

Women's International League for Peace and Freedom

Report of the Human Rights Council 17th Session

30 May – 17 June 2011



Photo: UN Photo

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Summary

The 17th session of the Human Rights Council, presided over by Ambassador Sihasak Phuanketkeow of Thailand, provided some very interesting dialogues, as a result of the contribution of Special Rapporteurs, Independent Experts, Universal Periodic Reviews and complementary Side Events. The overall objective of the Council is to monitor and advance the human rights records of its 192 UN Member States. WILPF attended and participated in several meetings that paid particular attention to the issues of women, peace and security.

By the end of the 17th session of the Human Rights Council, 29 texts had been adopted.

The Council extended the following mandates:

- The Special Rapporteur on extrajudicial, summary or arbitrary executions [A/HRC/17/L.19](#)
- The Special Rapporteur on trafficking in persons especially women and children [A/HRC/17/L.2](#)
- The Special Rapporteur on the independence of judges and lawyers [A/HRC/17/L.10](#)
- The Special Rapporteur on extreme poverty and human rights [A/HRC/17/L.15](#)
- The Special Rapporteur on the right to education [A/HRC/17/L.11](#)
- The Special Rapporteur on the human rights of migrants [A/HRC/17/L.12](#)

The texts adopted also addressed:

- The Right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the context of development and access to medicines [A/HRC/17/L.16](#)
- Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity [A/HRC/17/L.22](#)
- Mandate of the independent expert on human rights and international solidarity [A/HRC/17/L.21](#)
- Follow-up the report of the Independent International Fact Finding Mission on the incident of the Humanitarian Flotilla [A/HRC/17/L.1](#)

The Council undertook a review of human rights situations that required its attention, hearing presentations of reports by Independent Experts on the situation of human rights in Burundi and in Haiti, which were then debated by the Council.

The Council also looked at human rights situations that require the Council's attention:

- Following on from the fifteenth Special Session, in which speakers concluded in the interactive dialogue that there international human rights violations in the Libyan Arab Jamahiriya, the Council urged there to be an end to such crimes. In addition, it called for Libyan authorities to cooperate fully with the commission of inquiry and with all the international human rights bodies and mechanisms. It also extended the mandate of the Commission of Inquiry and requested the Commission to provide an update at the 18th and 19th session.
- At the 17th session, the Council held an interactive dialogue with the Commission of Inquiry in Cote d'Ivoire, in which concern was expressed about the humanitarian situation and violence was called to be ended. While assisting the President in

carrying out his or her tasks, the Council decided to establish the mandate of the independent expert on the situation of human rights for a period of one year. This would provide follow up following the implementation of the recommendations of the Council. The independent expert is to provide a report at the 19th session.

Key Resolutions

WILPF supported the Resolution on Human Rights, Sexual Orientation and Gender Identity [A/HRC/17/L.9/Rev.1](#), adopted on the 17th June 2011, with 23 voting in favour, 19 against and 3 abstentions. Such a resolution is the first of its kind, as it centres on human rights violations and discrimination attached primarily to sexual orientation and gender identity. The High Commissioner is to commission a study that identifies laws and customs that fuel acts of violence around the world. From this, the international human rights legal framework can be applied to end this violence and related prejudice. The findings from this study are to be presented at the 19th session of the Human Rights Council in March 2012.

To see the resolution in full:

<http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G11/141/94/PDF/G1114194.pdf?OpenElement>

WILPF also welcomes the Resolution regarding accelerating efforts to eliminate all forms of violence against women. [A/HRC/17/L.6](#). By condemning all forms of violence committed against women and girls by both the State and non-State actors, the Resolution emphasises that all violations of women's rights should be considered as a criminal offence. This should consequently be reflected in tighter legislation, so that impunity is not tolerated. The Resolution was adopted without a vote, to ensure the due diligence of each State to protect its citizens and provide the victims of violence with access to just and effective remedies. The theme of remedies is to be addressed at the twentieth session of the Human Rights Council, with a focus on transformative and culturally sensitive reparations for women who have been subjected to violence

To see resolution in full:

<http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G11/140/17/PDF/G1114017.pdf?OpenElement>

The Resolution on the Promotion of the Right of Peoples to Peace [/HRC/17/L.23](#) reinforces the universal right to peace, thus underpinning the obligation of all States to enable this. This resolution was adopted on the 17th June, with a vote of 32 in favour and 14 against. The Council therefore requests the Advisory Committee 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.

To see the resolution in full:

http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/17/L.23

The eighteenth regular session of the Human Rights Council will be held from 12 to 30 September 2011.

The Human Rights Council

Special Rapporteur on Extrajudicial, summary or arbitrary executions - 30 May 2011

The Special Rapporteur Christof Heyns presented the report on *Extrajudicial, summary or arbitrary executions*.

The report analyses the use of lethal force by the police during situations of crowd control. It also identifies steps that can be taken to protect the right to life during demonstrations, extending to the lives of the protesters, bystanders and law enforcement officers as well. The research has been connected with the revolutions in North Africa and the Middle East. Mr. Heyns welcomes that peaceful protests replace violent confrontations, while simultaneously highlighting the importance of curbing the potential loss of life that can occur when peaceful protests turn violent or excessive use of force is exerted by authorities.

The first step towards saving lives is to ensure that domestic demonstration laws are in line with international standards concerning assembly rights. The second step is to respect the right to peaceful assembly, controlling the law enforcement officers' use of force and lethal force towards the demonstrators. In respect of the use of force, the general standard is that it may only be used in self-defence. However, in some domestic laws, lethal force is permitted if its use is viewed as “reasonable” or “necessary”, without further qualification.

During his research, the Special Rapporteur visited several countries, including Albania, Ecuador, Afghanistan, Kenya and USA.

Despite making significant progress in human rights and the rule of law, Albania is still facing important challenges related to extrajudicial executions. Central to this are blood feuds, which involve the pre-meditated killing of a member of a murderer's family, stemming from the commitment to “restore the honour” lost as a result of the initial murder and domestic violence. This is compounded by the need to prioritize accountability.

In Ecuador, extrajudicial executions have increased during the last twenty years, especially related to hired killers and the armed groups operating at the border with Colombia. In all of them, the high levels of impunity are a significant cause and aggravator of killings.

The 2010 Constitution in Kenya instituted several reforms, including institutional independence in respect of prosecutions, and a system of more checks and balances. However, the main challenge that remains is to include police killings and obtain domestic accountability for the 2007-2008 post-electoral violence and the killings at Mt Elgon.

In the case of Afghanistan, the situation is more complicated, especially in relation to women. Despite the implementation of the Law on the Elimination of Violence against Women, girls and women continue to be largely exposed to violence and remain disadvantaged within the justice system. The criminal justice system in Afghanistan is yet to develop a gender-sensitive approach in order to challenge cases relating to gender-based violence, such as multiple revenge killings and intra-family murder. Another challenge is the elimination of Honour Killings that imply the killing of a family member, usually women. Although the authorities

are obliged to protect women from violence and to prosecute and punish its perpetrators, very few cases related to extrajudicial executions and gender-based violence are being investigated.

Special Representative of the Secretary-General for Business and Human Rights - 30 May 2011

Professor John G. Ruggie presented the report on *Human Rights and Transnational Corporations*. This was based on the recommendations about what it is that States and business enterprises need to do to ensure that business respects human rights.

The Special Representative concluded that, in the end, it is the duty of the State to protect against human rights abuses committed by third parties. This includes business, and the tough application of appropriate policies that regulate and consider prevention and punishment whenever necessary. In addition, this also includes guaranteed access for victims to effective remedy. Business enterprises must also have their duties, such as assessing potential and actual impacts on human rights and consequently acting upon any findings, plus communicating how any impacts are addressed, including dealing with third parties linked to the enterprise. Furthermore, it will be essential to create a UN mechanism to provide systematic advice and on-the-ground assistance on business and human rights, as well as to generate and maintain a mutual learning network with other enterprises and international bodies.

To see the full report:

http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.31_en.pdf

Special Rapporteur on the Independence of Judges and Lawyers - 30 May 2011

The Special Rapporteur Gabriela Knaul presented the report on the *Independence of Judges and Lawyers*. This focused upon the gender-based challenges that women face in order to have access to the judicial system.

To achieve gender equality and the empowerment of women, it is essential that the legal system is consistent with both international human rights customs and standards. An independent judiciary, able to uphold the rule of law, which is both impartial and sensitive regarding gender issues, is necessary as well to make all persons, institutions and entities, public and private, equally accountable before the law.

However, numerous challenges remain in most countries to ensure that women have access to their right of justice. Such challenges are presented in laws that discriminate against women, and policies that disregard the goal of gender equality or the persistence of practices that discriminate against, or are harmful to women. There are obstacles to women's pathways to justice. Most notably, there is the "feminization of poverty" in

countries where women have been systematically discriminated against; for example, in their exclusion of access to education, employment and health.

Some real cases that the Special Rapporteur analyses during her research find that:

- In certain countries, laws, policies, plans and programmes disregard the goal of gender equality and exclude, or seek to exclude women from entitlements, opportunities or benefits.
- In some countries, there exists a lack of recognition of equal rights between men and women, in which even the institutionalization of inequality seriously hinders women's access to justice. Sometimes, women are not allowed to file a complaint, serve as a witness or appear in court without the agreement of a male member of the family or a male guardian.
- Other countries recognize gender equality by law but it remains to be reflected in practice. Mrs. Knaul highlights that crimes against women committed in the name of “honour” are, on some occasions, not effectively sanctioned because they are wrongly considered as a cultural or institutionalized practice. Another example would be the impunity of suspects, which implies not prosecution or easy exoneration of penal liability.

To eliminate such barriers to women's access to justice, not only is a legal system complying with international human rights standards required, but also an independent, solid, impartial, and gender-sensitive judiciary whose members have the special duty at all times to be alert of any sign of violence against women. This would also guarantee the right to effective judicial protection, the right to an effective remedies and the right to fair trial. Moreover, “legal protection of women must be applied in the face of religious, cultural or other local customs that may resist the view that a women's life is of equal value to that of a man”, reports Gabriela Knaul.

To conclude, some highlighted recommendations made by the Special Rapporteur are:

- Developing a gender-sensitive administration of justice: States should effectively promote and protect the human rights and fundamental freedoms of all, especially women, in conformity with the Charter of the United Nations and the international human rights law obligations. States should pay special attention to the protection of women, in particular to eliminating discrimination and achieving gender equality. This includes gender consideration in national development frameworks, poverty reduction strategies, human rights action plans, programmes and strategies for human rights education and the advancement of women's rights.
- Developing a gender-sensitive judiciary: The Judiciary should incorporate gender considerations in the day-to-day operations and overall planning, use and promote the use of gender-neutral language whenever possible in order to avoid reproducing and promoting a male-centred vision of the word, and train and sensitize adequately judges and all judicial affairs staff on gender equality and women's human rights and on strategies to avoid gender stereotyping.

To see the full report:

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-30.pdf>

Special Rapporteur on Trafficking in persons, especially women and children - 1 June 2011

The Special Rapporteur Joy Ngozi Ezeilo presented the report on *Trafficking in persons, especially women and children*. This includes reports on visits to Argentina, Egypt and Uruguay.

The annual report focuses on the right to an effective remedy for trafficked persons. These are often out of reach for them, despite the extensive human rights violations they have suffered. It is important to remark that since 2009, Special Rapporteur Joy Ngozi Ezeilo has been working on the fundamental guiding principles in developing and implementing measures, aimed at combating trafficking in persons and protecting and promoting their human rights. She advocates “the importance of the 5P’s (protection, prosecution, punishment, prevention, promoting international cooperation and partnership), the 3R’s (redress, recovery and reintegration) and the 3C’s (capacity, cooperation and coordination)”.

In terms of the 3Rs, while the right to an effective remedy is well-established under international law, there remains a lack of its implementation. “Trafficked persons are rarely known to have received compensation, as they do not have access to information, legal assistance, regular residence status or other assistance necessary to seek compensation”. Moreover, there exists the possibility that many trafficked persons are wrongly identified as irregular migrants and are detained and deported before having the opportunity to ask for remedies.

Ms. Ngozi highlights Restitution, Recovery and Re-compensation as elemental components of the right to an effective remedy:

Restitution is a form of remedy aimed at restoring the situation that existed prior to the human rights violations. It takes into account the possibilities that people could be re-trafficked or suffer further violations. The purpose is to achieve full reintegration into society and eliminate any risk of re-trafficking, thus States need to undertake measures to eliminate any root causes, such as poverty and a lack of economic opportunities.

There exist some obstacles in ensuring a full and non-discriminatory Recovery, despite being a crucial form of remedy for trafficked persons. In some States, recovery services are only available to certain categories of trafficked persons at the exclusion of others (men and children internally trafficked). It also depends upon cooperation with law enforcement authorities, which is contrary to the human rights-based approach to combating trafficking.

Compensation is often not accessible to trafficked persons. In criminal proceedings, the possibility of obtaining compensation hinges upon the identification, arrest, trial and conviction of traffickers. Civil proceedings tend to be expensive and complicated. Labour proceedings may be restricted by criteria such as immigration status, which generates obstacles for trafficked persons, such as failure to identify trafficked persons and accord them regular residence status. This also generates a lack of adequate support in recovery, information and knowledge on the part of trafficked persons, or free legal aid, to name a few.

The Special Rapporteur recommends to States some steps to guarantee the effective remedy to trafficked persons:

1. States should ensure that relevant law enforcement officers have adequate capacities to identify trafficked persons rapidly and accurately.
2. States should provide trafficked persons with a reflection and recovery period of at least 90 days and assistance, considering each person's needs.
3. States should provide trafficked persons with access to information, free legal assistance and regular residence status for the duration of any legal proceedings.

Ms. Ngozi visited three countries during 2010 to analyse the trafficked people's situation and the State capacity for response:

Egypt has increasingly become a source and destination country for trafficked persons, for example migrant domestic workers. Thus, the Special Rapporteur was concerned about the growing trend of "seasonal or temporary" marriage, which is sometimes used as a smokescreen for the sexual exploitation of Egyptian girls and young women by non-Egyptian men. However, the Egyptian State is working against human trafficking, as demonstrated by the approval of the first anti-trafficking legislation in 2010. In addition to this, there was the public campaign against the "temporary" marriage of girls and intensifying of cooperation with international organizations. Nonetheless, there are still necessary mechanisms that need to be put in place to obtain a proper identification of trafficked persons, as well as assistance for creating shelter facilities available to all of them.

Argentina has become a destination country for men, women and children who are trafficked for the purpose of sexual exploitation, forced labour, slavery or practices similar to slavery. Trafficking in children, particularly, has the purpose of bonded labour/peonage and forced prostitution. However, the Argentinean State is working on it through the adoption of the Law on the Prevention and Punishment of Trafficking in Persons and the creation of the Office for the Rescue and Assistance of Victims of Trafficking. In that case, the Special Rapporteur considers it essential to promote the coordination of anti-trafficking activities between the provincial and national levels, as well as to ensure that protection and assistance measures are carried out.

Reporting in Uruguay, Ms. Ngozi notes a solid commitment to combat human trafficking, as seen in the domestic legislation and the establishment of specialized courts to prosecute organized crimes. However, the number of prosecutions and convictions are extremely low. There also exists a lack of adequate services and assistance for trafficked persons, such as shelters, medical, psychological and legal services; this subsequently increases the risks of re-victimization. In this case, recommendations include strengthening Governmental efforts to eliminate the root causes, including social exclusion and discrimination of adolescents, high rates of school dropouts and adolescent work in unregulated and exploitative conditions.

To see the full report:

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-35.pdf>

Special Rapporteur on Violence against women, its causes and consequences – 3 June 2011

The Special Rapporteur Rashida Manjoo presented the report on *Violence against women, its causes and consequences*.

The report analyses the causes and consequences of multiple and intersecting forms of discrimination regarding violence against women. This kind of violence exists in both the public and private spheres. However, despite being widespread, there exists marginalization and invisibility of violence perpetrated against women.

In the report, Ms. Manjoo proposes a holistic approach that treats rights as universal, interdependent and indivisible, situating violence on a continuum that spans interpersonal and structural violence. This accounts for both individual and structural discrimination, including structural and institutional inequalities and analysing social and economic hierarchies among women and between women and men, reflecting the importance of both intra-gender and inter-gender violence discrimination. For these reasons, it is necessary to take a holistic approach to combat the gender-based violence, considering that this violence is a result from the interplay of individual, family, community and social factors.

The holistic approach considers each woman's social location and bodily integrity as a starting point for intervention and treatment and considers each case individually. This thereby minimizes the impact that discrimination and inequalities related to socio-economic factors, cultural or religious attributes, race or skin colour, level of education, access to citizenship, have on the reproduction of the violence. "Factors such as geographic location, level of education, employment situation, household size, marital relationships, and access to political and civil participation, all impact women's vulnerability for violence" and it is necessary to consider all of them in order to achieve more effective intervention.

The international treaties, policies and declarations, especially those of the United Nations, provide the framework in which governments, non-state actors and local activists should act in terms of identifying, preventing and ending all forms of violence against women. Global treaties should consider particular cases in order to fully understand and include the particularities of violence against women, while also highlighting the need to respect universal human rights. It is intrinsic to consider issues that affect the women's ability to equitably and holistically participate in public and private spaces: bodily integrity rights, education, civil and political engagement and self determination.

To eliminate violence against women requires multiple approaches, considering the numerous factors that increase their vulnerability, and taking into account the different location, background, education and culture of each woman. To achieve compensation for victims, as well as useful preventative and protective mechanisms, it is essential to highlight that "human rights are universal, interdependent and indivisible; that violence against women functions on a continuum; that structural and institutional discrimination and inequalities have to be factored in; and that an analysis of both inter-gender and intra-gender hierarchies is essential".

During the reported period, the Special Rapporteur visited El Salvador, Algeria, Zambia and the United States of America:

El Salvador has come a long way in institution building and human rights protection since the end of the civil war in 1992. However, the authorities have failed at investigating, prosecuting and punishing the perpetrators responsible for gender-based violence. This has subsequently contributed to the impunity for crimes. In addition, the socio-economic disparities and the *machista* culture increase violence against women, including murder, rape, domestic violence, sexual harassment and assault, kidnapping and commercial sexual exploitation. A major concern in the region is the alarming rise in the number of femicides or extremely violent murders of girls and women.

Reporting in Algeria showed that it is essential to consider the historical, sociological and environmental context and the impact it has on women; “the painful past” as referenced by the Special Rapporteur. However, the Algerian State is making an effort by developing law reforms to promote and protect women’s rights. The problem is that this change has not been implemented in every day society, where women are subject to subordinate roles, suffer from familial violence, sexual harassment at work, and stigmatization towards unmarried women or those living on their own.

In 2010, Zambia approved an Anti-Gender Based Violence law, which promotes the protection for women who have been subjected to violence. This includes removing them from violent environments and making provision for the creation of Government-run shelters. Other Constitutional changes taking place relate to the gender agenda and discrimination. The problem lies in that the successes of the law have not been translated into real improvements. The majority of women in the country remain marginalized, discriminated against and at high risk of being subjected to violence. Women’s access to justice and protection is impeded by generalized impunity, exacerbating the continued discrimination and women’s positions of dependence and subordination.

The government of the United States has taken positive legislative and policy initiatives to reduce the prevalence of violence against women, including the enactment and subsequent reauthorizations of the Violence against Women Act. Nevertheless, there exists a lack of substantive protective legislation and an inadequate implementation of some laws, policies and programs which generated a prevalence of violence against women and a discriminatory treatment of victims, with particularly detrimental effects on poor, minority and immigrant women.

In conclusion, violence against women remains the most pervasive human rights violation that exists, whether in times of peace, conflict or post-conflict. It is essential that the “effective implementation of existing human rights standards to ensure that the root causes and consequences of violence against women are tackled at all levels, from the home to the transnational area”. Moreover, States must prevent, investigate, prosecute and punish the perpetrators of violence against women to reach a world without gender discrimination, inequality and violence.

To see the full report:

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-26.pdf>

UPR Rwanda – 7 June 2011

Tharcisse Karugarama – Minister of Justice

The following report has the aim to make further clarification of a few issues that remained pending in January 2011 Universal Periodic Review. Rwanda accepted most of the recommendations that were made by UPR Working Group: 73 (81 for the Working group)

However, Rwanda rejected 3 recommendations considering that they were based on wrong or false premises:

- Recommendation No 71: Ensure that children under the age of 18 were not recruited into any armed group on the national territory (Slovenia); prohibit child recruitment into local defence forces or into any armed group (Hungary)
 - There are not armed groups on the territory.
 - Professional army, police force and Correctional Services Force are made up of adult men and women beyond 18.
 - Rwanda used to have children soldiers, during the 1990-1994 liberation war, but all those children were demobilised and integrated in schools and rehabilitation centres.
 - The Local Defence Force (LDF) provides security services to decentralized local administration units and it is currently a well disciplined and respected force that contributes greatly to community development.
- Recommendation No 72: Take concrete measures in addressing the problem of human trafficking: including tackling the root causes, introducing effective prevention measures, timely prosecuting and punishing traffickers and providing protection and support to victims (Malaysia)
 - There is no problem of human trafficking in Rwanda, yet preventative and precautionary measures exist. Rwanda is party to all international Conventions on human trafficking and adopted laws in the Penal Code to implement it.
 - Program of community policing such that it is almost impossible for human trafficking to take place in the country or transit through it.
- Recommendation No 73: Intensify measures to improve access of minority groups and indigenous people to basic social services such as health, education, employment and occupation (Malaysia)
 - Policies and programs on social protection do not exclude any Rwandans.
 - There are definitely marginalized and vulnerable groups in Rwanda but no indigenous people have been identified in the country.
 - Social services on Health (mutuelle de santé: 91%), Education (9 Year Basic Education: 94% boys and 96.5% girls), Housing (eradication of grass thatched houses: 86%), employment (conscious positive discrimination), empowerment (one cow per family), have been adopted to take care of these disadvantaged groups without any form of discrimination.

In addition, Rwanda deferred 16 other recommendations pending further consultation and, after that, 13 have been accepted and are currently being executed, but 3 recommendations have also been rejected.

- Recommendation No 58: Urgently investigate cases of arbitrary arrest and detention, including those which may constitute enforced disappearances (Sweden)
 - Investigations that were conducted revealed that there are a few cases of irregular arrests and detentions which are systematically corrected and responsible officials are punished in accordance with the law.
 - Rwanda used to have cases of beggars and street children who were taken from the streets to direct them into Children Rehabilitation Centres or organize them into productive cooperatives. This cannot be considered as arbitrary arrests.
 - The Ministry of Gender and Family Promotion is implementing a project to provide proper welfare to children below six who are HIV infected, orphaned and vulnerable. Moreover, the government established a centre where former young street children are taught various professional skills.
 - Thousands of street vendors and prostitutes were taken from streets and were sensitized to organize themselves into income generating cooperatives.

- Recommendation No 69: Adopt concrete measures to avoid discrimination and protect the rights of the peoples of the Batwa community and other minorities (Spain)
 - This recommendation insinuates that there is still discrimination in Rwanda. The government is committed to the prevention and the fight against forms of discrimination. Genocide was a result of discriminatory politics.
 - Legal, administrative and institutional measures to combat discrimination such as free health insurance, adequate houses, education, free legal aid, etc.

- Recommendation No 70: Further ensure that country's religious minorities are able to freely practice their respective beliefs (USA)
 - Religious groups in Rwanda fully enjoy their rights. Nearly 400 registered religious groups are operating in Rwanda and many others which are not registered.
 - A new law governing religious groups and practices has been enacted with full participation of religious leaders and denominations especially to ensure the coexistence.

Furthermore, since the Working Group in January 2011, Rwanda did benefit from the recommendations and are subsequently implementing these at different levels. Some examples are:

- The law governing political parties has been reviewed.
- The law of International NGOs is in process with a lot of changes and improvements made with inputs from NGOs themselves.
- A new policy document on media and access to information has been adopted on the basis that the whole of the media, access to information, freedom of speech and expression have been guaranteed. The idea is to make the media self regulatory and remove all government restrictions and involvements in the media industry.

To see the full report:

http://www.upr-info.org/IMG/pdf/a_hrc_17_4_rwanda_e.pdf

UPR Nepal – 7 June 2011

Medhav Prasad Ghimire – Chief Secretary, Office of the Prime Minister and Council of Ministers

The following report has the aim to make further clarification of a few issues that remained pending during the January 2011 Universal Periodic Review. Nepal received 135 recommendations and accepted a majority of them. The government has streamlined or is in the process of streamlining its policy and legal and institutional measures to implement these recommendations.

Nepal is currently undergoing social, economic and political transformation after over a decade of armed conflict. The country has registered a remarkable improvement in the human rights situation since the beginning of the peace process in 2006. The aim is to build an inclusive, just and prosperous nation, based on the culture of human rights and the respect to international commitments and the fundamental rights guaranteed by the Constitution. New policies and programs are needed to incorporate promotion of human rights for the vulnerable and marginalized groups or communities including women, children, persons with disabilities, Dalit and indigenous people, as well as developing the culture of respecting fundamental rights through education.

The Government of Nepal adopted the Gender Equality and Social Inclusion Policy in 2010 and has recently finalized a bill to amend about 20 laws in order to ensure gender equality. Moreover, in order to ensure proportional and meaningful participation of women at all levels of conflict transformation, peace building processes, and protection of women and girl's rights, Nepal adopted the Nation Action Plan on the Implementation of the UN Security Council Resolutions 1325 and 1820 on February 1, 2011.

In relation to the eradication of violence against women, the Sexual Harassment at Workplace (Prevention) Bill 2011 is under the consideration of the Legislature Parliament. Nepal is working as well on legal measures on a fast track court mechanism in criminal cases involving women. It has recently finalized the standard operating procedures for establishing one stop crisis centres in district hospitals or health institutions in order to provide requisite services and counselling to victims of gender based violence.

Furthermore, Nepal is working to implement the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and is also reviewing the National Plan of Action against Human Trafficking.

During the meeting, Nepal presented its responses to 36 recommendations contained in the report of the Working Group on the UPR, and some of them were rejected. Some notable examples are:

Recommendation No 108.10: Take further steps to eliminate discrimination against vulnerable or marginalised groups, including on the basis of gender or caste, by enacting laws to criminalize all forms of discrimination (UK).

Recommendation No 108.11: Review and adopt relevant legislation and policies, including bills related to Caste-based discrimination, the Women's Commission, the Dalit Commission

and the Rights of the Child, to ensure full compliance with international human rights standards (Norway).

- Nepal accepted both recommendations and remarked that recently, the Legislature Parliament has passed the Caste-based Discrimination and Untouchability (Offence and Punishment) Bill, 2010.
- The Government of Nepal remains committed to the promotion of human rights in conformity to its international obligations.

Recommendation No 108.15: Ensure, without any discrimination, the rights of people with disabilities and others belonging to vulnerable groups, such as women and children (Chile).

- Nepal accepted this recommendation and highlighted that various measures of positive discrimination have been devised for vulnerable groups including persons with disabilities and also women and children.

Recommendation No 108.20: Regarding human trafficking and violence against women and children, take further steps, where necessary, and accelerate efforts for their effective implementation (Japan).

Recommendation No 108.21: Develop comprehensive legal framework to protect children from trafficking (Austria).

- Nepal accepted these recommendations and added that the Human Trafficking and Transportation (Control) Act, 2007, which constitutes a comprehensive legal framework to protect those affected from trafficking, including women and children. Since 2001, the government implemented a national action plan against the sale of women and children for sexual and labour exploitation.

Recommendation No 108.32: Ensure that the new labour legislation would include provisions prohibiting discrimination both in the employment and the recruitment procedures, as laid down in the ILO Convention No. 111 (Poland).

- As Nepal is a party to the ILO Convention No. 111, the policy, legal and institutional measures prohibit discrimination both in employment and in recruitment procedures. In this context, Nepal accepted the recommendation.

Recommendation No 108.33: Ensure that education is free and compulsory, with special focus on the enrolment of girls in school (Turkey).

Recommendation No 108.35: Pay special attention to helping Dalit children, girls, and children belonging to ethnic minorities to complete their education cycle, and to ensure their employment opportunities after education in order to enable them to claim their rights and work as agents of change in their communities (Finland).

- Nepal accepted these recommendations and added that various measures had been adopted with special focus on the enrolment of girls in schools. These measures include: provision of scholarship to 100 per cent girls at the primary and lower secondary level (basic education) and to all school girl students in Karnali Zone, and

allocation of quota for 40.000 girl students under annual 60.000 secondary education scholarships.

To see the full report:

http://www.upr-info.org/IMG/pdf/a_hrc_17_5_nepal_e.pdf

Human Rights Council holds Annual Discussion on Women's Human Rights - 10 June 2011

The full day discussion on women's human rights was divided into a morning and an afternoon session. The first session opened with a panel focusing on good practices and remaining gaps in the prevention of violence against women, and the next session centred on conflict-related violence against women.

Good practices and remaining gaps in the prevention of violence against women

Outline

Sihasak Phuanketkeow, President of the Human Rights Council, asserted that it is crucial to identify practical steps that the Human Rights Council can take to prevent violence against women.

Navi Pillay, United Nations High Commissioner of Human Rights, said that most Member States had incorporated the international legal human rights framework into their own domestic legislative frameworks, in order to combat violence against women. In spite of this, it is estimated that one third of women in the world had experienced or would experience some form of violence, making violence one of the worst forms of discrimination against women.

Preventing the many intersecting manifestations of violence is necessary at local, national and international level, requiring both political and financial commitments. Meanwhile, the UN system defined three levels of prevention, and added that looking at them separately would assist in terms of policy measures:

- 1) Primary prevention; stopping violence before it occurs
- 2) Secondary prevention; the immediate response after violence has occurred
- 3) Tertiary prevention; longer term care and support of victims

Violence against women is so pervasive that no States have the mechanisms to deal with the extent of the violations and the number of its victims. In addition, another challenge that presents itself is the general absence of monitoring and evaluation measures attached to the various preventative initiatives. Moreover there is lack of reliable information and data on violence against women and of sustained funding for implementing related programmes. More in depth research is needed therefore to understand the cultural, economic, political and social determinants of violence against women that reflect the particular contexts in which it is perpetrated.

Statements by Panellists

Rashida Manjoo, Special Rapporteur on violence against women, its causes and consequences discussed the due diligence obligation of States to prevent violence from happening in the first place. In this aspect, what is crucial is the elimination of the structural and institutional causes that led to violence against women. Violence against women is so multi-faceted that it must be dealt with at all levels of society, intersecting both the private and public spheres. It is recommended that reparation measures should not just aim to restore what occurred before, but seek to transform such situations in order to stop the reinforcing and cyclical nature of violence.

The way in which pre-existing patterns of violence can begin to be subverted is through the transformation of both legislation and perhaps more importantly, cultural attitudes that are directed to empower women. Manjoo identifies tools such as education, skills training, legal literacy and access to productive resources. In addition to the obvious benefits of such resources, this assumes that women would then be in a better position to comprehend their oppression and be better equipped to change this. Whilst implementing such changes, it is hoped that States act without discrimination and commit the equal resources to violence against women and other forms of violence. All this would advance the application by States of their due diligence.

Michelle Bachelet, Executive Director of UN Women furthered the notion of preventing violence, by adding that it was not inevitable and requires practical steps. Gender-based violence was a control mechanism over women's freedom, choice and bodies, which also had its economic impact through loss of millions of dollars lost through development, additional expenditures to fund programmes and policies and others. In terms of primary prevention, Bachelet emphasised the merits in school-based life skills training for all children, additional protective measures for high-risk groups, early child interventions, and revision of the curriculum and improving the learning environments in schools. Other areas include furthering the age of marriage and increasing participation of women in politics etc. Though this tends to lack implementation and resource allocation, UN Women analysis indicates progress: primary and local initiatives are increasing, as is the involvement of men in such projects. In addition, UN Women is also a founding member of 13 organisations dedicated to addressing violence against women.

Dubravka Simonovic: Expert Member of the Committee on the Elimination of All Forms of Discrimination against Women and Chair of its Optional Protocol emphasised the Convention on the Elimination of Discrimination against Women (CEDAW) as the key universal instrument with regard to women's human rights. Article 1 of the Convention provides a broad definition of discrimination against women and Article 2 outlines the right of all women to be free from discrimination and the responsibility of States to guarantee this. The CEDAW Committee was playing an important role in providing the authoritative interpretation of the obligations of States parties to eliminate violence against women based on their obligations assumed under the CEDAW Convention. CEDAW has adopted general recommendation 19 on violence against women:

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>

In brief, this links discrimination against women and gender-based violence and outlines the due diligence principle to emphasise the obligations of States.

Various forms of violence continue to persist around the world. The Committee expressed concerns that States often fail to respond to effectively and holistically to such violence, as domestic legislation does not correspond to international legislative frameworks. Reference was also made to the Optional Protocol to the Convention against Preventing and Combating Violence against Women and Domestic Violence. Now adopted by 101 States parties, the Protocol provides at the European level a comprehensive set of legally binding standards to combat such violence and also established a monitoring mechanism:

<http://www.un.org/womenwatch/daw/cedaw/protocol/text.htm>

Jimmie Briggs, Co-founder and Executive Director of Man Up Campaign, said that despite successes reached, the struggle painfully continues and had reached “epidemic proportions” where there had been conflict. For example, rape was used to destabilise populations, destroy community and family bonds and to humiliate and demoralise. A study by the University of Johannesburg emphasises the notion that young women should be allowed to control their own destiny and would consequently see such actions as meaningful and restorative. However intrinsic to attaining gender equality and preventing violence against women, is the involvement of men.

The Man Up Campaign was created as a global initiative to give young people a voice in developing models of change that seek to break the cycle of violence against women. This is largely achieved through the medium of sport, music, technology, and the arts in which the young generation is being constantly education about such issues by building a network of young advocates and defenders, linking their efforts to those of community based and international organisations.

Yuniyanti Chuzaifah: Chairperson of the Indonesia National Commission on Violence against Women focused on the core issues of violence against women in the current context in Indonesia. An enduring problem is that there is no common view that violations committed by State actors, were considered as an international responsibility, rather they were seen as an individual responsibility. Victims of past violence in Indonesia found it very hard to find justice though transitional justice mechanisms.

Victims of violence favour informal mechanisms or institutions of justice rather than formal mechanisms. The Commission subsequently focused on how justice and better conditions for human rights could be delivered, bridging political tensions at the international level and bringing human rights closer to countries, particularly where there are strong religious attachments. The Commission also engaged with developing integrated monitoring and recovery systems for victims, but the problems it faced in this core area of activity concerned the fact that donor agencies, including the UN, followed the trend to fund the Government rather than a civil society organisation. The question here was how the UN mechanism would work if the non-governmental organisations or communities of victims collapsed.

Interactive Discussion

- The promotion and protection of human rights is a priority in terms of both policy and culture. Challenges to this are the pervasive nature of violence, some manifestations of such violence (eg, trafficking) that are hard to detect and need special attention and the lack of reliable and timely data hindered better understanding.

- The role of civil society with regards to women's rights, in which co-operation is necessary at all levels of society. In order to enhance women's rights and economic productivity, education and training was identified as a problem. The Council, as well as UN Women headed by Michelle Bachelet have a key role in advancing such efforts.
- Changing cultural attitudes; this includes engaging men to the effort to eliminate violence against women.
- The level of impunity is currently unacceptable.

Concluding Remarks from the panellists

Michelle Bachelet outlined the priorities of UN Women:

- 1) The overall equality for women. By working alongside other leading organisations, there was less chance of duplicating what other agencies were already doing, thus giving a more effective approach.
- 2) Increasing political participation of women and improving women's economic participation and autonomy.
- 3) Combating domestic violence.
- 4) Improving the situation of women in conflict and post –conflict countries, and having more women as peace builders and peace makers.

Rashida Manjoo highlighted that education was the potential solution to many problems, as it can potentially transform the position of women and equip them to negotiate for themselves. Once violence against women was recognised as a human rights abuse, the obligation lies with the state to address root causes and hold perpetrators of such violations to account.

Dubravka Simonovic said that CEDAW considered that the protection of victims and the prevention of violence against women were interconnected. It was important to look at comprehensive approaches to violence against women, as well as global instruments such as the CEDAW convention and regional instruments.

Jimmie Briggs asserted that what remains is the question of implementation. In addition to global initiatives, there needed to be a robust education component on gender identity, especially around the issues of masculinity and manhood.

Yuninanti Chuzaifah looked at the role of the media. The Commission was collaborating with religious institutions in Indonesia and tried to challenge the patriarchal assumptions with the data and information becoming the practice. There was an attempt to negotiate with the traditional and religious leaders by presenting them with more progressive interpretations of data, events and trends.

Conflict-related violence against Women

Outline

Kyun-wha Kang, Deputy High Commissioner for Human Rights opened the session by stating the relentless physical and emotional violence women suffer before, during and post conflict. Conflict situations intensify pre-existing patterns of gender discrimination and bring to the forefront the human rights violations that take place in an international context.

In 1992, the Committee on the Elimination of All Forms of Discrimination against Women recognised in the general recommendation 19 that “wars, armed conflicts and the occupation

of territories often led to increased prostitution, trafficking in women and sexual assault of women, which required specific protective and punitive measures”.

In 2000, the Security Council adopted resolution 1325 which called on all parties to armed conflict to protect women and girls from all forms of violence in armed conflict. This reinforces human rights laws must always apply.

Fedor Roschocha, Vice-President of the Human Rights Council, added that the panel aimed to identify ways in which it could make stronger the response to conflict-related violence against women.

Statements by Panellists

Margot Wallström, Special Representative of the Secretary-General on Sexual Violence in Conflict asserted that “women’s rights did not end when conflict began”. In contemporary conflicts, women and girls were victim to sexual violence; a reality acknowledged in resolution 1820, and furthered when resolution 1960 aimed to enhance accountability and denounce such crimes. Sexual violence is, at present, very prominent in Libya: the Commission of Inquiry has received reports of rape allegedly committed by government forces.

Five priorities for Wallström’s mandate:

- 1) Ending impunity
- 2) Empowering women
- 3) Mobilizing political leadership
- 4) Increasing recognition of sexual violence as a tactic
- 5) Ensuring a more coherent response from the UN system

Rashida Manjoo, Special Rapporteur on violence against women, its causes and consequences, said that the mandate had addressed violence committed against women in times of peace, in conflict, post-conflict, transitions, consolidation and development. The 2001 Report emphasised some of the atrocities committed against women by both State and non-State actors, including rape, mutilations and forced marriages. It also highlighted the specific cases of internally displaced women and children.

Another problem occurs when armed conflict and the militarization process become more rooted, and as a result violence against women more tolerated. The report by the mandate in 2000 highlighted the ongoing violence and discrimination that women faced in the rehabilitation and reconstruction process. For example, in Afghanistan in 1999, the mandate holder had found that women had been reportedly subjected to a wide range of human rights abuses. Similar cases were highlighted on similar visits to East Timor in 1999, Sierra Leone in 2001 and Columbia in 2001.

Rashida Manjoo also noted that States were not exempt from their human rights obligations in times of conflict, and that violence against women remained a pervasive feature of many conflict situations over the past 16 years. The international community should really consider the issue of the impunity of States and non-State actors, in which the Human Rights Council and its mechanisms should continue to place the protection of women’s rights on its agenda, alongside the support of the Security Council.

Zohra Rasekh, Vice President, Committee on the Elimination of Discrimination against Women, made reference to one of its mandates, in which it had asked State parties to produce

exceptional reports on women's rights during times of crises, conflict and post-conflict. These reports often reveal the violations endured by women. At its forty-seventh session, the Committee decided to adopt a general recommendation on the protection of women's human rights in conflict and post-conflict contexts. This would include the recommendation that there should be equal participation of women in all processes related to post-conflict reconstruction, peace-building and peace negotiations.

Marek Marczynski, Research Policy and Campaign Manager, Amnesty International, said that their research drew largely from the stories of the survivors of violations. A common theme that emerged was the fact that many of the perpetrators of violence against women still held positions of power in many countries. In addition to this, there is a lack of awareness of the needs of the women as witnesses. For example, women who had been the victims of physical and psychological abuse were subjected to lengthy processes in order to receive reparations. Marczynski recommended that the development of any reparations programmes should be based on the needs of women. The aim should be to build on resolution 1325 of the Security Council, which for the first time in a legal framework, required parties in a conflict to respect women's rights and to support their participation in peace negotiations and in post-conflict reconstruction.

Discussion

The need for all countries and at all levels, to combat conflict-related violence against women was reiterated; tackling both the root causes and the situations that emerge post-conflict. Violence is often adopted as a weapon of war, for example the instrumentalisation of women in the media, female genital mutilation and the spread of HIV/AIDS. Reference was also made to the current situation in Libya, where allegations of sexual violence by Government forces must be taken into account.

What are the solutions for such violations of women's human rights? One country had stepped up its efforts by adopting a number of urgent measures, including the relocation of spouses to get them out of reach of their violent husbands. Meanwhile, other countries highlighted the efforts they had made, and continued to make, to fight domestic violence, to empower women and girls, tackle trafficking, raise awareness and make legislative amendments.

Support was also expressed for Security Council resolutions 1820, 1325, 1888, 1889 and 1960 that had paved the way for the prevention of violence against women by both displaying zero tolerance to the perpetrators and a unified co-operation within the international community. Speakers also showed how national legislation, constitutional reform, national plans and local programmes could incorporate gender-based approaches for preventing violence against women, promoting gender equality and enhancing economic opportunity.

Report on Flotilla and General debate on human rights situation in Palestine and other occupied Arab territories – 14 June 2011

High Commissioner for Human Rights, Navi Pillay, presented the *Report on the status of implementation of the conclusions contained in the report of the independent international fact-finding mission on the incident of the humanitarian flotilla*. This reflects the input from the only response received, being that of the Government of Turkey. No information had been received from either the Israeli or Palestinian governments to confirm the status of implementation of the recommendations and conclusions of the fact-finding mission.

The report highlights the Turkish responses, such as to recall that all of the conclusions concerned actions by Israel, as well as to show its regret at the fact that Israel had neither apologized nor compensated victims or their families.

As a concerned country, Israel highlighted that it is a democratic and open society "where all its citizens regardless of faith, gender, race or sexual orientation had equal access to those democratic and social rights that many of the citizens in the region were risking their lives to attain". Moreover, Israel is determined to protect its borders and citizens and also to remain committed to peaceful negotiation with its neighbours.

Palestine took the floor, as a concerned country, in order to say that the attack on the Flotilla by Israel was a violation of international law, because on board it had civilians of many nationalities and also humanitarian aid for people, previously disabled by Israeli forces. Palestine enhanced the notion that the Government of Israel should make appropriate apologies and compensate the victims, as well as end the blockade of Gaza.

Speaking as a concerned country, Syria denounced that Israel killed 25 and injured over 400 peaceful demonstrators from Palestine and the Syrian Golan, who had been requesting their rights to be guaranteed. They considered this a massacre, proof of state terrorism and the inherently aggressive way with which Israel has dealt with the Arabs. Furthermore, Syria condemned Israel for violating the right to life and property of the Palestinians and inhabitants of the Syrian Golan and depriving them of the right to seek justice, "all the while claiming it is the only democracy in the Middle East".

Turkey, the last concerned country, stated that "the international community should not forget that the Israeli conduct was not only disproportionate to the occasion but also that it demonstrated levels of totally unnecessary, unjustified and incredible violence". It denounced as well the fact that Israel had made no effective steps to redress the situation.

The session followed with a General Debate on the human rights situation in Palestine and other occupied Arab territories. The majority of speakers agreed on the need to restart the peace process, calling for the urgent resumption of direct negotiation, leading to a comprehensive solution on all tracks (European Union, Cuba, Russia). The goal is to achieve a pacific solution to the conflict, with the State of Israel and an independent, democratic, sovereign and viable State of Palestine, living side by side in peace and security and mutual recognition (EU, Sri Lanka, Pakistan on behalf of the OIC), established within the 1967 borders (Oman).

Speakers also condemned the aggression and violence used against peaceful Palestinian protestors by Israel. This represented grave violation of international human rights and

humanitarian law, as well as the destruction of Palestinian properties in East Jerusalem. Bangladesh denounced that Palestinian people are deprived of the enjoyment of their property, access to employment and livelihood, and access to natural resources necessary for survival. In addition, millions are living in refugee camps in abject poverty, hunger, disease and malnutrition. Switzerland also showed its concerns about so many of the violations of human rights that were being committed in the Occupied Palestinian Territories, while impunity continued to remain a problem.

The Arab Group recognised the alienable rights of the Palestinians to self-determination, return to their country of origin and other rights stipulated by international treaties. Members of the Arab Group also required the occupying force to put an immediate end to violations, to the rules enabling the building of the apartheid wall and to the construction of illegal settlements, particularly in Jerusalem. During the general debate, speakers also asked Israel to release all illegally held prisoners, including women and children, and stop the arbitrary arrest, detention and prosecution of innocents (Iran, Arab Group), as well as lift the siege of Gaza (China, Kuwait, Arab Group).

Finally, speakers asked the international community to react against human rights violations in Palestine and the occupied Arab territories according to international treaties, in order to end impunity and, at the same time, to guarantee the accomplishment of Palestinian basic human rights and freedoms.

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance – 14 June 2011

The Special Rapporteur, Githu Muigai, presented the report on *Contemporary forms of racism, racial discrimination, xenophobia and related intolerance*, in line with the victim-oriented approach developed by the Durban Declaration. The report is mainly focused on racial discrimination and racism against Roma, but also draws on the discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status.

The Roma people, historical victims of injustices, are still facing racism and racial discrimination in a number of countries, including European countries, where they represent a large minority. Important challenges for Roma persist, such as discrimination and segregation of their children in the educational field and discrimination in employment. They also experience difficulty in accessing health care and services and live in unhealthy conditions without the most basic services and infrastructure. The Special Rapporteur also denounced the discrimination against Roma in their access to justice and citizenship, their exclusion from public and political life and their exposure to violence and abuse by private and public actors, including the police. Moreover, Roma's vulnerability to violence has increased due to political extremism and racist discourse used by some public officials and politicians.

The Special Rapporteur identified three main factors to explain the racism against the Roma:

- The lack of participation of Roma in the design, decision making and implementation processes of policies that affect them.
- The failure to properly implement the policies and legislation regarding Roma, including at the local level.

- The structural dimension of racism and racial discrimination Roma experience.

In order to face this increasing racism and racial discrimination, several governments have developed initiatives including the adoption of national action plans and strategies for Roma, national laws against racism and racial discrimination and the development of good practices in education, employment, health and access to justice. However, it is necessary to make more steps forward to fully eliminate racism and discrimination against Roma people, when considering the structural dimension of xenophobia and intolerance and the inter-relation between the racial discrimination they suffer and their socio-economic marginalization and political exclusion. Attention must also be paid to the situations of the most vulnerable Roma, including women, children and migrants.

The Special Rapporteur made some recommendations based on:

- Affirmative action initiatives to redress historical inequalities.
- Human rights training of State agents.
- Education and awareness raising measures to foster mutual understanding, respect and tolerance.
- The condemnation of any racist or xenophobic discourse against Roma, including by political officials.

The second part of the report focuses on discrimination based on work and descent. In some countries, there exists an occupation segregation which restricts jobs, as sweeping and manual scavenging, to particular low caste members, thus impairing their access to other kind of employment. Caste-based occupations and untouchability include designed tasks considered ritually polluting and unclean to others in the society. Yet this discrimination is not only focused on employment; it also focuses in the educational system. Moreover, women and girls are the main victims, suffering multiple forms of discrimination, including sexual exploitation and forced prostitution.

Several worldwide initiatives have been created, as a result of the draft principles and guidelines on discrimination based on work and descent considered by the Sub-Commission on the Promotion and Protection of Human Rights. Some governments have taken further initiatives to address the problems facing affected communities. For example, the adoption of legislation and special policy measures to counter this discrimination. As a recommendation, the Special Rapporteur asked for an effective implementation where such law exists and urged States to enact appropriate legislation if it does not exist. The aim is to promote equality and respect for all people which will lead to the eradication of practices of caste and discrimination based on work and descent.

Another recommendation made by the Special Rapporteur was to increase “awareness-raising measures, with special emphasis on the educational institutions, the judiciary, police and civil services in order to ensure effective implementation and enforcement of the law by the police to ensure access to justice and effective remedies for victims”. Moreover, he recommended the collection of disaggregated data to be able to identify the number of people affected and thus design appropriate strategies to fight this kind of discriminations.

To conclude, Mr. Muigai reported the racism and racial discrimination situation in Singapore, where the authorities have endeavoured to establish laws, policies and institutions that seek to continuously promote social cohesion, religious tolerance and what they refer to as “racial harmony”. However, it seems that in the name of such racial harmony, some blind spots have

been created, such as restrictions to freedom of expression and assembly and the significance of ethnic identity, housing, education, employment and migrant workers.

Panel on strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace – 14 June 2011

As a platform to get better understanding of the challenges faced nowadays in relation to intolerance, negative stereotyping and discrimination, and to find the best solutions through the dialogue, the Human Rights Council hosted the *Panel discussion on strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs*.

Navy Pillay, United Nations High Commissioner for Human Rights, expressed her concerns about the increasing anti-Semitism, Islamophobia and Christianophobia over the past years. Also of concern is the continuous negative stereotyping exercised in the media or by extremist political parties, advocacy or religious hatred, together with physical violence against religions. Multiple forms of discrimination against individuals and groups have been highlighted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001, as well as the Durban Review Conference and the Committee on the Elimination of Racial Discrimination. All these show that women too often suffer gender-based and religion or belief discrimination, as seen in some countries where laws continue to discriminate against women, such as legislation that prohibits or imposes the donning of veil in public because of its religious symbolism. Migrants are also a group facing discrimination because of their status and national or ethnic origin.

Furthermore, the High Commissioner highlighted the important role of popular media, public officials and personalities that incite racial, religious or national hatred through their discourse. It is not about restricting the freedom of speech, because if it is not respected, freedom of religion cannot exist. Likewise, freedom of expression is essential to creating an environment in which a constructive and respectful discussion about religion and belief can be held.

As a conclusion to her speech, Ms. Pillay stated that it is a state obligation to promote a culture of tolerance as well as protect victims of human rights violations and prevent and eliminate intolerance, discrimination and violence against persons for their religion or beliefs. Moreover, in order to create stable societies, States should act as a catalyst for intercultural dialogue to promote respect for differences and to create an inclusive dialogue which brings a better understanding of different views, cultures, religions and beliefs.

As a Vice-President of the HRC, Bente Angell-Hansen introduced the panel focusing on the importance of promoting a global culture of tolerance at peace through international efforts, enhancing social justice, understanding and respect in multi-cultural societies.

Jorge Sampaio, UN High Representative for the Alliance of Civilizations, recommended a common responsibility for managing worldwide economic and social development as well as threats to international peace and security. It is essential that there is an international collective responsibility to support fundamental values, to uphold the principles of human

dignity, equality and equity and to actively promote a culture of peace and dialogue through an agenda focused on education, youth and new media.

The next panellist, Slimane Chikh, Permanent Observer of the Organization of the Islamic Conference to the UN Office at Geneva, highlighted the need to identify the items to promote the respect to a culture of peace and tolerance based on the Human Rights Council Resolution 16/18. This Resolution provides a concrete human rights framework basis which should be implemented at both the national and the international level, stating the necessary steps to end double standards and racial, national and religious profiling.

Ahmer Bilal Soofi, lawyer and expert on international humanitarian law and human rights and President of the Research Society of International Law in Pakistan, stated that, in the context of Resolution 16/18, it is necessary that there is a different treatment of stereotyping and stigmatization actions that ought to be taken at a pre violence stage, and those to be taken up at a post violence stage. The legal treatment of both of the phases will be different as the burden to restrain at the pre violence stage may be on the offender and prevention and on the post violence stage on the aggrieved and providing effective remedies. Invoking domestic law shall be an appropriate response if incitement is attributed to an individual or two but if the scale is larger, some response at a global level may be required through and institutionalized framework.

Doudou Diène, Vice-Chair of *Institut internationale de recherche politique et de civilisation* and former United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, showed her concern about two different reinforcing dynamics occurring at present in relation to intolerance. This is the political institutionalization of intolerance and racism, which paid in electoral terms and required immediate address; and the intellectual and scientific legitimization of discrimination which promoted a clash of civilizations. To bring together the different religions and to share common values, two different actions need to be promoted. The first is to promote reciprocal and neutral knowledge of religious and cultural traditions. The second is to promote the interaction at a national and an international level, sharing plural identities, teaching history and implementing the Resolution 16/18.

Mario Marazziti, journalist and spokesperson and member of the International Board of the Community of Sant'Egidio, denounced that immigrants today represent a huge excuse for European politics to face the anxiety produced by the growing economic crisis and lack of jobs. It is essential to create trust and understanding taking the roots for understanding and putting them at the centre of the global agenda. Some proposals were made with the aim to eradicate intolerance by inter-religious meetings and dialogues between different religions. For example, the panellist recommended that, in order to face the challenge of impact on the public opinion, the creation of a new joint media in crucial areas, where people from all religious and secular backgrounds, could come together to represent others and create new languages for journalists, opinion-leaders and teachers.

Adil Akhmetov, Ambassador and Personal Representative of the Chairperson-in-Office of the OSCE on combating intolerance and discrimination against Muslims, encouraged States to face the lack of understanding by showing their leadership fighting against discrimination through the development of educational tools to deal with discrimination phenomena and to disseminate them. He was concerned about Islam's depiction as being incompatible with democracy and human rights, and therefore reminded that international tensions and conflicts

cannot justify any form of racism and xenophobia, including anti-Semitism and intolerance against Muslims.

The next panellist was Simona Santoro, adviser on Freedom of Religion or Belief of the OSCE Office for Democratic Institutions and Human Rights in Warsaw highlighted three characteristics of decisions adopted by the Ministers of Foreign Affairs, on the topic of tolerance and non-discrimination. Firstly, they approached intolerance from a double perspective, the broad forms of intolerance, racism and xenophobia and specific forms of intolerance such as intolerance against Muslims or Christians or anti-Semitism. Secondly, they linked tolerance to human rights and basic freedoms as expression of religion or belief. Thirdly, they encouraged states to take part in the elimination of intolerance in areas such as legislation, law enforcement, education, data collection, collaboration with civil society, monitoring of hate crimes, capacity building, media, constructive public discourse and promotion of inter-cultural dialogue.

The last speaker was Suzan Johnson Cook, Ambassador-at-Large for International Religious Freedom and Head of the Office of International Religious Freedom at the State Department. She denounced the political use of religious intolerance and stated that it is the obligation of State to allow freedom of expression as well as freedom of religion and beliefs. It is necessary to establish legal protections to eliminate discriminations against national origin or religion. It is necessary to create an atmosphere of prevention of discrimination and violence that punish if it occurs. Leaders were urged to condemn offensive expression, identify areas of tensions between communities, train officials on outreach strategies and encourage leaders to discuss causes of and solutions to discrimination. Moreover, she encouraged the community to be engaged to eliminate stereotypes and to start a constructive dialogue to avoid mistrusts.

To see the full UN Resolution 16/18:

<http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G11/121/55/PDF/G1112155.pdf?OpenElement>

Situation of Human Rights in Cote d'Ivoire – 15 June 2011

The situation of human rights in Cote d'Ivoire, in relation to the conclusion of the 2010 presidential election, required the Human Rights Council attention in its 17th session. For that reason, two reports were presented: *Report on the independent, international commission of inquiry of Cote d'Ivoire* and *Report of the OHCHR on the situation of human rights in Cote d'Ivoire*.

Report on the independent, international commission of inquiry on Cote d'Ivoire

An Independent International Commission of Inquiry investigated violations of human rights during that period in order to identify those responsible for such acts and bring them to justice.

Vitit Muntabohn, president of the Commission, presented the report highlighting the importance of fighting against impunity, considering it the main root of the crisis. Since 28th

November 2010, serious violations of human rights and international humanitarian law were perpetrated. This was especially the case in Abidjan and the west of the country where killings, torture, summary executions, rape and use of children for the parts in conflict were carried out. "Different actors, from different parties, are responsible of these violations", said Mr. Muntabohn.

The investigation reveals that some cases were so serious that they can be considered crimes against humanity and war crimes. For example, the systematic attacks against targeted communities on the basis of their ethnicity or their supposed political affiliation. It is now essential to bring all the perpetrators to justice and make them responsible of their acts.

Moreover, it is urgent for the Ivorian government to restore security around the country. The presence of young people armed in Abidjan and other cities claim that Republican Forces contributes to create and spread a feeling of insecurity among the population. For that reason it is urgent to take the necessary measures for their disarmament, dismantling of militias and establishing a professional army and respect of human rights.

Another widespread problem in Cote d'Ivoire is the situation of the thousands of displaced people. In addition to this, there is the situation of the families hosting such displaced people and those in hiding, afraid of reprisals. This requires an urgent global response by the government and the humanitarian agencies.

In this context, the big challenge is to end the criminal impunity in the country and, therefore, finally achieve the reconciliation. For the Ivorian authorities the national reconciliation is the highest priority. However, they have to keep in mind that reconciliation without true justice cannot be sustained and will not stop the cycle of violence experienced by Cote d'Ivoire in recent years, if human rights violators are not sentenced and victims properly compensated.

As a recommendation, the Commission of Inquiry remarked the importance of bringing perpetrators to justice. Furthermore, it recommended that the authorities address the root causes of the crisis, in particular in relation to discrimination, unemployment and violence of the younger generations, and more generally the economic crisis. To the international community and the United Nation High Commissioner of Human Rights, the Commission recommended following up and monitoring the human rights situation in Cote d'Ivoire to avoid violations and assist and give support to the Ivorian authorities to combat impunity and to uphold the rule of law.

Report of the OHCHR on the situation of human rights in Cote d'Ivoire

The UN report on the situation of human rights in the country covers developments from 1 February to 30 May 2011. Navya Pillay, High Commissioner for Human Rights highlighted the main role of the United Nations Operation Cote d'Ivoire (UNOCI) to prevent violations of international human rights and humanitarian law, protect civilians at risk and secure accountability and remedy for violations.

Nowadays, security in Abidjan and many places in the west have improved but human rights situations remains of serious concern. Throughout the reported period, there has been excessive and indiscriminate use of force against civilians, retaliatory killings and summary executions, enforced disappearances, torture, arbitrary arrest and detention, extortion, pillaging and sexual and gender-based violence. These violations were committed by both

sides in the conflict. “The mission found at least 1,012 persons, including 103 women and 42 children were killed in both regions and 46 rape cases including pregnant women and two minors were documented in connection with the crisis”, said the High Commissioner.

The current task, both urgent and necessary, is rebuilding social cohesion and fostering reconciliation between communities. For this purpose, it is essential to end impunity and make perpetrators held accountable for crimes committed, treating them with dignity and respect for human rights, including the right to a fair trial.

Report of the IE on the situation of human rights in Burundi - 16 June 2011

The main issues that came to light based on the report of the Independent Expert Fatsah Ouguergouz:

1)

- The 2010 elections went peacefully and according to international standards, resulting in the establishment of the Ombudsman office. Countries commended Burundi on its newly established human rights institutions and its contacts with the Ombudsman office.
- However there still remain many challenges to the human rights efforts, such as extrajudicial detentions and executions, and torture, narrowing in freedom of expression cases of disappearing, killings of human rights defenders

Recommendations:

- The rule of law needs to be strengthened so that perpetrators can be held to account for any violations of human rights. By combating impunity, this would instil greater trust in the system and improve the credibility of the judiciary and the justice system.

Intervening countries: Belgium, Norway, Organisation de la Francophonie, Uganda, Congo

2) The following countries were against a renewal of the independent expert's (IE) mandate: Rwanda, Uganda, Chad, Sudan, Congo, Morocco

Comments by NGOs referred to the following:

- The treatment of those in detention
- The killing of people after the elections
- The harassment of human rights defenders
- The extrajudicial killings and torture
- The levels of corruption

(International Federation of Human Rights Needs, Human Rights Watch, Amnesty International, Cairo Institute for Human Rights Studies)

All the NGOs asked the Human Rights Council for an extension of the IE's mandate.

Recommendations:

- Investigate the cases of killings and publish the findings and increase transparency. Police officers, who committed torture, need to be brought to justice. (Human Rights Watch)
- The established National Human Rights Commission (19 May 2011) needs to be fully independent (Cairo Institute for Human Rights Studies).

Questions for the Independent Expert:

- What steps can be taken to end impunity?
- What has the government done to fight impunity?
- Are there security intelligence forces?
- Is there a national commission of inquiry?
- What happens with the past crimes committed before the National Human Rights Commission was established?

Answers from the Independent Expert Mr. Fatsah Ouguergouz:

- In response to the allegations of human rights violations, the cases of torture after the 2010 elections have not been investigated yet. According to the IE, the prosecutor should act *ex officio*. In terms of political dialogue, efforts should continue to be made by the international community, with opposition parties open to negotiation and the diplomatic community inviting extra-parliamentary opposition.
- Alongside this is the need to improve the institutional features, in particular the transitional justice procedures. The IE encouraged the minister of foreign affairs to assimilate all of civil society with the process, so that citizens can be represented there and be allowed to express their concerns. The schedule was adopted early in May 2011; meanwhile The Truth and Reconciliation Commission, which will be established in January 2012, will operate for 2 years.
- As for steps towards the independence of the National Human Rights Commission, the members made a proposal. One condition is that funding of the commission should come from the Burundian government and partner states.
- To improve the levels of criminal justice, the Burundian government must ensure that professional judges and attorneys are employed.

Report of the Independent Expert on the situation of human in Haiti - 16 June 2011

Introduction:

H.E. Mrs. Bente Angell-Hansen (introduction)

Mr. Michel Forst (Independent Expert): congratulates Haiti for its improvements in many sectors.

The priorities in Haiti are the humanitarian crisis and the role of rights in reconstruction, the rule of law and the realisation of social and economic rights:

- The Humanitarian crisis has witnessed an escalation in the violation of human rights. Most often victims are women, trafficked children, persons with disabilities, street children and those without access to drinking water.
- The question remains how to strengthen the Rule of Law. A policy would be a clear signal to mark the separation between executive and judiciary and to guarantee the effective working of public administrations.
- Haiti is a sovereign country and there is required a programme on the protection of Haitian citizens and a strengthening of the justice system; in particular the police force.
- Role of rights within reconstruction: people want to move from assistance to socio-economic rights (such as building bridges); reconstruction must be balanced and fair; fight against impunity (a fair trial of the Duvalier case would be a crucial step for Haitians and generate trust in the judicial system).

Representative of Haiti

The outstanding issues are kidnapping, domestic and family violence, corruption, impunity for those who commit violence against women. Yet, according to the representative, many recommendations have been implemented. Regarding the spread of cholera, there is a plan to open a major cholera centre, and to carry out information campaigns on sanitary measures.

Country statements and issues brought up during the interactive dialogue:

1) Violence against women and children, and other minority groups

- Critical issues are sexual violence and trafficking in persons (Mexico).
- Women need access to justice.
- Child care is of big concern. In fact children are most subject to involuntary domestic servitude.
- Internally displaced persons (IDPs).
- Persons with disabilities.
- OHCHR's and UNHCR's work in the camps is fundamental to increase security for girls and women (Brazil).

Recommendations:

- Reduce discrimination of vulnerable groups, such as women and LGBT groups.
- Long-term actions regarding violence against women in camps are needed, such as cooperation with the Special Rapporteur on violence against women (France).
- Strategies for cooperation needed (UN bodies) to strengthen cooperation between the international community and the government (Mexico)

Intervening countries: United States of America, Brazil, European Union, France, Algeria, Canada, Mexico, Norway

2) Judicial system

- Reforms regarding corruption, judiciary, detention centres and prisons.
- At present, there is a critical situation in detention centres.
- Further support of national police (Colombia) at which point help needs to be gradually transferred to the Haitians themselves.
- The government cannot deal alone with corruption; it needs help from the outside (Spain).
- Effective access to rights; strengthen participation of citizens (France).
- Prosecution of those who violate human rights is crucial, consolidation of Haitian justice system (penitentiary system, monitoring of crimes) (EU).
- Fair trial of Duvalier case (Chile).
- Canada appreciates the new president and states that Duvalier should face justice

Intervening countries: United States of America, Brazil, EU, Spain, France, Chile, Canada

3) Reconstruction efforts

- The challenge is to remove IDP camps and not to transform them into shantytowns and to redouble efforts in the housing sector, actively involving those living there. The new government needs assistance and all groups of Haitian society should be involved in the reconstruction process. (Norway). Spain, on the other hand, draws attention to the fact that many people living there want to stay there, thus recommends turning those camps into permanent settlements.
- Haitians need help from the international community and technical assistance must be stepped up (Honduras). Moreover, rights must be guaranteed by the government; strengthening links among human rights organisations (Chile).
- The government needs to rebuild the infrastructure (Algeria), go on with reconstruction work and the protection of human rights, giving reconstruction more meaning (Germany).
- The promotion of a human rights based approach is needed in the reconstruction process (Chile).
- A better analysis from the viewpoint of socio-economic and cultural rights and strategy is needed for enriching the overview of the human rights situation in terms of capacity building and technical assistance; including the involvement of citizens, also more in follow-up process (Chile).
- A national health system, which reaches the poorest people, needs to be implemented (Cuba).
- The need for a human rights based approach in reconstruction and recovery approach (Mexico, Canada), while continuing to improve the human rights situations, respect for economic rights, make a link between respect for human rights and economic, social and cultural development (Ecuador)

Intervening countries: Spain, Honduras, Algeria, Chile, Cuba, Canada, Norway, Ecuador

Comments by NGOs:

- International Federation for Human Rights Leagues highlighted that the extensive detention is unhygienic, the security situation is grave, IDPs in camps face violence, rape has been recorded, cholera and other epidemic have gotten worse. The Haitian authorities should adopt a human rights based approach for reconstruction.
- American Civil Liberties Union urges the U.S. to stop the detentions as there is no current procedure to assess policies.

The following countries asked for a renewal of the independent expert's (IE) mandate: Brazil, EU, France, and Germany

To read the full report

http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.42_en.pdf

Side Events

Barriers to trafficked persons accessing remedies – 1 June 2011

Related to the right to an effective remedy for trafficked persons, Franciscans International and the Global Alliance against Trafficking in Women organized the event *Deported without Justice: Barriers to trafficked persons accessing remedies*. To provide remedies and assistance to trafficked persons and to redress past mistakes is a fundamental legal principle and a rule of international human right treaties.

The first speaker was Youla Haddadin, advisor on Trafficking in the OHCHR, who highlighted the importance of Criminalization, Punishment, and Redress and ensuring the trafficked people's access to Remedies, based on the *Recommended Principles and Guidelines on Human Rights and Human Trafficking*. Following the UN Declaration on Victims of Abuse of Power and the Palermo Protocol, States have to compensate, provide the appropriate restitution and effective remedies to victims of trafficking for all the damage that human right violations have caused them. The compensation is not only understood as financial, but also has to include elements that empower the victim and eliminate the roots of the problem. Getting the correct remedy is a right in itself.

John Gee, head of Transient Workers Count Too, gave an approach to the obstacles to trafficked persons accessing remedies in Singapore, where the consideration of "traffic" is really restricted. Here it is necessary to implement good elements to recount victims of trafficking and its causes, including the use of force, coercion or the abuse of power, without physical threat.

Gitanjali Senapati, member of Franciscans International in India, explained in first person the vulnerable situation of people from the Khandamal district. This is where communal violence and poverty are cause and consequence of trafficking, especially in relation to children and women, in front of the inadequacy of law and the ineffectiveness of the police and courts to bring criminals to justice.

Maria Bances del Rey, legal officer in the Asylum and Migration Unit of the UNHCR, identified a correlation between human trafficking and refugee protection. Sometimes asylum seekers become victims of human trafficking and need special protection. To give them a refugee status and to prevent them of being stateless is essential in order to avoid asylum seekers becoming victims of trafficking.

As a final point, the Special Rapporteur Joy Ngozi highlighted the importance of regularizing the residence status, while the legal and assistance process takes place. This extends to providing them all with the necessary compensations, especially in order to prevent re-trafficking and also as recognition by the governments of the violation of their rights and damages suffered.

Human Rights Violation on sexual orientation and gender identity – 7 June 2011

The European Region of the International Lesbian and Gay Federation (ILGA-Europe)¹ presented the situation of the human rights of gay, lesbian, bisexual and transgender people in the world. Speakers from South Africa, Colombia and East Africa discussed the challenge to fight against stigmatization and intolerance. They also exposed the need to move towards the end of criminalization and human rights violations based on sexual orientation and gender identity, considering full respect for traditional and cultural values.

“Transition”: Egypt and Tunisia – 8 June 2011

The event was organized by the Cairo Institute² in order to demystify the human rights situation before the pacific revolutions in Egypt and Tunisia, as well as to discuss the ongoing rights violations and other challenges that face the transition to democracy in these countries.

Both countries are facing the challenge of becoming full democratic regimes, balancing between macroeconomic stability and meeting the social demands and needs, such as reducing poverty and creating employment. Moreover, there exists the challenge of creating a full democratic culture, with complete respect to basic human rights. This extends to giving place to all political visions and movements in civil society and also promoting the dialogue and mutual understanding in order to get harmonious relations. However, the transition process is facing several threats, as evidenced in the opposition of the former state members or the displaced people and refugees. Not only are Egyptians and Tunisians leaving their country, but so too are Libyans. To face these issues, it is essential that the new governments consider the support of international organizations and institutions.

Egypt

Nadeem Mansour: Director of Research of the Egyptian Centre for Social and Economic Rights and Coordinator of the Front for Defence of Egyptian Protestors.

The Egyptian population is dealing with a difficult period, in which there still exists the challenge to improve the human rights situation and the democratic structures. The military council in the government uses military force and law against civilians. This is the main human rights violation now in the country: before the judicial process the resolution is taken, there are no witnesses or, for example, the court session just takes a few minutes. Nadeem Mansour also denounced that torture is a common practice in detention centres, especially before the civilian is formally accused. In the last two weeks, two protestors died from torture in police stations and several torture cases were denounced, but the police refused any kind of responsibility.

Some human rights NGOs in Egypt are succeeding in few occasions by reconsidering cases of civilians judged by militaries. However, protestors are being constantly arrested and

¹<http://www.ilga-europe.org/>

² <http://www.cihrs.org/english/>

sentenced during demonstrations. During March and April this year, military forces attacked Tahrir square and made several indiscriminate arrests. Those protestors had no lawyers to guarantee them a fair trial and had been sentenced by the military court.

Another case of human rights violation took place on March 9th, when during a pacific demonstration a group of female protestors were arrested and tortured by police officers. Later, in front of the military court, had been sentenced to prison for 1 to 7 years.

To legitimize the indiscriminate detentions, there exists a law that any demonstration or public manifestation has an impact on the Egypt economical situation so, in order to avoid a negative impact on the economy, it is necessary to arrest and sentence the protestors. Considering this present situation, there still exist a lot of challenges related to legal issues, as military courts judging civilians, to move through a democratic regime.

The military pressure and influence is present in the media as well. Mr. Mansour said that information against the government has not existed in the common media since March. Despite this censorship, new social networks and online media have strong campaigns showing negative issues related to military council.

In order to finally eliminate the human rights violations in Egypt, that have persisted after the Revolution, and to make the new coming government fully democratic, it is essential to keep on pressuring the military council. "The Revolution does not bring democracy by itself, now is the moment to push the government to get real changes and stop the human rights violations".

Tunisia

Siham Bensedrine: President of the National Council for Liberties

Step by step, the situation in Tunisia seems to be more hopeful. It is a small country that does not face challenges on the same level as Egypt. In order to succeed in a short time getting a full democratic regime, the new governmental structures together with civil society organizations are developing a five points program:

4. Create a democratic electoral process
5. Reform the police
6. Reform courts and the judicial system
7. Reform media
8. Take measures against impunity and corruption

In relation to the electoral process, the first democratic elections are going to be in October, with the international support, monitoring and controlling. The aim is to elect a parliamentary assembly that will write a new democratic constitution. Some new measures in this field are:

- Gender parity in the election lists: 50% men and 50% women. Moreover, to avoid women being in the end of the list, it will be necessary to combine 1 man- 1 woman.
- The existence of one single election financing account and the creation of an electoral commission in charge of auditing the funds.
- Members of dictatorship cannot be elected because they are not considered part of the new democratic process.

Reforming the police creates the challenge of ending a history of civil repression and control of the main country structures such as economy, media, legislation and justice. For the moment, a few successes have been reached:

2. The creation of a civil society commission to reform the police, monitor the process and control.
3. Use the international guidelines through international experts' experience and the new police members.
4. Restructure the police and re-train policemen to fight against corruption and torture.

Despite these changes, ending the strong structures of the former government has been difficult. This has been seen in several protestors' arrests during demonstrations or the resistance of high-ranking officials implicated in corruption and torture. However, as Ms. Bensedrine said: "The future belongs to us and the entire region will succeed implementing full democratic regimes".

Refugee Rights: Responsibilities of host countries – 8 June 2011

To talk about the rights of refugees, the *Agence Internationale pour le Développement* and *L'Union de l'Action Féminine* organized an event related to the situation of Western Sahara refugees in Algeria, in the Tindouf camp. As a host country, Algeria does not respect rights of the refugees due to the lack of right of freedom of expression, the right of return to the country of origin and the right of freedom of circulation, as speakers denounced. They showed their concerns about the Algerian intention of hiding the situation inside the Tindouf camp, forbidding the free entrance to media, United Nations or other international organization. This supposes the incapacity to analyse the conflict and refugees' living conditions. As a conclusion, speakers emphasised the need to know the exact number of refugees and to guarantee their protection.

Human Rights in Palestine – 15 June 2011

The panel discussion "Denial of the Right to Self-Determination in the Palestinian Context", was organized by International Federation for Human Rights (FIDH), *Al-Haq*, BADIL (Resource Center for Palestinian Residency and Refugee Rights), the Jerusalem Legal Aid and Human Rights Centre (JLAC) and the Al Mezan Centre for Human Rights. This was to talk about the right of the Palestinian people to self-determination frustrated by Israel occupying forces.

Specifically, it demonstrated the Palestinian citizen's living conditions in the Jordan Valley, the siege on Gaza and in East Jerusalem, as well as the situation of Palestinian refugees. The limitation of Palestinian movement, restrictions in building and building demolition, confiscation of private property, exploitation of natural resources and problems to family reunification are several abuses committed by the Israeli occupying forces, as speakers denounced.