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COUNCIL NOMINATES MANDATE-HOLDERS ON EXECUTIONS, FREEDOM OF RELIGION, EDUCATION, TOXIC WASTE, BURUNDI, AND DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA

Adopts Six Resolutions and a Decision on Freedom of Religion, Violence against Women, Economic, Social and Cultural Rights, Kyrgyzstan, Afghanistan, Somalia and Racism; Closes Fourteenth Session

18 June 2010

The Human Rights Council this afternoon nominated new mandate holders on extrajudicial, summary or arbitrary executions; freedom of religion or belief; right to education; adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights; situation of human rights in Burundi; and situation of human rights in the Democratic People's Republic of Korea. It adopted seven texts on extending the mandate of the Special Rapporteur on freedom of religion or belief, violence against women, economic, social and cultural rights, situation of human rights in Kyrgyzstan, attacks on school children in Afghanistan, assistance to Somalia, and concrete action against racism, racial discrimination, xenophobia and related intolerance. The Council also appointed members or endorsed nominations of members of the Human Rights Council Advisory Committee, the Working Group on enforced or involuntary disappearances, and the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination. At the end of the extended afternoon meeting, it closed its fourteenth regular session.

Concerning the mandate of the Special Rapporteur on freedom of religion or belief, the Council condemned all forms of intolerance and discrimination based on religion or belief, as well as violations of the freedom of thought, conscience, religion or belief and decided to extend the mandate of the Special Rapporteur for a further period of three years.

With regards to accelerating efforts to eliminate all forms of violence against women, the Council called upon States to take all measures to empower women and strengthen their economic independence, and to publicly condemn violence against women and provide visible and sustained leadership to confront the attitudes, customs, practices and gender stereotypes that lie at the core of harmful acts and practices that are violent towards women.

On the question of the realization in all countries of economic, social and cultural rights, the Council encouraged all States that had not yet done so to consider signing and ratifying the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights with a view to its early entry into force.

Concerning technical assistance and cooperation on human rights in Kyrgyzstan, the Council strongly condemned the human rights violations committed during the protests surrounding the change of government. It called for a full and transparent investigation that holds perpetrators accountable for the loss of life of 7 April 2010, and urged the Government of Kyrgyzstan to promote and protect all human rights and fundamental freedoms and to promote respect for democracy and the rule of law.

With regards to attacks on school children in Afghanistan, the Council condemned attacks targeting innocent school children and urged all parties in Afghanistan to take appropriate measures to protect children and uphold their rights.

On assistance to Somalia in the field of human rights, the Council decided to hold, during its fifteenth session, a stand-alone interactive dialogue, with the participation of the United Nations High Commissioner for Human Rights, the Independent Expert on the situation of human rights in Somalia and the Special Representative of the United Nations Secretary-General for Somalia, on technical cooperation, capacity-building and effective measures to improve the human rights situation in Somalia and to enhance the effectiveness of United Nations support in the promotion and protection of human rights.

On a call for concrete action against racism, racial discrimination, xenophobia and related intolerance, the Council decided to convene a Panel during the High Level Segment of the sixteenth session, that would focus on the enjoyment of the rights of peoples of African descent; and further decided to dedicate two working days of the eighth session of the Intergovernmental Working Group to preparations for the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action.

The Council appointed Miguel D'escoto Brockman as a member of the Human Rights Council Advisory Committee, to fill the vacancy from the Group of Latin American and Caribbean States. It also endorsed the following nominations: Ariel Dulitzky to the Working Group on Enforced or Involuntary Disappearances; Faiza Patel to the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination; Christof Heyns as Special Rapporteur on extrajudicial, summary or arbitrary executions; Heiner Bielefeldt as Special Rapporteur on freedom of religion or belief; Kishore Singh as Special Rapporteur on the right to education; Calin Georgescu as Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights; Fatsah Ouguergouz as Independent Expert on the situation of human rights in Burundi; and Marzuki Darusman as Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea.

The Council also adopted its report for the session and the project for the report of the fourth cycle of the Council ad referendum.

In concluding remarks, Alex Van Meeuwen, President of the Council, said this was his last session as President. He congratulated the new Members who had been elected to the Council, noting that this was a heavy responsibility, but they should be in a position to strengthen the mandate of the Council. Regarding the process and modalities of the review process, in line with the mandate of the President in this regard, he had convened several meetings, and had drawn up a roadmap identifying the aim, the basic principles, and concrete modalities of the process. He was confident this roadmap would offer a good basis for his successor, and contained the necessary ingredients for a credible and constructive process for the review of the work and functioning of the Human Rights Council. It was a compromise in the interest of the Council and the review process in particular.

Speaking in introduction of resolutions were Spain, Canada, Portugal, United States of America, Kyrgyzstan, Afghanistan, and Nigeria on behalf of the African Group.

Speaking as a concerned country was Somalia.

Speaking in general comments were Pakistan on behalf of the Organization of the Islamic Conference, Egypt, United States of America, South Africa, Norway, Brazil, and Uruguay.

Speaking in an explanation of vote before the vote were China, and Russian Federation.

Speaking in an explanation of vote after the vote were Argentina on behalf of Chile and Mexico, and Japan.

Speaking on the discussion on the list of mandate holders were Nigeria, United Kingdom, Pakistan, Mexico, and Brazil.

Speaking at the conclusion of the session were Algeria, Uganda, Burundi, Spain for the European Union, and Nigeria for the African Group. Also speaking was Amnesty International.

The fifteenth regular session of the Council will be held from 13 September until 1 October 2010.

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

In a resolution (A/HRC/14/L.5) on the mandate of the Special Rapporteur on freedom of religion or belief, adopted without a vote as orally amended, the Council condemns all forms of intolerance and discrimination based on religion or belief, as well as violations of the freedom of thought, conscience, religion or belief; condemns any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means; calls upon States to adopt measures and policies to promote respect for places of worship and religious sites; decides to extend the mandate of the Special Rapporteur for a further period of three years, calls upon the Special Rapporteur to work with mass media organizations to promote an atmosphere of respect and tolerance for religious and cultural diversity, as well as multiculturalism; urges all Governments to cooperate fully with the Special Rapporteur and to respond favourably to his/her requests to visit their countries and to provide him/her with all necessary information to enable him/her to fulfil his/her mandate even more effectively.

JAVIER GARRIGUES (Spain), speaking on behalf of European Union, introducing draft resolution L.5, said the aim was to extend the mandate of the Special Rapporteur on freedom of religion or belief. Spain was concerned about continuing instances of religious intolerance and said that the draft resolution condemned all forms of intolerance or discrimination based on religion or belief. It also stressed that everyone was free to adopt and manifest a religion or belief and condemned any advocacy of religious hatred through any means. The draft emphasised the role of the media in the creation and promotion of an atmosphere of respect and tolerance from religious and cultural diversity. Finally, the draft resolution expressed concern over existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief, such as intolerance and violence towards religious minorities and other communities, derogatory stereotyping and stigmatisation of persons based on their religion or belief. It was for these concerns that Spain deemed it necessary to extend the mandate for a further period of three years. The co-sponsors of this draft resolution were pleased by the work carried out by the Special Rapporteur and fully supported the mandate. Spain said they would be fully behind the next Special Rapporteur during the discharge of his or her duties throughout the next three years. Spain welcomed the constructiveness of all the delegations which participated in the negotiating process and believed that this collaboration on the part of all stakeholders had been essential in order to arrive one strep closer to the long awaited consensus needed on the resolution on freedom of religion or belief.

ZAMIR AKRAM (Pakistan), speaking in a general comment on behalf of the Organization of the Islamic Conference, said the Organization of the Islamic Conference was pleased to join the consensus and attached great importance to the mandate of the Special Rapporteur on freedom of religion or belief, as well as the elimination of all forms of religious intolerance. The Organization of the Islamic Conference had remained constructively engaged with all its partners and this year it had been possible to fill the gulf of mistrust and unanimously express concerns on issues such as stereotyping, negative profiling and public expression of religious and spiritual belief. The adoption of this resolution was a success of the Council and demonstrated that whenever Member States were able to join hands, leaving behind political preferences, this served to promote the cause of human rights in the most comprehensive manner. The Organization of the Islamic Conference hoped that today’s consensus adoption of the text would send a strong message that Governments needed to make all possible efforts to ensure freedom of religion, which was fundamental and had more than material significance on the lives of individuals. The media too must play its role to promote respect for freedom of religion and multiculturalism, which were fundamental to preserve the nature of today’s international order of multiculturalism.

AHMED IHAB GAMALELDIN (Egypt), speaking in a general comment, said pluralism, tolerance and understanding of religious and cultural diversity were essential for peace and harmony. The rise of religious stereotyping and profiling were an affront to human dignity. Egypt expressed its concern at negative stereotyping of religions, insults to holy books, scriptures and symbols, which impeded the enjoyment of freedom of religion, and underlined the urgent need that the Council draw the attention of the international community to these disturbing trends, and that it provide protection to the followers of all religions from such acts. Why this phenomenon was being politicised needed to be examined, as did how the Council could ensure that everybody, including the media, gave this issue, which was a core human rights issue, the attention it deserved. It contradicted all the noble values the Council sought to advance. The continuation and intensification of engagement between all parties in a constructive and genuine dialogue with a view to overcoming differences was the best path to follow, and Egypt would continue to address it in a constructive spirit. All parties concerned had approached the resolution in a similar spirit, leading to a consensus.

EILEEN CHAMBERLAIN DONAHOE (United States), speaking in a general comment, said the United States firmly supported the work of the Special Rapporteur on freedom of religion or belief and said that this mandate was important for the work of the Human Rights Council in protecting and promoting this human right. Freedom of religion or belief was a birthright of all people and was essential for respecting human dignity. The freedom to manifest or to change one’s religion must be respected and guaranteed by all States and societies.

In a resolution (A/HRC/14/L.9/Rev.1) on accelerating efforts to eliminate all forms of violence against women, adopted without a vote as orally amended, the Council stresses that States have the obligation to exercise due diligence to prevent, investigate, prosecute and punish the perpetrators of violence against women and girls and provide protection to the victims who have experienced violence; calls upon States to take all measures to empower women and strengthen their economic independence, including through their full participation in the development and implementation of socio-economic policies and poverty eradication strategies, and to give priority to and to promote their access, without discrimination, to education, training, economic opportunity and economic advancement; urges States to adopt and implement policies and programmes that enable women to avoid and escape situations of violence and prevent its recurrence; further urges States to publicly condemn violence against women and provide visible and sustained leadership to confront the attitudes, customs, practices and gender stereotypes that lie at the core of harmful acts and practices that are violent towards women, such as female genital mutilation, forced and early marriage, femicide and crimes committed in the name of honour; encourages States to integrate gender analysis into policymaking to better understand the potential impact of policies on women; urges States to enhance efforts to involve men and boys in initiatives to prevent violence against women and in highlighting the unacceptability of violence against women; stresses that women have the right to have control over and decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health; and also urges States to take appropriate legislative and policy steps to investigate, prosecute and punish the perpetrators of all forms of rape.

MANON BOISCLAIR (Canada), introducing L.9 Rev. 1, said the resolution this year dealt specifically with due diligence in preventing violence against women. As the main sponsor, Canada had conducted an open and transparent process that had included three full readings of the text, as well as bilateral meetings. Canada thanked the co-sponsors of the resolution and all stakeholders who had been involved in that process. The resolution before the Council was a substantive text that dealt with key aspects of establishing effective measures of dealing with violence against women. Canada hoped that the resolution could be adopted without a vote as in the past.

In a resolution (A/HRC/14/L.17) on the question of the realization in all countries of economic, social and cultural rights: follow-up to Human Rights Council resolution 4/1, adopted without a vote as orally amended, the Council encourages all States that have not yet done so to consider signing and ratifying the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights with a view to its early entry into force; notes the recent creation of two new mandates on economic, social and cultural rights; notes with interest the work of other relevant treaty bodies and special procedures in the promotion and protection of economic, social and cultural rights within their respective mandates; takes note of the report of the High Commissioner on the question of the realization in all countries of economic, social and cultural rights submitted to the Council pursuant to resolution 10/1 (A/HRC/14/33); requests the High Commissioner to continue to prepare and submit to the Council an annual report on the question of the realization in all countries of economic, social and cultural rights under agenda item 3; and decides to remain seized of the matter.

FRANCISCO M. XAVIER ESTEVES (Portugal), introducing draft resolution L.17, said that this draft called upon States to take all measures to implement resolution 4/1, with a view to improving the realization of economic, social and cultural rights worldwide. The draft, which enjoyed cross-regional support, noted with interest the adoption by the General Assembly on 10 December 2008 of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and recognised that the early entry into force of the Optional Protocol through its ratification by 10 States would be an important tool to help strengthen the promotion and protection of economic, social and cultural rights worldwide. Portugal welcomed the fact that this week Ecuador had become the first State to ratify the Optional Protocol. The draft resolution also noted the recent creation of two new mandates related to those rights, notably the Independent Expert on the issue of access to safe drinking water and sanitation, and the Independent Expert in the field of cultural rights. Portugal welcomed the work of the Committee on the Economic, Social and Cultural Rights, namely the issuance of two general comments, respectively on the clarification of the principle of non-discrimination and on the right to participate in cultural life.

DAPHNE RAHLAGA (South Africa), speaking in a general comment, thanked Portugal for its tireless work and efforts and for having reached out to all United Nations Member States. It was for that reason that South Africa had aligned itself with this resolution.

SEBASTIAN ROSALES (Argentina), speaking on behalf of Chile and Mexico in an explanation of the vote after the vote before closing agenda item 3, said Argentina, Chile and Mexico had voted in favour of the resolution on the right of peoples to peace, and they felt that the international community needed to move forward on a draft instrument in this regard which would contribute to the scope of this right and on the means to implement it.

BENTE ANGELL-HANSEN (Norway), speaking in a general comment on behalf of Mexico and Switzerland before closing agenda item 3, welcomed the adoption by consensus of resolution L.19 entitled enforced or involuntary disappearances. Switzerland, Mexico and Norway particulalry appreciated that the issue of secret detention was addressed in the resolution. The resolution recalled that no one should be held in secret detention. This was timely, bearing in mind the important study on secret detention presented to the Human Rights Council during this session. Switzerland, Mexico and Norway would continue to work closely with all delegations to ensure the best possible follow up of the recommendations provided by the mandate holders behind the global study on secret detention.

Action on Draft Resolutions Under Agenda Item on Technical Assistance and Capacity Building

In a resolution (A/HRC/14/L.2) on technical assistance and cooperation on human rights in Kyrgyzstan, adopted without a vote as orally amended, the Council strongly condemns the human rights violations committed during the protests surrounding the change of government; calls for a full and transparent investigation that holds perpetrators accountable for the loss of life of 7 April 2010; urges the Government of Kyrgyzstan to promote and protect all human rights and fundamental freedoms and to promote respect for democracy and the rule of law; notes with appreciation the participation of the Kyrgyz Republic in the Universal Periodic Review process in May 2010, and welcomes its commitment to implement recommendations accepted at the Review; expresses its support and encouragement for efforts made to restore democratic and constitutional order and the rule of law in the Kyrgyz Republic; calls upon the Government of the Kyrgyz Republic to uphold its commitment to the human rights principles and to all its international human rights obligations; encourages the Government of the Kyrgyz Republic to engage in a genuine process of open dialogue and national reconciliation to enhance peace for the people of the Kyrgyz Republic; and requests the United Nations High Commissioner for Human Rights to continue to provide technical assistance and to work with the Government of the Kyrgyz Republic and other actors to identify additional areas of assistance that will assist the Kyrgyz Republic in fulfilling its human rights obligations.

EILEEN CHAMBERLAIN DONAHOE (United States), introducing draft resolution L.2, said the United States like many other members of the Council was deeply concerned by and deplored the recent inter-ethnic violence in Kyrgyzstan and the tragic loss of life. The United States believed that this draft resolution reflect this shared concern. The United States had worked with the Government of Kyrgyzstan on this important matter and was pleased to be able to introduce a resolution today. The United States welcomed the Kyrgyz Government’s commitment, as evidenced by their sponsorship of this resolution, to take all necessary steps to respond to this tragedy. The United States thanked all delegation for their cooperation and collaboration during the elaboration of this text, which was made additionally complex due to the current situation in the country.

MUKTAR DJUMALIEV (Kyrgyzstan), also introducing L.2, said this text had been discussed over much time and Kyrgyzstan wished to thank its country partners. Kyrgyzstan had undertaken to respect certain obligations despite the difficult situation that still prevailed in the country today. Kyrgyzstan upheld this resolution and said all comments made had been taken on board and incorporated. Kyrgyzstan expressed hope that country partners would be able to adopt the draft resolution.

ALEXANDRE GUIDO LOPES PAROLA (Brazil), speaking in a general comment, said Brazil wished to express its solidarity to Kyrgyzstan, with special attention to the difficult situation the country had been facing. Brazil encouraged cooperation at the level of the Human Rights Council as a position of principle. Dialogue was central to achieve effective achievements on the ground. Brazil welcomed the draft resolution and said the support of Kyrgyzstan was crucial and brought more chances to the achievement of the provisions of the resolution. Brazil reiterated that cooperation must always be undertaken on the basis of the priorities set forth by the concerned country. Brazil had decided to provide humanitarian aid worth $ 300,000 to Kyrgyzstan and called for the necessary humanitarian relief to the country.

LAURA DUPUY LASSERRE (Uruguay), speaking in a general comment, said it believed that States had the principal responsibility to protect human rights not only of their citizens, but also of all people, particularly women and children, under their jurisdiction.

LUO CHENG (China), speaking in an explanation of the vote before the vote, said China was highly concerned about the situation in Kyrgyzstan and hoped that normalcy would return soon to the country as stability was important to regional peace. China believed the current situation was part of the internal affairs of the country. All parties must respect the sovereignty and territorial integrity of the country and respect the leading role the country must play in resolving the situation.

VLADIMIR TCHEGLOV (Russian Federation), speaking in an explanation of the vote before the vote, said the resolution contained almost no elements which related to providing technical assistance to Kyrgyzstan - on the contrary, the document was ripe with political declarations and called for action, going far beyond the agenda item, which was on technical assistance and capacity building. Further, it was a country situation, and should be under the fourth agenda item. Thus, it should not set a precedent. Instead, it should allow the Government to receive the technical and humanitarian assistance that it required.

In a resolution (A/HRC/14/L.7) on addressing attacks on school children in Afghanistan, adopted without a vote as orally amended, the Council condemns attacks targeting innocent school children; expresses solidarity with the Government of Afghanistan in its efforts to protect all students from such heinous attacks, and encourages further vigilance; urges all parties in Afghanistan to take appropriate measures to protect children and uphold their rights; and encourages Governments and relevant United Nations and international agencies to respond positively to the requests made by Afghanistan for assistance to support its efforts to prevent and address such attacks.

OBAID KHAN NOORI (Afghanistan), introducing L.7, reiterated Afghanistan’s commitment to improving human rights and access to education, particularly for girls in Afghanistan. To that end, Afghanistan called for international assistance and attention on this important issue. By adopting the resolution with consensus, the Council would send a unified message of support to Afghanistan in its effort to promote and protect human rights.

EILEEN CHAMBERLAIN DONAHOE (United States), also introducing L.7, urged the international community to join the United States in supporting the Government of Afghanistan as it worked to combat violence against girls seeking an education. The resolution was short and designed to be supported by consensus. The text condemned the attacks targeting innocent school children, reaffirmed States’ responsibility to protect their citizens, and encouraged Governments and relevant United Nations and international agencies to respond positively to requests for assistance from Afghanistan.

LAURA DUPUY LASSERRE (Uruguay), speaking in a general comment, said Uruguay welcomed the participation of Afghanistan and wanted to refer to the preambular paragraph 5 which should not be restrictive, but should cover all persons under a State’s jurisdiction, in this case all boys and girls.

In a decision (A/HRC/14/L.16) on assistance to Somalia in the field of human rights, adopted without a vote as orally revised, the Council decides to hold, during its fifteenth session, a stand-alone interactive dialogue, with the participation of the United Nations High Commissioner for Human Rights, the Independent Expert on the situation of human rights in Somalia and the Special Representative of the United Nations Secretary-General for Somalia, on technical cooperation, capacity-building and effective measures to improve the human rights situation in Somalia and to enhance the effectiveness of United Nations support in the promotion and protection of human rights; also decides to invite high level officials of the Transitional Federal Government, and high-level representatives of the African Union to take part in the interactive dialogue; and encourages the Independent Expert on the situation of human rights in Somalia and the Special Representative of the Secretary-General to engage in sustained interaction in the pursuit of their respective mandates.

OSITADINMA ANAEDU (Nigeria), introducing draft resolution L.16 on behalf of the African Group, said that it was an understatement to describe the situation of human rights in Somalia as one of the world’s most neglected tragedies. The range of the situation was not only huge but also one that required the most urgent attention of the international community to bring it under control and set the country on the path of much needed recovery. The draft resolution had been inspired by the recent appointment by the Secretary-General of his Special Representative for Somalia. In spite of the call by previous resolutions to assist the Somali people and support the efforts of the Somali Government, apparently nothing had been done by the United Nations system to that effect. It was for this reason that the current resolution called for the holding of a stand-alone interactive dialogue, during the fifteenth session of the Council, on the state of technical cooperation, capacity building and effective measures to improve human rights situation in Somalia. This interactive dialogue was envisaged to enjoy the participation of the High Commissioner for Human Rights, the Independent Expert on the situation of human rights in Somalia and the Special Representative of the Secretary-General for Somalia, and others. The draft resolution requested the Office of the High Commissioner for Human Rights to provide the assistance necessary for the holding of the interactive dialogue.

YUSUF MOHAMED ISMAIL (Somalia), speaking as a concerned country, said Somalia looked forward to the best possible outcome of the dialogue which would concentrate on the much-needed cooperation, institution-building and capacity-building in the country, as well as on enhancing the effectiveness of United Nations agencies’ support in promoting human rights in Somalia. The Council was fully aware of Somalia’s proactive engagement through dialogue and its consensus-building approach regarding human rights, as exemplified by the relationship with the Independent Expert. The Somali people looked forward to the enjoyment of their human rights.

AKIO ISOMATA (Japan), speaking in an explanation of the vote after the vote before closing agenda item 10, said with regard to resolution L.2 on technical cooperation and assistance to the Kyrgyz Republic, Japan had joined the consensus, and expressed appreciation to Kyrgyzstan and the United States for the resolution, and their tireless efforts to achieve a consensus text. This was an example of the efforts of the international community to provide technical assistance to protect and promote human rights in a country. The constructive attitude of Kyrgyzstan was appreciated. Productive and positive results should emerge in the future. Japan would extend emergency humanitarian assistance to the Kyrgyz Republic.

Action on Draft Resolution Under Agenda Item on Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance

In a resolution (A/HRC/14/L.3/Rev.1) on a call for concrete action against racism, racial discrimination, xenophobia and related intolerance, adopted without a vote as orally amended, the Council takes note with appreciation of the report of the Working Group of Experts on People of African Descent (A/HRC/14/18) including the recommendations contained therein, for the General Assembly to observe 2011 as the International Year for People of African Descent; decides to convene a Panel during the High Level Segment of the sixteenth session, that will focus on the enjoyment of the rights of peoples of African descent; also decides that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Plan of Action should convene its eighth session from 11 to 22 October 2010; further decides to dedicate two working days of the eighth session of the Intergovernmental Working Group to preparations for the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action; and requests the Secretary-General to make available to the fifteenth session of the Human Rights Council his report to the General Assembly containing proposals for a programme of work of activities for People of African Descent.

OSITADINMA ANAEDU (Nigeria), introducing draft resolution L.3 Rev. 1 on behalf of the African Group, said that racism, racial discrimination, xenophobia and related intolerance were scourges that permeated all societies, albeit to varying degrees. The African Group was convinced that the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action provided an opportunity to reaffirm its commitment and mobilise the necessary political will in the fight against these scourges. The proclamation of 2011 as the International Year for People of African Descent was a significant milestone. The international community needed to demonstrate its commitment to address extreme poverty, economic and social exclusion, marginalisation and discrimination which impeded the practical enjoyment of human rights by people of African Descent who had lived for far too long in dehumanising conditions of abject poverty. The text was procedural in nature and provided for the convening of a Panel Discussion during the High-Level Segment of the sixteenth session of the Human Rights Council to mark the International Year for People of African Descent, and provided space for various stakeholders to contribute proposals to commemorate the tenth anniversary of the Durban Declaration and Programme of Action. The African Group would work with all interested delegations and other stakeholders and would take on board constructive proposals for the advancement of this process. The African Group urged all the members of the Council to support the draft resolution which did not contain any controversial substantive issues and appealed on all delegations to join consensus on the text.

EILEEN CHAMBERLAIN DONAHOE (United States), speaking in a general comment, said the United States believed that the United Nations must continue to address the issues of race and racism, and the United States would work with all people and nations to build enduring political will and to find concrete ways to halt racism and racial discrimination wherever they occurred. The United States had put forward concrete proposals on strengthening practical measures to combat racial discrimination, and hoped to work with others to take those ideas forward. The United States had long struggled to overcome the effects of past discriminatory policies, it was proud of its record of domestic legislation and policies designed to combat such activities, and its commitment to tackle this issue was unwavering. It was therefore with sincere regret that the United States needed to dissociate from consensus on the resolution before the Council. The United States was confident that beneath the differences Member States of the Council shared the same goals, and the United States was proud of efforts they had jointly made in this and other forums to underscore that fact and to adopt important resolutions by consensus. The position of the United States on the Durban Declaration and Programme of Action was well known. As such, its most serious concern regarding this resolution related to preambular paragraph 8. Despite the differences, the United States believed that it was important that the Council collectively focused, in a constructive way, on the future. Members of the Council should commit to finding ways to fight racism and reinvigorate the vision of a world free from racial discrimination.

ALEXANDRE GUIDO LOPES PAROLA (Brazil), in a general comment, said Brazil was firmly committed to the fight against racism, racial discrimination, xenophobia and related intolerance and to the implementation of the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference. Brazil recognized the leadership of the African Group and the delegation of South Africa in efforts to strengthen international commitment to the issues raised. Brazil hoped the positive spirit that prevailed in the negotiations would send a strong message for the commitment of the international community to this theme.

Discussion on List of Mandate Holders

OSITADINMA ANAEDU (Nigeria), speaking on behalf of the African Group, said the African Group appreciated the efforts of the President this evening. The position of the African Group on the list was that when it supported all mandate holders as pronounced, the list could be adopted. If there was contention, consultations would have to continue.

BOB LAST (United Kingdom) said according to the rules of procedure, a list was presented by the Human Rights Council President for subsequent approval, and practice to date showed it had always been approved. If that approval was not possible, due to the objection of a Council member, it was clear that what was being contested was the entire list, and not an individual appointment. If Nigeria was disputing the list, then they were contesting the entire list, and not an individual appointment.

OSITADINMA ANAEDU (Nigeria) said every mandate was unique - every mandate had an expiration date. Every mandate had tenure. The configuration about mandates was left for delegations. If a vote was needed, then it could take place, but this was not what the preceding speaker wanted. An interpretation as to what should be and what was was going too far. What the African Group had proposed was for the Chair to note any place where there was disagreement, and to proceed with consultations. Where there were no disagreements, then there could be adoption.

MARGHOOB SALEEM BUTT (Pakistan) said the paragraphs 52 and 53 of the rules of procedure were very clear. The last sentence of paragraph 52 stated that the President had to submit the list at least two weeks in advance. As for paragraph 53, that paragraph should make it very clear that it had to be individual candidates and not just the whole list.

MARIANA OLIVERA WEST (Mexico) said Mexico regretted the situation and the debate at such a late stage of the work. Mexico hoped that the Council could adopt the list following the consultation until the last minute. Mexico was concerned about the creation of a gap, and as Pakistan said earlier, mandate-holders must be presented before the session and if not, that would present a threat to the whole Special Procedures. Mexico wanted to avoid setting of a precedent.

ALEXANDRE GUIDO LOPES PAROLA (Brazil) said Brazil was very surprised, as it was listening to a debate between three delegates who had English as a first language. Paragraph 53, as quoted by the speaker from Mexico, read that mandate-holders would be appointed before the end of the session. There were three hours and twenty minutes to go before the end of the session. Any creative solution, such as the "salami technique" of cutting up the list was simply outside the institution-building package. None of the suggested list came from the Group of Latin American and Caribbean Countries (GRULAC) region. Should new names be submitted, then GRULAC could maybe come up with a candidate. The President should respect the package, and choose by midnight tonight.

Concluding Statements

IDRISS JAZAIRY (Algeria) said Algeria considered that resolution L.5 was an auspicious event that should fill all with joy. It was the Human Rights Council at its best as that resolution had projected the image of a value-driven institution. That was what vulnerable groups had been crying out for. Such was also the case for resolution L.3. As had just been said, the Human Rights Council had made the impossible possible during this memorable session; the Council could be proud of those accomplishments even though those events did not make the headlines. Algeria would remember thankfully that it had been at the fourteenth session that the Human Rights Council had taken such a momentous turn - this would honour the Council and all its members gathered here today.

JUSTINIAN MUHWEZI KATEERA (Uganda) congratulated the President for the manner in which he had conducted this session of the Human Rights Council and said Uganda was aware of the need for equitable balance among mandate-holders. It would have been fair to select an African for Special Rapporteur on the right to education, but Uganda nevertheless congratulated the candidate from India. Uganda reaffirmed its commitment to supporting and promoting education.

ALAIN AIME NYAMITWE (Burundi) said Burundi wished to thank Akich Okola, the Independent Expert on the situation of human rights in Burundi, for what he had done for the protection and promotion of human rights in that country. Burundi would have been pleased to see him conclude his mandate. Fatsah Ouguergouz, the new Independent Expert, would enjoy Burundi's support in doing everything possible to protect and promote human rights in Burundi.

BORJA MONTESINO (Spain), speaking on behalf of the European Union, expressed the European Union’s disappointment that this Council had not been able to pronounce itself on the United Nations high-level plenary on the Millennium Development Goals at the sixty-fifth session of the United Nations General Assembly to be held in September 2010. The European Union regretted that consensus could not be found on that issue. The European Union reiterated its commitment in supporting the achievement of the Millennium Development Goals by 2015 and placed high value in enhancing progress towards the achievement of each and every Millennium Development Goal. While that was still possible, it was nonetheless essential that all resources available for development, including the ones of this Council, be used as efficiently as possible. Also, human rights violations occurred to real persons, in real communities, and in real countries. It was for that reason that the European Union was strongly convinced of the need of addressing country situations whenever and wherever it was deemed necessary. The European Union was concerned that efforts contrary to this vision may be intended to elude State responsibility for human rights protection.

OSITADINMA ANAEDU (Nigeria), speaking on behalf of the African Group, said Nigeria wanted to convey the appreciation of the African Group for the way this session had been conducted and wished well to the President. The African Group wanted this Council to focus on human rights issues and in that sense, decisions on development mattered. Talking about Millennium Development Goals was critical as the year 2010 was already late for some countries to achieve the Goals. The African Group asked where Human Rights Council stood on the Millennium Development Goals. Human rights were just but one of the components of the Millennium Development Goals framework. Nigeria wanted all human rights to be addressed, civil and political rights, as well as economic, social and cultural rights. This would make a better world for all to live in.

PETER SPLINTER, of Amnesty International, said much that was good was accomplished during the session. Today, in the closing hours of the session, there had been an appalling destruction of the process for the appointment of special mandate holders, and that needed to be said.

ALEX VAN MEEUWEN, President of the Council, in his concluding remarks, said this was his last session as President. He congratulated the new Members who had been elected to the Council, noting that this was a heavy responsibility, but they should be in a position to strengthen the mandate of the Council. Regarding the process and modalities of the review process, in line with the mandate of the President in this regard, he had convened several meetings, and had drawn up a roadmap identifying the aim, the basic principles, and concrete modalities of the process. He was confident this roadmap would offer a good basis for his successor, and contained the necessary ingredients for a credible and constructive process for the review of the work and functioning of the Human Rights Council. It was a compromise in the interest of the Council and the review process in particular.

With regard to the appointment process of the independent international Fact-Finding Mission, following the adoption of resolution 14/1 on the Grave Attacks by Israeli Forces against the Humanitarian Boat Convoy, the President had been authorised to appoint members. He had convened several meetings with the relevant stakeholders. A task force was created within the Office of the High Commissioner for Human Rights which was charged with the preparation of a concept note for the mission. The mission itself, once appointed, would determine its specific programme of work and terms of reference. The process of identifying possible suitable candidates for the mission had started and was now being finalised. Based on this first round of contacts, a preliminary list of qualified and available candidates would be drawn up.

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