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Council establishes mandate on Côte d'Ivoire, adopts protocol to child rights treaty, requests study on discrimination and sexual orientation

p>Human Rights Council
MORNING 17 June 2011

Extends Mandates of Commission of Inquiry on Libya, and of the Special Rapporteurs on Human Rights of Migrants and on Extreme Poverty and Human Rights

The Human Rights Council this morning adopted twelve texts in which it established the mandate of Independent Expert on the situation of human rights in Côte d'Ivoire, adopted the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and requested the High Commissioner for Human Rights to commission a study to document discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. The Council extended the mandates of the Commission of Inquiry on Libya and the Special Rapporteurs on the human rights of migrants and on extreme poverty and human rights. It also adopted texts on the flotilla incident, Kyrgyzstan, violence against women, the right to health and on cultural rights.

Concerning assistance to Côte d'Ivoire, the Council decided to establish the mandate of Independent Expert on the situation of human rights in Côte d'Ivoire for a period of one year, who would be responsible for assisting the Government of Côte d'Ivoire in the follow-up to the implementation of the recommendations of the International Commission of Inquiry and of the resolutions of the Human Rights Council.

The Council adopted the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and recommended that the General Assembly adopt the Optional Protocol and that the Optional Protocol be opened for signature at a signing ceremony to be held in 2012. Regarding human rights, sexual orientation and gender identity, the Council requested the High Commissioner to commission a study to be finalised by December 2011 to document discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, in all regions of the world, and how international human rights law could be used to end violence and related human rights violations based on sexual orientation and gender identity. It also decided to convene a panel discussion during the nineteenth session of the Human Rights Council, informed by the facts contained in the study commissioned by the High Commissioner.

On the situation of human rights in Libya, the Council extended the mandate of the Commission of Inquiry established by the Human Rights Council and requested the Commission to continue its work, including through visits, and to provide an oral update to the Council at its eighteenth session, and a final written report at its nineteenth session. The Council extended for a period of three years the mandate of the Special Rapporteur on the human rights of migrants. The Council extended the mandate of the Special Rapporteur on extreme poverty and human rights for a period of three years.

In other texts, the Council, regarding follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla, took note of the report of the United Nations High Commissioner for Human Rights; regretted the non-cooperation of the occupying Power, Israel, with the independent international fact-finding mission on the Gaza flotilla incident; and requested the High Commissioner to submit a concluding report at its twentieth session.

On technical assistance and cooperation on human rights in Kyrgyzstan, the Council requested the United Nations High Commissioner for Human Rights to continue to provide technical assistance through her office in Bishkek, and to work with the Government of Kyrgyzstan and other actors, as

needed, to identify additional areas of assistance that would aid Kyrgyzstan in fulfilling its human rights obligations.

Concerning accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in protection, the Council decided to include in the annual full-day discussion on women's human rights, at its twentieth session, the theme of remedies, with a focus on transformative and culturally sensitive reparations for women who had been subjected to violence.

With regards to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Council called upon the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support and training of personnel.

On the promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity, the Council reiterated its call upon all Governments to cooperate with and assist the Independent Expert in the discharge of her mandate, to provide her with all the necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their countries in order to enable her to fulfil her duties effectively.

Concerning the promotion of the right of peoples to peace, the Council requested the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to present a draft declaration on the right of peoples to peace, and to report on progress thereon to the Council at its twentieth session.

Introducing resolutions were Pakistan on behalf of the Organization of the Islamic Conference, Canada, Mexico, France, Brazil on behalf of India, Brazil, South Africa and Egypt, Cuba, Jordan, Slovakia, Japan, South Africa, United States, Kyrgyzstan, Nigeria,

Speaking in general comments were Hungary on behalf of the European Union, United States, Japan, Cuba, Brazil, Argentina, Russian Federation, China, Maldives, and France.

Speaking in explanations of the vote before or after the vote were the United States, Russian Federation, Hungary on behalf of the European Union, Mexico, Brazil on behalf of a group of countries, Nigeria on behalf of the African Group, Ecuador, Pakistan on behalf of the Organization of the Islamic Conference, Saudi Arabia, Bahrain, Bangladesh, Qatar, Mauritania, Argentina, Mauritius, Jordan, and Nigeria. Palestine, Turkey and Côte d'Ivoire spoke as concerned countries.

When the Council resumes its work at 3 p.m. this afternoon, it will continue to take action on remaining draft resolutions and decisions before concluding its seventeenth session.

Action on Resolution under the Agenda Item on Organizational and Procedural Matters

Action on Resolution on Follow-up to Report of Fact-Finding Mission on the Incident of the Humanitarian Flotilla

In a resolution (A/HRC/17L.1) regarding follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla, adopted by a vote of 36 in favour, 1 against, and 8 abstentions as orally revised, the Council takes note of the report of the United Nations High Commissioner for Human Rights; regrets the non-cooperation of the occupying Power, Israel, with the independent international fact-finding mission on the Gaza flotilla incident; calls upon concerned parties to ensure the immediate implementation of the conclusions contained in the report of the fact-finding mission; took note of the Panel of Inquiry established by the Secretary-General; requests the High Commissioner to bring the attention of the Secretary-General to the conclusions contained in the report of the fact-finding mission, as well as the follow-up reports; requests the High Commissioner to submit a concluding report on the status of the implementation of paragraph 3 above to the Human Rights Council at its twentieth session; and decides to follow up the implementation of the present resolution at its twentieth session.

The result of the vote was as follows:

In favour (36): Angola; Argentina; Bahrain; Bangladesh; Belgium; Brazil; Burkina Faso; Chile; China; Cuba; Djibouti; Ecuador; France; Ghana; Guatemala; Japan; Jordan; Kyrgyzstan; Malaysia; Maldives;

Mauritania; Mauritius; Mexico; Nigeria; Norway; Pakistan; Qatar; Russian Federation; Saudi Arabia; Senegal; Spain; Switzerland; Thailand; Uganda; United Kingdom and Uruguay.

Against (1): United States.

Abstentions (8): Cameroon; Hungary; Poland; Republic of Korea; Republic of Moldova; Slovakia; Ukraine and Zambia.

MARIAM AFTAB (Pakistan), speaking on behalf of the Organization of the Islamic Conference, introducing draft resolution L.1 on follow up to the report of the international fact-finding mission on the incident of the humanitarian flotilla, said that the international community had expressed its condemnation of the Israeli attack on the humanitarian flotilla and that the Council had established the Commission of Inquiry to investigate alleged violations of international humanitarian law and international human rights law. The Mission in its report had concluded that the actions of the Israeli Defence Forces in blocking the flotilla had been a violation of international law and that the Israeli military had committed serious human rights violations against civilian passengers of the flotilla. In order to ensure justice for the victims, the draft resolution was presented and was mainly procedural in nature. The Organization of the Islamic Conference wished to introduce oral revisions to the draft resolution. In closing, the Organization of the Islamic Conference hoped that the draft resolution would be adopted by consensus.

IBRAHIM KHRAISHI (Palestine), speaking as a concerned country on L.1, called for the implementation of all the recommendations contained in the report following the attack on the humanitarian flotilla to Gaza. Occupation was the main reason for the siege in Gaza. Palestine called on Israel to comply fully with all resolutions regarding the situation of occupation. Palestine repeated its support for Turkey regarding compensation for the families of the flotilla victims. It said that it could not accept being told that the siege directed against Gaza was legitimate and that innocents could be killed on the high seas. The Human Rights Council was faced with important challenges particularly in the implementation of its resolutions and resolutions by other bodies on this issue.

OGUZ DEMIRALP (Turkey), speaking as a concerned country on draft resolution L.1, said that the Human Rights Council was once again seized on the draft resolution on the incident on the humanitarian flotilla. This was a case where the core provisions of international humanitarian law and international human rights law had been deliberately violated, resulting in the death of nine persons. A number of organizations around the world continued to keep the incident on their agenda, since justice had not been yet done. The concerned country had not yet taken any steps to address the incident and this was contributing to perpetrating impunity. The Human Rights Council would be judged on the steps it took to ensure implementation of its resolutions and decisions. Turkey was confident that this draft resolution would be adopted by the Human Rights Council without hesitation.

EILEEN CHAMBERLAIN (United States), speaking in an explanation of the vote before the vote on L.1, deeply regretted the loss of life and injury that occurred in Gaza-bound ships last spring. The United States had continued to emphasize the need for an investigation into the incident and was committed to working with partners, including Israel and Turkey, to resolve the issue. The United States underlined the need to go forward with negotiations for comprehensive peace, including two States living side-by-side. Although the United States remained concerned about the situation in Gaza, the United States remarked that the situation had markedly improved over the last year. The United States would continue to work with Israel, the Palestinian Authority and donors to ensure needs were met. The United States urged those desiring to deliver goods to do so via established channels to ensure legitimate security concerns as well as humanitarian needs were met. The United States urged countries to use their influence to prevent future flotillas that risked escalation. The United States commended the Panel established by the Secretary-General to complement the national investigations of Israel and Turkey into the matter and considered this panel to be the primary resource for gathering information on the matter for the international community. The United States opposed the current draft resolution and stated it would call a vote.

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

Action on Resolution on Violence against Women

In a resolution (A/HRC/17/L.6) regarding accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in protection, adopted without a vote as orally revised, the Council strongly condemns all acts of violence against women and girls, where these acts are perpetrated by the State, private persons or non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and stresses the need to treat all forms of violence against women and girls as a criminal offence, punishable by law, and the duty to provide victims with access to just and effective remedies and specialized assistance, including medical and psychological assistance, as well as effective counselling; decides to include in the annual full-day discussion on women's human rights, at its twentieth session, the theme of remedies, with a focus on transformative and culturally sensitive reparations for women who have been subjected to violence; invites the Office of the High Commissioner to prepare a thematic analytical study on the issue of violence against women and girls and disability, and to report to the Human Rights Council at its twentieth session; and decides to continue consideration of the issue of the elimination of all forms of violence against women, as a matter of high priority, in conformity with its annual programme of work.

NANON BOISCLAIR (Canada), introducing resolution L.6, said this year the resolution focused more specifically on exercising due diligence on protecting women and girls exposed to violence, including the legal framework for their protection. As the principal sponsor of the resolution, Canada had embarked on open and transparent consultations and had facilitated the participation of other delegations in the discussions. There was also active participation by several non-governmental organizations and civil society and representatives of UN organs and bodies. Canada believed that it responded adequately in the text that was presented to the concerns of certain delegations, while maintaining all aspects that related to women exposed to violence. Canada introduced a series of oral amendments. Canada drew attention to main revisions which were paragraph 5 sub-paragraph K; it regretted that there was a need to withdraw from the list of vulnerable women, women suffering from discrimination with regard to their sexuality. It noted that as there was not sufficient support it opted for a return to the language of last year's resolution. Canada noted one additional change to the text of operative paragraph 7.

NATALIA ZOLOTOVA (Russia Federation), speaking in an explanation of the vote before the vote on L.6, noted the importance of adopting the resolution. Despite widespread efforts, not one country had managed to stop violence against women and thus the Russian Federation expressed the view that States needed to develop their own strategies to combat this issue. This needed to be taken into account in developing United Nations documents. The Russian Federation was grateful to the co-authors of the draft resolution for taking into account its suggestions for revision. A lack of desire on the part of the co-sponsors to listen to views and engage on dialogue worsened the atmosphere surrounding the issue. The Russian Federation believed that references to continuing processes on women, peace and security in the United Nations Security Council did not predetermine outcomes. In reference to the need for special protection for human rights defenders, the Russian Federation did not assume that these people needed rights different than the rights enjoyed by the general population. Russian Federation hoped the co-sponsors would be more balanced and constructive in the development of resolutions.

Action on Resolution on Mandate of the Special Rapporteur on Human Rights of Migrants

In a resolution (A/HRC/17/L.12) regarding the human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants, adopted without a vote, the Council decides to extend for a period of three years the mandate of the Special Rapporteur on the human rights of migrants; encourages Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested, to consider the implementation of the recommendations contained in the reports of the Special Rapporteur, and to react promptly to his or her urgent appeals; requests all relevant mechanisms to cooperate with the Special Rapporteur; and requests the Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the fulfillment of his or her mandate.

JUAN JOSE GOMEZ CAMACHO (Mexico), introducing resolution L.15, said the resolution would

JUAN JOSE GOMEZ CAMACHO (Mexico), introducing resolution L.13, said the resolution would extend for a period of three years, the mandate established in 1999. Thanks to the joint endeavours the Special Rapporteur would be able to overcome obstacles for the full and effective protection of human rights of migrants, women, children and those without documents who found themselves in a situation of migration. To preserve the existing normative framework the resolutions stressed practical solutions. Mexico appealed to the Council to adopt the draft resolution by consensus.

ANDRAS DEKANY (Hungary), speaking in general comment on L.12 and on behalf of the European Union, said the European Union was committed to assuring the rights of migrants and addressing issues related to migration. The issue required a comprehensive response by the countries concerned. The European Union had a long tradition of supporting countries in transition or crisis. The immense migration flows from the Middle East and North Africa had resulted in a wide-ranging response on the part of the European Union. The European Union was convinced of the need for the issue to be fully analyzed. Since the Special Rapporteur on migrants had been successfully addressing migration, the European Union believed he would continue to do so in light of the recent events. The European Union expressed its support for the draft resolution and expressed hope that the draft resolution would be adopted by consensus.

Action on Resolution on the Mandate of the Special Rapporteur on Extreme Poverty and Human Rights
In a resolution (A/HRC/17/L.15) regarding extreme poverty and human rights, adopted without a vote as orally revised, the Council decides to extend the mandate of the current mandate holder as a Special Rapporteur on extreme poverty and human rights for a period of three years in conformity with the terms set forth in Human Rights Council resolution 8/11; requests the Office of the United Nations High Commissioner for Human Rights to give high priority to extreme poverty and human rights and invites it to pursue further work in this area, and to provide the Special Rapporteur with all necessary human and financial resources for the effective fulfilment of his or her mandate; and requests the Special Rapporteur to submit an annual report on the implementation of the present resolution to the General Assembly and to the Human Rights Council, in accordance with their programme of work.

JEAN-BAPTISTE MATTEI (France), introducing draft resolution L.15, stressed support for the mandate to fight against the scourge of extreme poverty which was a concern for one and all and should be the concern of the Council. France noted that apart from renewing the mandate of the Special Rapporteur for another three years; the resolution sought to modify the name of the Special Rapporteur. It noted that this was a formal change that had no substantive effects. Further that the change would allow for the work of the Special Rapporteur to be more visible. France noted that there was only one change toward the end of the first preambular paragraph. The change concerned the phrase “and reaffirming in this regard the International Covenant on Economic Social and Cultural Rights”.

Action on Resolution on the Right to Health

In a resolution (A/HRC/17/L.16) regarding the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, adopted without a vote as orally revised, the Council calls upon the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support and training of personnel; encourages States to integrate the right of everyone to the enjoyment of the highest attainable standard of physical and mental health into development strategies; and emphasizes the central role of prevention, particularly through the promotion of healthy lifestyles and through the strengthening of health systems as part of a comprehensive approach to communicable as well as non-communicable diseases, and urges all States, United Nations agencies and programmes and relevant intergovernmental organizations, including the private sector, to promote the innovative research and development, the affordability of safe, effective and good-quality medicines for non-communicable diseases, and to address the challenges arising from the growing burden of such diseases.

MARIA NAZARETH FARANI AZEVEDO (Brazil), introducing draft resolution L.16 on behalf of India, Brazil, South Africa and Egypt, said the draft recognized the progressive realization of the right to health as one of the central aspects of the process of development and encouraged States to integrate such a right into development strategies. The draft resolution encouraged States to undertake a series of

health-related measures and promote the development of new drugs for diseases disproportionately affecting developing countries. The draft resolution requested the Special Rapporteur on the right to health to prepare a study on challenges regarding access to medicines. The draft resolution reiterated an unwavering commitment to the promotion of health as a human right. Development and the human right to health were fundamental to each other, as demonstrated by the several health-related Millennium Development Goals. The resolution had been prepared in a transparent and inclusive manner. Brazil had accommodated delegations' concerns to the best of its abilities. Brazil called on all Member States to support the draft resolution and asked that it be adopted by consensus.

EILEEN CHAMBERLAIN (United States), speaking in a general comment, said that health care was an important issue for the United States as its Government was working to improve access and reduce disparities to health care. The United States stressed its commitment to the promotion of health in the context of the Summit on the Millennium Development Goals in September 2010 and the UN High-Level Meeting on AIDS in June 2011. The Global Health Initiative, currently underway, would dedicate over \$ 63 billion over six years to support a holistic model of health care, combating AIDS, malaria and tuberculosis, disease prevention focused on women and families. The United States stressed that the right to health should be progressively realised and expressed concern about the treatment of intellectual property and trade issues in the resolution. Expert consultations incorrectly criticised patents, patent holders and pharmaceutical companies. The United States reiterated support for the Doha declaration on TRIPS and Public Health and stated that nothing in this resolution should be seen as changing the scope of the declaration. There were issues and challenges aside from intellectual property and trade that were important to human rights and health delivery, services and access and the Council and the Special Rapporteur should devote more attention to them.

KENICHI SUGANUMA (Japan), speaking in a general comment on resolution L.16 regarding the right to health, said Japan believed that the right to health should be discussed in a wider context. This should include the provision of health services and capacity building in the relevant public sector organizations. While certain issues regarding the right health could be addressed in the Council, the rest should be done in other fora such as the World Health Organization or the World Intellectual Property Organization. Japan hoped that the Council would be able to expand its work outside from access to medicines in its future work so that the international community could further benefit from the mandate of the Special Rapporteur.

RODOLFO REYES RODRIGUEZ (Cuba), speaking in a general comment on draft resolution L.16, said Cuba was a co-sponsor of the draft resolution and was fully committed to the right to health. As co-sponsor, Cuba had to convey its concern about the language in the title that limited the fulfillment of the right to health. Cuba said it was not appropriate to address the development of drugs in the context of the right to health. Incredibly wealthy countries were not assuring full access to health services. However, Cuba understood that the study was included in the draft resolution and thus would support the draft resolution. Cuba, however, would never agree to dealing with the right to health in a context that limited the understanding of that right.

MARIA NAZARETH FARANI AZEVEDO (Brazil), speaking in a general comment, said that Brazil had traditionally sponsored the resolution on the right to health in the context of the Council and this resolution did not intend to reduce its scope in any way. This was only one of the resolutions presented on the issue of the right to health and responded specifically to concerns raised by the reports presented by the Special Rapporteur. Brazil reiterated the hope that, along with other resolutions on the issue, the Council would comprehensively address the issue of the right to health.

Action on Resolution on the Promotion of the Enjoyment of Cultural Rights of Everyone and Respect for Cultural Diversity

In a resolution (A/HRC/17/L.22) regarding the promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity, adopted without a vote as orally revised, the Council reaffirms that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent; recognizes the right of everyone to take part in cultural life and to enjoy

the benefits of scientific progress and its applications; reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms; reiterates its call upon all Governments to cooperate with and assist the independent expert in the discharge of her mandate, to provide her with all the necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their countries in order to enable her to fulfil her duties effectively; and requests the independent expert to present her next report to the Human Rights Council at its twentieth session, and decides to consider the report under the same agenda item in accordance with its programme of work.

JUAN ANTONIO QUINTANILLA (Cuba), introducing resolution L.22, thanked the many delegations that had co-sponsored the resolution in a gesture of support. The work on cultural rights had had its vital moment with the establishment of a Special Procedure in the field of cultural rights. The promotion of cultural diversity instead of weakening human rights constituted the main source of its richness and power. Cuba further lamented that there were concerns on this cultural diversity based on the tendency to equate cultural diversity with cultural relativism. Cuba noted that Syria, Democratic Peoples' Republic of Korea, Sudan, Iran, Sri Lanka, Côte d'Ivoire, Senegal, Costa Rica, Pakistan, Egypt and Morocco were co-sponsors. Cuba made an oral revision to the text in the preambular paragraphs five and six where the word "appreciation" was deleted from those paragraphs.

ANDRAS DEKANY (Hungary), speaking in a general comment on draft resolution L.22 on behalf of the European Union, said the European Union attached the greatest importance to the United Nations Educational, Scientific and Cultural Organization. The United Nations Educational, Scientific and Cultural Organization had clarified that cultural diversity required many means of expression. Cultural diversity could only be protected and promoted if human rights were guaranteed. It was important to recall that the right to freedom of expression and assembly were extensively outlined by the United Nations Educational, Scientific and Cultural Organization as essential to cultural diversity. The European Union welcomed the way the Special Rapporteur was exercising her mandate. There continued to be legal concerns about the second report however and the European Union encouraged her to fully recognize the rights to freedom of association and expression in her work. The European Union continued to have concerns that certain cultural practices violated human rights. It was important that all cultural practices respect human rights and that cultural diversity could not be invoked to justify human rights violations. The European Union regretted that its proposal for language change was not included in the title of the draft resolution. The European Union joined the consensus in supporting draft resolution L.22.

EILEEN CHAMBERLAIN (United States), speaking in a general comment, reiterated the importance of the promotion of cultural diversity, pluralism, tolerance and dialogue among peoples from all cultures. Cultural diversity had played a critical role in the United States' history and showed that cultural diversity could strengthen human rights. Respect for human rights also substantially enhanced respect for diversity. The United States expressed concerns that the concept of cultural diversity, particularly when espoused in a human rights context, could be misused. Cultural diversity should neither be used to undermine or limit the scope of human rights, nor to justify or legitimise human rights abuses. The United States disagreed with the conclusions of the Independent Expert and the Experts' meeting as they purported to recognise a new right to access and enjoy cultural heritage.

Action on Resolution on the Promotion of the Right of Peoples to Peace

In a resolution (A/HRC/17/L.23) regarding the promotion of the right of peoples to peace, adopted by a vote of 32 in favour, 14 against, and no abstentions as orally revised, the Council reaffirms that the peoples of our planet have a sacred right to peace; also reaffirms that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of all States; stresses the importance of peace for the promotion and protection of all human rights for all; supports the need to further promote the realization of the right of peoples to peace and, in that regard, requests the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to present a draft declaration on the right of peoples to peace, and to report on progress thereon to the Council at its twentieth session; and requests the Office of the United Nations

High Commissioner for Human Rights to retransmit the questionnaire prepared by the Advisory Committee in the context of its mandate on the issue of the right of peoples to peace, seeking the views and comments of Member States, civil society, academia and all relevant stakeholders.

The result of the vote was as follows:

In favour (32): Angola; Argentina; Bahrain; Bangladesh; Brazil; Burkina Faso; Cameroon; Chile; China; Cuba; Djibouti; Ecuador; Gabon; Ghana; Guatemala; Jordan; Kyrgyzstan; Malaysia; Maldives; Mauritania; Mauritius; Mexico; Nigeria; Pakistan; Qatar; Russian Federation; Saudi Arabia; Senegal; Thailand; Uganda; Uruguay and Zambia.

Against (14): Belgium; France; Hungary; Japan; Norway; Poland; Republic of Korea; Republic of Moldova; Spain, Ukraine; United Kingdom; United States; Slovakia and Switzerland.

Abstentions (0):

JUAN ANTONIO QUINTANILLA (Cuba), introducing resolution L.23, said Cuba recognized the work by civil society on the right to peace. Civil society and academia should present a draft declaration on the right of all people to peace at the coming Council session in June 2012. The text enjoyed the support from a number of nations, including the Democratic People's Republic of Korea, Syria, Sudan, Uruguay, Dominican Republic, Sri Lanka, Côte d'Ivoire, Indonesia, Bangladesh, Egypt and Iran. Cuba made an oral revision to operative paragraph 14, noting that in line three the word human was to be deleted. The paragraph was changed to the "draft declaration on right of peoples to peace".

ANDRAS DEKANY (Hungary), speaking in an explanation of the vote before the vote on L.23 on behalf of the European Union, recognized the relationship between peace and human rights. However, the absence of peace could not justify the failure to respect human rights. The European Union believed that most of the issues raised in the draft resolution were better raised in other fora. The European Union did not consider it a good use of time to address this issue in the Human Rights Council, particularly as the General Assembly had already supported a resolution on the right of people to peace. The European Union thus did not support the draft resolution. While thanking the Cuban delegation for convening an informal consultation on the draft resolution, the European Union could not support the draft resolution, would call for a vote and would vote against it.

EILEEN CHAMBERLAIN (United States), speaking in an explanation of the vote before the vote, noted with concern the vulnerabilities of citizens in conflict zones. However, the draft resolution did not promote peace or highlight the vulnerability of those in conflict zones, instead it focused on issues that were primarily a matter of state-to-state relations. The United States underlined that while human rights were universal and applied to individuals, collective rights were a distinct category of rights. Having assessed the report of the Advisory Committee, the United States anticipated that any effort to move forward with a draft declaration would be fraught with difficulty and division. There were other international bodies, particularly the Security Council, that were better suited to address issues related to international peace and security.

SALVADOR TINAJERO ESQUIVEL (Mexico), speaking in an explanation of the vote before the vote on L.23, said that this was a relevant matter which required further study. Mexico noted that there was an intrinsic relationship between peace and human rights. Regarding the difficulties of legal rendering of the right, Mexico noted that this right must be ensured as a human right but must be assured within the context of international law. It noted that further discussion on the subject should include how the concept of peace should be treated as a human right. Mexico expressed doubt on some of the matters included in the report. Mexico believed the discussion should go into international security and disarmament and other related issues.

Action on Resolution on Situation of Human Rights in Libya

In a resolution (A/HRC/17/L.3) regarding the situation of human rights in the Libyan Arab Jamahiriya,

adopted without a vote as orally revised the Council expresses deep concern at the ongoing arbitrary detention and killing of civilians, including human rights defenders, migrants and journalists; urgently reiterates its call on the Libyan authorities to immediately cease all violations of human rights; calls upon the Libyan authorities to cooperate fully with the Commission of Inquiry and with all international human rights bodies and mechanisms; takes note of the statements made by the Libyan National Transitional Council of its commitment to upholding international human rights law and underlined the importance of implementing such statements; and decides to extend the mandate of the Commission of Inquiry established by the Human Rights Council in its resolution S-15/1, and requests the Commission to continue its work, including through visits, and to provide an oral update to the Council at its eighteenth session, and a final written report at its nineteenth session.

MUTAZ FALEH HYASSAT (Jordan), introducing draft resolution L.3, said that the Council had proven that it could not remain silent in the face of atrocities and shocking events such as those taking place in Libya. The text urged all parties concerned to respect applicable international law, in particular international human rights law and international humanitarian law. The draft resolution welcomed the report of the Commission of Inquiry and urged all parties to ensure the implementation of its recommendation; it extended the mandate of the Commission and requested it to continue its work and to provide an update to the Council at its eighteenth session and a final report at its nineteenth session. Jordan then orally presented changes to the draft resolution. The draft resolution addressed the human rights situation in Libya and should not constitute recognition of the National Transitional Council.

MARIA NAZARETH FARANI AZEVEDO (Brazil), in an explanation of the vote before the vote on behalf of a group of countries, said the countries had followed with concern the situation of human rights in Libya. They condemned any acts of violence against civilians and unarmed people. They called for the establishment of an immediate cease fire and for all parties to respect international human rights and humanitarian law. The countries further supported the efforts of the African Union in seeking sustainable and lasting solutions for peace. They noted that serious violations of human rights and international humanitarian law had been committed in Libya. The countries believed that the Commission should investigate all violations of international human rights and humanitarian law committed by the parties, in a balanced and fair manner. There was no reference in operative paragraph 8 to all parties to the conflict, including foreign ones. There must be accountability for all violations of international human rights law and humanitarian law. The Commission's reference in operative paragraph 11 of the resolution amounted to an inappropriate precedent; and underlined the understanding that nothing in the present resolution may serve as or imply recognition to a party in the conflict in Libya. For the above reasons the countries had agreed with the content of the draft resolution (A/H/Human Rights Council/17/L.3.)

HECTOR RAUL PELAEZ (Argentina), speaking in a general comment before the vote, noted the importance of addressing the human rights situation in Libya in the Council. Argentina reaffirmed its position, previously delivered in the plenary, during the presentation of the report by the Fact Finding Commission, that full respect for freedom and human rights must be ensured. Argentina rejected foreign intervention and the use of military force as means of seeking a solution for the current crisis.

RODOLFO REYES RODRIGUEZ (Cuba), speaking in a general comment, stated that initiatives in the Human Rights Council and in the Security Council for military action in Libya were an umbrella cover for the United States intervention for clear colonial purposes and the conquest including some 244 tonnes of gold in the Libyan national bank. Cuba stressed the need for a peaceful solution. It also noted that many false things had been said about Libya in the Western press. It had been said that the Libyan Government had hired mercenaries but it was then established that these were migrants that had been detained. Cuba noted with reference to the NATO action in Libya that this was one of the most striking examples of military intervention in recent memory. The Council should take note of the gross violations of human rights committed by the United States and the NATO. There was damage to the Libyan infrastructure, particularly civilian facilities. Cuba noted that the actions of NATO were completely without justification given international humanitarian law and human rights law. Cuba said that it found very interesting the statements made by the group of countries that shared their thoughts on the matter.

OSITADINMA ANAEDU (Nigeria), speaking on behalf of the African Group in an explanation of the vote before the vote, said that the African Group had made it very clear that the issue of Libya was one that called for concerted international efforts. The African Group took note of the road marks of the leaders of the African Group on how to resolve this crisis. A number of areas in resolving this crisis had been very difficult for the African Group and the African Group took note of the efforts by Jordan to resolve those issues. It was important that a number of key questions and paragraphs contained in the draft resolution did not give recognition to opposition groups. The resolution on the crisis in Libya would involve all the parties in Libya and the regional impetus in coming to the solution would be very important. While the African Group had recognised the efforts to address the operative paragraphs six and ten, the African Group could not vote in favour of this draft resolution.

MAURICIO MONTALVO (Ecuador), speaking in an explanation of the vote before the vote, said that Ecuador had already condemned in this Council the acts of violence in Libya and said that there was no justification for attacking the population and violating their human rights. Pronouncements on human rights situations around the world must be approached impartially and without the Human Rights Council becoming the body to legitimise assessments based on double standards. Fair treatment of complex situations was essential and pointing fingers to situations where some States had other interests should not happen. Ecuador was not in favour of any form of interference where the civilian population could suffer and added that in Libya, there were many civilian victims as a result of the North Atlantic Treaty Organization attacks, on which the Council remained silent. The Council should address the death of innocent civilians, because there was no one else who could. Ecuador said that the present draft resolution failed to address the protection of civilians and therefore Ecuador had to disassociate from the consensus on this draft resolution.

Action on Resolution under the Agenda item on Human Rights Bodies and Mechanisms

Action on Resolution on the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure

In a resolution (A/HRC/17/L.8) regarding the Optional Protocol to the Convention on the Rights of Child on a communications procedure, adopted without a vote as orally revised, the Council adopts the Optional Protocol to the Convention on the Rights of the Child on a communications procedure as contained in the annex to the present resolution, and recommends that the Optional Protocol be opened for signature at a signing ceremony to be held in 2012, and requests the Secretary-General and the United Nations High Commissioner for Human Rights to provide the necessary assistance.

FEDOR ROSOCHA (Slovakia), introducing draft resolution L.8, orally introduced changes to the resolution and indicated that the draft procedural resolution aimed to adopt the Optional Protocol to the Convention on the Rights of the Child on a communications procedure agreed upon by the Working Group and recommended to the General Assembly its final adoption so that the Protocol could be open for signature in 2012. The Convention on the Rights of the Child was the last core international human rights treaty without a communications procedure mechanism and therefore, by the adoption of the Optional Protocol, the Council would make a significant step towards the improvement of the child's rights protection at the international level and would strengthen the protection of the rights guaranteed under the Convention and its two substantive Optional Protocols. Equally it would positively influence the development of protection and remedy mechanisms for children at the national level.

KENICHI SUGANUMA (Japan), also introducing resolution L.3, said that Japan supported the establishment of a communications mechanism for the Convention on the Rights of the Child. The establishment of that mechanism must be done bearing in mind the importance of giving children the right have their voice heard before the international community, should their rights be violated. Japan hoped that the Optional Protocol would make a positive contribution to the implementation and promotion of the rights of the child.

NATALIA ZOLOTOVA (Russian Federation), speaking in a general comment, indicated that the

Russian delegation actively participated in the meetings of the Working Group. The Russian Federation did not object to the use as a foundation for discussions the initial draft prepared and then the amended version and believed the text, as the result of a complicated process, was not perfect. Concerning articles 3 and 5 of the Additional Protocol, it was not appropriate nor justified to expand the range of potential complainees (sic), simply listed as “individuals”, and in order to establish guarantees to prevent the manipulation and abuse of children these should be clearly described. In order to do so, the Russian Federation suggested restricting the prerogative to complain to those legally responsible for children.

XIA JINGGE (China), speaking in a general comment on the draft resolution L.8, said that China had made an explanatory statement at the end of the Working Group, and said that it was necessary that the specifications existed for the qualification of representatives of children and identity of an individual or collective body submitting a complaint. Still, China was still ready to act on the basis of the priority of children and support the draft resolution L.8.

Action on Resolution under the Agenda Item on Follow-up and Implementation of the Vienna Declaration and Programme of Action

Action on Resolution on Human Rights, Sexual Orientation and Gender Identity

In a resolution (A/HRC/17/L.9/Rev.1) regarding human rights, sexual orientation and gender identity, adopted by a vote of 23 in favour, 19 against, and 3 abstentions, the Council requests the High Commissioner to commission a study to be finalised by December 2011 to document discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, in all regions of the world, and how international human rights law can be used to end violence and related human rights violations based on sexual orientation and gender identity; decides to convene a panel discussion during the nineteenth session of the Human Rights Council, informed by the facts contained in the study commissioned by the High Commissioner and to have constructive, informed and transparent dialogue on the issue of discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity; and decides also that the panel will also discuss the appropriate follow-up to the recommendations of the study commissioned by the High Commissioner.

The result of the vote was as follows:

In favour (23): Argentina; Belgium; Brazil; Chile; Cuba; Ecuador; France; Guatemala; Hungary; Japan; Mauritius; Mexico; Norway; Poland; Republic of Korea; Slovakia; Spain; Switzerland; Thailand; Ukraine; United Kingdom; United States and Uruguay.

Against (19): Angola; Bahrain; Bangladesh; Cameroon; Djibouti; Gabon; Ghana; Jordan; Malaysia; Maldives; Mauritania; Nigeria; Pakistan; Qatar; Republic of Moldova; Russian Federation; Saudi Arabia; Senegal and Uganda.

Abstentions (3): Burkina Faso; China and Zambia.

JERRY MATTHEWS MATJILA (South Africa), introducing draft resolution L.9 Rev 1, said that dialogue was an extremely powerful tool when dealing with a difficult subject matter. Persons should not be subjected to discrimination or violence based on their sexual orientation or gender identity. The resolution did not seek to impose values on Members States but sought to initiate a dialogue which would contribute to ending discrimination and violence based on sexual orientation, gender identity or gender identity. In South African non-discrimination on the basis of sexual orientation and gender identity was constitutionally protected. Despite this there were still challenges relating to violence against such individuals. South Africa believed that intergovernmental dialogue could find ways to address this subject. Further, although South Africa was a predominantly Christian society, all religions were treated the same; and although South Africa was predominantly a black country, all racial groups enjoyed equal rights. It further noted in relation to apartheid that when some were imprisoned moral and political support was received from all sections of the world: South Africans never said that they could

previous support was received from an sections of the world, some members have said that they could not accept support on the basis of gender identify. South Africa stressed that the United Nations was the common parliament for the international community and as such it should discuss complex and difficult issues. The resolution called for the UN Human Rights Council to offer an opportunity to the international community to have a factual based dialogue relating to discrimination against those who had different sexual orientation or gender identity. South Africa requested that the Commission put together a fact based study, the outcome of which should form the basis of the discussion in 2012. South Africa noted that the co-sponsors for the draft resolution were Brazil United Kingdom, Uruguay, Germany, Serbia, United States, Denmark, Netherlands, Italy, Ireland, Switzerland, Israel Canada, France, Czech Republic Australia, Austria, Croatia, Luxemburg, Portugal, Argentina, and Greece.

MARIA NAZARETH FARANI AZEVEDO (Brazil), also introducing draft resolution L.9 Rev. 1, congratulated South Africa for its leadership on this initiative and the constructive and transparent work on this draft resolution. This was the spirit that presided over work on draft resolution L.9 Rev. 1. The resolution reflected the aspiration of the Universal Declaration on Human Rights that all human beings are born with equal dignity and rights and the importance of condemning discrimination on the basis of sexual orientation. Brazil reiterated the importance of discussing perspectives; it was high time to move from perspectives to improve understanding on the basis of transparent dialogue. This was the proposal contained in this draft resolution which aimed at creating a place for dialogue, promoting a better understanding and contributing to make the commitment to ensure respect for human rights a reality.

SHAFQAT ALI KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference in an explanation of the vote before the vote, said that the Organization of the Islamic Conference was very concerned that the Council had chosen to discuss very controversial notions contained in the L.9 Rev 1 on human rights, sexual orientation and gender identity. The Organization of the Islamic Conference was very concerned about attempts to include in this forum notions that had no basis in international law and international legal and human rights standards. The Organization of the Islamic Conference noted with concern the attempts to create new standards and include notions that had never been agreed before. The international community had agreed during the Vienna Conference that while considering human rights, national, regional and cultural specificities would be taken into account. The draft resolution L.9 Rev 1 would divert the attention of the Council from other important issues. The Organization of the Islamic Conference would call for a vote on this draft resolution and would vote against it.

ANDRAS DEKANY (Hungary), speaking on behalf of the European Union in an explanation of the vote before the vote, thanked South Africa for tabling the resolution. The European Union thanked South Africa for accommodating many European Union concerns, making it possible for the European Union to support the resolution. The European Union believed that the resolution was a genuine attempt to create an open and constructive dialogue. It noted that the resolution did not attempt to create new rights but to affirm existing rights in relation to persons that were the subject of discrimination on the basis of gender identify and sexual orient. Issues of sexual orientation and gender identity were sensitive issues for many States and the European Union hoped the international community could agree that no human being should face discrimination. The European Union would vote in favour of the resolution.

OSITADINMA ANAEDU (Nigeria), speaking in an explanation of the vote before the vote, said that African countries, and more than 90 per cent of the African people did not support this draft resolution. South Africa had referred to a declaration of African leaders indicating desires to deal with human rights in an objective and non-confrontational manner and accused the resolution of disregarding the universality of human rights and putting individual conduct above international instruments. Notions on sexual orientation should not be imposed on countries. A panel discussion would initiate the progress. Some issues of individual nature should not be under discussion at the Council.

ABDULWAHAB ABDULSALAM ATTAR (Saudi Arabia), speaking in an explanation of the vote before the vote on L.9 Rev.1, said the draft resolution was not in line with internationally agreed human rights principles. It was not appropriate to impose these values on other countries. Cultural and religious considerations should be taken into account. It was not appropriate to impose values without considering

them as counter to Sharia in Islam, and other religions.

MUNA ABBAS RADHI (Bahrain), speaking in an explanation of the vote before the vote, condemned the attempt to make the Council deal with controversial issues such as gender identity. This was an attempt to create new standards and new human rights by misinterpreting the existing international human rights standards. These were issues based on personal decisions and were not fundamental human rights.

NAHIDA SOBHAN (Bangladesh), speaking in an explanation of the vote before the vote on L.9 Rev.1, said Bangladesh supported all human rights, including the right to development and condemned violence against individual groups. There was no legal foundation for this draft resolution in human rights instruments. Bangladesh was disturbed by the focus on personal sexual interests while discrimination based on race, ethnicity, religion and other issues remained ignored. Bangladesh believed that rights included in the Universal Declaration of Human Rights had been coded into international instruments. By introducing notions not articulated in human rights instruments, these very instruments and the human rights framework were undermined.

KHALID FAHAD AL-HAJRI (Qatar), speaking in an explanation of the vote before the vote, stressed the need to respect cultural diversity in relation with article 29 of the Universal Declaration on Human Rights and the responsibility of States in maintaining social and democratic order. Qatar indicated that this issue went against Islam and for this reason intended to vote against this draft resolution.

JUAN JOSE GOMEZ CAMACHO (Mexico) speaking in explanation of the vote before the vote on L.9 Rev.1, expressed the deepest appreciation to the co-sponsors of the resolution. Mexico recognized the fact that the question of sexual orientation undoubtedly represented a series of difficulties, polemics and arguments and was closely linked to culture and practices in society around the world. It was an issue that faced controversies. For Mexico, what was being discussed should be seen in relation to something else, not the imposition of values, not something linked to changing cultural practices or condemning or condoning individual cultural practice. It was a question of non-discrimination, not a new subject in the Council. Non-discrimination on grounds of race and religion and non-discrimination against women, the elderly and those with disabilities were values that stood fully recognized by all. Non-discrimination on grounds of sexual orientation was the same thing. Mexico did not share the views of colleagues that the Council would be imposing non-recognized rules. This was a human right. For that reason and with the utmost respect for other Member States, Mexico supported with complete conviction the draft resolution. Needless to say, Mexico would vote in favor of the resolution.

CHEIKH AHMED OULD ZAHAF (Mauritania), speaking in an explanation of the vote before the vote on the draft resolution L.9 Rev. 1, said that Mauritania considered that this issue was not within the scope of any international treaty. In addition to be a highly controversial subject on many levels, cultural, moral, religious, this issue had nothing to do with human rights, as did other issues dealt with in the Human Rights Council, such as violence against women or violations of human dignity. Imposing this issue was unacceptable and that was why Mauritania called on all Member States to vote against this draft resolution.

HECTOR RAUL PELAEZ (Argentina), speaking in an explanation of the vote after the vote, welcomed the adoption of resolution L.9 Rev. 1 and congratulated South Africa for taking the leadership on this issue. Argentina emphasised the importance of addressing issues of discrimination and violence as part of protection of human rights. This was a historical resolution that marked the inclusion of the issue in the framework for protection of human rights and paralleled developments in the national framework, including national legislation, for the protection of human rights in Argentina.

EILEEN CHAMBERLAIN (United States), speaking in an explanation of the vote after the vote on L.9 Rev.1, said the United States was thrilled to join South Africa and other Member States on this resolution. The Universal Declaration on Human Rights was the first full affirmation that all people should enjoy full rights and freedoms. An important step forward was made in recognizing that human

rights were universal. Violence against any person on grounds of sexual orientation was a violation of human rights. The right to choose who to love was sacred. Each human deserved protection from violence. Moving forward with this resolution confirmed the aspiration to attain the best of human nature. The United States thanked the South African Government and its Ambassador for the consultative approach taken and its stunning leadership and looked forward to cooperation in implementing this exceptional step forward.

SANDRINE KOA WING (Mauritius), speaking in an explanation of the vote after the vote on the draft resolution L.9 Rev. 1, said that on the issue of human rights, sexual orientation and gender identity Mauritius had a nuanced position.

MUTAZ FALEH HYASSAT (Jordan), speaking in an explanation of the vote after the vote on the draft resolution L.9 Rev. 1, said that the text before the Council had rendered it divided and prevented it from obtaining a joint position. Jordan regretted it could not join the consensus on this draft resolution.

OSITADINMA ANAEDU (Nigeria), speaking in an explanation of the vote after the vote on L.9 Rev.1, said the African Group remained committed to the principle of non-discrimination. Nigeria believed that no human being should be subjected to discrimination based on any particular behavior. Nigeria believed strongly that all work of the Human Rights Council should be focused in a way that advanced collective commitments to human rights, not that undermined human rights. Nigeria said it was unacceptable that countries lacked the ability to have laws on sexual orientation and countries lacked the political will to subject themselves to a true picture of democracy. It went against all norms preached in the Human Rights Council, such as transparency, accountability and democracy. This was a signal that the Human Rights Council should be careful to not again go against its roots.

CHEIKH AHMED OULD ZAHAF (Mauritania), speaking in an explanation of the vote after the vote, said in response to the supporters of resolution L.9 Rev.1, that that the resolution did not promote the advancement of human rights but rather the dehumanisation of human beings.

Action on Resolutions under the Agenda Item on Technical assistance and Capacity-Building

Action on Resolution on Technical Assistance and Cooperation on Human Rights for Kyrgyzstan

In a resolution (A/HRC/17/L.5) regarding technical assistance and cooperation on human rights for Kyrgyzstan, adopted without a vote, the Council calls upon the Government of Kyrgyzstan to further uphold its commitment to the human rights enshrined in the Universal Declaration of Human Rights and to implement all its international human rights obligations; reaffirms the need to uphold the rights to freedom of peaceful assembly, freedom of expression and freedom of association, strongly condemns the acts that resulted in the killing of protestors on 7 April 2010, and urges the Government of Kyrgyzstan to take special measures to ensure the protection of human rights; and requests the United Nations High Commissioner for Human Rights to continue to provide technical assistance through her office in Bishkek, and to work with the Government of Kyrgyzstan and other actors, as needed, to identify additional areas of assistance that will aid Kyrgyzstan in fulfilling its human rights obligations, to brief the Human Rights Council on progress and to submit a report thereon to the Council for consideration at its twentieth session.

EILEEN CHAMBERLAIN (United States), introducing draft resolution, L.5, said the United States was pleased to join Kyrgyzstan in presenting the draft resolution. The resolution maintained the Council's positive engagement with Kyrgyzstan as it sought to address and reform current law enforcement practices and ensure fairness, security and due process in the judicial proceedings arising out of last year's violence. The United States congratulated Kyrgyzstan for its constructive work to overcoming the legacy of those violent events. The United States encouraged Member States to support the draft resolution.

GULNARA ISKAKOVA (Kyrgyzstan), also introducing resolution L. 5, said that in 2010 and 2011 the Kyrgyz nation faced great challenges to its strength and unity. After a complex political transition, the new Constitution transferred many former presidential powers to the Parliament and paved the road

the new Constitution transferred many former presidential powers to the Parliament and paved the way for the interaction of political parties and opposition groups in an institutional framework. After the conflict emerged in June 2010, taking the lives of 427 people, the Government had contributed to the work of an International Commission of Inquiry. The Council had previously passed a resolution on technical assistance and cooperation. Kyrgyzstan said this draft resolution would reflect the actions and readiness of the Government to cooperate with the Council and the Office of the High Commissioner. The draft resolution should help Government efforts to improve the human rights situation and prevent further violence.

ANDRAS DEKANY (Hungary), speaking on behalf of the European Union in a general comment on draft resolution L.5, said the European Union commended Kyrgyzstan and the United States for presenting this draft resolution and said the European Union believed that it was important that the Human Rights Council remained seized on the situation in this country and on the implementation of the recommendations of the Commission of Inquiry. It was important that Kyrgyzstan went ahead with the implementations of the conclusions and recommendations of the International Commission of Inquiry.

OSITADINMA ANAEDU (Nigeria), speaking on the behalf of the African Union, suggested a revision to operative paragraph one.

MARK J. CASSAYRE (United States), said in a gesture of openness to Nigeria and the African Union, the United States moved for a revision to operative paragraph one as suggested by Nigeria.

Action on Resolution on Assistance to Côte d'Ivoire

In a resolution (A/HRC/17/L.27) regarding assistance to Côte d'Ivoire in the field of human rights, adopted without a vote, the Council calls for an immediate end to violence in Côte d'Ivoire, including violence against women and the ongoing localized violence in some parts of the country, and for respect of all human rights and fundamental freedoms; notes with concern the humanitarian situation on the ground, and calls on United Nations agencies and other relevant actors to continue to cooperate with the Government of Côte d'Ivoire to give appropriate support to refugees and internally displaced persons in order to facilitate their safe and voluntary return to their homes; decides to establish the mandate of Independent Expert on the situation of human rights in Côte d'Ivoire for a period of one year, who will be responsible for assisting the Government of Côte d'Ivoire in the follow-up to the implementation of the recommendations of the international commission of inquiry and of the resolutions of the Human Rights Council, including the recommendations addressed to the international community, especially the Office of the High Commissioner Rights and relevant United Nations agencies; and requests the Independent Expert to engage with the Ivorian authorities and the human rights sections of the Economic Community of West African States, the African Union and the United Nations Operation in Côte d'Ivoire, and to submit a report to the Human Rights Council for consideration at its nineteenth session.

OSITADINMA ANAEDU (Nigeria), introducing resolution L.17, welcomed the contributions made by all parties and the delegation of Côte d'Ivoire, to the work on this draft resolution on the conflict in Côte d'Ivoire. Nigeria emphasised the importance of improving democracy and capacity building for the sustained promotion and protection of human rights; and indicated that a consensus was achieved early enough and partners had endorsed the resolution. The situation in Côte d'Ivoire called for urgent attention, given that the conditions arising from the crisis had led to the current situation and Nigeria hoped that the resolution would contribute to ensure better life conditions for its population.

ANDRAS DEKANY (Hungary), speaking on behalf of the European Union in a general comment, said that the European Union welcomed the presentation of the draft resolution on Côte d'Ivoire by the African Group today. The authorities of Côte d'Ivoire had agreed to implement the recommendations of the independent Commission of Inquiry, notably by establishing an Independent Expert in charge of monitoring the implementation. The European Union welcomed this commitment and the commitment to work on national reconciliation and hoped that the mandate of the future Truth and Reconciliation Commission would be able to establish a reparation mechanism for victims. The European Union hoped that this draft resolution would be adopted by consensus.

IRUTHISHAM ADAM (Maldives), in a general comment on L.27, strongly supported the draft resolution on assistance to Côte d'Ivoire in the field of human rights. It was one of the most positive and progressive draft resolutions ever tabled before the Council. It had been drafted, negotiated and put forward by Cote d'Ivoire, was based on an honest assessment by the country itself of the human rights challenges it faced and was designed to fully engage the international human rights system in order to ensure real national reconciliation, real accountability and real redress. The Maldives congratulated Côte d'Ivoire and urged the international community to offer full support to that country and looked forward to the adoption of this important resolution by consensus.

JEAN-BAPTISE MATTEI (France), speaking in a general comment, welcomed the constructive attitude taken by parties working on the draft resolution and, in particular, the delegation of Côte d'Ivoire. France indicated that the Government had shown the will to combat impunity in the context of post-electoral violence. Given the reports of war-crimes and other violations to human rights and international law, perpetrators should be brought to justice; the Government should commit to and continue to implement the recommendations made by the Commission of Inquiry, including working with the International Criminal Court.

KOUADIO ADJOUMANI (Côte d'Ivoire), speaking as a concerned country on draft resolution L.27, said that before the adoption of the draft resolution, Côte d'Ivoire wished to express its thanks to regional groups and fraternal countries that had contributed to drafting of this draft resolution. The delegation of Côte d'Ivoire welcomed the constructive approach during the drafting process. Following serious human rights violations in the country in November 2010, the Human Rights Council had established the Commission of Inquiry which needed to not only identify acts that occurred, but also to identify perpetrators. The Commission of Inquiry had presented its finding to the Council during this session on 15 June. The recommendations of the Commission of Inquiry included the establishment of the Truth and Reconciliation Commission and the referral of the case to the International Criminal Court. The purpose of the draft resolution was to establish the mandate of the Independent Expert to assist the Government of Côte d'Ivoire in the implementation of the said recommendations. The focus of the draft resolution was also on bringing to justice the perpetrators and in reforming the police and army. Côte d'Ivoire called on all States that believed in peace, justice and equality to adopt this draft resolution with consensus and so enable the people of Côte d'Ivoire to turn this black page in their history and step on the path of peace, stability and sustainable development.

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