

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

COUNCIL UPDATE – ITEM 5, HUMAN RIGHTS BODIES AND MECHANISMS. HUMAN RIGHTS COUNCIL, 11TH SESSION 9 JUNE 2009

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Overview

On 9 June 2009, the Human Rights Council held a general debate on human rights bodies and mechanisms. Only a small number of States and NGOs took part in the general debate. They commented on the special procedures, the Expert Mechanism on the rights of indigenous people, and the treaty bodies. The Czech Republic (on behalf of the EU) spoke in strong support of the independence and integrity of the system of special procedures, while China criticised two mandate holders that it did not name, for having violated the Code of Conduct. China also expressed concerns about how the treaty bodies handle information from NGOs. The United States of America and Canada argued that the work programme and agenda of the Expert Mechanism on the rights of indigenous peoples should first be discussed and endorsed by the Council.

Country visits by the President of the Council.

Before starting general debate, Ambassador Uhomoibhi, the President of the Council made a brief statement on his visits to Brazil from 25 to 30 April 2009 and to Bahrain from 16 to 20 May 2009.¹ It was the first time that a President of the Council undertook country visits and is an interesting new development. It was noteworthy that during the general debate on Item 5 that followed, Nigeria welcomed the President's visit to Brazil, and called for the continuation of country visits by the President of the Council. Conectas Direitos Humanos, a Brazilian NGO, expressed concerns about the last minute announcement of the President's meeting with civil society in Brazil which had posed a serious obstacle to broad participation by civil society organisations. It also underlined that the Council must address human rights challenges where they exist and in this regard drew attention to continuing extrajudicial executions and torture in Brazil. It has yet to be seen how such visits can be effective in furthering the protection and promotion of human rights.

General debate on Item 5

¹ The reports of the visits are available on the OHCHR extranet.

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Czech Republic (on behalf of the EU) drew attention to the fact that the **system of special procedures** is the most crucial and important mechanism within the UN human rights machinery. It highlighted the role played by the special procedures in calling attention to human rights violations and serving as an early warning mechanism. It expressed concerns about recent attempts at undermining the independence of the special procedures with reference to the Code of Conduct. It underlined that mandate holders must be able to ‘execute their mandates independently’ and ‘voice their concerns fully’. China, on the other hand, argued that some individual special procedures mandate holders had exceeded their mandates and had ‘politicised’ their work in ‘violation of the purposes and objectives of the Code of Conduct’. Several NGOs also addressed the system of special procedures raising concerns about lack of respect for its independence and cooperation with its mandates. Amnesty International and the Human Rights Council of Australia (on a joint statement with the Asian Legal Resource Center and the Baha’i International Community) highlighted the fact that some States, as opposed to the special procedures, violate the Code of Conduct by not cooperating with the system. Amnesty International expressed concern that the attacks on special procedures question the Council’s credibility. It called for closer cooperation between States and the special procedures, in particular, for States to provide information and respond to the questions raised by the special procedures. The Human Rights Council of Australia called for a code of conduct for States to address the lack of cooperation.

The Arab Commission on Human Rights urged the President to request clarifications from States that allege that mandate holders have breached the Code of Conduct, asking for them to clarify which provisions have been breached.

Canada and the United States of America commented on the work of the **Expert Mechanism on the rights of indigenous people**. They both expressed concerns about the advancing work of the Expert Mechanism and the fact that the Council has not had an opportunity to discuss and approve the topic for discussion at the Expert Mechanism’s session. The Expert Mechanism is expected to discuss implementation of the Declaration on the Rights of Indigenous Peoples at its session in August. Both Canada and the US suggested that the session of the Expert Mechanism be postponed to allow the Council to discuss the topics at its next session in September. Alternatively, they suggested, that the Council could at this session approve the agenda. Canada reminded that the Council’s subsidiary bodies should act in conformity with their mandates and that in this regard the Expert Mechanism had been asked to provide thematic expertise to the Council as requested by it.

China focused on the work of the **treaty bodies**. It underlined that reform of the treaty bodies should take place in consultation with the States parties to the relevant treaties and in accordance with the UN Charter. China also stated that ‘some NGOs distort facts and truths and fabricate lies to serve their political purposes’ when submitting information to the treaty bodies. It expressed great concern about the use of such materials by members of the treaty bodies and called on them to exercise their work in a ‘fair and objective manner’.

Further information

For further information on the Human Rights Council, please consult the following resources:

- Web site of the International Service for Human Rights, providing up-to-date information before, during and after sessions of the Council: <http://www.ishr.ch/council>. During the session, ISHR will provide information about the Council’s proceedings on a regular but not daily basis. You can subscribe to receive alerts of our publications by sending an email to information@ishr.ch.
- Oral statements made at the Council, as well as other informal documents and draft resolutions are available on the ‘OHCHR extranet’ at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: ‘hrc extranet’ Password: ‘1session’.

- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 11th session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/11session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm>.

NGOs and human rights defenders seeking more specific information or individual advice on the Council session, please contact the ISHR secretariat by email or phone at +41 (0) 22 919 71 00.

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The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at www.ishr.ch.

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