



FES GENEVA REPORTS

INTEGRATING HUMAN RIGHTS AND CLIMATE CHANGE

**REPORT ON THE 13TH REGULAR SESSION OF THE
UN HUMAN RIGHTS COUNCIL 1–26 MARCH 2010**

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I) GENERAL REMARKS

The president of the UN Human Rights Council (HRC), the Belgian Ambassador Alex Van Meeuwen, made a correct statement when concluding the 13th regular Session of HRC: he expressed the feeling of many that the current session was characterized by collective engagement and dedication to substantive debates. He added that this gave hope for a better and more appropriate performance of the HRC throughout the coming sessions.

This came after the 13th regular HRC session had started with a number of heated debates. The first one, indicative of the political atmosphere, was about a report that a group of Special Procedures mandate holders (torture, human rights and anti-terrorism, working groups of arbitrary detention and enforced disappearances) had voluntarily and jointly submitted on secret detention centers (A/HRC/13/42). The report addresses, among others, the situation in some countries in the Global South among which figure also some North African states. The Non-Aligned Movement and the Organization of Islamic Conference (OIC) opposed the study vehemently and argued that it had not been commissioned by the HRC: they succeeded in not allowing the HRC to deal with it during the 13th session and pushed its consideration back into the June session (14th session).

The United States, however, to which about 60 of the 186 pages of the report are dedicated,

played a positive role and called for a public debate on the report. The debate around the report culminated in a curious situation: while the report is available on the Internet, it is not officially allowed to be addressed in the HRC. (<http://www2.ohchr.org/english/bodies/hrco/uncil/13session/reports.htm>).

All in all the new attitude of the U.S. delegation contributed to a rather fresh wind blowing through the Palais des Nations in Geneva. The large delegation was engaged in several debates on various draft resolutions – on thematic as well as on country issues – and is likely to have facilitated some remarkable results, some of which are presented in more detail in this report. Unfortunately, the European Union has not yet been infected with this new dynamism.

The HRC faces serious financial problems, in the past repeatedly resulting in e.g. delayed reports and translations. The costs of conference services have increased by 35%. The Council had to announce that due to financial problems, the implementation of some decisions of the HRC may be delayed up to 14 months. Still, currently a total of 55 mandate holders of the Special Procedures, including the working groups, are working on a variety of issues and regions and will be able to continue their important work.

II) REPORTS ON THEMATIC ISSUES

Reports by OHCHR

At the outset, the UN High Commissioner for Human Rights, Navi Pillay, presented her annual report (A/HRC/13/26). The Office of the High Commissioner (OHCHR) came in with more reports during the course of the session, the conclusions of its offices in Guatemala (A/HRC/13/26/Add.1), Bolivia (A/HRC/13/26/Add.2), Colombia (A/HRC/13/72), Nepal (A/HRC/13/73), Cyprus (A/HRC/13/24), Sierra Leone (A/HRC/13/28), Afghanistan (A/HRC/13/62), Democratic Republic of Congo (A/HRC/13 / 64), and Honduras after the coup d'état (A/HRC/13/66). Ms Pillay referred in her oral presentation among others to Sri Lanka and regretted that reconciliation and peace are still disturbed by attacks on journalists and human rights defenders. In relation to Iran, she criticized the violent suppression of protests. Positively mentioned was the intention of the African Union to prepare and negotiate an agreement against forced displacement. Additional reports of the OHCHR dealt with the geographical composition of its staff (A/HRC/13/18), the enhancement of international cooperation (A/HRC/13/19), national mechanisms for the implementation of the Convention on persons with disabilities (A/HRC/13/29), the impacts of the financial and economic crisis (A/HRC/13/38), as well as the implementation of Resolution 10/22 related to defamation of religions (A/HRC/13/57). Further, the reports of the UN Secretary-General were presented on arbitrary deprivation of nationality (A/HRC/13/34), human rights and anti-terrorism (A/HRC/13/36), accreditation of NHRIs based on the Paris Principles (A/HRC/13/45), implementation of Resolution 9/8 on efficiency and reform of the UN Treaty Bodies (A/HRC/13/69), promoting women's rights (A/HRC/13/70), UN Development Fund on women's issues (A/HRC/13/71), recommendations of the Special Procedures (A/HRC/13/74), and on the Voluntary Fund for victims of torture (A/HRC/13/75).

Reports by Special Procedures

Among Special Procedures, the Special Rapporteur on the Right to Food, Olivier De Schutter, presented the outcome of his investigations on agribusiness (A/HRC/13/33 plus Add.1 communication with governments). He elaborated on 10 criteria related to responsibility and obligations of the state and private companies. A special section of the report deals with land acquisition in the context of rising food prices in 2008 (A/HRC/13/33/Add.2). Country visits took him to Benin (A/HRC/13/33/Add.3), Guatemala (A/HRC/13/33/Add.4), Nicaragua (A/HRC/13/33/Add.5), and Brazil (A/HRC/13/33/Add.6). He acknowledged that Brazil had made a remarkable progress in the fight against hunger. Olivier De Schutter recommended the governments to promote a subsistence economy, strengthen the rights of farm workers, and support the formation of cooperatives.

The Special Rapporteur on adequate housing, Raquel Rolnik, focused in her report (A/HRC/13/20 plus Add.1) on the pros and cons of major sporting events in relation to her mandate. She further examined the implementation of her recommendations by Brazil, Cambodia, and Kenya (A/HRC/13/20/Add.2) and visited the Maldives (A/HRC/13/20/Add.3) and the USA (A/HRC/13/20/Add.4). While underlining the chances opened by a large sports event to establish new housing standards respectful of the right to adequate housing, Raquel Rolnik admitted that there is no clear evidence of this potentially positive effect. She rather observed instead that the new and beautiful building structures rather suppress the visibility of poverty by driving poor sectors of the population out of those restructured areas. Turning to her mission reports, in the case of the US, she observed a new form of homelessness which included workers' families. With regard to the Maldives she requested greater support for the country to adapt to the impacts of climate change.

The Special Rapporteur on the promotion and protection of human rights while countering terrorism, Martin Scheinin, examined the erosion of privacy in this context (A/HRC/13/37 plus Add.1). He collected good practice examples and recommendations on how this problem could be addressed. A country visit took him to Egypt (A/HRC/13/37/Add.2).

The Special Rapporteur on torture and other inhuman treatment or punishment, Manfred Nowak, presented his last annual report in his capacity as Special Rapporteur (A/HRC/13/39 plus Add.1). Country visits took him to Uruguay (A/HRC/13/39/Add.2), Kazakhstan (A/HRC/13/39/Add.3), and Equatorial Guinea (A/HRC/13/39/Add.4). He also issued a report on prison conditions worldwide (A/HRC/13/39/Add.5) and on the implementation of his earlier recommendations to Azerbaijan, Brazil, China, Denmark, Georgia, Indonesia, Jordan, Cameroon, Kenya, Mongolia, Nepal, Nigeria, Paraguay, Moldova, Romania, Spain, Sri Lanka, Uzbekistan, and Togo (A/HRC/13/39/Add.6).

Manfred Nowak expressed a certain disappointment because over the years, only few states have explicitly renounced to torture. Most of the State Parties to the Convention are not willing or unable to meet their obligations. In many countries, he stressed, torture is applied as before. In many cases this is accompanied in his view by a poorly functioning judiciary, by corruption, and under the umbrella of anti-terrorism measures. It is mostly prisoners and members of marginalized populations that are affected. He also regretted the lack of respect by states for the integrity of the Special Procedures and states' insistence to the Code of Conduct. The Council seems to put greater emphasis on compliance with the Code of Conduct than on revealing the facts. He testified low or non-cooperation by China, Jordan, Indonesia, Kazakhstan, Equatorial Guinea, United States, Russia, and Zimbabwe. In his recommendations, he supported the creation of an international convention on the rights of prisoners and an international court for human rights.

The report of the Working Group on enforced disappearances (A/HRC/13/31) included the

communication with governments. An addendum reported on their visit to Morocco (A/HRC/13/31/Add.1).

The Working Group on arbitrary detention presented its communication with governments (A/HRC/13/30), additional comments (A/HRC/13/30/Add.1), and the results of its visit to Malta (A/HRC/13/30/Add.2, emphasizing immigrants and refugees) as well as to Senegal (A/HRC/13/30/Add.3).

The Representative of the UN Secretary-General on Internally Displaced Persons (IDPs), Walter Kälin, presented a review of his activities in the past five years (A/HRC/13/21). He further presented reports on the follow-up related to Serbia and Montenegro (A/HRC/13/21/Add.1) as well as his country visits to Somalia (A/HRC/13/21/Add.2), Georgia (A/HRC/10/13/Add.2 and A/HRC/13/21/Add.3), and Chad (A/HRC/13/21/Add.5). In another report he presented a framework for durable solutions for IDPs (A/HRC/13/21/Add.4).

The Special Rapporteur on human rights defenders, Margaret Sekaggya, dealt with security matters and noted that since the UN Declaration on human rights defenders has been adopted in 1998, the violence against these activists has not decreased at all (A/HRC/13/22 plus Add.1). She further reported on her country visits to DR Congo (A/HRC/13/22/Add.2) and Colombia (A/HRC/13/22/Add.3). The replies to a questionnaire she had sent out to Member States to collect information on security and protection of human rights defenders are reported in A/HRC/13/22/Add.4. She complained about the low return on this questionnaire by states. In her annual report, she gave special attention to the particularly vulnerable situation of human rights defenders working on issues relating to women, lesbians, gay, bi-sexual, and transgender people.

The Special Rapporteur on freedom of religion, Asma Jahangir, expressed her concern when presenting her report (A/HRC/13/40 plus Add.1) that only few states were actively engaged against intolerance. Country visits led her to the former Yugoslav Republic of

Macedonia (A/HRC/13/40/Add.2), Serbia and Kosovo (A/HRC/13/40/Add.3), and Laos (A/HRC/13/40/Add.4). She regretted that she had not been able to sufficiently illustrate to the governments the plight of local people who wanted to practice their faith. Furthermore, she said that her mandate should not be used for censorship, as religious freedom and freedom would build a common.

The resolution on defamation of religions this year went through (20:17, with 8 abstentions, see below) while it was the closest result since the introduction of the resolution in 1999 and even closer in positive and negative votes than the decision of the UN General Assembly in December 2009 (80:61). Supporters are afraid that next year it will probably not attain a positive vote anymore, if the elections to the HRC in May would deny Iran access to membership. However, the resolution text raises concerns, as it may offer a welcome pretext for governments to punish critics of religion and to discourage members of other faiths than the state religion. In this context, it is worth to mention the mandate of the Ad Hoc Committee on the Elaboration of Complementary Standards of Racism and Related Intolerance (see next paragraph).

The Expert Working Group on People of African Descent presented its report on its visit to Ecuador (A/HRC/13/59) and praised the new Constitution of 2008, in particular its pluri-national approach. The Working Group on the effective implementation of the Durban Declaration and Programme of Action also presented its report (A/HRC/13/60). The additional Ad Hoc Committee for the development of complementary standards has worked out the following aspects (A/HRC/

13/58 and A/HRC/13/CRP.1): advocacy and incitement to racially motivated, nationalistic and religious hatred, requirements for a comprehensive anti-discriminatory legislation, discrimination on the basis of religious belief, crimes of hatred, human rights education, and free access to justice for victims.

The Special Representative of UN Secretary-General on Violence against Children, Marta Santos Pais, requested an urgent action against violence against children (A/HRC/13/46). There is a need for national prevention strategies and developing national legislation. Many countries lack useful data and research methods. The Working Group to draft an optional protocol to the Convention on the Rights of the Child (CRC) reported on its first meeting in December 2009 (A/HRC/13/43). It discussed the legal status of children and the question of their representation.

The Independent Expert on Minorities, Gay McDougall, emphasized the need for protection of children (A/HRC/13/23). She reported on her country visits to Kazakhstan (A/HRC/13/23/Add.1) and Canada (A/HRC/13/23/Add.2).

The reports of the Advisory Committee (AC) included a study on discrimination with regards to the right to food (A/HRC/13/32), a draft declaration on human rights education and training (A/HRC/13/41), and reports to the third (A/HRC/13/49) and fourth session of the AC (A/HRC/13/50). The Forum on Minorities presented the recommendations of its second meeting (A/HRC/13/25) which dealt mainly with the issue of political participation of minorities. The report of the Social Forum (A/HRC/13/51) contains discussions on the impact of the financial and economic crisis for poor people.

III) HUMAN RIGHTS SITUATION IN COUNTRIES

The Special Rapporteur on the Democratic People's Republic of Korea, Vitit Muntarbhorn, presented his last report after six years in office (A/HRC/13/47). Little of it was surprising, although it remains incomprehensible how such an inhuman government can remain in power for so long. In the presentation as well as in the subsequent discussion, the hungry and the environment were mostly referred to. As expected, the North Korean government rejected 'categorically' all facts. The Special Rapporteur on Myanmar, Tomas Ojea Quintana, sees the country at a critical moment with the first elections to come since 20 years (A/HRC/13/48), although he was not very optimistic that expectations for a positive change would come true. He noted that the number of political prisoners has not declined and that they are excluded from the elections. He mentioned that in the North of the country, in the Rakin state, there are about 1 million Muslims who are excluded from citizenship and voting because of their ethnic identity. The government treats them rather as illegal immigrants.

The Myanmar government official, however, seemed to talk on a very different country during the interactive dialog.

In relation to the human rights situation in Somalia, there was a broad consensus in the assessments and the recommendations of independent experts (A/HRC/13/65).

In relation to the human rights situation in the Democratic Republic of Congo (DRC), the assessments varied widely. Walter Kälin, Special Representative of the UN Secretary-General on IDPs, presented the joint report of 3 of a total of 7 mandates of the Special Procedures dedicating their attention to this country situation (A/HRC/13/63; *Second Joint Report of Seven United Nations Experts on the Situation in the Democratic Republic of the Congo*). According to the Special Procedures mandate holders, the government was

cooperative in so far as to invite them into the country. However, Walter Kälin complained that their letters to the government remained unanswered since September 2009 while 14 urgent appeals had been issued in 2009. The report states that the human rights situation has not been improved in any region, even where no armed conflict takes place. The police is still involved in unlawful killings, and armed groups continue to commit war crimes. The Ministry of Human Rights no longer exists; it merged with the judiciary. In the dialogue that followed the presentation of the report the government representative of the DRC made the lack of technical assistance responsible for the tense human rights situation and said laconically the HRC should not always deal with the DR Congo. Nigeria as speaker of the African Group attested to the DRC government that it had been cooperative and made significant improvements. He rather identified deficiencies in the work of Special Procedures. Brazil, after all, wanted to see more efforts by the government in the implementation of human rights and offered a South-South cooperation. The U.S. and several NGOs called for the reinstatement of the country mandate.

In the follow-up of several special sessions on Israel and the Occupied Palestinian Territories, the High Commissioner referred in particular to the plight of Palestinian women (A/HRC/13/68/Rev.1 and A/HRC/13/54). Her report was complemented by reports of the UN Secretary-General on the occupied Golan Heights (A/HRC/13/52) and the implementation of the recommendations of the Goldstone Report (A/HRC/13/55). In the day-long debate the government representative of Israel highlighted that his government, in contrast to Hamas, complied with its obligations and had published two investigation reports on the Gaza conflict. He also underlined that in Israel independent courts have been involved in the review of the Goldstone report. The representative of Palestine asked for criteria for reviewing

reports such as the Goldstone report. Spain complained about the restriction of movement of the Gaza population and stated that the Israeli settlements violate international law. The representative of Chile exerted harsh criticism of Israel, which he supported by quotations from the report of the High Commissioner.

The US Delegation criticized the systematic singling out of Israel by the agenda item 7, and asked for a vote on every single resolution under item 7 and eventually voted against the resolutions. Irrespective of the opposition to procedural matters, the US Delegation very frankly criticised the Israeli government and asked them to stop new settlements, clear

outposts, permit access to the West Bank, allow local economic activity, and finally, to expand significantly the volume and range of goods allowed into Gaza.

During the statements of NGOs, the parents of the abducted Israeli soldiers took the floor and appealed to a humanitarian solution. The NGO UN Watch made a striking comment by accusing the Goldstone Report of representing the narrative of terrorist groups. At the end of the day, Israel, the Palestinian delegation, Iran, Algeria and the Lebanon shifted to harsh exchanges: about a dozen points of order and rights of reply were used to prevent accusing statements from either side.

IV) UNIVERSAL PERIODIC REVIEW

Three days of this HRC session were dedicated to the consideration of UPR reports that had been submitted by the UPR Working Group. Routine dominated the proceedings, interrupted from time to time by unexpected incidents. North Korea created such an incident by way of simply “taking note” of all 167 recommendations of the HRC report from the hearing of December 2009. The government representative declined to give any further explanation. During the hearing in 2009 North Korea had categorically “rejected” 50 recommendations. Nevertheless, countries like Algeria, Cuba, Sudan, Pakistan, Venezuela, Qatar, Saudi Arabia and Sri Lanka noted a satisfactory level of cooperation in the attitude displayed by the North Korean government.

The short debate on the UPR report of the Democratic Republic of Congo raised a similar interest. Again, the Cuban delegate took the opportunity to attest to the government in DRC a self-critical position while stating that the

actual problems in the DRC were related to colonialism and the unjust world economic order.

Aside of those mentioned above, the HRC considered the following UPR reports: UPR Eritrea (A/HRC/13/2 and A/HRC/13/2/ Add.1), Dominican Republic (A/HRC/13/3), Cambodia (A/HRC/13/4 and A/HRC/13/4/ Corr.1), Norway (A/HRC/13/5 and A/HRC/13/5/ Corr.1), Albania (A/HRC/13/6), Cyprus (A/HRC/13/7 and A/HRC/13/7/Add.1), Democratic Republic of Congo (A/HRC/13/8), Ivory Coast (A/HRC/13/9 and A/HRC/13/9/Add.1/ Rev.1), Portugal (A/HRC/13/10 and A/HRC/13/10/Add.1), Bhutan (A/HRC/13/11, A/HRC/13/11/Add.1, and A/HRC/13/11/Add.1/ Corr.1), Dominica (A/HRC/13/12), North Korea (A/HRC/13/13), Brunei Darussalam (A/HRC/13/14), Costa Rica (A/HRC/13/15 and A/HRC/13/15/Add.1), Equatorial Guinea (A/HRC/13/16), and Ethiopia (A/HRC/13/17 and A/HRC/13/17/ Add.1).

V) PANEL DISCUSSIONS AND NGO PARALLEL EVENTS

HRC Panel Discussions

By now the instrument of official panel discussions within the formal session time of the HRC has become established practice. This allows drawing on external experts, beyond the scope of mandated Special Procedures. While there is merit in having those discussions be part of the formal session and thus appear in formal records, the atmosphere so far has been rather less interactive and dominated by diplomatic statements.

One of the official panel discussions at this session of the HRC focused on the consequences of the financial and economic crisis. Juan Somavia (Director General of the ILO) and Martin Khor (Director of South Centre) made the argument for putting employment at the centre of recovery policies. During the discussion, several delegations called for a fundamental reform of the financial, monetary and economic system. A second panel discussion dealt with the draft declaration on human rights education and training. It would have been desirable that Katarina Tomasevski had been sitting on the podium, former Special Rapporteur on the right to education. She had expressed her deep disappointment in her last report in 2003 that states were not complying with their public announcements on improvements in this sector.

A third panel discussion dealt with the implementation and monitoring of the Convention on the Rights of Persons with Disabilities, especially the structure and role of national mechanisms. All speakers emphasized that with this Convention people with disabilities finally dispose of a genuine human rights standard, as other standards do not adequately take into account their specific concerns.

A fourth panel discussion addressed the issue of truth. The High Commissioner stated at the outset that the issue of truth originally was

linked to the problem of disappearances while now it is discussed also in the context of e.g. extrajudicial killings and torture. The right to truth might be eventually established as an independent right. Rodolfo Mattarolo (Attorney Argentina) noted that the right to truth requires also the enhancement of forensic examination methods.

In relation to child rights, there was an all-day discussion forum, which dealt with sexual violence against children. Bacre Waly Ndiaye (Director in the Special Procedures Division, OHCHR) introduced the discussion and identified the key locations of such violence: home, schools, institutions and prisons, the workplace, the community in emergency situations, natural disasters, and in armed conflict. The second panel dealt with the areas of protection and proactive measures. Ibrahim Salama (Director of Human Rights Treaties Division, OHCHR) stated that all violence against children is preventable. Susana De La Puente Villarán (Member of the UN Committee on Child Rights) emphasized this by adding that most of the states' party to the treaty do not define 'sexual violence against children' in their Criminal Code. The same applies to preventive protection, e.g. the civil rules for the minimum age for marriage as well as the provisions regarding criminal liability of minors. Participants favoured that child-led initiatives should be more involved in children's rights initiatives. Maud De Boer-Buquicchio (Vice Secretary General of the Council of Europe) pointed out that the Council of Europe has adopted a Convention against sexual violence, i.e. the Lanzarote Convention.

NGO Parallel Events

The parallel events offered by NGOs included a large range of topics: working and living conditions of domestic workers, freedom of assembly in the Mediterranean region, freedom of expression in the Internet, human

rights in the Arab world, in the DRC, Colombia, France, Equatorial Guinea, Iran, Palestine, Sri Lanka, North Korea, Egypt, Brazil, Sudan, Syria, South Asia, Pakistan, Zimbabwe, Afghanistan, the right to housing in the U.S., right to peace, gender equality, international women's day, threat to human rights defenders while cooperating with UN institutions, two further events on risks for human rights defenders, armed conflict and violation of human rights / women's rights, Convention against genocide, extreme poverty and self-determination, human rights and anti-terror fight, the financial and economic crisis, the right to education for children in Africa, social security for migrants, the Berkeley University project in 2048 to the World Court of Human Rights, the role of health personnel in documenting torture, right of expression, religion and defamation, torture and anti-terrorism, ESC rights and the MDGs, xenophobia in Africa, social justice and peace in Southeast Asia. In relation to Colombia, two side events took place in parallel on the same day at almost the same time, by the Colombian Commission of Jurists (CCJ) and by the government. The presentations at the event arranged by CCJ discussed and assessed recent events in Colombia.

One of the panel discussions, organized by the International Commission of Jurists (ICJ), considered the state of justice in Sri Lanka after the Civil War. Kishali Pinto-Yesyawardena, author of the 2010 published the book "*Still Seeking Justice in Sri Lanka*", Dr Rohan Gunaratna and MCM Iqbal formed the panel, both had served in earlier years consultants and members of commissions of inquiry. The Geneva Embassy of Sri Lanka was represented with 4 people. Sri Lankan government officials shared the concern about the functionality of justice, and indicated several legislative proposals and an action plan on human rights. The panellists expressed their doubts as long as Police officers are still in service while being indicted for violations.

A Parallel Event by UPR Info, an NGO focusing on providing useful tools to engage actively with the UPR introduced a new search engine on the UPR site of the Geneva NGO UPR Info:

see the PowerPoint presentation from Roland Chauville Database of UPR Recommendations at <http://www.upr-info.org/database>. There is a classification by categories, which each country assigns to content / recommendations, a ranking of content, recommendations and much more. Among the countries studied so far with the most recommendations ranked Vietnam, North Korea, Israel, Mexico, Yemen and Cuba. The most common issues raised in the UPR process were the ratification of international human rights standards, women's rights, child rights, torture and the UN treaty bodies.

On the subject of religious defamation and religious freedom, several events and debates were organised. The NGO INTER FAITH INTERNATIONAL organized a panel discussion with eminent representatives of the Catholic and Protestant church, the President of the Ahlul Bayt Islamic League, the Grand Rabbi of Geneva and the Director of the Inter-Knowing Foundation in Geneva. Another parallel event presented an initiative on the review process of the HRC in 2011, supported by Mexico and France. Focusing on the UPR process, which is generally considered as a value-added because of its impact on national processes. The role of the troika or the introduction of information by non-state actors were found to leave room for improvement. It was suggested that during the follow-up process, a questionnaire could be prepared and sent to the Government with a request to answer.

The Friedrich-Ebert-Stiftung offered two parallel events during this session, one in collaboration with Migrants' Rights International focusing on social security for migrant workers, the second on the impact of climate change on the situation of people living in extreme poverty.

In the parallel event on social security for migrant workers, the panelists highlighted the challenges for migrant workers to enjoy coverage of social security. Often, the fact that social security is actually a right, as established by the CDESCR, is neglected and the debate only considers social security as a contract obligation in formal working. In many instances, migrant workers do contribute to

the social security systems without being able to access benefits once they return to their home countries.

The second parallel event served to launch a new FES publication entitled “The Human Rights of the Poor in a Changing Global Climate” by Thea Gelbspan. This paper had been prepared as input to the work of the Independent Expert on Extreme Poverty and Human Rights, Magdalena Sepulveda, who introduced its main contents as panelist at the event.

The impact of climate change on the enjoyment of human rights, especially of persons living in extreme poverty, is well established and most daunting. It is a point of utmost injustice that

those who contribute least to anthropogenic global warming are at the same time the most affected. Additionally, a hostile political climate brought the UN’s climate negotiations to a standstill. The Copenhagen Accord falls far short of any expectations posed on the 15th meeting of the Conference of Parties (COP 15) last December. But the negotiation texts debated in Copenhagen keep developing and courageous negotiating efforts in the lead up to COP 16, coming up in November 2010 in Mexico, could still result into a legally binding text. This parallel event was a possibility to take stock of the outcome of Copenhagen from a human rights perspective and debate the road to the next UNFCCC summit in Cancun, Mexico.

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Annex

Resolutions and Decisions

Please note: As by now, the final document numbers are not published, the number of the submissions are used. If there is no further comment, all resolutions and decisions have been adopted without a vote.

- Composition of staff of the Office of the United Nations High Commissioner for Human Rights A/HRC/13/L.18.
 - 31 Yes: Angola, Argentina, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, and Zambia
 - 12 No: Belgium, France, Hungary, Italy, Japan, Netherlands, Norway, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, and United States of America
 - 3 Abstentions: Bosnia and Herzegovina, Chile, and Republic of Korea
Ghana did not participate.
- Enhancement of international cooperation in the field of human rights A/HRC/13/L.7/Rev.1.
- Human rights and arbitrary deprivation of nationality A/HRC/13/L.4/Rev.1.
- Extension of the mandate of the Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child A/HRC/13/L.5.
- Extension of the mandate on the right to food A/HRC/13/L.17.
- Adequate housing as in the context of mega-events and to create a sustainable, development-oriented housing legacy A/HRC/13/L.6/Rev.1.
Cuba and South Africa expressed their disagreement in relation to the subject of mega-events.
- Human rights of persons with disabilities A/HRC/13/L.8; e.g. mandates the OHCHR to assess its implementation until 2011.
- The rights of persons belonging to national or ethnic, religious and linguistic minorities A/HRC/13/L.11.
- Human rights defenders A/HRC/13/L.24/Rev.1.
Successful intensive consultations by Norway in order to avoid restrictions for human rights defenders emerging from references to national law.
- Torture and other cruel, inhuman or degrading treatment or punishment A/HRC/13/L.19/Rev.1.
- Rights of the child / the fight against sexual violence A/HRC/13/L.21/Rev.1.
- Protection of journalists in situations of armed conflict A/HRC/13/L.12.
- The HRC decided to convene a panel discussion at its fourteenth session.
- Protection of human rights and fundamental freedoms while countering terrorism A/HRC/13/L.20/Rev.1.
Cuba and China disagreed that Special Procedures would directly report to the UN Security Council (Operative Paragraph 19).
- Trafficking in persons, especially women and children A/HRC/13/L.25.
The HRC decided to hold a panel discussion at its fourteenth session.

- Situation of human rights in the Democratic People's Republic of Korea, extension of the mandate for one year A/HRC/13/L.13.
28 Yes: Argentina, Bahrain, Belgium, Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, Djibouti, France, Ghana, Hungary, Italy, Japan, Jordan, Madagascar, Mauritius, Mexico, Netherlands, Norway, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, and Zambia
5 No: China, Cuba, Egypt, Indonesia, and Russian Federation
13 Abstentions: Angola, Bangladesh, Bolivia, Cameroon, India, Kyrgyzstan, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Senegal, and South Africa
Gabon did not vote.
- Situation of human rights in Myanmar, extension of the mandate for one year A/HRC/13/L.15.
China, India, Russian Federation and Cuba dissociated from the consensus while not asking for a vote.
- A United Nations declaration on human rights education and training A/HRC/13/L.22.
The Council decided to establish an open-ended intergovernmental working group with the mandate of negotiating, finalising and submitting to the Council the draft United Nations declaration on human rights education and training, on the basis of the draft submitted by the Advisory Committee.
- Social Forum, the Council decided that the Social Forum will meet for three working days in 2010, in Geneva, and that it should focus on the negative effects of climate change on the full enjoyment of human rights A/HRC/13/L.16.
- Human rights in the occupied Syrian Golan A/HRC/13/L.2.
31 Yes: Angola, Argentina, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, and Zambia
1 No: USA
15 Abstentions: Belgium, Bosnia and Herzegovina, Cameroon, France, Gabon, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, and United Kingdom of Great Britain and Northern Ireland
France on behalf of the EU criticised text as being unnecessarily aggravated compared to the resolution adopted by the UN General Assembly to which the EU had agreed.
- The right of the Palestinian people to self-determination A/HRC/13/L.27.
45 Yes
1 No: USA
Cameroon did not vote.
Keynote address by the US delegation to the series of resolutions under agenda item 7 while simultaneously and fundamentally criticizing the current Israeli policy (see above).
- Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem A/HRC/13/L.28.
46 Yes
1 No: USA
France on behalf of the EU identified Israel's settlement policy as not congruent with international law.
- Grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem A/HRC/13/L.29.
31 Yes: Angola, Argentina, Bahrain, Bangladesh, Bolivia, Brazil, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, and Zambia
9 No: Belgium, France, Hungary, Italy, Netherlands, Norway, Slovakia, United Kingdom of Great Britain and Northern Ireland, and United States of America

- 7 Abstentions: Bosnia and Herzegovina, Burkina Faso, Cameroon, Japan, Republic of Korea, Slovenia, and Ukraine
- Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict A/HRC/13/L.30; establishes a committee of independent experts.
 - 29 Yes: Angola, Argentina, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Slovenia, South Africa, Uruguay, and Zambia
 - 6 No: Hungary, Italy, Netherlands, Slovakia, Ukraine, and United States of America
 - 11 Abstentions: Belgium, Burkina Faso, Cameroon, Chile, France, Japan, Madagascar, Mexico, Norway, Republic of Korea, and United Kingdom of Great Britain and Northern Ireland
- Gabon did not vote.
- Combating defamation of religions A/HRC/13/L.1.
 - 20 Yes: Bahrain, Bangladesh, Bolivia, Burkina Faso, China, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kyrgyzstan, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, and South Africa
 - 17 No: Argentina, Belgium, Chile, France, Hungary, Italy, Mexico, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, and Zambia
 - 8 Abstentions: Bosnia and Herzegovina, Brazil, Cameroon, Ghana, India, Japan, Madagascar, and Mauritius
- Angola and Gabon (OIC member) did not vote.
- Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination A/HRC/13/L.9.
France and Argentine expressed their concerns on the current text version.
 - A world of sports free from racism, racial discrimination, xenophobia and related intolerance A/HRC/13/L.26/Rev.1.
Joint initiative by Nigeria and Brazil.
 - Technical cooperation with Guinea A/HRC/13/L.14.
 - Technical cooperation with DRC A/HRC/13/L.23.
Extension of the mandates of 7 Special Rapporteurs to present their report in March 2011.
 - Adoption of the reports by the Advisory Committee (PRST/13/1).
 - New mandate holder of the Special Procedures.
Yessminka Dzumhur (Bosnia and Herzegovina), Working Group on enforced disappearance
Vladimir Tochilovsky (Ukraine), Working Group on arbitrary detention
Verena Shepherd (Jamaica), Working Group on People of African Descent

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