COUNCIL ESTABLISHES COMMITTEE OF EXPERTS IN CONTEXT OF FOLLOW-UP OF GOLDSTONE REPORT, RENEWS MANDATE ON DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA

Adopts Texts on Defamation of Religions, Adequate Housing, Persons with Disabilities, Minorities, Human Rights Defenders and Human Rights Education and Training

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The Human Rights Council this morning adopted eight resolutions, including one in which it established a committee of experts in the context of follow-up to the Goldstone report and another in which it extended the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of Korea for one year.

On follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, the Council reiterated the call by the General Assembly upon the Government of Israel and the Palestinian side to conduct investigations that were independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, with a view to ensuring accountability and justice. The Council established a committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side.

On the situation of human rights in the Democratic People’s Republic of Korea, the Council expressed serious concern at ongoing grave, widespread and systematic human rights violations in the Democratic People’s Republic of Korea and decided to extend the mandate of the Special Rapporteur for a period of one year. The Council urged the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and to permit him unrestricted access to visit the country and to provide him with all necessary information to enable him to fulfil his mandate.

Under its agenda item on racism, racial discrimination, xenophobia and related forms of intolerance: follow-Up to and implementation of the Durban Declaration and Programme of Action, the Council adopted a resolution with regard to combating defamation of religions, in which it expressed deep concern that Islam was frequently and wrongly associated with human rights violations and terrorism and regretted the laws or administrative measures specifically designed to control and monitor Muslim minorities. The Council requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to report on all manifestations of defamation of religions, and in particular on the ongoing serious implications of Islamophobia, on the enjoyment of all rights by their followers, to the Council at its fifteenth session.

Four resolutions were adopted under the agenda item on the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. On adequate housing as a component of the right to an adequate standard of living, the Council called upon States, in the context of mega-events, to promote the right to adequate housing and to create a sustainable, development-oriented housing legacy, and to strive in this regard, inter alia.

Concerning the human rights of persons with disabilities, the Council decided that its next annual interactive debate on the rights of persons with disabilities would be held at its sixteenth session, and that it would focus on the role of international cooperation in support of national efforts to realize the purpose and objectives of the Convention.

With regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities, the Council urged States to review, enact and amend their legislation, where necessary, as well as their educational policies and systems, to ensure the realization of the right to education to eliminate discrimination and to provide for equal access to quality education for persons belonging to minorities.

On the protection of human rights defenders, the Council urged States to take timely and effective action to prevent and protect against attacks on and threats to persons engaged in promoting and defending human rights and fundamental freedoms and their relatives, including through the possibility of developing an early warning system to facilitate broader awareness of imminent risks and to enable effective responses.

The Council also adopted a resolution under its agenda item on human rights bodies and mechanisms on a United Nations declaration on human rights education and training, in which it decided to establish an open-ended intergovernmental working group with the mandate of negotiating, finalizing 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.

Speaking this morning in introductions of resolutions were Germany, Finland, Mexico on behalf of New Zealand, Austria, Norway, Spain on behalf of the European Union, Japan, Morocco and Pakistan.

Speaking in general comments were Cuba, Brazil, United Kingdom, Senegal, China, Russian Federation, Egypt, Chile and Saudi Arabia.

Speaking in explanations of vote before the vote were Mexico, United States, Argentina, Chile, Netherlands, Italy, Uruguay, Japan, Norway, South Africa, Russian Federation, Cuba, Egypt, Indonesia, India, Uruguay, Kyrgyzstan, Mexico, France and Brazil.

Speaking as concerned countries were Israel, Palestine and Democratic People's Republic of Korea.

Speaking in explanations of vote after the vote were the Russian Federation and Belgium.

The next meeting of the Council will be at 3 p.m., when it will continue to take action on pending draft resolutions and decisions before it concludes its session on 26 March.

Action on Resolutions Under the Agenda Item on Human rights Situation in Palestine and Other Occupied Arab Territories

In a resolution (A/HRC/13/L.30) on follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, adopted with twenty-nine in favour, six against, and eleven abstentions, as orally amended, the Council reiterates the call by the General Assembly upon the Government of Israel to conduct investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, with a view to ensuring accountability and justice; reiterates the urging by the General Assembly for the conduct by the Palestinian side of investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, with a view to ensuring accountability and justice; calls upon the High Commissioner to explore and determine the appropriate modalities for the establishment of an escrow fund for the provision of reparations to the Palestinians who suffered loss and damage as a result of unlawful acts attributable to the State of Israel during the military operations conducted from December 2008 to January 2009; decides to establish a committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in the light of General Assembly resolution 64/254, including the independence, effectiveness, genuineness of these investigations and their conformity with international standards; and invites the International Committee of the Red Cross and interested parties and stakeholders to consider the launching of an urgent discussion on the legality of the use of certain munitions, as recommended by the Fact-Finding Mission.

Draft resolution L.30 was presented by Pakistan at the end of yesterday’s meeting (please see separate release, HRC/10/45).

The result of the vote was as follows:

In favour (29): 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.

Against (6): Hungary, Italy, Netherlands, Slovakia, Ukraine, and United States of America.

Abstentions (11): Belgium, Burkina Faso, Cameroon, Chile, France, Japan, Madagascar, Mexico, Norway, Republic of Korea, and United Kingdom of Great Britain and Northern Ireland.

AHARON LESHNO-YAAR (Israel), speaking as a concerned country, said the draft resolution now being considered would do nothing to bring Israelis and Palestinians closer together, and offered no real hope for the resumption of negotiations. Despite the claims of the Palestinians, even they did not really believe that the draft resolution would actually help their people move towards a better future and peaceful coexistence with Israel. Like the other resolutions adopted yesterday, the agenda behind L.30 was so one-sided, biased and defamatory that it crossed the line of being only anti-Israeli. There was no condemnation in any of the texts of the ongoing rocket attacks from Gaza, no mention of Hamas, no call on the sides, the Quartet or even the United Nations to do anything about resuming dialogue. The idea of forming a new committee of experts – a new group to write a new round of “Goldstonesque” reports – would be a new sinkhole for United Nations resources. It clearly contradicted and duplicated last month's General Assembly resolution which asked the Secretary-General to report on investigations by the end of July, as the committee of experts would shoot out another report less than two months later, and further confuse the landscape of the law, confusing international human rights law with the laws of conflict. No such committee had been formed by the Council before, and it would serve as a dangerous precedent for other such situations.

Only one side had shown introspection on its legal processes since the end of the conflict; only Israel had shared with the public and the international community its considerations, challenges, ideals and structures on its international law responsibilities. Without any connection to cynical manoeuvring by the Palestinians, only Israel had remained committed to sharing its findings. While the Goldstone report had creatively suggested such a committee, it had suggested and recommended that it be formed by the Security Council. The Palestinians had lost interest in the details of the proposal, and suggested it be moved to the Human Rights Council, where they were sure they had the votes. Watching the manner in which the Council operated this week, it was useful to remember the thoughtful words of former Secretary-General Kofi Annan: Palestinians and their supporters would never be effective if they focused solely on Israel's transgressions without paying attention to Israel's concerns, and without admitting that Israel's opponents had committed appalling crimes. He had also stated that some of the rhetoric used in connection with the issue implied a refusal to consider the very legitimacy of Israel's existence, and the validity of its security concerns.

IBRAHIM KHRAISHI (Palestine), speaking as a concerned country, called upon the Council to assist Israel to respect the law – to be an ordinary member of this group, and to stop acting as if it were above the law, exaggerating and disregarding all norms and laws. Palestine believed that what the Council had been attempting to do yesterday by adopting the three resolutions was in keeping with international human rights law. There had been no single political text, and if such were the case Palestine would be happy to remove it. As for the draft under consideration now, it would strengthen the work of the Council. Everybody repeated daily the words “accountability” and “responsibility”. If those words were not the guide, then what would the Palestinian people be given? Palestine was committed to law and would hold itself accountable to its commitments. In that connection, a committee had been formed by independent persons and the results would come in line with international criteria.

In the draft resolution before the Council the question of reparation was discussed, and Palestine called upon the Council and the High Commissioner for Human Rights to undertake a study on the forms of reparations for those who had suffered damage. In practical terms, the first responsible party was Israel. That had nothing to do with politics, but would give hope to any parts of the world were civilians had been attacked. On the question of weapons, Palestine called for a serious discussion of the utilization of internationally banned weapons. There were cluster bombs that still exploded in the face of children as the result of the use of internationally banned cluster munitions. Light had to be shed on such events, and such weapons should not be used. The draft resolution strengthened the credibility of the Council and indicated the possibility given to that organ to have a mechanism that allowed investigation and implementation of the resolution that had established the Council in the first place. Palestine thanked all who had voted for previous resolutions on this item and those who would vote for the present draft resolution.

JUAN JOSE GOMEZ CAMACHO (Mexico) said Mexico rejected resorting to violence as a way to solve conflict. It condemned the military action that was taking place. It was imperative to ensure strict adherence to international humanitarian law and a full respect for human rights. Those had to be observed by all. Mexico attached the greatest importance to having independent groups investigate human rights violations that had been committed. It was also aware of the complexity that Palestine was facing in carrying out investigations. Mexico feared, however, that it was premature to create an independent expert committee. Moreover, the reparations fund mentioned in paragraph 8 appeared to only recognize victims from one of the parties. Mexico was further concerned that all efforts needed to be focused and that the multiplication of initiatives would only polarize the situation and further jeopardize the finding of a solution.

EILEEN CHAMBERLAIN DONAHOE (United States), speaking in an explanation of vote before the vote, said that, as members of the Council, there was a shared responsibility to respond to allegations to human rights violations around the world; and yet the response often differed as to how best to respond. Such differences regarding the situation in the Gaza Strip had been on display since the Goldstone report had come out last September. Allegations about events that took place in Gaza had to be taken seriously, and warranted serious domestic action. The best way to address and present abuses arising from the conflict was to end it through a comprehensive peace settlement involving two States living side by side in peace and security. The Human Rights Council was not the venue for reaching an Israeli-Palestine peace agreement. The foremost responsibility for upholding human rights lay with the Governments involved, as it was their duty to investigate allegations of human rights violations and hold perpetrators responsible.

The United States recognized the work that Israel had carried forward and Palestine had begun in order to investigate the situation. Much more work remained to be done. Israel was a well-established democracy, and had charged its institutions to investigate accountability measures on the Gaza Strip. The Palestinian Authority had taken a responsible step by announcing the creation of a commission to investigate the effects on Palestinians of the conflict. There should be accountability on both sides for violations, and the domestic processes should be left to play out of their own accord. The United States called for a vote on the resolution, and would vote against it.

HECTOR RAUL PELAEZ (Argentina), in an explanation of vote before the vote, said Argentina would vote in favour of the draft resolution. However, it would have been desirable that the fund mentioned covered victims of both sides, even though Palestine of course had suffered the majority of casualties and losses.

CARLOS PORTALES (Chile), speaking in explanation of vote before the vote, said that yesterday, all Council Members had acknowledged that for peace there had to be two independent States that would live together side by side. Members had also approved a resolution to put an end to the policy of settlement in Occupied Territories. Chile had also condemned the launching of missiles that had cost lives. Chile could only support efforts made to build peace. It favoured the respect of human rights and international humanitarian laws. Unfortunately, the draft resolution moved away from a universal approach. That was partly why it would have to abstain from endorsing the draft resolution.

JAN SIEBEN (Netherlands), also speaking on behalf of Hungary and Slovakia in an explanation of vote before the vote, said it was essential for the Council to handle the Goldstone report and its follow-up in a consistent manner. There should be investigations on both sides, as stipulated in the Goldstone report, and respect for international humanitarian law and human rights law had to remain an integral part of that process. Draft resolution L.30 was silent on follow-up on both sides, and instead created another follow-up mechanism. It was the responsibility of the parties to conduct their follow-up investigations, but they could ask the international community for technical assistance. The draft resolution, further, did not include the responsibility of both the parties. Holding a Conference of the Contracting Parties of the Fourth Geneva Convention would not help the process. In addition, the use of certain types of ammunition did not fall in the scope of the Council. The concerned parties should continue their investigations of the violations of human rights and international humanitarian law, and those should be reported back to the Council. For those reasons, Hungary, Slovakia and the Netherlands would vote against the draft resolution.

LAURA MIRACHIAN (Italy), in an explanation of vote before the vote, said the peace process in the Middle East was a common priority. The need for accountability had to be taken into account as the report of the Fact-Finding Mission had noted instances of grave violations of international human rights law. Italy acknowledged that relevant steps had already been taken, and said the text before the Council introduced new elements and follow-up mechanisms that would duplicate existing efforts. Italy was therefore not in a position to support the text and would vote against it.

LAURA DUPUY (Uruguay), speaking in explanation of vote before the voting, said it would vote in favour of draft resolution L.30. However, it stressed that the draft resolution should include the protection of all people without making distinctions on their race or creed.

SHINICHI KITAJIMA (Japan), speaking in an explanation of vote before the vote, said as stated earlier this week in the general debate, violence towards civilians by any State or non-State actor was a violation of international human rights law and international humanitarian law and those responsible should be brought to justice. Thus, Japan joined the call by the General Assembly to hold investigations that were independent, credible, and in conformity with international standards. However, Japan also had to say that the decision to establish a committee of experts should have been made in a more cautious manner, including the necessity to avoid duplication with the relevant procedures, the appropriateness of the mandate, and the timing of its establishment. Further discussion should have been held on those elements. Based on those considerations, Japan would abstain from voting, and sincerely hoped that the discussion on this issue in the Council, including the adoption, would not adversely affect the efforts by all parties to achieve a just, lasting peace in the Middle East.

BEATE STIRO (Norway), in an explanation of vote before the vote, said Norway supported General Assembly’s resolution 64/254, which called on all parties to conduct investigations that were independent and complied with international standards. In the follow-up of the Goldstone report it was essential to ensure a coherent United Nations approach and operative paragraph 9 of the draft resolution contradicted the General Assembly resolution. Therefore, Norway could not support draft resolution L.30 and would abstain.

VALERY LOSHCHININ (Russian Federation), in explanation of the vote after the vote, said the Russian Federation had noted that the parties had held in-depth talks on the draft resolution. Co-sponsors had also taken into account a number of considerations. Russia was particularly satisfied with Pakistan’s amendment in paragraph 9. If all parties concerned had been able to adopt other amendments, the draft resolution would have received even wider support.

HUGO BRAUWERS (Belgium), speaking in an explanation of vote after the vote, said that the consultations on draft resolution L.30 had been prematurely ended, and constructive amendments had not been included. Belgium also regretted the discussion in operative paragraph 8, which proposed a new mechanism. Belgium was attached to combating impunity in human rights and international law in general, and attached great importance to the respect of international humanitarian law in conflicts by all parties, State and non-State. The principle of accountability was one that meant that all allegations of serious human rights violations and humanitarian law should be investigated in depth, and those who had committed violations should be held responsible, and victims compensated if possible, and for that reason, all parties should complete their investigations. Dialogue was the proper tool for stopping future violations of human rights and humanitarian law, and to remedy the violations that had been committed.

Action on Resolutions Under the Agenda Item on Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development

In a resolution (A/HRC/13/L.6) on adequate housing as a component of the right to an adequate standard of living, in the context of mega-events, adopted without a vote as orally amended, the Council calls upon States, in the context of mega-events, to promote the right to adequate housing and to create a sustainable, development-oriented housing legacy, and to strive in this regard, inter alia: to integrate housing concerns into the bidding and planning process at an early stage and to assess the impact on the affected population throughout the process; to ensure full transparency of the planning and implementation process and the meaningful participation of the affected local communities therein; to pay particular attention to persons belonging to vulnerable and marginalized groups, including by respecting the principles of non-discrimination and gender equality; and to explore alternatives to evictions and to undertake any such evictions as may be necessary in accordance with the domestic legal framework and in full compliance with the relevant provisions of international human rights law, including those for adequate and effective remedies. The Council also requests the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living to consider, as appropriate, the issue of mega-events in the context of her work.

REINHARD SCHWEPPE (Germany), introducing draft resolution L.6, said the text was inspired by the annual report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and by the conviction of the main sponsors that mega-events provided major opportunities to enhance the affordable housing stock and to improve the related infrastructure. The draft resolution stressed the broad notion that mega-events were often accompanied by substantive investments in the field of accommodation and infrastructure and emphasized the need to pay adequate attention to housing considerations in the bidding and planning process of mega-events at an early stage.

HANNU HIMANEN (Finland), also introducing draft resolution L.6, said that, in the context of mega-events it was often marginalized groups whose housing rights were most affected. States should therefore pay particular attention to the rights of such groups in relation to mega-events. As one of the co-sponsors, Finland encouraged all host countries of mega-events to share good practices so as to provide guidance to future hosts.

RODOLFO REYES RODRIGUEZ (Cuba), in a general comment on draft resolution L.6, said Cuba fully respected the work that had been carried out by sponsors of that text. Still, it had some problems with the text. It would seem that mega-events would be limited to developed countries. They could afford to pay millions to a football player. Therefore, could Olympic sports only take place in rich countries? Frankly, this issue should not really be a priority with regard to the right to housing when there were far bigger problems like Haiti, where people did not even have shelters.

PITSO MONTWEDI (South Africa), speaking in an explanation of vote before the vote, said that although the delegation would support L.6, there were concerns for the fundamental approach of the sponsors and co-sponsors. In its current configuration, the draft gave a slanted perspective, seeming to say that the right to housing was only the responsibility of those States who had or would host mega-events, in particular sporting events. The International Covenant on Economic, Social and Cultural Rights said that all needed to work for the progressive realization of economic, social and cultural rights. The draft should have been predicated on that vision. The intersection between mega-events and the right to housing was clearly untenable, as it sought to absolve States of their primary responsibilities. Mega-events could come only once for some countries, or not at all, and the requirement to meet the housing needs of vulnerable categories of the population was ever increasing, placing obligations on all States. All the mega-economies, which commanded mega-resources, should do more to meet the needs of their populations, whether they hosted mega-events or not. In South Africa, economic, social and cultural rights were constitutionally guaranteed, and it was working to ensure that the right to housing was inclusive of the right to an adequate standard of living. South Africa did not support an approach that could be seen as selectively targeting some countries, and certain sporting codes. Cultural events could not contribute to the enhancement of the scope of the right to housing. The draft resolution should reflect a vision consistent and compatible with the Covenant on Economic, Social and Cultural Rights. The Council should not be distracted from its mission by such mega-events.

MARC STORELLA (United States), in an explanation of vote before the vote, said the United States was pleased to join the consensus. Housing was an essential element of human happiness and dignity, and its importance had been underscored by President Obama and Secretary of State Hillary Clinton. The United States was dedicated to addressing housing issues and agreed that it was important to respect housing-related rights in relation to mega-events. The United States had numerous programmes to assist its citizens in their right to housing.

In a resolution (A/HRC/13/L.8) on the human rights of persons with disabilities: national implementation and monitoring and introducing as the theme for 2011 the role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities, adopted without a vote as orally revised, the Council decides that its next annual interactive debate on the rights of persons with disabilities will be held at its sixteenth session, and that it will focus on the role of international cooperation in support of national efforts to realize the purpose and objectives of the Convention; requests the Office of the High Commissioner to prepare a study to enhance awareness of the role played by international cooperation in support of national efforts for the realization of the purpose and objectives of the Convention on the Rights of Persons with Disabilities, in consultation with relevant stakeholders, and requests that the study be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the sixteenth session of the Council; encourages organizations of persons with disabilities, national monitoring bodies and human rights institutions to participate actively in the next Council debate on this issue, as well as in regular and special sessions of the Council and its working groups; and requests the Secretary-General and the High Commissioner to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines that the Council, including its Internet resources, should be fully accessible to persons with disabilities.

JUAN JOSE GOMEZ CAMACHO (Mexico), introducing draft resolution L.8 on the human rights of persons with disabilities, said the sponsors were firmly committed to the rights of persons with disabilities and believed that the Council had a fundamental role to play in ensuring that people living with disabilities could fully enjoy their rights. The draft resolution concentrated on the imperative need to establish adequate national frameworks to ensure implementation of the Convention on the Rights of Persons with Disabilities. The draft also requested the High Commissioner for Human Rights to prepare a study to enhance awareness of the role played by international cooperation in support of national efforts for the realization of the purpose and objectives of the Convention, in consultation with relevant stakeholders. Mexico urged all parties to actively contribute towards the preparation of the study as a tool for the related debate to be held in the Council. Mexico called on Council Members to adopt the draft resolution without a vote.

In a resolution (A/HRC/13/L.11) on the rights of persons belonging to national or ethnic, religious and linguistic minorities, adopted without a vote, the Council urges States to review, enact and amend their legislation, where necessary, as well as their educational policies and systems, to ensure the realization of the right to education to eliminate discrimination and to provide for equal access to quality education for persons belonging to minorities; also urges States to develop appropriate mechanisms for effective participation of and consultation with persons belonging to minorities in order to take into account their views in decision-making processes affecting them; welcomes the successful completion of the first two sessions of the Forum on Minority Issues addressing the right to education and the right to effective political participation, and encourages States to take into consideration relevant recommendations of the Forum; invites the human rights treaty bodies and special procedures of the Council to continue to give attention, within their respective mandates, to the situations and rights of persons belonging to minorities and to take into consideration relevant recommendations of the Forum; requests the High Commissioner to present an annual report to the Council containing information on relevant developments of United Nations human rights bodies and mechanisms, as well as on the activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of and respect for the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; and requests the Office of the High Commissioner to prepare a compilation of existing manuals, guides, training material and other tools dealing with minority issues by various United Nations entities, and to present the compilation to the Council at its sixteenth session.

CHRISTIAN STROHAL (Austria), introducing draft resolution L.11, said Austria had sponsored the draft resolution on human rights for persons belonging to minorities for many years. The protection and promotion of the rights of persons belonging to minorities was vital for the political and social stability of States. Despite efforts, minorities around the world suffered from poverty and discrimination. The draft resolution aimed at two topics that had been discussed at the Forum on Minority Issues in 2008 and 2009 – namely, the right to education, and the right to political participation for minorities. The text required a review of national frameworks and mechanisms to ensure those rights. The draft resolution also commended the valuable work undertaken by the Independent Expert on minority issues, and invited stakeholders to take into account the relevant recommendations of the Forum. There had been open-ended and transparent negotiations on the text, and all delegations were thanked for their active and constructive support. Austria called for the draft resolution to be adopted without a vote, as in previous years.

In a resolution (A/HRC/13/L.24) on protection of human rights defenders, adopted without a vote as orally amended, the Council urges States to take timely and effective action to prevent and protect against attacks on and threats to persons engaged in promoting and defending human rights and fundamental freedoms and their relatives, including through the possibility of developing an early warning system to facilitate broader awareness of imminent risks and to enable effective responses; also urges States not to discriminate against human rights defenders on any grounds, such as race, colour, sex, language or religion, and to desist from any discriminatory measures against them, including intimidation, profiling, confiscation of assets, suspension of activities and exclusion from national consultative processes; calls upon States to allocate sufficient resources for the effective implementation of necessary protection measures, including specific training for persons involved in their implementation; urges States to investigate, in a prompt, effective, independent and accountable manner, complaints and allegations regarding threats or human rights violations perpetrated against human rights defenders or their relatives and to initiate, when appropriate, proceedings against the perpetrators so as to ensure that impunity for such acts is eliminated; and encourages relevant United Nations bodies and agencies, within their respective mandates and in cooperation with the country concerned, to support the development of appropriate strategies and responses for protecting human rights defenders.

CLAIRE HUBERT (Norway), in introduction of resolution L.24 on the protection of human rights defenders, said the draft resolution recalled the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and reiterated the importance of its implementation. It also urged States to promote a safe and enabling environment in which human rights defenders could operate free from hindrance and insecurity, and it urged States to publicly acknowledge the legitimate role and the important work of human rights defenders as an essential component of their protection.

ALEXEY GOLTYAEV (Russian Federation), in an explanation of vote before the vote, welcomed the readiness of all parties involved in draft resolution L.24 on the rights of human rights defenders, to work with all States and groups. Russia would join in the consensus, in particular as the draft would not create additional obligations for States in observing the rights of human rights defenders.

Action on Resolutions Under the Agenda Item on Human Rights Situations That Require the Council’s Attention

In a resolution (A/HRC/13/L.13) on the situation of human rights in the Democratic People’s Republic of Korea, adopted with twenty-eight in favour, five against, and thirteen abstentions, the Council expresses serious concern at ongoing grave, widespread and systematic human rights violations in the Democratic People’s Republic of Korea; commends the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of the mandate, despite the limited access to information; decides to extend the mandate of the Special Rapporteur, in accordance with Council resolution 10/16, for a period of one year; urges the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and to permit him unrestricted access to visit the country and to provide him with all necessary information to enable him to fulfil his mandate; and also urges the Government to ensure full, rapid and unimpeded access of humanitarian assistance that is delivered on the basis of need, in accordance with humanitarian principles, coupled with adequate monitoring.

The result of the vote was as follows:

In favour (28): 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.

Against (5): China, Cuba, Egypt, Indonesia, and Russian Federation.

Abstentions (13): Angola, Bangladesh, Bolivia, Cameroon, India, Kyrgyzstan, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Senegal, and South Africa.

BORJA MONTESINO (Spain), introducing draft resolution L.13, said there was continuing concern about reports of grave violations of economic, social and cultural rights and civil and political rights in the Democratic People's Republic of Korea. The widespread use of torture and labour camps against political prisoners and repatriated citizens was deplorable and there were also concerns about the humanitarian situation, in particular the lack of food. In addition, a number of unresolved questions remained regarding abductions of nationals of other States. The country’s continuing refusal to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea was of concern. The draft resolution aimed at extending the mandate of the Special Rapporteur on the human rights situation in the Democratic People's Republic of Korea for one year, and urged the Democratic People's Republic of Korea to ensure full, rapid and unimpeded access by the Special Rapporteur to the country. The draft should be adopted with broad support.

SHINICHI KITAJIMA (Japan), also introducing draft resolution L.13, said Japan continued to be concerned about the widespread reports of human rights violations in the Democratic People's Republic of Korea, which had not investigated the situation. Not a single one of the 167 recommendations provided by States during the Universal Periodic Review had been accepted by the Government, running counter to the spirit of genuine dialogue enshrined in that mechanism. The Review was not exclusive from the work of the Special Rapporteur, and both should be used when the situation of human rights was grave, as it was in this situation. The draft resolution focused on the renewal of the mandate of the Special Rapporteur, and was not for the purpose of denouncing the Democratic People's Republic of Korea, but rather to urge it to seek the advice of the international community to improve the human rights situation on the ground. All Council Members should support the draft resolution.

MARIA LUISA ESCOREL (Brazil), in a general comment, said Brazil remained deeply concerned about the human rights situation in the Democratic People's Republic of Korea. It remained convinced that dialogue and cooperation were the most effective path towards improving human rights situations. Brazil considered that the Universal Periodic Review offered a good opportunity in that direction and was therefore concerned that the Government of the Democratic People's Republic of Korea had not used that opportunity to its full extent. Brazil called on the Democratic People's Republic of Korea to reconsider its positioning with regard to the Universal Periodic Review, to commit itself to implementing the recommendations made by delegations in last September, and to fully cooperate with the Special Rapporteur on the human rights situation in the country and the United Nations as a whole.

CHOE MYONG NAM (Democratic People's Republic of Korea), speaking as concerned country, categorically rejected the stereotyping of the draft resolution mustered by the European Union and Japan. It had been politically motivated. The European Union submitted the first resolution in 2003 and was now continuing provocation by siding with the United States. For its part, Japan had been running around in favour of the draft resolution, avoiding its responsibility for past crimes. The United States invasion of Iraq and Afghanistan and Japan’s past crimes of inhumanity and racism and xenophobia in the West really merited the attention of the Council and a draft resolution. This draft resolution was a typical example of politicization, double standards and selectivity. There was no reason whatsoever for this anachronistic draft resolution to be sustained alongside the Universal Periodic Review mechanism. The Democratic People's Republic of Korea would continue to abide by international human rights instruments and to reject politicization. It hoped the Council would reject confrontational draft resolution L.13.

RODOLFO REYES RODRIGUEZ (Cuba), speaking in an explanation of vote before the vote, said a draft resolution was before the Council that showed that it was politically motivated, just like in the old days of the Commission, and thus the Council was continuing the work against this country, repeating the negative practices that led to the discredit of the Commission. Cuba was always against resolutions against countries of the South, especially political resolutions that went against the work of the Council. Nevertheless, resolutions against the Democratic People's Republic of Korea had continued. The draft resolution today referred to the principles of non-selectivity and mutual dialogue, principles the Council should abide by. Isolation and creating pressure on the Democratic People's Republic of Korea was not compatible with the principles of the Council. Through the Universal Periodic Review mechanism, there was now the possibility of establishing true international cooperation, and it was in that context that the situation of human rights should be assessed. The draft resolution should be voted on, and Cuba would vote against it.

HISHAM BADR (Egypt), in an explanation of vote before the vote, said Egypt firmly believed in the value of dialogue and cooperation. Actively seeking the cooperation of the country concerned was imperative, and Egypt rejected the imposition of country mandates against the will of the concerned country. Accordingly, Egypt would vote against the draft resolution.

DIAN TRIANSYAH DJANI (Indonesia), in an explanation of vote before the vote, said Indonesia believed that country-specific resolutions rarely served their purpose. They could single out certain countries. Indonesia firmly believed that human rights could be achieved through a range of other collective means. Politicization would only lead to, among other things, confrontation. Indonesia encouraged the Democratic People's Republic of Korea to work further with the Council and to foster good faith. The international community could also provide support to the Democratic People's Republic of Korea to help it promote and protect human rights. On the issue of abduction, Indonesia urged the Democratic People's Republic of Korea and other parties to continue dialogue in a spirit of goodwill in order to arrive at a solution.

GOPINATHAN ACHAMKULANGARE (India), speaking in an explanation of vote before the vote, said India was deeply concerned about abduction of nationals of one country by another, and expressed sympathy to the families of the victims. India would abstain from the vote on the draft resolution.

Action on Resolutions Under the Agenda Item on Human Rights Bodies and Mechanisms

In a resolution (A/HRC/13/L.22) on a United Nations declaration on human rights education and training, adopted without a vote, the Council decides to establish an open-ended intergovernmental working group with the mandate of negotiating, finalizing 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; also decides that the working group shall meet for a maximum of five working days before the Council’s sixteenth session; and requests the President of the Council to invite the Rapporteur of the Advisory Committee drafting group on the draft declaration to participate in the meetings of the working group.

OMAR HILALE (Morocco), introducing draft resolution L.22 on a United Nations declaration on human rights education and training, noted that, in 2009, the Platform on Human Rights Education and Training had organized an international seminar in Marrakech that had allowed Advisory Committee experts to identify crucial elements that had been included in the draft. The draft resolution presented today to the Council called for setting up an inter-governmental Working Group for a maximum of five days to come up with a framework declaration that was clear, concise and drafted in accessible language. Morocco hoped that the draft resolution would be adopted by consensus.

REBECCA SAGAR (United Kingdom), in a general comment, stressed the United Kingdom’s support for the initiative to draft such a declaration, since human rights education and training was important to ensuring that everyone enjoyed their human rights. Furthermore, awareness of one’s rights was key to their full enjoyment. However, throughout negotiations, the United Kingdom had stressed that resource needs for carrying out the initiative should rely on existing resources. It was disappointed to see that that might not be the case, after programme budget implication revelations otherwise.

Action on Resolutions Under the Agenda Item on Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance: Follow-Up to and Implementation of the Durban Declaration and Programme of Action

In a resolution (A/HRC/13/L.1) on combating defamation of religions, adopted with twenty in favour, seventeen against, and eight abstentions, as orally revised, the Council expresses deep concern that Islam is frequently and wrongly associated with human rights violations and terrorism and regrets the laws or administrative measures specifically designed to control and monitor Muslim minorities; strongly condemns the ban on the construction of minarets of mosques and other recent discriminatory measures, which are manifestations of Islamophobia that stand in sharp contradiction to international human rights obligations concerning freedoms of religion, belief, conscience and expression, and stresses that such discriminatory measures would fuel discrimination, extremism and misperception leading to polarization and fragmentation with dangerous unintended and unforeseen consequences; calls for strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels and urges States, non-governmental organizations, religious leaders as well as the print and electronic media to support and foster such a dialogue; and requests the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to report on all manifestations of defamation of religions, and in particular on the ongoing serious implications of Islamophobia, on the enjoyment of all rights by their followers, to the Council at its fifteenth session.

The result of the vote was as follows:

In favour (20): 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.

Against (17): 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.

Abstentions (8): Bosnia and Herzegovina, Brazil, Cameroon, Ghana, India, Japan, Madagascar, and Mauritius.

ZAMIR AKRAM (Pakistan), introducing draft resolution L.1, said the draft resolution lay at the heart of the challenges confronting the international community today: the choice between a clash of civilizations, or cooperation among civilizations. That choice would also determine the future course of the Human Rights Council. Recognizing those challenges, a vast majority in the world sought cooperation and understanding among different cultures and civilizations, acknowledging the growing need for tolerance, respect and engagement, accepting the existence of diversity and the need to reject intolerance and discrimination based on race, religion or ethnicity. The draft resolution highlighted the importance of dialogue to promote tolerance and respect and to prevent inciting or provocative pronouncements, and called for preventive legal action within the permissible limitations allowed by the international legal framework. It aimed to prevent stereotyping, insults and defamation of all religions and beliefs, which was the root cause of many of the contemporary ills such as discrimination, incitement to hatred and violence.

The preambular part of the draft resolution highlighted that defamation of all religions was a serious affront to human dignity, leading to hatred, discrimination and violence. The text sought protection against Anti-Semitism, Christianophobia and Islamophobia. In its operative part, the draft resolution expressed concern at the continuing negative stereotyping and defamation of religions, deplored physical and psychological attacks, use of electronic and print media to deliberately incite acts of violence, and condemned all manifestations and acts of racial and religious discrimination against national, ethnic, religious or linguistic minorities, and called upon all States to provide against acts of hatred, discrimination, intimidation and violence resulting from defamation of religions and incitement to religious hatred. The text did not intend to limit or circumscribe the right to freedom of opinion and expression. It was hoped that, with the streamlining of the current text, delegations would support adoption of the draft resolution.

CARLOS BABACAR MBAYE (Senegal), in a general comment, reaffirmed Senegal’s devotion for the independence and indivisibility of human rights. Accepting differences was the best way to eliminate mistrust in protecting human rights and that was the only way to ensure the triumph of human rights. With that conviction, Senegal fully supported the promotion of dialogue between cultures. In light of that, Senegal believed that defamation of all religions had to be combated.

QIAN BO (China), in a general comment, said the defamation of religion was a serious violation of human rights. The draft resolution not only reminded members of the seriousness of the issue but it also sought cooperation between them. China supported the draft resolution and, if necessary, would vote for it.

ALEXEY GOLTYAEV (Russian Federation), in a general comment, said the problem of defending religion was something that had a very clear human rights dimension, and that had been clearly stated in the Human Rights Council's resolutions, as well as in those of the General Assembly. The right to freedom of expression was necessary for the harmonious development of the individual; but the enjoyment of that right had to be in a responsible manner, which did not infringe on the rights of others or lead to racial, religious, or ethnic hatred. It should not lead to destruction, and such acts deserved condemnation. The Council needed to look at the problem of defamation of religion through dialogue and a search for balance and responsibility, overcoming negative trends and strengthening the link between cultures and civilizations. Russia would vote in favour of the resolution.

HISHAM BADR (Egypt), in a general comment, said Egypt condemned all forms of racism, racial discrimination, xenophobia and related forms of intolerance, which constituted serious violations of human rights and impeded equal opportunities. Egypt expressed dismay at instances of religious and cultural intolerance, particularly against Islam. Acts of prejudice and religious profiling, among others, were rising. Everyone had the right to religion without interference. Egypt was also concerned at negative stereotypes of religions, holy books and symbols and deplored all acts of ideological and physical assaults, as well as incitement thereto.

RODOLFO REYES RODRIGUEZ (Cuba), in a general comment, observed that Cuba was a laic State; it had no religion at all and that that was a right, too. Cuba believed in not imposing one religion over another. It would stand up for people who were defamed because of their faith. If the countries of the North could contribute more positively towards putting an end to attacks against religious groups, including their symbols, then they would be making real progress.

CARLOS PORTALES (Chile), in a general comment, said the way in which the issue at hand was being dealt with could lead them down a slippery path. It was important for the Council to thoroughly study the question of defamation of religion or religious-based discrimination. The International Covenant on Civil and Political Rights said that national law should prohibit discrimination and protect the individual from any kind of discrimination, including for reasons of faith or belief. There was here a common basis on which the Council could proceed; individuals had to be protected in the exercise of their rights and helped to stand up for them. Freedom of expression had to be protected, and that was closely linked to the right to religion, as that had to be expressed and asserted. In attacks on freedom of expression, the right to religion was also affected. However, religion was not the subject matter of the Human Rights Council – it was the persons involved, and the protection of their rights. That was an approach many countries had, and that was the spirit behind various international instruments. Chile was a country that respected all beliefs and religions, but it would vote against the draft resolution, as it went beyond the freedoms of liberty of religion. In addition, the way in which the text was formulated was not legally specific enough, and could perhaps hamper the freedom of expression. The Council had to be very wary and careful in seeking to protect a specific right in case it created an atmosphere in which that right could not be enjoyed.

ABDULWAHAB ABDULSALAM ATTAR (Saudi Arabia), in a general comment, said Saudi Arabia also fully associated itself with the statement made in introduction of the draft resolution L.1, as well as the statement by Egypt. The importance of the draft resolution was that it was closely linked to the human rights of all followers of different religions. It did not make reference in any way to any limitation of freedom of expression but called for avoiding any incitement and hatred for any specific religion. The respect for religions and religious symbols was part and parcel of the right of followers of a religion. Saudi Arabia asked all parties to look positively at the draft resolution that aimed at eradicating hatred and at diffusing a sense of tolerance among all people. Saudi Arabia hoped that the draft resolution would enjoy the widest support among the members of the Council.

LAURA DUPUY (Uruguay), in an explanation of vote before the voting, said it would vote against draft resolution L.1 on combating defamation of religions because of the approaches to it and its causes. However, Uruguay did share certain concerns that had been stipulated in the draft resolution, such as condemning all forms of discrimination. It also supported maintaining peace and tolerance at all levels.

MUKTAR DJUMALIEV (Kyrgyzstan), in explanation of vote before the voting, said this document would facilitate greater tolerance and respect for cultural and religious diversity throughout the world. It was a draft resolution that would promote human rights for all, without any discrimination in properly understanding the importance of religious and cultural dialogue throughout the world, something which the text encouraged, and it could make a contribution to the common values shared by all. There had been a positive discussion of ideas, and inter-confessional dialogue could contribute to combat religious hatred. All States should make efforts to ensure proper dialogue to encourage tolerance on the basis of respect for religion and culture throughout the world. The text was well balanced, and Kyrgyzstan would vote in favour of it.

JUAN JOSE GOMEZ CAMACHO (Mexico), in an explanation of vote before the vote, said this was clearly one of the most complex issues and one that was brought time and time again to the Council. There was definitely a factor of intolerance by members of certain religions against those of other religions throughout the world. Mexico had always rejected such phenomena and would continue to do so. It was ready to work with countries to try to find a solution and to overcome the phenomenon of intolerance, which was unacceptable. It was their obligation to ban intolerance, but Mexico had to vote against the draft resolution as some of its content touched upon political and social principles that were very complex in Mexico and which had taken years to be overcome. The problem with the text was not its aim and purpose, but the ways things were formulated. However, Mexico rejected defamation of religion and would work with all countries to overcome that problem.

ALBERTO J. DUMONT (Argentina), in explanation of vote before the vote, said Argentina had transmitted to co-sponsors its reservations about this issue. The defamation of religion was a controversial issue. Thus, discussions on it had to conform to laws on inciting hatred and political and civil rights. It had to be balanced in terms of dealing with religion and violence. Argentina had strongly condemned all forms of intolerance of religion wherever it may occur in the world. It would not support the draft resolution but would continue working positively and constructively to tackle intolerance so that draft resolutions in the future would be compatible with international instruments on human rights.

JEAN-BAPTISTE MATTEI (France), on behalf of the European Union, speaking in an explanation of vote before the vote, said the European Union believed in tolerance, freedom of expression, thought and religion, and was convinced that an ongoing dialogue could overcome differences in that area. However, it regretted that that dialogue had not been held at this session, and that there had been long negotiations without tangible results. The concept of discrimination clearly had to do with human rights. International humanitarian law, in particular the International Covenant on Civil and Political Rights, clearly banned any incitement to religious hatred. As the High Commissioner had said, the concerns voiced in the draft resolution ought to be dealt with in terms of incitement to religious hatred within the existing human rights framework. The European Union was convinced that a broader more well balanced text that was properly focused on a legal approach would be better adapted to dealing with the questions under the resolution. The issue of defamation of religion was not relevant under a debate on human rights. International human rights law protected individuals in their freedom of religion or belief, and was not designed to protect systems of belief as such. The draft resolution attempted to deal with legitimate concerns – the problem of religious intolerance concerned all continents, and was not limited to only some regions, religions or beliefs. The European Union was committed to a serious dialogue with all parties in order to increase mutual understanding and finding new ways of dealing with the concerns raised in the draft resolution, and called for a global dialogue based on international law. For all of those reasons, the European Union called for a vote on the resolution, and would vote against it.

EILEEN CHAMBERLAIN DONAHOE (United States), in an explanation of vote before the voting, said over the course of the last year the Government of the United States had sought to build common ground to overcome the differences that had defined this debate. The United States shared the deep concern about discrimination based on religion, as well as concerns about restrictions of access to places of worship and actions that wilfully perpetuated negative stereotypes. The United States had travelled around the globe to address the root causes behind the draft resolution. It was incumbent on all Governments to protect the ability of individuals to live their belief and to welcome diversity of belief. Respectful societies were built on the basis of open dialogue. There was much to learn from one another and there were numerous communities living in peace all around the world. The issues of intolerance and violence were squarely on the table and had provoked a debate. However, the United States would vote against the draft resolution, which it viewed to be an ineffective way to address those concerns. Governments were likely to abuse the rights of individuals in the name of the resolution and in the name of this Council. The United States urged other States to join the United States in voting no.

MARIA LUISA ESCOREL (Brazil), in explanation of vote before the vote, said the draft resolution on combating defamation of religions contained positive elements, such as the need to promote dialogue among civilizations and the importance of the outcome document of the Durban Review Conference. Those had offered ways to move forward towards a consensual direction. Brazil strongly opposed acts of incitement to religious hatred, regretting increased instances of violence targeting Muslims. Other religious groups had also become targets of religious discrimination and intolerance. Therefore, it was crucial to treat any form of discrimination on an equal footing. Brazil’s legislation did not prohibit defamation as such, but banned incitement to hatred based on religious grounds. Defamation should thus be placed in a legal perspective of the fight against the incitement to hatred on grounds of religion or belief. Members had to bolster their resolve in fighting intolerance and discrimination. Brazil would nonetheless abstain in the voting on draft resolution L.1.

FABIEN ANATOLE MARIE NKOU (Cameroon) said that Cameroon was a country in which there was a dialogue among all religions – including Christianity, Islam and animism – which were freely practised there, without any friction. That was owing to the ecumenical events that had been organized in the country, which brought together the representatives of all the religions.

SHINICHI KITAJIMA (Japan), speaking in an explanation of vote before the vote, said Japan attached great importance to freedom of religion, and that expressions of opinions that harmed the sensibilities of members of particular religious groups were intolerable. Such incidents had occurred in Japan in the past, and the Government had issued statements that that was unacceptable, and should not be repeated. Freedom of expression was a fundamental human right, and human rights belonged to each individual. Japan regretted that consensus could not be reached on this issue, and would abstain from the vote, hoping that consensus would emerge in the future.