

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

**HUMAN RIGHTS COUNCIL, 2ND SESSION
DAILY UPDATE, 6 OCTOBER 2006**

Overview

The Human Rights Council (Council) today adopted two decisions:

- The decision proposed by the President on “reports and studies of mechanisms and mandates” which, amongst other things, notes the reports which had been presented to the second session and the substantive interactive dialogue which took place with the special procedures and the High Commissioner for Human Rights;
- The inclusion of a new agenda item on “follow-up to decisions of the Council” in the Council’s Programme of Work.

The President adjourned the second session of the Council until 27 November 2006. The second session of the Council was therefore not concluded and will recommence on 27 November 2006. Consideration of all the proposals for outcome documents and actions, which had been submitted by States earlier in the week, was postponed until the adjourned meeting of the second session. Delegations were also unable to reach consensus on a draft President’s Statement, which covered a number of substantive topics, and the text was not considered by the Council.

Discussions on Decisions

This morning’s session of the Council began late, after a brief informal discussion was convened first by the President to update delegates and non-governmental organisations (NGOs) on the situation and the next steps. During the informal meeting the President explained that consultations had been taking place on a draft President’s Statement, and that these negotiations would continue over lunchtime and possibly into the afternoon. He explained that therefore it would not be possible to discuss this text immediately and he would convene a meeting later in the afternoon to update delegates on the progress of the negotiations. This draft President’s Statement relates to a number of substantive matters discussed during this session of the Council, including some country situations.¹ The President also explained that negotiations had taken place on his draft decision on “reports and studies of mechanisms and mandates”, and a new text was circulated. He stated that he hoped this text would be adopted in a formal session of the Council that he would open shortly after the informal meeting. He also proposed that the second session of the Council be adjourned until 27 of November.² When the second session resumes in November, all other texts and draft outcome documents that

¹ The draft statement addressed the situation in the Occupied Palestinian Territories, Darfur, religious intolerance and freedom of expression, and the right to development.

² The Third Session of the Council was scheduled to begin on 27 November.

had been submitted earlier in the week (but which the Council had been unable to adopt decisions on) would be considered. Once decisions had been made on these outstanding proposals from the second session, the third session of the Council would then begin.³

The morning's session was then formally opened, and the decision proposed by the President on "reports and studies of mechanisms and mandates" was adopted (see further below). The President also suggested that given the large number of draft texts submitted and the lack of time for delegations to obtain sufficient instructions from capitals, consideration of and decisions on these submitted texts would be postponed until the Council met again in November. The report of the second session would also be adopted at that time.

The decision proposed by the President on "reports and studies of mechanisms and mandates" was adopted without a vote. The delegation of Pakistan took the floor after the adoption of the text to explain two points.⁴ First, on behalf of the Organization of the Islamic Conference (OIC) they placed on record their understanding that all proposals that had been submitted would be considered and acted upon when the second session resumes in November. They also stressed that the OIC members distanced themselves from the joint report of the four special rapporteurs on their mission to Lebanon and Israel,⁵ presented on 4 October, and in their view the adoption of the decision noting the reports of special procedures does not mean the adoption of this report.

The President proposed that the Council add an agenda Item on "follow-up to the decisions of the Human Rights Council" into the Programme of Work for the Council. This proposal was adopted by consensus.

The afternoon session commenced late as consultations were held on a possible statement by the President on some countries and other substantive issues. The President explained that despite holding negotiations throughout the day, it had not been possible to reach agreement on a President's Statement covering substantive issues, and so no decision would be taken today. He explained that the result of the negotiations was not conclusive given the complexity of the topics being addressed and the need to respect all the various viewpoints.

The President concluded the session by reminding delegates of the goals of the Council set out in the General Assembly *Resolution 2005/61* and the way in which the creation of the Council bolstered human rights within the United Nations system. He referred to the significant progress made in the Second Session, and highlighted the serious and in-depth way in which numerous topics were addressed. He referred to the way in which the scope for discussion and dialogue was expanded, and qualitative changes were made which enabled a larger number of States to present their view points and for NGOs to participate. The President also referred to the way in which the Council's work was made more transparent, through wider dissemination and publicity of its work and through broad informal consultations. He explained that the decision on his decision proposed by the President on "reports and studies of mechanisms and mandates" ensures the continued operation of the system and ensures no gap in protection. Finally, he spoke of the need to continue work during the intersessional period, in particular during the upcoming working groups which will shape the Universal Periodic Review and review the mandates of the Council. He stated that Council members also need to start negotiations on new working methods and build on the best practices of the Commission on Human Rights in this regard.

³ It was estimated that this could be on Wednesday 29 November, depending on how the work progressed.

⁴ Oral statements made at the Council can be found on the OHCHR extranet (fill out the form on the page to receive the user name and password) at www.ohchr.org/english/bodies/hrcouncil/form.htm.

⁵ For further information on the joint report of the special rapporteurs and its presentation to the plenary on Wednesday 4 October 2006, please see the ISHR's *Council Monitor Daily Update, 4 October 2006*, available at <http://www.ishr.ch/hrm/council/updates/dailyupdates.htm>.

Conclusions and Decisions

The Council only adopted two decisions today: the decision proposed by the President on “reports and studies of mechanisms and mandates” and a proposal to include a new agenda item in the Council’s Programme of Work, addressing “follow-up to the decisions of the Council”.

The decision on reports and studies of mechanisms and mandates “notes all of the reports and studies presented at its second session and the substantive inter active dialogue with mandate holders” and the High Commissioner for Human Rights. It further “requests the Secretary-General and the High Commissioner for Human Rights to continue with the fulfilment of their activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies”. In relation to the Sub-Commission, the Council decided to transmit its views on a future system of expert advice to the intersessional Working Group established pursuant to the Council’s *Decision 2006/104*. It also decided to “take note of the draft decisions transmitted by the Sub-Commission pertaining to previously authorized activities, with a view to allowing their continuation in accordance with Council’s *Decision 2006/102*”. Finally, the decision “notes the updates provided on the progress of the informal consultations of Working Groups on the Universal Periodic Review ... and established pursuant to the Council’s *Decision 2006/104*”.

Statements

Five States took the floor to make statements at the conclusion of the afternoon’s session. Peru began by expressing its regret that it was not possible to reach a conclusion regarding a number of substantive matters and the way in which this risks leaving a gap in the protection of victims. It referred to the need to ensure the Council lives up to its mandate by protecting victims more. All the other States that took the floor expressed similar sentiments regarding the need to ensure protection for victims against human rights violations. Argentina warned that the adjournment of the second session should not set a precedent and that the Council should not avoid its responsibility to adopt decisions. Uruguay urged the Council to be more conclusive and transparent in its modalities and reminded the Council that working towards achieving substantive results is the responsibility of all delegations. Brazil pointed out that the commendable efforts by all delegations to put forward proposals for action must not be neglected or forgotten by the Council. India spoke of their desire to ensure that informal consultations in future sessions of the Council were conducted with more transparency and inclusiveness, enabling the full involvement of all members. Finally, the United States of America expressed its disappointment that the second session had to date been unable to reach agreement on situations like the Sudan, and the ‘missed opportunity’ to promote religious tolerance and reaffirm freedom of expression and the press.

Other Practical and Procedural Issues

An announcement was made that a revised timetable for the intersessional working groups would be distributed in the coming days, and that every attempt would be made to avoid conflicts with other meetings occurring also around 16-20 October 2006.

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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/hrm/council

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