



UNITED NATIONS

Press Release

XXXXXXXXXX

HUMAN RIGHTS COUNCIL ADOPTS SEVEN RESOLUTIONS AND CLOSSES TWELFTH REGULAR SESSION

XXXXXXXXXX

Human Rights Council
AFTERNOON

2 October 2009

Appoints Experts on Cultural Rights and on Sudan; Extends Mandates of Special Procedures on Cambodia and Somalia; Names President of Second Session of Forum on Minority Issues

The Human Rights Council this afternoon adopted seven resolutions on unilateral coercive measures; the right to development; access to medicine; advisory services and technical assistance for Cambodia; assistance to Somalia in the field of human rights; protection of human rights in the context of HIV/AIDS; and on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights. It appointed two experts on cultural rights and on Sudan, extended the mandates of Special Procedures on Cambodia and Somalia, and named the President of the Second Session of the Forum on Minority Issues before adopting its report and closing its twelfth session.

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

Ambassador Alex Van Meeuwen of Belgium, President of the Human Rights Council, in closing remarks, said that in the last three weeks they had completed a very dense programme of work and had covered a significant number of issues. They had also benefited from the presence of high-level dignitaries. They had been honoured to have the presence of the High Commissioner on several occasions. Many national delegations had come to Geneva to continue a frank dialogue with the Council. He also underscored how much they respected the work of the Special Procedures mandate holders. All of this work and analysis was necessary for the work of the Council. Human rights defenders were also a necessary support in the work of the Council. He encouraged everyone to continue the dialogue on the most sensitive issues.

Under its agenda item on the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, the Council adopted five resolutions. In a resolution on unilateral coercive measures, adopted by a vote of 32 in favour, 14 against, and no abstentions, called upon all States to stop adopting or implementing unilateral coercive measures not in accordance with international law and condemned the continued unilateral application and enforcement by certain powers of such measures as tools of political or economic pressure.

In a resolution on the right to development adopted by a vote of 33 in favour, none against, and 14 abstentions, the Council decided to continue to act to ensure that its agenda promoted and advanced sustainable development and the achievements of the Millennium Development Goals and decided to endorse the recommendations of the Working Group on the right to development.

On access to medicine, the Council called upon States, to take steps to

ensure that their actions as members of international organizations took into due account the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and encouraged them to apply measures and procedures for enforcing intellectual property rights in such a manner as to avoid creating barriers to the legitimate trade of medicines.

Concerning the protection of human rights in the context of HIV/AIDS the Council invited States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to assist developing countries, in particular least developed countries and those in Africa, in their efforts to prevent the spread of the epidemic and alleviate and control the detrimental impact of HIV/AIDS on the human rights of their populations.

On the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights, the Council decided to hold a panel discussion during the high-level segment of its thirteenth session, to discuss and evaluate the impact of the financial and economic crises to the realization of all human rights worldwide.

Under its agenda item on technical assistance and capacity building, the Council adopted two resolutions. It invited the Secretary-General, agencies of the United Nations system present in Cambodia and the international community to make further efforts with the Government of Cambodia in improving democracy as well as ensuring the protection and promotion of the human rights of all people in Cambodia; and decided to extend by one year the mandate of Special Rapporteur on the situation of human rights in Cambodia.

On assistance to Somalia in the field of human rights, the Council stressed the need to implement technical assistance and institutional capacity-building programmes inside the country, in cooperation with the Transitional Federal Government at the national and regional levels. It also decided to renew the mandate of the independent expert on the situation of human rights in Somalia for a period of one year, with a view to maximizing the provision and flow of technical assistance to Somalia in the field of human rights, in order to support the Transitional Federal Government and regional authorities to ensure the respect of human rights.

Speaking this afternoon in introductions of resolutions were Egypt on behalf of the Non-Aligned Movement, Brazil, Japan, Nigeria and Egypt in its national capacity.

Speaking in general comments were Pakistan, France on behalf of the European Union, Brazil and Norway.

Speaking in explanations of the vote before the vote were the United States, France on behalf of the European Union, Egypt, Indonesia and Pakistan.

Speaking in explanation of the vote after the vote was Nigeria.

Speaking as concerned countries were Cambodia and Somalia.

Countries speaking at the conclusion of the voting process were Nigeria on behalf of the African Group, Tunisia on behalf of the Arab Group, Sudan, Algeria, Viet Nam, Thailand, Australia speaking on the behalf of Canada, New Zealand and Australia, Switzerland, Cambodia and Canada.

Speaking at the end of the meeting were representatives of Al-Haq, North-South XXI, Movement against Racism and for Friendship among Peoples and International Service for Human Rights.

The thirteenth regular session of the Council will be held from 1 to 26 March 2010.

Action on Resolutions Under the Agenda Item on the Promotion and Protection of All Human Rights

In a resolution on human rights and unilateral coercive measures

(A/HRC/12/L.5), adopted by a vote of 32 in favour, 14 against, and no abstentions, the Council calls upon all States to stop adopting or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States; condemns the continued unilateral application and enforcement by certain powers of such measures as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems; and invites all Special Rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention to the negative impact and consequences of unilateral coercive measures and requests the Secretary-General to submit to the Council, at its fifteenth session, an analytical report on the impact of unilateral coercive measures on the enjoyment of human rights.

The result of the vote was as follows:

In favour (32): Angola, Argentina, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, and Uruguay.

Against (14): Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, and United States of America.

Abstentions (0):

HISHAM BADR (Egypt), speaking on behalf of the Non-Aligned Movement, introducing draft resolution L.5, said the draft resolution presented the Council's views on unilateral coercive measures and their effect on human rights, including the right to development. Through the resolution, the Council called on States to stop adopting or implementing unilateral coercive measures which did not follow international humanitarian law or international human rights law or the United Nations Charter, as these impeded the full realisation of the rights contained in the Universal Declaration of Human Rights. Certain powers continued to apply and enforce such tools for political or economic pressure against developing countries, preventing them from freely determining their economic or political systems. The resolution requested the Secretary-General to submit an analytical report of the impact of unilateral coercive measures on the enjoyment of human rights. The Non-Aligned Movement looked forward to the adoption of the resolution with the widest support.

DOUGLAS M. GRIFFITHS (United States), in an explanation of the vote before the vote, said that the United States disagreed with the content and apparent intent of this resolution. The United States called for a vote and encouraged members of the Human Rights Council to join the United States in voting no.

JEAN-BAPTISTE MATTEI (France), in an explanation of the vote before the vote, speaking on behalf of the European Union, thanked Egypt for having held informal consultations. The resolution dealt with relations between States and not between humans and as such the Council was not the appropriate organ to deal with this question. The European Union could not support this initiative and would vote against this text.

In a resolution on the right to development (A/HRC/12/L.6), adopted by a vote of 33 in favour, none against, and 14 abstentions, the Council welcomes the report of the Working Group on the Right to Development (A/HRC/12/28); decides to continue to act to ensure that its agenda promotes and advances sustainable development and the achievements of the Millennium Development Goals and to lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental

freedoms; decides to endorse the recommendations of the Working Group, as outlined in paragraphs 44 to 46 of its report to be submitted by the task force to the Working Group at its eleventh session in 2010, together with suggestions for further work; decides that, once considered, revised and endorsed by the Working Group, criteria and corresponding operational subcriteria should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development; decides that, upon completion of the three phases of the 2008-2010 workplan of the high-level task force on the implementation of the right to development, endorsed by the Council in its resolution 9/3, the Working Group will take appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature, through a collaborative process of engagement; decides to request the Office of the United Nations High Commissioner for Human Rights to continue to take all necessary measures and allocate adequate resources for the effective implementation of the present resolution; and also decides to review the progress of the implementation of the present resolution as a matter of priority at its future sessions.

The result of the vote was as follows:

In favour (33): Angola, Argentina, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, and Zambia.

Against (0):

Abstentions (14): Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, and United States of America.

HISHAM BADR (Egypt), introducing draft resolution L. 6/Rev. 1, and speaking on behalf of the Non-Aligned Movement, said that the draft presented had been subject to consultations during which all interested parties could present their views. The resolution was a procedural one. The draft resolution welcomed and endorsed the recommendations of the last session of the Working Group as outlined in paragraph of 44, 45 and 46 of the report. It was aimed at developing right to development criteria and sub-criteria. The criteria and sub-criteria would serve the purposes set out in paragraph 2c and 2d of the draft resolution. In view of the above, the Non-Aligned Movement called for the adoption of the draft resolution by consensus.

DOUGLAS M. GRIFFITHS (United States), speaking in an explanation of the vote before the vote, said the United States had a long-standing commitment to development, and was the largest donor to over-seas development and assistance. The United States reiterated its commitment to the Vienna Declaration and Plan of Action, and believed that the creation of conditions favourable to the development of individuals was the primary responsibility of States, and that international cooperation could assist in this regard. There was still much debate on the right to development, and the United States looked forward to working with the Working Group and the High-level task force, but did not think it was appropriate for the criteria on the right to development to evolve into an international document of a binding nature. The United States therefore called for a vote and would vote abstain on the text.

JEAN-BAPTISTE MATTEI (France), in an explanation of the vote before the vote and speaking on behalf of the European Union, said the European Union was continuously striving to create conditions most favourable to sustainable development and fair globalization, among others and it would continue to play a direct role in the right to development at the national and international level. The European Union reaffirmed that it was the duty of States to create conditions that were favourable for development and was happy that this had

been taken up in the text. It was however a pity that they had not been able to achieve consensus on this important question. The European Union had long advocated that the work by the high-level task force of the Working Group on the right to development should not necessarily lead to international norms on this question. It was important to create, at the national level, conditions that were favourable; accountability and the rule of law were preconditions to development. These considerations had not been included in the draft resolution.

In a resolution on Access to medicine in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/HRC/12/L.23), adopted without a vote as orally revised, the Council calls upon States, at the international level, to take steps, individually and/or through international cooperation, in accordance with applicable international law, including international agreements, to ensure that their actions as members of international organizations take into due account the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and that the application of international agreements is supportive of public health policies that promote broad access to safe, effective and affordable medicines; encourages all States to apply measures and procedures for enforcing intellectual property rights in such a manner as to avoid creating barriers to the legitimate trade of medicines, and to provide for safeguards against the abuse of such measures and procedures; invites the Office of the United Nations High Commissioner for Human Rights to convene an expert consultation in order to exchange views related to the realization of access to medicines, and invites the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to present a summary of the discussions of the expert consultation to the Council; encourages the Special Rapporteur to integrate, within his existing mandate, the human rights dimensions of access to medicines; and encourages all States to consider including in their national reports, to be submitted to the universal periodic review mechanism, information on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, particularly on measures taken to promote access to medicines.

JOAO ERNESTO CHRISTOFOLO (Brazil), introducing draft resolution L. 23, said that this initiative aimed at filling a gap in the area of human rights to health. How could the international community allow differentiating diseases and beneficiaries as if those suffering from some diseases were not entitled to the benefits of the human rights perspective of access to medicine, Brazil asked. According to the World Health Organization, of every 10 deaths, 6 were due to non-communicable diseases, which was the leading cause of death in low-and middle-income countries. Accepting the gap as it was now, from a human rights perspective, would contradict the principle of universality, which they could not accept. According to the World Health Organization, expanding access to existing initiatives would save more than 10.5 million lives by the year 2050. Brazil understood that the enjoyment of the highest attainable standard of health could only be obtained, among others, by providing access to medicine for all those who needed them. Access to medicine must be guaranteed to all, without discrimination, at financially affordable prices, and with good quality. This was a duty that the Human Rights Council, as the main United Nations body in the area of human rights, had a duty to address.

MARGHOOB SALEEM BUTT (Pakistan), in a general comment, said that Pakistan firmly believed that access to medicines at affordable prices was a prerequisite to realize the right of everyone to the attainment of the highest standards of health. Pakistan was a strong proponent of and was actively involved in a number of initiatives that were aimed at promoting access to medicines at affordable prices at different international fora, such as the World Health Organization, the World Intellectual Property Organization and the World Trade Organization. Intellectual property rights and other trade measures should not hinder access to medicine at affordable prices. Pakistan would remain actively engaged in the follow-up of this resolution.

JEAN-BAPTISTE MATTEI (France), speaking on behalf of the European Union, in a general comment, said from the beginning of negotiations on this resolution, the European Union had stated its doubts as to the need for such

a resolution, sharing the opinion of the main sponsors of the resolution, that access to medicine was an element in the context of the right of every person to attain the highest possible standard of physical and mental health. States should ensure the access of all to medicines of the highest possible standard. However, the resolution did not refer to other important elements in the context of the right to health, such as health systems themselves. States should adopt all necessary measures in order to promote, provide and facilitate access to medicines. But the resolution could be interpreted as going too far in this regard, which was not based on any international instrument, and could create unrealistic and unfounded expectations. The European Union believed that issues related to the World Trade Organization and World Health Organization should be discussed within those organizations themselves, recognising that a strategy for access to medicines in the context of human rights had just been adopted by the latter organization. The European Union had worked to arrive at a constructive text, making constructive proposals that had not been heard. However, since the resolution did not create a new expectation, and in a spirit of compromise, the European Union would not object to a consensus on the text.

DOUGLAS M. GRIFFITHS (United States), in an explanation of the vote before the vote, said that the United States wished to make an explanation of position. The United States expressed appreciation for the inclusive and transparent manner in which Brazil had led the consultations. The United States had invested in programmes aimed at combating HIV/AIDS, among others, and assisted those who otherwise would not have direct access to medicines. However, it regretted that the resolution, in the context of human rights, had a slight emphasis on issues of intellectual property; nothing in this resolution should be intended to alter the relevant Doha Declaration. There were also a number of procedural issues. Further, the United States wished to encourage the relevant Special Rapporteur to consider and focus on other areas of his mandate which had been more neglected. The United States would not block adoption of this draft resolution, but wished this statement to be on the record.

In a resolution on Protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) (A/HRC/12/L.24), adopted without a vote as orally revised, the Council invites States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to assist developing countries, in particular least developed countries and those in Africa, in their efforts to prevent the spread of the epidemic and alleviate and control the detrimental impact of HIV/AIDS on the human rights of their populations; urges all States to eliminate gender inequalities, gender-based abuse and violence, increase the capacity of women and girls, including those in prison or detention, to protect themselves from the risk of HIV transmission, principally through the provision of health care, and services and take all necessary measures to improve legal access and protection for women and girls, and to create an enabling environment for the empowerment of women and strengthen their economic independence, and in this context, reiterate the importance of the role of men and boys in achieving gender equality; requests States to further develop and, where necessary, establish coordinated, participatory, gender-sensitive, transparent and accountable national policies and programmes for the HIV response; urges all States to consider taking the steps necessary towards the elimination of criminal and other laws that are counterproductive to HIV prevention, treatment, care and support efforts, including laws directly mandating disclosure of HIV status or that violate the human rights of people living with HIV and members of key populations affected by the epidemic, and also urges States to consider the enactment of laws protecting these persons from discrimination in HIV prevention, treatment, care and support efforts; and requests the Secretary-General to prepare an analytical study based on comments from Governments, United Nations organs, programmes and specialized agencies, particularly the Joint United Nations Programme on HIV/AIDS and its co-sponsor agencies and to submit, in consultation with interested parties, a progress report to the Council for consideration at its sixteenth session.

ALEXANDRE GUIDO LOPES PAROLA (Brazil), introducing draft resolution L.24, said the basic purpose of the proposal was constructive, aimed at strengthening the human rights commitment of the combat to fight HIV/AIDS,

which affected all regions. According to current data, at the end of 2007, the number of people living with HIV/AIDS was 32 million. There was also grave concern for the 25 million lives lost to HIV/AIDS since the beginning of the epidemic. This was a truthful and genuine attempt to bring the cause of HIV/AIDS to the attention of the Council, take stock of all efforts in the field, and to guarantee the human rights perspective of prevention, treatment, care and support for all, without discrimination. The resolution addressed the main concerns on how to relate HIV/AIDS and human rights. The commitment expressed in the political declaration on HIV/AIDS of 2006 was reiterated. The text requested the Secretary-General to elaborate an analytical study on the matter to be presented to the Council in March 2011.

JEAN-BAPTISTE MATTEI ([France](#)), in a general comment, and speaking on behalf of the [European Union](#), said that the European Union welcomed the efforts made by Brazil to place the item on the protection of human rights in the context of HIV/AIDS on the agenda of Council. The European Union had undertaken consultations on this draft resolution right from the beginning. The European Union attached great importance to human rights in the context of HIV/AIDS, and believed that the Council had an important role to play in this area. The European Union strongly believed that it was necessary to deal with this issue in a global manner, and that all key populations needed to be identified, including men having sex with men, drug users and detainees. Some populations were taken on board, but it was a pity that some were excluded. The European Union stressed that the Human Rights Council should only deal with questions in its mandate. Given the importance of this issue, the European Union associated itself with the consensus in a spirit of compromise.

HISHAM BADR ([Egypt](#)), speaking in an explanation of the vote before the vote, said that Egypt attached significant importance to the need to address the rights dimension of HIV/AIDS based on the need for a global response and taking into consideration that the African continent was disproportionately affected by it. Egypt also commended the transparent manner in which the delegation of Brazil had conducted the consultations. For Egypt, all references made to the guidelines on HIV/AIDS and human rights were exclusively restricted to the 12 guidelines annexed to Commission on Human Rights resolution 1997/33 and should not be interpreted in any other manner.

DERSRA PERCAYA ([Indonesia](#)), speaking in an explanation of the vote before the vote, said Indonesia supported this initiative with the understanding that particular references to the Guidelines on HIV/AIDS did not go beyond the universal norms and standards of human rights, under which understanding, it would join the consensus, remaining committed to the prevention of HIV/AIDS without discrimination.

In a resolution on [Follow-up to the tenth special session of the Human Rights Council on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights](#) (A/HRC/12/L.25), adopted without a vote as orally revised, the Council decides to hold a panel discussion during the high-level segment of its thirteenth session, to discuss and evaluate the impact of the financial and economic crises to the realization of all human rights worldwide, with a view to contribute to the work of the Open-ended Working Group of the General Assembly to follow up on the issues contained in the outcome document of the Conference on the World Financial and Economic Crisis and its Impact on Development; requests the Office of the United Nations High Commissioner for Human Rights to consult States Members of the United Nations and all other relevant stakeholders on the issue with a view to present to the Council at its thirteenth session a report on the impact of the crises to the realization of all human rights and on possible actions required to alleviate it; reiterates its invitation to all relevant special procedures mandate holders, within their respective mandates, to report on the impact of the global economic and financial crises on the realization and effective enjoyment of all human rights, building on the deliberations of the tenth special session; and decides to remain seized of this matter.

MARIA NAZARETH FARANI AZEVEDO ([Brazil](#)), introducing draft resolution L. 25, said that Brazil and Egypt were at the forefront of the initiative aimed at holding the tenth special session on the impacts of the financial and

economic crises to all human rights. Unfortunately, most of their concerns, expressed at the tenth special session, had proven to be true and, despite some positive signs, the global picture was still gloomy. About 100 million more people than last year had been pushed into hunger and poverty. The financial and economic crises were undermining and slowing or reversing the development gains of developing countries. For some time, several countries had said here in the Council that either there was no evidence of the impacts of the crises to the realization and enjoyment of all human rights, or that this body had no mandate to deal with such an issue. Brazil believed that the Human Rights Council must have a say whenever an issue of global magnitude and concern took place, and Brazil and Egypt as well as other partners intended to establish a panel during the high-level segment of the thirteenth regular session of the Council in March 2010 to further discuss and evaluate the impacts of the financial crisis to the universal realization of all human rights. Brazil hoped this panel would be inclusive and constructive, with the participation of all regions and stakeholders: this was the objective of this resolution, to which Brazil hoped to count with the support of the Human Rights Council.

HISHAM BADR (Egypt), co-presenting draft resolution L.25, said that it was Egypt's firm belief that it was important to address the human impact of the global economic and financial crises. By holding a Special Session on this issue in February 2009, it had been one of the first international fora to address these issues. The draft resolution recalled the resolution that had been adopted during the tenth Special Session and called for the holding of a thematic discussion on the matter during the high-level segment of the Council's thirteenth session with a view to contribute to the work of the Open-ended Working Group of the General Assembly .

ZAMIR AKRAM (Pakistan), in a general comment, said that Pakistan believed that the global economic and financial crises had disproportionately affected developing countries. Without addressing the root causes that led to the crisis, a stable global financial and economic architecture could not be developed. In an unstable and unpredictable financial and economic world, the aspirations of universal realisation of human rights could not be fulfilled. Many years before the crisis, Pakistan was one of the few voices which strongly advocated restructuring of the global financial architecture. Pakistan welcomed the Special Session as well as this follow-up initiative in the Council as an important step in the direction of evaluating the impact of this crisis from a human rights perspective and to take appropriate actions.

JEAN-BAPTISTE MATTEI (France), in a general comment, and speaking on behalf of the European Union, said that the European Union wished to thank Brazil for having taken on board some of their concerns. The European Union was fully aware that, in many senses, the economic and financial crises had impacted on developed and developing countries, and could impact on the enjoyment of human rights. The prime responsibility of States was to promote and protect the fundamental rights and freedoms of their citizens, which the European Union was happy to say were recognized in the resolution. They should however not confuse international cooperation and development aid – the language of operative paragraph 4 in fact departed from the Council's mandate – the implementation by States of their human rights obligations. There were other fora which were better equipped to do this, and the European Union reaffirmed its commitment to work with these. The European Union was of the view that the best way to deal with the economic and financial crises was to discuss with treaty bodies and the Office of the High Commissioner for Human Rights in a panel discussion. This was the reason why the European Union believed that a panel discussion during the high-level segment during the thirteenth session was not necessarily the best way of addressing this issue. The European Union was convinced that the text could have been improved if these points would have been taken into consideration.

DOUGLAS M. GRIFFITHS (United States), in an explanation of the vote before the vote, said that the United States joined the consensus on this resolution as they recognised the challenges of the global financial and economic crises. They also wished to emphasize the primary responsibility of States to protect human rights within their jurisdiction but recognized that the crises presented unique challenges to achieve the Millennium Development

Goals.

MARTIN IHOEGHIAN UHOMOIBHI (Nigeria), speaking in an explanation of the vote after the vote, said Nigeria joined as a co-sponsor for the resolution just adopted out of deep conviction for linkages between the financial crisis taking place in the world and the capacity of States to protect and promote the human rights of their citizens. Nigeria also believed the crisis presented a series of challenges but also opportunities for the Council to deliberate on how to ensure that it did not dampen its role and capacities to defend the commitments that it had made. Nigeria was ready to work and contribute to participating actively in the panel discussion during the high-level segment proposed for the next session on the impact of the crisis on the enjoyment of all human rights.

MARIA NAZARETH FARANI AZEVEDO (Brazil), in a general comment, said that Brazil had privately and publicly sought to have an answer from the European Union about its resistance to discuss the financial and economic crises as it related to human rights, but it had never received a straightforward answer. Today, the European Union had said that it regretted that Brazil had asked for a panel discussion as this would isolate the issue from human rights. However, this was exactly what the European Union had asked for with regard to climate change: the resolution on climate change was more or less the same thing as what Brazil was asking for in their resolution in terms of financial and economic crisis. Today, the European Union said that it had suggested many constructive suggestions, and that Brazil had not taken these into account. But amendments had been made to many paragraphs, and where this was not the case, this was due to lacking consensus. Why was it that the European Union resisted so much to discuss an issue that had to do with human rights, Brazil asked, responding that maybe because they were setting the agenda, but they were developing countries.

BENTE ANGELL-HANSEN (Norway), in a general comment, said that, on the resolution on human rights and indigenous people, Norway had appreciated the consensus that had built on it and for the good consultation process. Norway would continue to promote this agenda, in order to find an agreement on strong national human rights instruments that would effectively protect and promote the rights of indigenous people.

JEAN-BAPTISTE MATTEI (France), speaking on behalf of the European Union, in a general comment, said as Brazil had addressed the European Union, France joined the consensus on the resolution that Brazil had presented. There was no rejection by the European Union in dealing with the impact of the financial and economic crises on the enjoyment of human rights, and it was prepared to do so in the framework of the mandate of the Human Rights Council. The European Union position was very careful in dealing with human rights and in dealing with development issues, and it was prepared to work cooperatively with all countries in this area.

Action on Resolution Under Agenda Item on Technical Assistance and Capacity Building

In a resolution on Advisory services and technical assistance for Cambodia (A/HRC/12/L.18), adopted without a vote as orally revised, the Council invites the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including non-governmental organizations, to make further efforts to work with the Government of Cambodia in improving democracy as well as ensuring the protection and promotion of the human rights of all people in Cambodia; decides to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its fifteenth session and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country; requests the Secretary-General to report to the Council at its fifteenth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights.

SHINICHI KITAJIMA ([Japan](#)), introducing draft resolution L.18, said that over the last years a number of developments had been made in the field of human rights in Cambodia. The Khmer Rouge tribunal had been opened and the Government had invited the Special Rapporteur and had had a constructive dialogue with him. Cambodia was a country that was still coming to terms with a tragic past and the efforts made so far were encouraging. There were still challenges, such as the land issues. The resolution was geared towards assisting the Cambodian Government. They had had many contacts with the Cambodian delegation in the drafting of this resolution.

SUN SUON ([Cambodia](#)), speaking as a concerned country, said Cambodia thanked the delegation of Japan, as the main co-sponsor country, for having presented the draft resolution. Cambodia greatly appreciated the tireless efforts made by the delegation in the quest for a consensus on the resolution, and also to other countries, both co-sponsors and non-sponsors for their contribution to the draft resolution, made in a constructive and good spirit that prevailed during the consultations. In joining the consensus, Cambodia was demonstrating sincere efforts and commitment to the work of the Human Rights Council in the protection and promotion of human rights, demonstrating that it was still and always committed, in a spirit of good will, to human rights, noting that the latter were incorporated in the policies and programmes of the Government. The resolution would make it possible to have an extension of the Special Procedure for the implementation of human rights for one year, and Cambodia hoped he would continue to work closely and constructively with the Government, focusing his work more on the relevant areas, namely those relating to advisory services and technical cooperation.

In a resolution (A/HRC/12/L.29/Rev.1) on [Assistance to Somalia in the field of human rights](#), adopted without a vote, the Council urges all parties to refrain from all forms of violence against the civilian population and to actively prevent abuses of human rights, including the rights of persons belonging to social groups and minorities living in Somalia; stresses the need to implement technical assistance and institutional capacity-building programmes inside the country, in accordance with the Transitional Federal Government at the national and regional levels; decides to renew the mandate of the independent expert on the situation of human rights in Somalia for a period of one year, with a view to maximizing the provision and flow of technical assistance to Somalia in the field of human rights, in order to support the Transitional Federal Government and regional authorities to ensure the respect of human rights; invites the independent expert to devote, in the fulfilment of his mandate, specific attention to building the effective capacity of the rule of law, the harmonization of laws, appropriate mechanisms to address impunity and the training of Somali security personnel on international human rights standards, also paying close attention to all human rights, including economic, social and cultural rights, the right to adequate food, the right to the enjoyment of the highest attainable standard of physical and mental health and the right to education.

MARTIN IHOEGHIAN UHOMOIBHI ([Nigeria](#)), introducing draft resolution L. 29/Rev.1 and speaking on behalf of the [African Group](#), said that the situation of human rights in Somalia was one of the world's most neglected tragedies, and one which required the international community's urgent response. The African Group conveyed its deepest condolences to the families of the victims of the attacked African Union peacekeepers. Further, thousands had been injured, raped or looted. The draft sought to renew the mandate of the Independent Expert on the situation of human rights in Somalia for the duration of one year. Meetings with all interested parties were held with a view to improve the text, and the African Group wished to thank all partners in this endeavor. The African Group called on the members of the Council to adopt draft resolution L. 29/Rev.1 without a vote.

YUSUF MOHAMMED ISMAIL BARI-BARI ([Somalia](#)), speaking as a concerned country, said that Somalia wanted to highlight the importance of this draft resolution and expressed Somalia's deep appreciation to all delegates that had engaged with the Somali delegation to get to a text that had the consensus of the whole Council and that did not only reflect the views of a single region. They had made history. Somalia looked forward to increase their engagement with the Council in order to enhance the

prevention of all human rights abuses and to deal with impunity. This draft resolution strengthened the previous one and ensured the much needed capacity building needed in Somalia. As emphasized by the Independent Expert, a timely and tangible implementation of technical cooperation in Somalia was the only viable solution to solve the problems of Somalia.

General Statements After Council Concluded Taking Action on Resolutions and Decisions

RAHMA SALIH ELOBIED (Sudan) said that Sudan had witnessed many developments in the political and human rights sphere since 2005. Among others, Sudan had established a national committee, and a census had been carried out. Further, an election would take place, parties had been established and the elections would be free and independent. Sudan had also signed the Convention on the Rights of the Child, and the establishment of a Committee on Human Rights had led to many developments in all fields, which had led to putting an end to the rebellion in the western area. The African Union also came to Darfur, and then addressed the Security Council saying that the situation in Sudan was back to normalcy. Sudan appreciated the efforts made by this Council, which gave impetus to improve and protect human rights, but it seemed that some countries still preferred not to applaud such improvements, which had led to the designation of an Independent Expert on Sudan.

IDRISS JAZAIRY (Algeria) said that, as a country which had been affected by natural disasters, he had to extend his condolences to the countries that had been affected by the recent natural catastrophes in Asia. On the resolution on freedom of opinion and expression, he welcomed the adoption by consensus of this resolution. The text adopted had certainly not met all of their concerns. This resolution also merely noted the report of the Special Rapporteur; it should have also recalled the importance for the Special Rapporteur to respect his mandate, which he had publicly denounced in breach of the code of conduct for Special Procedures.

Mr. M. TRAN CHI THANH (Viet Nam) said with regards to the resolution on Myanmar, as a South-East Asian country, Viet Nam closely followed the developments in Myanmar, noting that it was implementing the Seven-Step Democracy Plan, and the reconciliation road map, granting amnesty to prisoners and allowing them to participate next year in elections, and also noted Myanmar's cooperation with the international community including the United Nations. Viet Nam felt that a person-specific resolution should be avoided as it was counter-productive to protecting and promoting human rights, and ran counter to the sovereignty and territorial integrity of States. The Universal Periodic Review was the more appropriate location to discuss country-specific issues.

SIHASAK PHUANGKETKEOW (Thailand) said that the Thai delegation wished to refer to resolution L. 32 on Myanmar. Thailand's approach to Myanmar had always been a constructive one. Full implementation of what the Government of Myanmar had promised in its roadmap to democracy was the next step forward. Thailand strongly hoped that the forthcoming elections would be inclusive, and that meaningful dialogue, that would help bringing peace and national reconciliation to Myanmar, could take place. Further, Aung San Suu Kyi's detention remained of significant concern. Thailand welcomed the recent efforts the Government of Myanmar had undertaken to engage in constructive dialogue with the United Nations and the international community, and hoped that this process would be further intensified in coming months.

ANGELA ROBINSON (Australia), speaking on behalf of Canada, New Zealand and Australia, said that they wanted to express their concern over the adoption of the resolution on traditional values. This concept could be used to undermine universal human rights standards and norms. There was also no clarity over what this term could mean. Efforts to bring clarity into this had been resisted. They would have liked to see the inclusion, in the text, of the fact that traditional practices had to always conform to human rights standards. They firmly believed that customs, traditions and practices should never be invoked to undermine international human rights law.

JURG LAUBER (Switzerland) said Switzerland strongly regretted the adoption of resolution L.14 on traditional values. While the significance of national and regional particularities and various cultural and historical issues should be born in mind, all States had the duty to protect and promote human rights and fundamental freedoms. This did not have its place in the Council - traditional values were subjective, and had the capacity to reduce human rights to a relative concept, and could reduce progress achieved. The Universal Declaration of Human Rights was a model to be followed by all peoples and by all nations. Only those traditional values that were in conformity with human rights could be taken into account by the Human Rights Council. Human rights education and training were an appropriate tool that were immediately accessible and were not objectionable in achieving the goal mentioned by the Russian Federation, namely the achievement of human rights for all peoples in the world.

SUN SUON (Cambodia) said that Cambodia wished to refer to the resolution on Myanmar. As a matter of principle, Cambodia was not a country that considered endorsing this specific resolution to be discussed at the Council. Cambodia encouraged the international community to remain flexible, also encouraging Myanmar to engage in continued dialogue with it to promote the process toward the goal of achieving improvements on the human rights situation in the country. Cambodia believed that any action or decision taken for Myanmar should be based on meaningful consideration that aimed at facilitating the process toward a positive development and in the spirit of cooperation. The Council should therefore consider taking a decision with a forward-looking, constructive and consensual approach, taking into due consideration Myanmar's efforts to address the challenges ahead. Cambodia also took note of the continued commitment of Myanmar to human rights promotion and protection.

DANIEL ULMER (Canada) said that Canada expressed its appreciation to all delegations who had engaged constructively in the Council's collective efforts to substantively address the right to freedom of opinion and expression. Canada was pleased to see consensus restored on this fundamental human right. They very much hoped that this resolution would enable the Council to move forward in an effort to constructively address the many issues of concern to all delegations related to this issue. Canada continued to strongly support the work of the Special Rapporteur. Any restrictions or limitations on this right had to be consistent with international human rights law.

HISHAM BADR, Vice-President and Rapporteur of the Council, presenting the draft report of the twelfth session, said the constructive session was coming to an end today. The draft report contained a procedural description of the work up until yesterday afternoon. The format of the draft report was based on the agenda of the Council, and the chapters corresponded to the various agenda items. The Council had extended two mandates, and also appointed two new Special Procedure mandate holders.

The Council then adopted the report ad referendum.

MARTIN IHOEGHIAN UHOMOIBHI (Nigeria), speaking on behalf of the African Group, congratulated the President for bringing the current session to a successful end. A variety of issues had been discussed and a number of significant resolutions had been adopted, all aimed at promoting and protecting human rights the world over. The African Group hoped that all stakeholders would continue to be given the space to participate robustly in the work of the Council. They also wished to express their strong disapproval at the incident, which had occurred sometime in this session when a representative had taken the floor to denigrate a president of a sovereign State of the United Nations. That conduct deserved their strongest disapproval.

ABDELWAHEB JEMAL (Tunisia), speaking on behalf of the Arab Group, thanked the President for his skillful handling of the work of this session and thanked all participants, whether country delegations or members of civil society, whose contributions would help the process of promoting and protecting human rights around the world. However, the Arab Group, like the African Group, hoped that the President would continue to work to ensure that certain speakers were not allowed to use terms which insulted personalities,

especially Heads of State.

NEDA KISWANSON, of Al-Haq, Law in the Service of Man, in a joint statement with Badil Resource Center for Palestinian Residency and Refugee Rights; ADALAH - Legal Center for Arab Minority Rights in Israel; and Habitat International Coalition, said that President Obama had said that "justice delayed was justice denied". Today, Palestinians confined in the Gaza Strip and scattered around the world learned the true meaning of President Obama's words. It was with great disappointment that Al-Haq and its partner organizations had learned of the Palestinian Authority's deferral of the draft proposal, endorsing all the recommendations in the report by the Fact-Finding Mission. The deferral left the Palestinian people without any resort to legal remedies. The Palestinian position was an insult to the victims of Operation Cast Lead. The President of the Council was still able to adopt the resolution, regardless of the position taken by the Palestinian Authority. The Human Rights Council must stand up for justice and the victims. Should justice stand or fall by the whims of one Member State, then the value of the Human Rights Council was almost lost.

MOHAMMED KABBAJ, of North South XXI, said that they wanted to comment on the text on the right to international solidarity. This right should be the right of the oppressed. In terms of natural disasters, solidarity should be offered without restrictions. On freedom of expression, it was one side of the coin, the other was moral responsibility.

GIANFRANCO FATTORINI, of Movement against Racism and for Friendship among Peoples, said it was surprised that the Council deferred to the next session any action on the report provided by the Fact-Finding Mission on the Gaza Conflict. The strictly legal approach of the members of the Fact-Finding Mission was helpful, as it helped to depoliticise the protection and promotion of human rights. The text of the report was supported. To not use the principle of responsibility strengthened impunity and negated the credibility of the Human Rights Council. The Council was putting off action on the recommendations contained in the report of the High Commissioner. All States should be in favour of international law, especially the State of Israel. Justice delayed was justice denied. Justice and respect for rule of law were the basic foundation for peace.

CATHERINE HANSEN, of International Services for Human Rights, said that after the last session International Services for Human Rights had asked the Council to do more to promote and protect human rights. Today, at the closure of this session, they would like to say that at its current session the Council had shown its ability to address urgent human rights situations. International Services for Human Rights urged the Council to address all human rights violations, wherever they occurred. They had nevertheless also seen unfortunate attempts to undermine the Council's standards. The Council had further set up a new Working Group, and International Services for Human Rights welcomed the opportunity to improve the Council's functioning. It strongly believed that this review of the Council's work needed to be based on a comprehensive and objective assessment of the Council's achievements and shortcomings.

ALEX VAN MEEUWEN, President of the Human Rights Council, in closing remarks, said that in the last three weeks they had completed a very dense programme of work and had covered a significant number of issues. They had also benefited from the presence of high-level dignitaries. They had been honoured to have the presence of the High Commissioner on several occasions. Many national delegations had come to Geneva to continue a frank dialogue with the Council. He also underscored how much they respected the work of the Special Procedures mandate holders. All of this work and analysis was necessary for the work of the Council. Human rights defenders were also a necessary support in the work of the Council. He encouraged everyone to continue the dialogue on the most sensitive issues.

For use of the information media; not an official record

