

# NEW YORK ALERT

## Forecast of key developments at UN General Assembly 66th session

The New York office of ISHR will monitor and report on key human rights developments at the Third Committee, which meets at UN Headquarters in New York from 3 October until late November 2011. The General Assembly delegates most of its human rights-related work to its Third Committee, including the endorsement of the annual report of the Human Rights Council; interactive dialogues with invited special procedures and treaty body chairpersons; and the negotiation of some 50 human rights resolutions. This Alert outlines the key issues and potential flashpoints.

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## RESOLUTIONS

### COUNTRY SITUATIONS

Three country specific resolutions are expected again this year: the Democratic Peoples' Republic of Korea (DPRK), Iran and Myanmar. All three texts will be voted. The live question is whether opponents to the Iran text will again raise a 'no action motion' and whether opponents to the Myanmar text will revive their use of this procedural tactic to derail the resolutions. Another key question is whether Myanmar will back up recent statements on human rights with action, potentially leading to conciliatory language in the text of the resolution. A Syria resolution is also a possibility, though no Member State has proved willing to take the lead.

- **Iran:**

- Canada will again table a resolution on the human rights situation in Iran. However, for the first time since 2002<sup>1</sup>, the resolution at the General Assembly will take place against the backdrop of a Special Procedure mandate on the situation in Iran. The Human Rights Council voted at its 16th session in March 2011 to create a Special Rapporteur on the situation of human rights in

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<sup>1</sup> No country specific UN mandate has existed on the human rights situation in Iran since the former Commission on Human Rights mandated a Special Representative on Human Rights in Iran from 1984 to 2002.

Iran.<sup>2</sup> The Special Rapporteur will present an initial preliminary report on 19 October.

- In previous years, NGOs sought to strengthen the text of the General Assembly resolution through the creation of a special mechanism to monitor and report on the human rights situation. As the Special Rapporteur's request to visit the country has gone unanswered, NGOs are likely seeking to address access in this year's resolution. Also in light of the new mandate, whether this year's resolution will again call for a report by the Secretary-General to the General Assembly remains to be seen.

- **Myanmar:**

- The EU will again table a resolution on the human rights situation in Myanmar. Last year, the passage of the resolution was complicated by the fact that national elections were held for the first time in 20 years during the session. Under pressure from Asian regional power brokers such as China to not intervene at such a critical moment, the March 2010 recommendation of the Special Rapporteur on Myanmar—that a commission of inquiry be established to investigate mass atrocity crimes since 2002 in Myanmar<sup>3</sup>—was omitted from the text.
- It is not yet clear whether there is still momentum among States to push for a Commission of Inquiry or greater accountability in some other form. Once again, the positions of ASEAN States, and others such as India that have previously been reluctant to intervene, will be key. Additionally, it will be interesting to watch whether the dynamics shift away from scepticism towards increased engagement in the face of recent developments in the country on key human rights issues, e.g. the anticipated large-scale release of prisoners.<sup>4</sup>

## THEMATIC

- **Women and political participation:**

- It is expected that a US-sponsored resolution on "Women and political participation", last adopted at the 58th session without a vote<sup>5</sup>, will be revived this year. The US is keen to recognise developments in the Arab world by including new language that focuses on 'countries in political transition'. The resolution at the 58th session requested the Secretary-General to include information on the political participation of women in his report to the Commission on the Status of Women and 'encouraged' Governments to cooperate with the Secretary-General

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<sup>2</sup> For further information on the creation of the mandate, see ISHR's report on the 16<sup>th</sup> Session of the Human Rights Council in Issue 2 (2011) of the Human Rights Monitor Quarterly, p. 3, <http://www.ishr.ch/quarterly/previous-editions>. The resolution on Iran was spearheaded by Sweden, on behalf of a broad cross-regional group of co-sponsors. Although the mandate was not created by consensus, support was much more significant than, for instance, the creation of the Independent Expert on the situation of human rights in the Sudan.

<sup>3</sup> Mr Tomas Quintana, A/HRC/13/48.

<sup>4</sup> <http://bit.ly/r108zP>

<sup>5</sup> A/RES/58/142

by providing precise data on the political participation of women.

- Whether the resolution will be bolstered this year with follow up in the General Assembly, such as a study or report by the Secretary-General, remains to be seen. The draft resolution will be introduced on the heels of a High-level event held 19 September on “Women’s Political Participation in Democracy” in which a number of women heads of State and government, as well as government and UN officials, issued a joint statement on advancing women’s political participation.<sup>6</sup>

- **Defamation of religions and religious intolerance:**

- A breakthrough occurred in the March 2011 session of the Human Rights Council when the Organisation of Islamic Cooperation (OIC) decided not to run its polarizing resolution on defamation of religions. Instead the Council adopted by consensus an OIC-sponsored text ([A/HRC/RES/16/18](#)) on combating intolerance and incitement to violence against persons based on their religion or belief, which had no references to the defamation of religion. The defamation of religions concept, which was introduced at the UN over a decade ago, was widely criticized by NGOs and a growing number of States in recent years. The OIC sought a normative approach to protect religions, which is inconsistent with international human rights law that protects individuals.
- Given the momentum for the consensus-driven approach, it is unlikely that the OIC (led by United Arab Emirates in NY) will bring a divisive defamation of religions resolution to the Third Committee this fall. However it is not yet clear how the OIC intends to proceed. One question is whether the group will run a similar text to HRC 16/18 resolution at the Third Committee, or seek to merge elements of it (or previous defamation texts) with an existing EU-led resolution on religious intolerance. If the latter route is taken, a likely focus in negotiations will be on key issues relating to the freedom of religion and belief, such as the right to change one’s religion, an integral provision of the EU’s religious intolerance text.

- **Human rights defenders:**

- Norway will again table the biennial resolution on human rights defenders, which has historically been adopted by consensus.
- This year the Special Rapporteur on Human Rights Defenders (Ms Sekaggya) has submitted a report in the form of a commentary on the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* ([A/66/203](#)). The 100 page commentary maps out the rights provided for in the Declaration, analyses what these rights entail and what is needed to ensure their implementation.<sup>7</sup> It addresses the most common restrictions and violations faced by defenders, and it provides recommendations to facilitate States’ implementation of each right.
- Although the report breaks no new ground, the comprehensive nature of the Commentary

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<sup>6</sup> <http://bit.ly/qhORgk>

<sup>7</sup> The Commentary is based mostly on information received and reports produced by the two Special Rapporteurs on the situation of human rights defenders, Hina Jilani (2000-2008) and Margaret Sekaggya (since 2008), during the past eleven years.

provides an opportunity for States to strengthen the resolution's existing provisions on women human rights defenders, the enabling environment for defenders, and cooperation with the Special Rapporteur, as well as to integrate new language on protecting human rights defenders cooperating with the UN against reprisals. Old arguments may also resurface in negotiations, namely on the definition of a human rights defender, the 'responsibilities' of human rights defenders, and the need for human rights defenders to act in accordance with national laws.

## INSTITUTIONAL, FINANCIAL, AND OTHER

- **OHCHR budget:**

- OHCHR has requested an increase in its 2012-13 budget. The General Assembly will need to adopt a resolution that approves this budget increase, which may not be easy given that the Secretary General has called for budget reductions of 3 percent across the Secretariat. Member States in the Fifth Committee, which deals with UN budgetary matters, will have to weigh the call for uniform cuts against the factors that have led to the OHCHR budget increase. These include the expansion of the UN human rights machinery over the last years, such as the quasi-standing nature of the Human Rights Council, the UPR and the new treaty bodies, which has led to an increased support role for OHCHR. Given that Member States have not provided commensurate budget increases to accompany the additional workload, an undue burden has been imposed on the Office. An additional consideration is that compared to the other main pillars of the UN, development and security, the OHCHR's budget remains relatively small.
- The OHCHR will also request the General Assembly to authorise funds to cover its 'revised estimates' of costs emanating from Human Rights Council resolutions and decisions at its sixteenth, seventeenth and eighteenth sessions (and special sessions held in 2011). These include the establishment of several special procedures, including on the situation of human rights in Iran and on the promotion of truth, justice, reparation and guarantees of non-recurrence of serious crimes and gross violations of human rights.<sup>8</sup>
- A related issue is that the Fifth Committee will also consider a report on options on financing 'unforeseen and extraordinary expenses' of the Human Rights Council. Member States are divided on how to best ensure that Council decisions are funded adequately and in a timely manner. Due to the lack of a clearly-defined procedure to assess and approve resources required to implement 'unpredictable' Council decisions, such as fact-finding missions, OHCHR has only been able to carry out these tasks by diverting funds away from other activities. During the General Assembly's review of the Human Rights Council, some States<sup>9</sup> proposed the creation of a 'contingency' mechanism for unexpected expenses,<sup>10</sup> which would be managed by the Secretary General. However this did not find broad support because many States preferred that budgetary decisions remain in the inter-governmental forum of the Fifth Committee.

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<sup>8</sup> The mandate was established during the 18<sup>th</sup> session of the Council, where it was co-sponsored by 75 countries across different regions and continents and adopted by consensus.

<sup>9</sup> Kazakhstan, Peru, Mexico, Chile, Iceland, and Switzerland.

<sup>10</sup> The type of mechanism the Security Council uses for 'unforeseen and extraordinary' activities that fall under the need to maintain peace and security.

Ultimately, the General Assembly postponed addressing the issue during the review process, and instead requested the Secretary General to provide the aforementioned report to its Fifth Committee in the 66<sup>th</sup> session.

- The Fifth Committee will also consider a report ([A/66/74](#)) from OHCHR on progress made in implementing a UN internal oversight body's recommendations on improving the efficiency of OHCHR's mandate.

- **Human Rights Council annual report:**

- As it did last year, the General Assembly will consider the annual report of the Council.<sup>11</sup> Since the Council's creation, States have engaged in contentious debates each year about whether the Third Committee or the General Assembly plenary should consider the Council's annual report. During the Human Rights Council review by the General Assembly, States decided to institutionalize the ad hoc arrangement of the past, i.e. the Third Committee will only consider the Council's recommendations that require the General Assembly's action, leaving the General Assembly plenary to consider the report as a whole.
- A new development is the addition of an interactive dialogue between the President of the Council and the Third Committee (in addition to the President's dialogue with the plenary of the General Assembly). This new element was viewed positively by States with limited representation in Geneva as an opportunity to more meaningfully participate in debate regarding the Council's work.

- **Standard setting:**

- The General Assembly will consider two standard-setting instruments this session:
  - **Draft Declaration on Human Rights Education and Training ([A/HRC/RES/16/1](#))** (the draft Declaration): The Human Rights Council adopted a resolution by consensus at its 16th Session recommending that the General Assembly adopts the draft Declaration. Although the General Assembly still has to adopt the draft Declaration formally, and despite some shortcomings, it is an important step forward in setting a common standard for human rights education in all States.<sup>12</sup>
  - **Optional Protocol to the Convention on the Rights of the Child ([A/HRC/RES/17/18](#))** (OP to the CRC): After two years of negotiations, the final draft OP to the CRC establishing a communications procedure for children's rights violations was adopted by the Human Rights Council at its 17<sup>th</sup> session. This will be the third OP to the CRC, which is the only core human rights instrument that lacks a communications procedure. Although the OP to the CRC has

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<sup>11</sup> A/66/53(Supp.) (to be issued). This year's annual report before the General Assembly covers the 16th, 17th and 18th regular session as well as the 14th and 15th special sessions. The Council's annual reporting cycle was previously 1 July to 30 June. During the Review of the Human Rights Council, concluded in June 2011, States decided that the new reporting cycle would run from 1 October to 30 September, thus ensuring that the September session is included in the report to the General Assembly.

<sup>12</sup> See also the ISHR news story on the adoption of the Declaration at <http://bit.ly/fmph4B>

some drawbacks, NGOs are advocating that the General Assembly adopt the text as is.<sup>13</sup>

- Both texts will be discussed by the Third Committee, which will then recommend to the General Assembly whether to adopt the instruments. The texts will then be considered by the General Assembly in December. The exact procedure for the adoption of each of the instruments is not clear at the time of writing. Recommendations to adopt both texts will probably be contained in the Report of the Human Rights Council to the General Assembly (not yet issued), but States will likely consider the adoption of each instrument through separate resolutions.
  
- **Strengthening coordination of the UN child protection system:**
  - A new Thai resolution calls for the strengthening of coordination and coherence among the various child-related mandates at the UN,<sup>14</sup> but could, if adopted, undermine the independence of the mechanisms. The draft resolution requests the Secretary General to create an 'evaluation mechanism' that would seek recommendations from member States on areas of cooperation that need to be strengthened. The text also reminds all relevant UN actors on child protection that they must strictly observe their mandates, in line with the Human Rights Council's Code of Conduct for special procedures.
  
- **CEDAW and International Covenants on Human Rights:**
  - Both the resolutions on the Committee on the Elimination of Discrimination against Women (CEDAW) and the International Covenants on Human Rights may face opposition this year, as both of these treaty bodies have recently produced general recommendations/comments that may engender some opposition:
    - CEDAW General recommendation no. 27 on older women mentions that discrimination is often multidimensional, with the age factor compounding other forms of discrimination based on, inter alia, sexual orientation and gender identity<sup>15</sup>;
    - CEDAW General recommendation No. 28 on the core obligations of States parties under article 2 of CEDAW stipulates that discrimination against women based on sex and gender is inextricably linked with other factors such as, inter alia, sexual orientation and gender identity;<sup>16</sup> and
    - Human Rights Committee General comment No. 34 of Article 19: Freedoms of opinion and expression, stipulates that blasphemy laws are incompatible with the Covenant, except in specific circumstances.<sup>17</sup>

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<sup>13</sup> More information is available at the website for the NGO Group for the Convention on the Rights of the Child at <http://www.crin.org/NGOGroup/childrightsissues/ComplaintsMechanism/>

<sup>14</sup> The UN child-protection actors include the child-related special procedures created by Human Rights Council, the Office of the Special Representative of the Secretary General (SRSG) for Children and Armed Conflict and the SRSG on Violence against Children, as well as UNICEF.

<sup>15</sup> <http://bit.ly/qgX0hf> para 13,

<sup>16</sup> <http://bit.ly/qRO3oM> para 18

<sup>17</sup> <http://bit.ly/ammoPT> para 48.

- To contextualize the issue, the passage of the International Covenants resolution was put to a vote for the first time in its 40 year history in 2009, in part because it sought to ‘take note’ of General comment No.20, which had been adopted by consensus by the Committee on Economic, Social and Cultural Rights (CESCR) in May 2009. This General Comment deals with State party obligations in relation to non-discrimination, and amongst other things, provides that State parties should ensure that neither a person’s sexual orientation nor their gender identity can be used as a barrier to their enjoyment of Covenant rights.<sup>18</sup>
- Sweden (on behalf of Nordic countries) will table these resolutions, and the Nordics have indicated that will run ‘temporary’ procedural texts this year. This approach could give States time to further reflect on the purpose of the resolutions and the resolutions continue to fulfil the original objectives, including increasing ratification of the Conventions and their optional protocols and minimizing the number of reservations. The ongoing treaty body reform process may also inform the direction of a substantive resolution in future years. However, if language on the general recommendations/comments is ultimately included in the text, it will likely be the subject of debate amongst States.<sup>19</sup>

- **Treaty body strengthening:**

- A related report that may trigger action by the General Assembly is the Report of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system ([A/66/344](#)). The report proposes a functional system whereby the resource needs for the work of the treaty bodies would be reviewed periodically, instead of having to continue to rely on ad-hoc requests for additional meeting time.<sup>20</sup>
- A consultation on treaty body strengthening began in Dublin in November 2009, and progressed with meetings with different stakeholders in Marrakech, Poznan, Seoul, Sion and Pretoria. Further consultations on treaty body strengthening will take place in October 2011 and a wrap-up meeting is to be held in Dublin in November. The High Commissioner for Human Rights (HCHR) is scheduled to present her report compiling the various proposals in early 2012.<sup>21</sup>
- As noted by the HCHR in a recent address, the “key message of States is clearly one of austerity and self-discipline, particularly in respect of the so-called “non-mandated activities” undertaken by nearly all treaty bodies, such as follow-up procedures, and the development of general recommendations”.<sup>22</sup> It is not clear whether States will use the discussion of the Secretary General’s report as an opportunity to press these ideas.

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<sup>18</sup> General Comment 20 on ‘Non-discrimination in economic, social and cultural rights (Art.2, Para.2)’, Para.32. For a more detailed and comprehensive account of the deliberations see ISHR’s overview of the Overview of the 64th session of the General Assembly <http://www.ishr.ch/new-york-monitor/general-assembly?task=view>

<sup>19</sup> See the CEDAW resolution in 2004 which "noted with appreciation" General recommendation 26 (<http://bit.ly/rb0xPb>, preamble) or the International Covenants resolution in 2004 that "took note" of general comments 19 and 29 <http://bit.ly/pR2m9Z>, paras 7 and 10;

<sup>20</sup> As they did last year, several treaty bodies are requesting additional meeting time, including the Committee on the Rights of Children and the Committee on Rights of Persons with Disabilities. The General Assembly will need to adopt resolutions that approve the associated budget increases.

<sup>21</sup> <http://www2.ohchr.org/english/bodies/HRTD/index.htm>

<sup>22</sup> <http://bit.ly/p27N7S>

ISHR will also be following resolutions on the rights of the child (special theme: children and disabilities); the girl child; counter-terrorism; a range of texts on economic, social and cultural rights (including the right to development, and to food); trafficking; racism; torture; enforced disappearances; mercenaries; and cultural diversity; and a potential text under discussion on female genital mutilation.

## INTERACTIVE DIALOGUES

Thirty-three Special procedure mandate holders, Chairs of Working Groups and Chairs of treaty bodies are [scheduled](#) to present [reports](#) and hold dialogues with the Third Committee, which represents a slight decrease from last year. In addition, there will be interactive dialogues with the High Commissioner for Human Rights (19 Oct); the Special Envoy on Myanmar, Mr Vijay Nambiar (19 Oct); and the President of the Human Rights Council who will present the Council's annual report (2 November to the Third Committee and 3 November to the Assembly). All of these discussions will require the Committee to strictly adhere to time limits; something it has not always managed well.

It is likely that some States will criticise the reports of certain special procedures. In previous years, the Third Committee's disapproval of reports has escalated to personal attacks on mandate holders and accusations that they have not complied with the Code of Conduct for special procedures. Similar concerns remain this year in relation to the following reports:

- **Right to health ([A/66/254](#)):**
  - The report considers the interaction between criminal laws and other legal restrictions relating to sexual and reproductive health and the right to health. Among other aspects of health, the Special Rapporteur considers the impact of criminal and other legal restrictions on abortion. He recommends that abortion be decriminalized and that a moratorium be imposed on the application of criminal laws concerning abortion as an interim measure. The report is an important contribution insofar as it recognizes that the use of criminal and other laws and policies on sexual and reproductive health in several contexts is legitimately the subject of human rights scrutiny. It also provides important guidance on how to implement existing human rights obligations through effective policies and programs.
  - Such a broad interpretation of the right to health is expected to provoke criticism from a range of Member States who criminalize abortion. It will be telling to see how moderate States with abortion laws on their books handle this report, i.e. whether they support the independence of the Special Rapporteur as a matter of principle, notwithstanding the focus of this year's report. Despite the fact that there is no associated resolution the right to health, another potential development to watch for is whether the report has negative spill over effects on negotiations of other resolutions.
- **Independence of judges and lawyers ([A/66/289](#)):**
  - The report of the Special Rapporteur on the independence of judges and lawyers addresses the need to consider and integrate a gender perspective in the criminal justice system. The Special Rapporteur notes that sensitivity is required when dealing with gender norms and expectations



regarding lesbian, gay, bisexual and transgender victims and perpetrators, and stresses the extreme vulnerability of transgender male-to-female persons imprisoned in male detention facilities. The Special Rapporteur recommends that States consider taking appropriate measures to avert further victimization of LGBT persons in detention, and that the specific needs of women and transgender persons are taken into account in sentencing.

- Language on the discrimination on the basis of sexual orientation and gender identity may provoke members of the OIC and several African States who, in recent years have resisted all efforts by others in the General Assembly to discuss this issue. They argue, amongst other things, that this form of discrimination does not exist under international law. That said, these concerns should be evaluated against progress made in Geneva on this issue, most notably the first-ever resolution on human rights, sexual orientation and gender identity, adopted by the Human Rights Council at its 17th session.<sup>23</sup>
- **Extrajudicial, summary or arbitrary executions ([A/66/330](#)):**
  - The report discusses the legal norms applicable to the use of lethal force during demonstrations and cites recent events in the Arab world in particular. The Special Rapporteur concludes from a study covering a sample of 76 countries, that many domestic legal systems do not adhere to international standards in respect of the right to freedom of assembly, and the use of force during demonstrations. The report also proposes some entry points and strategies to ensure greater compliance with international standards. In this context, the Special Rapporteur refers to the constitutions of certain states that do not expressly recognize the right to life<sup>24</sup> and several others that do not recognize the right to freedom of peaceful assembly.<sup>25</sup>
- **Freedom of opinion and expression ([A/66/290](#)):**
  - The report expands upon the last report of the Special Rapporteur to the Human Rights Council on key trends and challenges to the right of all individuals to seek, receive and impart information and ideas of all kinds through the Internet ([A/HRC/17/27](#)), and addresses the issue through two equally important dimensions of Internet access: access to online content, and access to Internet connection.
  - In that context, the Special Rapporteur welcomes the recently adopted general comment No. 34 of the Human Rights Committee on article 19 of the International Covenant,<sup>26</sup> which is controversial because it deals with the legality of blasphemy laws ([see the above section on CEDAW and International Covenants on Human Rights](#)). The Special Rapporteur also wades into the controversial defamation of religions issue ([see the above section on Defamation of religions and religious intolerance](#)), expressing concern about vague formulations of some domestic legal provisions that prohibit incitement, including “defamation of religion”. He reiterates that

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<sup>23</sup> <http://bit.ly/kNDWwP>

<sup>24</sup> Bahrain, Brunei, China, Comoros, Cuba, Egypt, Democratic Peoples’ Republic of Korea, Kuwait, Laos, Lebanon, Mexico, Morocco, Oman, Panama, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen

<sup>25</sup> Brunei, Djibouti, Gabon, Qatar and Yemen

<sup>26</sup> Para 16

restrictions on freedom of expression must be formulated to protect individuals rather than belief systems, religions or institutions as such from criticism. He also states that freedom of expression implies that it should be possible to scrutinize, openly debate and criticize, even harshly and unreasonably, ideas, opinions, belief systems and institutions, including religious ones, as long as this does not advocate hatred that incites hostility, discrimination or violence against an individual or a group of individuals.<sup>27</sup>

- The Special Rapporteur also addresses reprisals against human rights defenders. He cites the Human Rights Committee in noting that journalists and bloggers are frequently subjected to threats, intimidation and attacks because of their activities, as are persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers. He expresses his concern about such reprisals against bloggers, journalists and human rights defenders who rely upon the Internet to carry out their work.<sup>28</sup>

There are also a number of noteworthy ‘comings and goings’ in relation to the special procedure mandate-holders which will shape the interactive dialogues they hold with the Third Committee:

- **Three special rapporteurs will present their own reports to the General Assembly for the first time, having submitted reports by their predecessors last year:** right to education (Mr Singh, replacing Mr Muñoz Villalobos); extrajudicial executions (Mr Heyns, replacing Mr Alston); freedom of religion and belief (Mr Bielefeldt, replacing Ms Jahangir).
- **Two Special Rapporteurs will present reports submitted by their predecessors.** It is not clear whether they will speak to these reports, or seek to distance themselves from them: **human rights of migrants** (Mr Crépeau); and **promotion and protection of human rights while countering terrorism** (Mr Emmerson).
- Two special rapporteurs will report to the General Assembly for the first time: **human rights of internally displaced persons** (Ms Beyani); and **torture and other cruel, inhuman or degrading treatment or punishment** (Mr Mendez).
- **The new Special Rapporteur on the situation of human rights in Iran** (Mr Shaheed) will outline his approach to the mandate. He is the first expert to hold the mandate since its renewal in 2011; the previous mandate having ended in 2002.
- **The Special Rapporteur on the DPRK** (Mr Darusman) will present his first full report, having been appointed in August 2010 and merely outlined his approach to the mandate last year.

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<sup>27</sup> Para 30

<sup>28</sup> Para 43

## OTHER DEVELOPMENTS

- **Impact of dynamics at Human Rights Council:**

- This year it is particularly difficult to predict how the dynamics at the Human Rights Council will impact deliberations at the General Assembly. In its last three sessions the Council's work has swung from progressive milestones (e.g. passing the first resolution on sexual orientation and gender identity; establishing new thematic and country mandates;<sup>29</sup> and proving itself willing to address emerging urgent situations<sup>30</sup>) to negative politics and political machinations in the most recent session (e.g. failure to address serious human rights situations in countries such as Yemen, Sri Lanka, Sudan and South Sudan; and a resolution tabled by Cuba at the 18<sup>th</sup> session calling for increased oversight of the OHCHR by the Council). It is not clear whether the General Assembly will continue to build on the Council's momentum, and bring its weight to bear as universal body by also addressing ongoing and serious human rights violations, including in the MENA region.

- **Occupied Palestinian Territories (OPT):**

- Also likely to have some impact on deliberations is the Palestinian bid for UN membership. In the first several weeks of the 66th General Assembly, the world's attention has been focused on issues surrounding the recognition of Palestinian statehood. However, the accountability process triggered more than two years ago by the Report of the UN Fact-Finding Mission on the Gaza Conflict still hangs in the balance. The 16th session of the Human Rights Council recommended that the 66th session of the General Assembly submit the Report of the UN Fact-Finding Mission on the Gaza Conflict to the Security Council, with the recommendation that the Security Council refer the situation in Israel and the Occupied Palestinian Territory to the International Criminal Court.
- However, whether the PLO pursues statehood over the accountability process remains to be seen. A general debate on human rights in Palestine and other occupied territories at the 18th session of the HRC<sup>31</sup> focused overwhelmingly on the statehood issue, perhaps providing some insight into what will take place in New York this fall.

- **Key side events:**

- **Reprisals:** On 21 October, ISHR will participate in a side event organised by the Special Procedures Branch of OHCHR on "Stopping Reprisals for Cooperating with the UN in the Field of Human Rights – a Priority for All". This event will take place on the 21 October 2011 from 1 – 3 pm in conference room 4 NLB. This initiative builds on the resolution adopted at the 18<sup>th</sup> session of the Human Rights Council, which called for a panel discussion on the issue of reprisals against

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<sup>29</sup> New Special Rapporteur on the situation of human rights in Iran; new Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence of serious crimes and gross violations of human rights

<sup>30</sup> By holding special sessions and appointing commissions of inquiry on Cote D'Ivoire, Libya and Syria.

<sup>31</sup> <http://bit.ly/nGlrSI>

those who cooperate with the UN.<sup>32</sup>

- **Human Rights Defenders:** : On 25 October, from 3-5pm, the ISHR will co-sponsor with OMCT and Norway a panel discussion with the Special Rapporteur on human rights defenders. Several human rights defenders will also speak concretely to the issues raised in the Special Rapporteur's report.
- **Sexual orientation and gender identity:** On 8 December, the theme of bullying, violence and discrimination on the basis of actual or perceived sexual orientation and gender identity will be the focus of a high-level side event. The event will be sponsored by the LGBT core group (a group of States that support and advocate for the human rights of LGBT persons at the UN) and will be held in the ECOSOC chamber.
- **International Human Rights Day:** On 10 December, International Human Rights Day, the OHCHR will organise events under the theme of social media. During the session, the OHCHR will also hold side events on Women of African Descent on 19 October and on the 25<sup>th</sup> anniversary of the Right to Development on 8 November.

For information about key developments during the 66th session of the General Assembly and its Third Committee, visit ISHR's [General Assembly](#) webpage. In the next edition of the *Human Rights Monitor Quarterly* (due out in early 2012), ISHR will publish an analytical overview of the 66<sup>th</sup> session.

ISHR has also published **two fact sheets** on the [General Assembly](#) and its [various committees](#), including the Third Committee. They provide useful information about:

- The role and functions of the GA and the President;
- voting and the political groupings in the GA;
- rules of procedure; and
- budget processes.

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<sup>32</sup> A/HRC/18/L.19. The report of the Secretary-General on reprisals is available at <http://bit.ly/oA14o1>.