step that would imperil Myanmar's integrity. Canada asked the Special Rapporteur for his opinion on the role of the international community in encouraging the Government of Myanmar to respect the human rights and fundamental freedoms of its people. Additionally, it asked what the international community could do to ensure that the regime enters into a genuine and substantive dialogue with members of the democratic movement and representatives of ethnic minority groups.

Mr Pinheiro began his concluding comments by refuting claims that he had exceeded the mandate entrusted to him by the Council. 'I didn't invent my mandate...I didn't invent the resolutions...If I have intruded [into the internal matters of a State], I have intruded very much on the requests of the Council', he asserted. The

⁶¹ China, Slovenia, UK, New Zealand, International Commission of Jurists, Human Rights Watch, Worldview International Foundation.

⁶² China, Pakistan, India, Lao, Thailand, Russian Federation, Vietnam, Cuba, Malaysia.

⁶³ For example, the draft constitution does not provide for an independent judiciary.

⁶⁴ Republic of Korea, Norway, Japan, Canada, Indonesia.

Special Rapporteur stressed that if the Council is to remain relevant, it is necessary to have an effective follow-up mechanism. ‘Otherwise, every year we have repetition without implementation’, he stated. Mr Pinheiro acknowledged the positive comments made by States on the draft constitution, but explained that he is unable to comment on it because it is only available in Burmese. As to the planned referendum and elections, he insisted that there is a need for a genuine democratic process. He sarcastically commented that given the repression of human rights in the Myanmar, ‘it is somewhat difficult to imagine that suddenly, magically all these good initiatives of the Government of Myanmar will take place in the usual etiquette of democratic transition’. Mr Pinheiro stressed that it is the duty of the Council to verify the actual situation in Myanmar. Finally, he expressed his sincere hope that the conditions for democratic transition ‘can soon be in place’ in Myanmar. His comments were followed by a round of applause from the floor.

General debate on Item 4

The remainder of the afternoon was dedicated to a general debate on Item 4. However, as the list of speakers was not exhausted due to a lack of time, the statements will continue tomorrow morning. The States that took the floor showed a reflective attitude, emphasising that no State has a perfect human rights record, and that they can always work to better promote and protect human rights. Canada stressed that both national and international scrutiny is important, and that the latter must be conducted ‘openly, frankly, and in a respectful manner’. France expressed its optimism about the UPR, but reminded the Council that the periodicity of this mechanism makes it inadequate for addressing emergency or endemic situations, hence the continued relevance of the general debate under Item 4.

The five States that spoke expressed their concern about a dozen situations.

- Specific areas of concern in relation to the **DPRK** were the practice of torture;⁶⁵ harsh punishments, including the death penalty;⁶⁶ political and religious persecution;⁶⁷ the absence of the rule of law;⁶⁸ and violations of economic, social and cultural rights.⁶⁹ Slovenia (on behalf of the EU) called upon the Government of the DPRK to cooperate with UN mechanisms, in particular the Special Rapporteur on the DPRK.⁷⁰ Canada expressed its support for the renewal of this mandate.⁷¹
- Slovenia, on behalf of the EU, called on the Government of **Myanmar** to cooperate fully with UN human rights mechanisms, particularly the Special Rapporteur on Myanmar.⁷² Italy expressed its support for the renewal and reinforcement of this mandate.⁷³ Canada voiced its support for the work of Mr Pinheiro and Mr Gambari, the UN Secretary General’s Special Envoy to Myanmar. Canada furthermore called for the release of all political prisoners,⁷⁴ including Daw Aung San Suu Kyi. Several States underlined the need for the constitutional and electoral process to be genuine and in line with international obligations and standards.⁷⁵
- The increasing use of the death penalty in **Iran**, including its frequent use in contravention of international minimum standards, was strongly condemned.⁷⁶ Slovenia (on behalf of the EU) raised concerns about

⁶⁵ Slovenia (on behalf of the EU), France.

⁶⁶ Slovenia (on behalf of the EU), Canada, Italy.

⁶⁷ France.

⁶⁸ Slovenia (on behalf of the EU), Canada, France.

⁶⁹ Slovenia (on behalf of the EU).

⁷⁰ Supported by Canada, Italy, France.

⁷¹ Supported by the UK.

⁷² Supported by France, Italy.

⁷³ Supported by the UK.

⁷⁴ Supported by Italy, France.

⁷⁵ Slovenia (on behalf of the EU), Canada, Italy, France.

⁷⁶ Slovenia (on behalf of the EU), Canada, France, UK.

torture,⁷⁷ discrimination against minorities,⁷⁸ violence against women,⁷⁹ and impunity⁸⁰ as particularly grave human rights violations occurring in Iran. Canada and France also voiced their concern about the severe restrictions on fundamental freedoms and the persecution of human rights defenders.⁸¹

- In relation to the **Darfur** region of the Sudan, Slovenia (on behalf of the EU) welcomed the consensus renewal and revision of the mandate of the Special Rapporteur on the Sudan, and called upon the Government to cooperate with this mechanism.⁸² Italy meanwhile urged the Government to implement the recommendations of the Group of Experts on Darfur. Slovenia (on behalf of the EU) expressed concern about the critical humanitarian situation in Darfur, as well as violence against women in the region. It called for an immediate end to the violence,⁸³ granting of full humanitarian access, and an end to impunity.⁸⁴ It also called upon the Government of the Sudan to cooperate with the International Criminal Court.
- Italy spoke at length about the ‘endless violence and humanitarian emergency’ in **Somalia**, stressing the need for international cooperation to address this issue. The UK also pointed to the responsibility of the Transitional Federal Government to protect its citizens. Slovenia (on behalf of the EU) declared that the mandate of the Independent Expert on Somalia needs to be retained.⁸⁵ All three delegations voiced their concern about the grave humanitarian situation in the Somalia.
- Canada and the UK expressed their concern about the violations of human rights and fundamental freedoms in **Zimbabwe**, particularly in relation to the elections to be held later this month. The UK spoke of the Government’s use of violence, arbitrary arrests, and torture against its opposition.⁸⁶
- The abductions, enforced disappearances, arbitrary detentions, and the lack of adequate investigations into such violations of human rights in **Sri Lanka** were highlighted by Slovenia (on behalf of the EU) and France. Both called upon the Government to accept an OHCHR presence in the country.
- Slovenia (on behalf of the EU) also drew the Council’s attention to the human rights situations in **Kenya**, the **Democratic Republic of Congo**, **Belarus**, and **China**.

⁷⁷ Supported by Canada.

⁷⁸ Supported by Canada, France.

⁷⁹ Supported by France.

⁸⁰ Supported by France.

⁸¹ Canada, France, UK.

⁸² Supported by the UK.

⁸³ Supported by the UK.

⁸⁴ Supported by the UK.

⁸⁵ Supported by Italy.

⁸⁶ Supported by Slovenia (on behalf of the EU).

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