



**Dialogue** on  
**Globalization**

CONFERENCE REPORT  
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**12<sup>th</sup> Session of the  
UN Human Rights Council  
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## Resolutions and decisions

The 12th session of the Human Rights Council (HRC) concluded with 28 Resolutions and 3 Decisions adopted. Without a vote, the HRC adopted a resolution on the situation of human rights in Honduras since the coup d'état of 28 June 2009 (A/HRC/RES/12/14). It was the first time in HRC sessions' history that the members of Latin American and Caribbean Countries (GRULAC) presented a resolution under Item 4 without the consensus of the country concerned. The resolution strongly condemns and expresses deep concern about the human rights violations occurring as a consequence of the coup d'état, and calls for the restoration of democracy and the rule of law. The resolution also requests the High Commissioner to present a report on the human rights violations since the coup d'état and a preliminary report to the UN General Assembly at its upcoming 64th session. The diplomatic mission of Honduras had been suspended from the 12th HRC session.

The HRC also established without a vote a new open ended working group to review the Council's work and functioning starting after June 2010 (A/HRC/RES/12/1). Notably, the draft had found co-sponsors from all regional groups. According to UN General Assembly Resolution 60/251 establishing the HRC, the Council should review its work and functioning five years after its establishment, i.e. in March 2011. During the negotiations on the draft resolution, NGOs expressed reservations about an early commencement of the review process. Within the context of this resolution, the HRC requested the UN Secretary-General to present a report to the Council at its fifteenth session on how to improve conference and secretariat services for the Council.

Another resolution adopted by HRC without a vote refers to the cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/RES/12/2). The HRC urged governments to prevent and refrain from all acts of intimidation or reprisal against those who: seek to cooperate or have cooperated with the United Nations; submit or have submitted communications under procedures established by human rights instruments; and those who are relatives of victims of human rights violations or of

those who have provided legal or other assistance to victims. The HRC condemned too all acts of intimidation or reprisal by governments and non-state actors against such individuals.

The resolution on discrimination against women (A/HRC/RES/12/17; without a vote) calls upon States to fulfil their international obligations and commitments to revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice. The States should further take into account that those laws violate their human right to be protected against discrimination. The resolution also calls on States to ensure full representation and full equal participation of women in political, social and economic decision-making as an essential condition for gender equality and the empowerment of women and girls as a critical factor in the eradication of poverty. The HRC organised in addition a panel discussion dealing with the integration of gender perspectives in the work of the Council, but without indicating any new development.

The resolution on independence and impartiality of the judiciary (A/HRC/RES/12/3; without a vote) requests the corresponding Special Rapporteur to elaborate safeguards to ensure and strengthen the independence of lawyers; encourages States to promote diversity in the composition of the members of the judiciary. The resolution on freedom of opinion and expression (A/HRC/RES/12/16; without a vote) expresses its concern that incidents of racial and religious intolerance, discrimination and related violence, as well as of negative racial and religious stereotyping continue to rise around the world and calls on all parties to armed conflict to respect international humanitarian law. This resolution has been mainly sponsored by Egypt and USA. The resolution on the World Programme for Human Rights Education (A/HRC/RES/12/4); without a vote) draws the focus to the second phase of the World Programme for higher education and on human rights training programmes and encouraged States that had not yet taken steps to incorporate human rights education in the primary and secondary school system to do so.

Adopted without a vote was further the resolution on protection of the human rights of civilians in

armed conflict (A/HRC/RES/12/5). It requests the UN Office of the High Commissioner for Human Rights (OHCHR) to convene a second expert consultation on the issue and to prepare a report on the outcome in the form of a summary. The resolution on elimination of discrimination against persons affected by leprosy and their family members (A/HRC/RES/12/7; without a vote) requests the OHCHR to collect the views of relevant actors on the draft set of principles and guidelines, and to make those views available to the Advisory Committee and requested the Advisory Committee to finalise the draft set of principles and guidelines taking into full consideration the views of relevant actors. Adopted without a vote was also the resolution on the human rights of migrants: migration and human rights of the child (A/HRC/RES/12/6).

The resolution on access to safe drinking water and sanitation (A/HRC/RES/12/8; without a vote) calls upon States to create an enabling environment to address the issue of lack of sanitation at all levels; to collect, at the appropriate level, current, accurate and detailed information about sanitation coverage in the country; to develop, where appropriate, national and/or local plans of action, in order to address the lack of access to sanitation in a comprehensive way, giving due consideration to wastewater management, including treatment and reuse.

The resolution on the follow-up to the 7th Special Session of the HRC on the negative impact of the worsening of the world food crisis on the realisation of the right to food for all (A/HRC/RES/12/10; without a vote) calls upon States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all necessary measures to ensure the realisation of the right to food as an essential human rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realisation of the right to food.

The resolution on human rights and transitional justice (A/HRC/RES/12/11; without a vote), calls upon the international community and regional organisations to assist countries in the context of transitional justice, and to ensure the promotion and protection of human rights and to incorporate

best practices into the development and implementation of transitional justice mechanisms. On the right to the truth (A/HRC/RES/12/12; without a vote), the resolution invites the OHCHR to convene, within existing resources, a seminar, taking into account different experiences on the importance of the creation, organisation and management of public systems of archives as a means to guarantee the right to the truth, with a view to study the need for guidelines on this issue.

The resolution on human rights and indigenous peoples (A/HRC/RES/12/13; without a vote) requests the Special Rapporteur to report on the implementation of his mandate to the UN General Assembly at its 65th session. It also requests the Expert Mechanism on the Rights of Indigenous Peoples, in accordance with its mandate, to carry out a study on indigenous peoples and the right to participate in decision-making. A next resolution adopted without a vote was on regional arrangements for the promotion and protection of human rights (A/HRC/RES/12/15).

The resolution on adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (A/HRC/RES/12/18; without a vote) strongly condemns the movement and dumping of toxic and dangerous products and wastes impacting people and environment and decided to hold a panel discussion on the matter at its thirteenth session. Further resolutions adopted without a vote were: draft guiding principles on extreme poverty and human rights (A/HRC/RES/12/19) and access to medicine in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/HRC/RES/12/24).

On the draft guiding principles on extreme poverty, the HRC invites the Independent Expert on the question of human rights and extreme poverty to submit a progress report presenting her recommendations on how to improve the draft guiding principles on extreme poverty and human rights to the Council no later than its 15th session in order to allow the HRC to take a decision on the way forward with a view to a possible adoption of guiding principles on the rights of persons living in extreme poverty by 2012. On access to medicine, the HRC calls upon States, at the international

level, to take steps, individually and/or through international cooperation, to ensure that their actions as members of international organisations take into due account the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and that the application of international agreements is supportive of public health policies that promote broad access to safe, effective and affordable medicines.

The resolution on the protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) (A/HRC/RES/12/27; without a vote) invites States, United Nations organs, programmes and specialised agencies and international and non-governmental organisations to assist developing countries, in particular least developed countries and those in Africa, in their efforts to prevent the spread of the epidemic and alleviate and control the detrimental impact of HIV/AIDS on the human rights of their populations. It requests States to further develop and, where necessary, establish coordinated, participatory, gender-sensitive, transparent and accountable national policies and programmes for the HIV response.

The resolution on the follow-up to the 10th HRC Special Session (Resolution S-10/1) on the impact of the global economic and financial crises on the universal realisation and effective enjoyment of human rights (A/HRC/RES/12/28; without a vote) decided to hold a panel discussion during the High-Level Segment of its 13th session in order to discuss and evaluate the impact of the financial and economic crises to the realisation of all human rights world wide, with a view to contribute to the work of the Open-ended Working Group of the General Assembly to follow up on the issues contained in the outcome document of the Conference on the World Financial and Economic Crisis and its Impact on Development.

In form of a Decision, the HRC adopted a text on missing persons (A/HRC/DEC/12/117) and on United Nations Declaration on Human Rights Education and Training (A/HRC/DEC/12/118). On missing persons, the HRC took note of recommendation 3/2 of the HRC Advisory Committee on the progress of its work with regard to the study on the best practices in the matter of

missing persons. On the UN Declaration on Human Rights Education and Training, the HRC welcomed the various initiatives aiming at furthering the discussions on the draft United Nations declaration on human rights education and training.

Without a vote, the HRC renewed the mandates of the Special Rapporteur on advisory services and technical assistance in Cambodia (A/HRC/RES/12/25), and of the Independent Expert on assistance to Somalia in the field of human rights (A/HRC/RES/12/26). The mandates are extended for one year each. On advisory services and technical assistance for Cambodia, the HRC stresses further efforts with the government of Cambodia in improving democracy as well as ensuring the protection and promotion of the human rights of all people in Cambodia. On assistance to Somalia in the field of human rights, the HRC urged all parties to refrain from all forms of violence against the civilian population and to actively prevent abuses of human rights, including the rights of persons belonging to social groups and minorities living in Somalia.

Despite severe criticism particularly from Asian countries, the HRC adopted a resolution on Daw Aung San Suu Kyi and other political prisoners in Myanmar (A/HRC/RES/12/20) without a vote too. Here, the HRC expressed grave concern at the recent conviction and sentencing of Daw Aung San Suu Kyi, and called for her immediate and unconditional release. The resolution also calls upon the government of Myanmar to release all political prisoners immediately and unconditionally, enabling them to participate fully in the 2010 elections.

On request for a vote, the HRC adopted a resolution on human rights and unilateral coercive measures (A/HRC/RES/12/22; 32 in favour, 14 against, 0 abstention). The HRC calls upon all States to stop adopting or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the UN Charter and the norms and principles governing peaceful relations among States; and condemned the continued unilateral application and enforcement by certain powers of such measures as tools of political or economic pressure against any country. Special reference was made towards developing countries, i.e. to preventing

these countries from exercising their right to decide, of their own free will, their own political, economic and social systems.

In a similar way, the resolution on the right to development was adopted with a vote (A/HRC/RES/12/23; 33 in favour, 0 against, 14 abstentions), which will be continued in order to ensure that the HRC's agenda promotes and advances sustainable development. A next resolution adopted with a vote deals with human rights and international solidarity (A/HRC/RES/12/9; 33 in favour, 14 against, 0 abstention). The HRC calls upon the international community to promote international solidarity and cooperation as an important tool to help to overcome the negative effects of the current economic, financial and climate crisis, particularly in developing countries.

The resolution on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind in conformity with international human rights law was also put to a vote (A/HRC/RES/12/21; 26 in favour, 15 against, 6 abstentions). The HRC requests the OHCHR to convene, in 2010, a workshop for an exchange of views on how a better understanding of traditional values of humankind underpinning international human rights norms and standards can contribute to the promotion and protection of human rights and fundamental freedoms.

Another decision that was put to the vote, concerned the effect of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/HRC/DEC/12/119; 31 in favour, 13 against, 2 abstentions). The resolution requests the OHCHR to allocate sufficient budgetary resources for the implementation of the activities envisaged in resolution 11/5, including the organisation and holding of regional stakeholder consultations on the draft general guidelines on foreign debt and human rights during the present term of the mandate holder.

All UPR outcomes have been adopted without a vote:

Central African Republic (A/HRC/DEC/12/101),

Monaco (A/HRC/DEC/12/102),  
Belize (A/HRC/DEC/12/103),  
Congo (A/HRC/DEC/12/104),  
Malta (A/HRC/DEC/12/105),  
New Zealand (A/HRC/DEC/12/106),  
Afghanistan (A/HRC/DEC/12/107),  
Chile (A/HRC/DEC/12/108),  
Chad (A/HRC/DEC/12/109),  
Viet Nam (A/HRC/DEC/12/110),  
Uruguay (A/HRC/DEC/12/111),  
Yemen (A/HRC/DEC/12/112),  
Vanuatu (A/HRC/DEC/12/113),  
the Former Yugoslav Republic of Macedonia (A/HRC/DEC/12/114),  
Comoros (A/HRC/DEC/12/115),  
Slovakia (A/HRC/DEC/12/116).

The HRC appointed Farida Shaheed (Pakistan) as Independent Expert in the field of cultural rights; and Mohamed Chande Othman (Tanzania) as Independent Expert on the situation of human rights in Sudan. It named Barbara Lee as President of the Forum on Minority Issues for its second session (November 12 and 13, 2009).

### General issues

The HRC's debate under Item 4 (situations that require the Council's attention) was remarkable as Nigeria delivered a statement on behalf of the African Group, and China raised the situation of Roma in European countries. In former times, discussions under Item 4 were marked by the general lack of participation from African and most Asian countries, as such discussions were understood to be leading to politicisation, naming and shaming, and, thus, would undermine the spirit of cooperation and dialogue the HRC is supposed to be built on. Nigeria noted situations of human rights violations across the world, but specifically highlighted a consistent pattern of human rights violations linked to deportation of asylum seekers and racism more broadly. China referred in addition to the double standards of Western countries in relation to the Near East while insisting on China's own way for development. Cuba complained that Western countries would frequently blame other countries in terms of governance but remain silent to issues like hunger and poverty. The USA at least made some critical remarks on Afghanistan.

Under several items of the HRC agenda, the human rights situation in Sri Lanka was addressed by governments as well as by NGOs, while the diplomatic representatives of Sri Lanka smoothed a bit their performance, which had been quite aggressive in former times. Though the Minister for Human Rights and Disaster Management continued to justify the current situation as due to the huge humanitarian challenges after the war and the lawful sentence to a journalist, the Vice-Ambassador invited his colleagues to articulate their concerns. It would be welcome. He again promised that most of the IDPs were to return until the end of this year.

The panel discussion on the issue of migrants allowed the UN High Commissioner for Human Rights, Ms. Pillay, to particularly warn against criminalizing children and minor migrants. Additionally, the UN Working Group on Arbitrary Detention expressed its concern that migration is frequently dealt with as a risk for the security of the State. NGOs condemned detention of migrants as a social and cultural corrosion of the society. The governments of the European Union obviously tried to defend their restrictive position on migration stressing the rights of migrants in terms of substance and procedure as well as the transparency of the procedures in case of detention. While Arabic countries condemned the restrictions on migration imposed by industrialised / Western countries, their arguments were not free from hypocrisy as nothing was said about the inhuman conditions for migrants in certain countries in that region.

During the 12th session, the HRC heard a number of reports and held interactive dialogues with the Special Procedures on children and armed conflict, the sale of children, child prostitution and child pornography, contemporary forms of slavery, its causes and consequences, human rights and international solidarity, access to safe water and sanitation, toxic wastes, the situation of human rights and fundamental freedoms of indigenous peoples, the Expert Mechanism on the Rights of Indigenous Peoples, contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the situation of human rights in Cambodia and on the situation of human rights in Somalia. Further reports have been delivered by

the High Commissioner for Human Rights on Liberia and Burundi, and one report by the United Nations Secretary-General on Cambodia.

The High Commissioner for Human Rights updated on salient human rights issues that remained of the utmost concern for the human rights community exploring that there are still huge gaps between lofty pledges and national realities in the human rights sphere. Indigenous peoples in many countries endured a long standing discrimination and exclusion. The protection of minorities also should be a key concern around the world as women's human rights are continued to be denied or curtailed in many countries. Another alarming global trend have been attacks against and criminalising of peaceful opponents and critics of those at the helm of power.

The HRC held a number of general debates, e.g. on the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development; human rights situations that require the Council's attention; on the Universal Periodic Review mechanism; human rights bodies and mechanisms; on the human rights situation in Palestine and other Occupied Arab Territories, on human rights bodies and mechanisms, and on follow-up and implementation of the Vienna Declaration and Programme of Action; racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action; and technical assistance and capacity building.

The UN High Commissioner for Human Rights, and Olivier de Schutter, Special Rapporteur on the right to food, presented reports to the follow-up to HRC's Special Sessions on the economic and financial crises and the food crisis. A high attention was given to the report of the Fact-Finding Mission on the Gaza Conflict, holding an interactive dialogue with the Mission following the presentation of the Report of the Mission.

### **Side events**

Side events with the participation of the author of this report dealt with West-Papua, Kazakhstan, a study by the NHRI on UK, South Asia and climate change from indigenous viewpoints, the role of parliamentarians within the UPR procedure and

the future of the right to development – the latter two organized by FES Geneva. In relation to the parliamentarians within the UPR procedure it was underlined that the actions by diplomats alone are not sufficient for an effective and substantial review. Parliamentarians are also needed for a better involvement of the large public at the national area. In countries like Burkina Faso, nearly nobody took note of the UPR on the country.

In relation to the right to development, most of the panellists agreed that it is still not the right time to go for a binding agreement on this right. It is rather appropriate to switch now from the level of criteria to guidelines, to highlight the necessary conditions for implementation: rule of law, good governance, anti-corruption strategies and a good management on resources, as well as consistent engagement on the international level and to establish a committee in order to monitor the implementation.

The panel discussion on climate change and the viewpoints of indigenous peoples referred to traditional systems of indigenous peoples to make use of natural resources in a sustainable way.

It was underscored the genuine connection between land, air, water, forests, sea ice, plants, animals and human communities as the material and spiritual basis for indigenous peoples' existence. It became also obvious, that current life and work have altered the conditions even in remote areas. As far as indigenous peoples are concerned, these phenomena are interrelated with poverty and offer nearly no possibility for access to mitigation, adaptation or even compensation. Indigenous communities should be encouraged to exchange information on their traditional knowledge while ensuring the protection and recognition of and the respect for the intellectual property rights of indigenous peoples at the local, national and international levels. A larger part of the panel discussion was also dedicated to the attempts of indigenous peoples to participate with the international negotiation process and to form part of corresponding committees. The lack of full, formal and effective participation of indigenous peoples in critical international debates, discussions and decisions regarding climate change has been assessed in itself a key human rights concern.

The 13th regular session of the HRC will be held from March 01 to 26, 2010.

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