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**REPORT OF THE HUMAN RIGHTS COUNCIL ON ITS
ELEVENTH SPECIAL SESSION**

Vice-President and Rapporteur: Mr. Elchin Amirbayov (Azerbaijan)

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I. Resolution adopted by the Council at its eleventh special session

S-11/1 Assistance to Sri Lanka in the promotion and protection of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments,

Reaffirming the purposes and principles of the United Nations as contained in Articles 1 and 2 of the Charter, including the principle of non-interference in matters that are essentially within the domestic jurisdiction of States,

Bearing in mind General Assembly resolution 60/251 of 15 March 2006,

Recalling Council resolutions 5/1 and 5/2 on institution-building of the Human Rights Council,

Recalling also that States have the duty and responsibility to provide protection and humanitarian assistance to all segments of the population, including internally displaced persons, without discrimination,

Recalling further its decision 2/112 and its resolutions 6/28, 7/7 and 10/15, and recalling General Assembly resolutions 57/219, 58/187, 59/191, 60/158, 61/171, 62/159 and 63/185, and welcoming the efforts of the States Members of the United Nations in the protection of human rights and fundamental freedoms, and reaffirming the obligations of States to respect human rights law and international humanitarian law while countering terrorism,

Reaffirming the respect for the sovereignty, territorial integrity and independence of Sri Lanka and its sovereign rights to protect its citizens and to combat terrorism,

Condemning all attacks that the Liberation Tigers of Tamil Eelam launched on the civilian population and its practice of using civilians as human shields,

Reaffirming its commitment to promote international cooperation, as set forth in the Charter, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 for enhancing genuine cooperation among Member States in the field of human rights,

Recognizing that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Welcoming the conclusion of hostilities and the liberation by the Government of Sri Lanka of tens of thousands of its citizens that were kept by the Liberation Tigers of Tamil Eelam against their will as hostages, as well as the efforts by the Government to ensure the safety and security of all Sri Lankans and to bring permanent peace to the country,

Welcoming also the recent reassurance given by the President of Sri Lanka that he does not regard a military solution as a final solution, as well as his commitment to a political solution with implementation of the thirteenth amendment to bring about lasting peace and reconciliation in Sri Lanka,

Emphasizing that, after the conclusion of hostilities, the priority in terms of human rights remains the provision of assistance to ensure the relief and rehabilitation of persons affected by the conflict, including internally displaced persons, as well as the reconstruction of the country's economy and infrastructure,

Encouraged by the provision of basic humanitarian assistance, in particular, safe drinking water, sanitation, food and medical and health-care services to the internally displaced persons by the Government of Sri Lanka with the assistance of United Nations agencies,

Encouraged also by the recent announcement by the Government of Sri Lanka of the proposal to safely resettle the bulk of internally displaced persons within six months,

Welcoming the successful rehabilitation of reintegration of former child soldiers after the conflict ended in the Eastern Province of Sri Lanka,

Acknowledging the continued engagement of the Government of Sri Lanka in regularly and transparently briefing and updating the Council on the human rights situation on the ground and the measures taken in that regard,

1. *Commends* the measures taken by the Government of Sri Lanka to address the urgent needs of internally displaced persons;

2. *Welcomes* the continued commitment of Sri Lanka to the promotion and protection of all human rights and encourages it to continue to uphold its human rights obligations and the norms of international human rights law;

3. *Encourages* the Government of Sri Lanka to continue to pursue its existing cooperation with relevant United Nations organizations, in order to provide, to the full extent of their capabilities, in cooperation with the Government of Sri Lanka, basic humanitarian assistance, in particular, safe drinking water, sanitation, food and medical and health-care services to internally displaced persons;

4. *Welcomes* the announcement of the proposal to safely resettle the bulk of internally displaced persons within six months, and encourages the Government of Sri Lanka to proceed in these endeavours with due respect for persons belonging to national, ethnic, religious and linguistic minorities;

5. *Acknowledges* the commitment of the Government of Sri Lanka to provide access as may be appropriate to international humanitarian agencies in order to ensure humanitarian assistance to the population affected by the past conflict, in particular internally displaced persons, with a view to meeting their urgent needs and encourages the Sri Lankan authorities to further facilitate appropriate work;

6. *Encourages* the Government of Sri Lanka to continue to persevere in its efforts towards the disarmament, demobilization and rehabilitation of former child soldiers, recruited by non-State armed actors in the conflict in Sri Lanka, their physical and psychological recovery and reintegration into society, in particular, through educational measures, taking into account the rights and specific needs and capacities of girls, in cooperation with relevant United Nations organizations;
7. *Urges* the Government of Sri Lanka to continue strengthening its activities to ensure that there is no discrimination against ethnic minorities in the enjoyment of the full range of human rights;
8. *Welcomes* the continued cooperation between the Government of Sri Lanka, relevant United Nations agencies and other humanitarian organizations in the provision of humanitarian assistance to the affected people, and encourages them to continue to cooperate with the Government of Sri Lanka;
9. *Also welcomes* the recent visits to Sri Lanka by the Under-Secretary-General for Humanitarian Affairs and the Representative of the Secretary-General on the human rights of internally displaced persons, and encourages them to continue to cooperate in the mobilization and provision of humanitarian assistance to the affected populations;
10. *Further welcomes* the visit to Sri Lanka of the Secretary-General at the invitation of the President of Sri Lanka, and endorses the joint communiqué issued at the conclusion of the visit and the understandings contained therein;
11. *Welcomes* the resolve of the Sri Lankan authorities to begin a broader dialogue with all parties in order to enhance the process of political settlement and to bring about lasting peace and development in Sri Lanka based on consensus among and respect for the rights of all the ethnic and religious groups inhabiting it, and invites all stakeholders concerned to actively participate in it;
12. *Urges* the international community to cooperate with the Government of Sri Lanka in the reconstruction efforts, including by increasing the provision of financial assistance, including official development assistance, to help the country fight poverty and underdevelopment and to continue to ensure the promotion and protection of all human rights, including economic, social and cultural rights.

*3rd meeting
27 May 2009*

Adopted by a recorded vote of 29 to 12, with 6 abstentions. The voting was as follows:

In favour: Angola, Azerbaijan, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Mexico, Netherlands, Slovakia, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland;

Abstaining: Argentina, Gabon, Japan, Mauritius, Republic of Korea, Ukraine.

II. Organization of work of the eleventh special session

1. Pursuant to paragraph 10 of General Assembly resolution 60/251, and in accordance with rule 6 of the rules of procedure of the Human Rights Council as contained in the annex to Council resolution 5/1, the Council “shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council”.
2. In a letter dated 19 May 2009 addressed to the President of the Council (A/HRC/S-11/1), the Permanent Representative of Germany to the United Nations Office at Geneva requested the convening of a special session of the Council on 25 May 2009 to address the human rights situation in Sri Lanka.
3. The request was supported by 17 States Members of the Council: Argentina, Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Mauritius, Mexico, the Netherlands, the Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay.
4. In addition to the above-mentioned Member States, the request was also supported by the following observer States of the Council: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Spain and Sweden.
5. As more than one third of the membership of the Council supported the above-mentioned request, the President of the Council convened informative consultations on the matter on 25 May 2009 and decided to convene a special session of the Council on 26 and 27 May 2009.

A. Opening and duration of the session

6. The Council held its eleventh special session at the United Nations Office at Geneva on 26 and 27 May 2009. It held three meetings during the session.
7. The eleventh special session was opened by the President of the Council.

B. Attendance

8. The special session was attended by representatives of States Members of the Council, observer States of the Council, observers for non-Member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations.

C. Officers

9. At its second organizational meeting of the third cycle, on 19 June 2008, the Council elected the following officers, who also served as officers for the eleventh special session:

President: Martin Ihoeghian Uhomoibhi (Nigeria)

Vice-Presidents: Erlinda F. Basilio (Philippines)
Alberto J. Dumont (Argentina)
Marius Grinius (Canada)

Vice-President and Rapporteur: Elchin Amirbayov (Azerbaijan)

D. Organization of work

10. Pursuant to paragraph 124 of the annex to Council resolution 5/1, an open-ended informative consultation was held on 25 May 2009 in preparation for the eleventh special session.

11. At the 1st meeting of the eleventh special session, on 26 May 2009, the Council considered the organization of its work, including speaking-time limits, which would be five minutes for statements by States Members of the Council and concerned countries, and three minutes for statements by observers for non-Member States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations. The list of speakers would be drawn up in chronological order of registration. The concerned parties would be given the floor first, followed by States Members of the Council, observer States and observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, and observers of national human rights institutions and non-governmental organizations.

12. The special session was conducted in accordance with the relevant provisions contained in Council resolution 5/1.

E. Resolution and documentation

13. The resolution adopted by the Council at its eleventh special session is reproduced in chapter I of the present report.

14. The list of documents issued for the eleventh special session is contained in the annex to the present report.

F. Statements

15. At the 1st meeting, on 26 May 2009, the President of the Council made a statement.

16. At the same meeting, the United Nations High Commissioner for Human Rights made a video statement.

17. Also at the same meeting, the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, made a statement on behalf of special procedures mandate holders.

18. At the same meeting, the representative of Sri Lanka made a statement as the concerned country.

19. Also at the same meeting, statements were made by States Members of the Council: Argentina, Brazil, Canada, Chile, China, Cuba (also on behalf of the Non-Aligned Movement), the Czech Republic¹ (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Montenegro, the Republic of Moldova and the former Yugoslav Republic of Macedonia), Egypt (also on behalf of the Group of African States), France, Germany, Ghana, India, Indonesia, Italy, Japan, Jordan, Malaysia, Mexico, Nicaragua, Pakistan (on behalf of the Organization of the Islamic Conference), the Philippines, Qatar, the Russian Federation, Saudi Arabia, Slovenia, South Africa, Switzerland and the United Kingdom of Great Britain and Northern Ireland.

20. At the 2nd meeting, on 27 May 2009, statements were made by the following:

(a) States Members of the Council: Angola, Azerbaijan, Bangladesh, Bolivia (Plurinational State of), Mauritius, Netherlands, Nigeria, Republic of Korea, Uruguay, Zambia;

(b) Observer States of the Council: Algeria, Australia, Austria, Bhutan, Cambodia, Costa Rica, Democratic People's Republic of Korea, Denmark, Iran (Islamic Republic of), Ireland, Israel, Liechtenstein, Maldives, Nepal, New Zealand, Norway, Singapore, Sudan, Sweden, Syrian Arab Republic, Thailand, Turkey, United States of America, Venezuela (Bolivarian Republic of), Viet Nam;

(c) Observer for United Nations entities, specialized agencies and related organizations: Office of the United Nations High Commissioner for Refugees;

(d) Observer for the Sovereign Military Order of Malta;

(e) Observers for non-governmental organizations: Asian Legal Resource Centre, Cercle de recherche sur les droits et les devoirs de la personne humaine, Fédération internationale des ligues des droits de l'homme (also on behalf of Organisation mondiale contre la torture), Franciscans International (also on behalf of Pax Romana and Dominicans for Justice and Peace), Human Rights Watch, Interfaith International, International Movement against All Forms of Discrimination and Racism, Lawyers' Rights Watch Canada, Liberation, Nord-Sud XXI, Pasumai Thaayagam Foundation, United Nations Watch, Women's International League for Peace and Freedom.

21. At the 3rd meeting, on 27 May 2009, statements were made by observers for the non-governmental organizations Amnesty International, Arab Commission for Human Rights, Asian Forum for Human Rights and Development and International Commission of Jurists.

¹ Observer State speaking on behalf of Member States and observer States.

22. At the same meeting, the representative of Sri Lanka made a statement in exercise of the right of reply.

23. Also at the same meeting, the President made his concluding remarks.

G. Action on the draft proposal

24. At the 3rd meeting, on 27 May 2009, the representative of Sri Lanka introduced draft resolution A/HRC/S-11/L.1 as revised, sponsored by Sri Lanka and co-sponsored by Bahrain, Bolivia (Plurinational State of), China, Cuba, Egypt, India, Indonesia, Malaysia, Nicaragua, Pakistan, the Philippines and Saudi Arabia. Subsequently, Algeria, Bangladesh, Belarus, Bhutan, Brazil, Cambodia, Côte d'Ivoire, the Democratic People's Republic of Korea, the Islamic Republic of Iran, the Lao People's Democratic Republic, Lebanon, Maldives, Myanmar, Nepal, Oman, Qatar, the Russian Federation, Singapore, the Sudan, the Syrian Arab Republic, Thailand, the United Arab Emirates, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam joined the sponsors.

25. At the same meeting, the representative of Germany (on behalf of States members of the European Union that are members of the Council and Bosnia and Herzegovina, Canada, Mauritius, Switzerland and Ukraine) introduced amendments to the draft resolution.

26. Also at the same meeting, the representative of Cuba, in accordance with rule 117 of the rules of procedure of the General Assembly, moved to close the debate on the amendments proposed by the representative of Germany.

27. At the same meeting, in accordance with rule 117 of the rules of procedure of the General Assembly, the representatives of Mexico and Switzerland made statements opposing the closure motion proposed by the representative of Cuba.

28. Also at the same meeting, a recorded vote was taken on the motion proposed by Cuba. The motion was carried by 22 votes in favour, 17 against, with 7 abstentions, and the President of the Council declared the debate on the amendments proposed by the representative of Germany closed. The voting was as follows:

In favour: Angola, Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Madagascar, Malaysia, Nicaragua, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa;

Against: Argentina, Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Japan, Mauritius, Mexico, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay;

Abstaining: Azerbaijan, Brazil, Gabon, Nigeria, Senegal, Ukraine, Zambia.

29. At the same meeting, the representatives of Canada, South Africa and Switzerland made general comments in relation to draft resolution A/HRC/S-11/L.1.

30. Also at the same meeting, the representative of Sri Lanka made a statement as the concerned country.

31. At the same meeting, statements in explanation of vote before the vote were made by the representatives of Chile, Germany and Mexico.

32. Also at the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on draft resolution A/HRC/S-11/L.1. The draft resolution, as revised, was adopted by 29 votes in favour, 12 against, with 6 abstentions. The voting was as follows:

In favour: Angola, Azerbaijan, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Mexico, Netherlands, Slovakia, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland;

Abstaining: Argentina, Gabon, Japan, Mauritius, Republic of Korea, Ukraine.

33. At the same meeting, statements in explanation of vote after the vote were made by the representatives of Argentina, Brazil, Japan, Nigeria, the Republic of Korea and Uruguay.

34. For the text of the resolution as adopted, see chapter I.

III. Report of the Human Rights Council on its eleventh special session

35. At the 3rd meeting, on 27 May 2009, the report was adopted ad referendum and the Rapporteur was entrusted with its finalization.

ANNEX

List of documents issued for the eleventh special session of the Council

Documents issued in the general series

- A/HRC/S-11/1 Letter dated 19 May 2009 from the Permanent Representative of Germany to the United Nations Office at Geneva, addressed to the President of the Human Rights Council
- A/HRC/S-11/2 Report of the Human Rights Council on its eleventh special session

Documents issued in the limited series

- A/HRC/S-11/L.1 Assistance to Sri Lanka in the promotion and protection of human rights: draft resolution
- A/HRC/S-11/L.2 The human rights situation in Sri Lanka: draft decision

Documents issued in the non-governmental organizations series

- A/HRC/S-11/NGO/1 Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
- A/HRC/S-11/NGO/2 Written statement submitted by Women's International League for Peace and Freedom, a non-governmental organization in special consultative status
- A/HRC/S-11/NGO/3 Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
- A/HRC/S-11/NGO/4 Written statement submitted by Pasumai Thaayagam Foundation, a non-governmental organization in special consultative status
