

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

HUMAN RIGHTS COUNCIL, 2ND SESSION DAILY UPDATE, 27 NOVEMBER 2006

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Overview

The first meeting of the resumed 2nd session of the Human Rights Council (the Council) was devoted to the consideration of 44 resolutions and decisions that were pending from the 2nd session of the Council in October-November 2006.¹

At a preparatory meeting on 1 November 2006, the President of the Council had recommended that States consider withdrawing the draft resolutions that they had tabled or postponing them till the 4th session in March-April 2007, to enable the Council to deal with all the draft resolutions that were tabled in a short time. Following these discussions, by the opening of the resumed 2nd session on 27 November, 13 resolutions were postponed² until the 3rd or 4th sessions and six resolutions were withdrawn.³ China also declared in today's

¹ The list of draft resolutions, text of the proposed drafts, amendments and details of voting are available at the OHCHR extranet, which can be accessed at www.ohchr.org/english/bodies/hrcouncil/form.htm (fill out the form on the page to receive the user name and password). You can find the resolutions and related information under the section on the 2nd session on resolutions, decisions and President's statements. Please also see the list of all the draft resolutions and decisions that were submitted to the Council at the end of this document.

² A/HRC/2/L.13, Human Rights Situation in the Occupied Palestinian Territory: follow-up on the Council resolution S-1/1; A/HRC/2/L.14, Human Rights and Unilateral Coercive Measures; A/HRC/2/L.15, The right to development; A/HRC/2/L.18 Enhancement of International Cooperation in the Field of Human Rights; A/HRC/2/L.25, Incitement to racial and religious hatred and the promotion of tolerance; A/HRC/2/L.26/Rev.1, Rectification of the status of the Committee on Economic, Social and Cultural Rights (CESCR); A/HRC/2/L.30, World programme for human rights education; A/HRC/2/L.31, Conclusion of the Draft International Convention on the Rights of Persons with Disabilities and its Optional Protocol; A/HRC/2/L.32, The human Rights of Migrants; A/HRC/2/L.33/Rev.1, Transitional justice; A/HRC/2/L.36, Rights of the Child; A/HRC/2/L.36, Transitional justice; A/HRC/2/L.37, Sri Lanka; and A/HRC/2/L.43, The rights of indigenous peoples.

³ A/HRC/2/L.16, Composition of the Staff of the Office of the UN High Commissioner for Human Rights; A/HRC/2/L.19, The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; A/HRC/2/L.28, Draft agenda for the Human Rights Council commencing from its second year; A/HRC/2/L.29, Outcome of the second session of the HRC; A/HRC/2/L.39, Human rights and mass exoduses; A/HRC/2/L.4, Violence against women.

session that they were postponing the consideration of two resolutions,⁴ as similar resolutions had recently been passed at the Third Committee of the General Assembly.

The Council therefore had only 23 resolutions before it to consider and discussed 17 resolutions during the day, of which four resolutions were voted on while the remaining thirteen were adopted by consensus. Only six resolutions remain to be considered in tomorrow morning's session.⁵ As the Council should be able to complete its discussions on the remaining resolutions in the morning itself, the President suggested that it may be useful to convene informal consultations in the afternoon but did not specify the exact subject that would be discussed or the exact time when these consultations would be held.

Resolutions adopted with a vote

Working Group on Review of Mandates

Algeria, on behalf of the African Group, presented the draft resolution on the Intergovernmental Working Group on the Review of Mandates.⁶ The resolution requests the Working Group on the Review of Mandates (the Working Group) to review the revised draft manual of the UN special procedures and to make recommendations on possible additions or amendments to the manual. In this regard, it also requests the Coordinating Committee of the special procedures to extend the deadline for submission of comments on the revised draft manual until the closure of the 4th session (6 April 2007). The resolution also requests the Working Group to draft a code of conduct to regulate the work of the special procedures.⁷ Algeria informed the Council that the draft resolution did not prejudge the outcome of the Working Group on the Review of Mandates and that the resolution will provide an ethical standard that will be developed by dialogue and cooperation with all stakeholders. Algeria stated that the discussions on the reports of the special procedures at the 2nd session had highlighted how there were different conceptions of their missions. The Algerian Ambassador said that some have called for overthrowing of governments, while others have been very professional and initiated conversations that led to a substantive improvement in the protection of human rights. He stated that though certain groups were opposed to an ethical code for the special procedures, they subscribed to codes like these in their own domestic and regional contexts. He stressed the need for a common level of ethics and to avoid conflict of interests. In his view, the code of conduct is designed to preserve the independence and objectivity of mandate holders and he emphasised that the proposal was limited to asking for a discussion on these issues in the Working Group.

Pakistan, on behalf of the Organization of Islamic Conference (OIC), welcomed the initiative, noting that it will help the Council work more efficiently. Cuba and China welcomed the resolution and stated that it does not prejudge the work of the Working Group. China stated that the modalities of developing the code of conduct and reviewing the manual would be left to the Working Group itself. They also emphasised that the a code of conduct and manual would enhance the predictability and transparency of the special procedures and contribute to mutual trust. They thought it was unfortunate that the Council could not agree on the draft by consensus. Cuba stated that there was a need for clear standards for special procedures to overcome the double standards and selectivity that had occurred in the past. They also emphasised that it was not the function of

⁴ A/HRC/2/L.24, Globalisation and its impact on the full enjoyment of human rights, A/HRC/2/L.23, 3 October 2006 Strengthening of the OHCHR.

⁵ A/HRC/2/L.27, A/HRC/2/L.28, A/HRC/2/L.40, A/HRC/2/L.42, A/HRC/2/L. 48, A/HRC/2/L.45.

⁶ A/HRC/2/L.2/Rev.1. Oral statements made during the Council sessions are available at the OHCHR extranet, which can be accessed at www.ohchr.org/english/bodies/hrcouncil/form.htm (fill out the form on the page to receive the user name and password).

⁷ A/HRC/2/L.2/Rev.1

the special procedures to see if they needed a code of conduct and it was the right of the Council to revise the draft manual and draft a code of conduct.

Finland, on behalf of the European Union (the EU), stated that the Council in the 1st session had already defined the parameters of the review of mandates and entrusted this task to the Working Group, which was a separate inter-sessional process. The deliberations in the Working Group allowed for the participation of all stakeholders, including non-member States, non-governmental organisations (NGOs), national human rights institutions (NHRIs) and the Coordinating Committee of the special procedures. This feature was essential to a democratic and transparent decision-making process on the future structures of the Council. They were concerned that the resolution proposed by Algeria would prejudice the outcome of the Working Group and undermine the holistic approach of the Working Group.⁸ Canada added that the Working Group mandate was reached by consensus and that the resolution was trying to re-open discussion on this issue without seeking consensus, which is not in line with the cooperative consensus-based approach that the Council should take to its vital institution-building tasks. Canada also disagreed with the substance of the proposal and stated that States had been provided with ample opportunity to provide input on the draft manual of the special procedures and the Working Group should not be burdened with the additional work that would be created by the resolution. They also emphasised that they would not engage in any action, which would seem to infringe the independence of the special procedures. In the same line, Mexico added that the Working Group was at an early stage of discussion, was working on consensus and the Council should not interfere in its proceedings.

Uruguay stated that it was not opposed to discussing a code of conduct for the special procedures as long as the discussion aimed at strengthening the mechanisms and improving the quality of outcomes. Uruguay also stated that a code of conduct should not be decided by a vote in the Council unless there had been a previous vote that ensured the independence of mandate holders. Argentina stated that the issues addressed in the resolution are already being addressed by the Working Group and a manual or code of conduct for special procedures should be designed by the mandate holders themselves. Both Uruguay and Argentina however informed the Committee that they would abstain from casting a vote.

The resolution was adopted with 30 votes in favour, 15 against⁹, and two abstentions (Argentina and Uruguay).¹⁰ After the vote, Ecuador and Brazil explained to the Council the reasons for their votes. Ecuador stated that the resolution did not affect the independence of the mandate holders, while Brazil added that a manual for the special procedures would help set transparent guidelines and that a code of conduct would contribute to better relations between States and mandate holders.

Human Rights in the occupied Syrian Golan

Pakistan presented the resolution dealing with Human rights in the occupied Syrian Golan.¹¹ The resolution calls upon Israel as an occupying power to comply with relevant resolutions of the General Assembly and Security Council, and to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan. It also calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on Syrian citizens in the occupied Syrian Golan. The resolution determined that all legislative, administrative measures and actions taken or to be taken by Israel that aim at altering the character and legal status of the occupied Syrian Golan are null and void and constitute a violation of international law and the Geneva Conventions.

⁸ Peru concurred.

⁹ Canada, Czech Republic, Finland, France, Germany, Guatemala, Mexico, Netherlands, Peru, Poland, Republic of Korea, Romania, Switzerland, Ukraine and United Kingdom.

¹⁰ The full voting record is available at the OHCHR extranet, which can be accessed at www.ohchr.org/english/bodies/hrcouncil/form.htm (fill out the form on the page to receive the user name and password).

¹¹ A/HRC/2/L.5/Rev.1

Pakistan stated that the occupation of the Syrian Golan constitutes a violation of basic rights and self-determination and called on the Council to take action on these violations. They also said that they would amend operative paragraph 7 of the resolution to read "continue consideration of the human rights violations in the occupied Syrian Golan at its fourth session", rather than at its 3rd and following sessions, to take into account the views they had received. Bahrain supported the resolution and noted that it was in line with previous resolutions of the Commission on Human Rights.

Syria stated that political, civil, economic, social and cultural rights, which are enshrined in international human rights instruments were under attack in the Syrian Golan. Syria alleged that large-scale arrests, torture and imprisonment occur in this region and that Israel refuses to specify where it has laid anti-personnel mines.

Israel addressed the Council after Syria, noting that the resolution was a waste of the Council's attention and submitted in order to draw attention away from the human rights violations of Syria. Israel stated that the problem was Syria's rejection of Israel's proposed initiatives and their support to terrorist organisations such as the Hezbollah and Hamas.

Canada stated it could not support the resolution because it was not balanced and did not recognise all the victims, while Finland, on behalf of the EU, informed the Council that they would abstain from the vote. The resolution passed with a vote of 32 in favour, one against (Canada), and 14 abstentions.¹²

Effects of economic reform policies and foreign debt on the full enjoyment of all human rights

Cuba presented a decision dealing with the effects of economic reform policies and foreign debt on the full enjoyment of all human rights.¹³ The decision requests the Office of the High Commissioner for Human Rights (OHCHR) to convene an expert meeting to draft general guidelines to be adhered to financial institutions, specifically the World Bank and the International Monetary Fund (IMF).¹⁴

Japan stated that it is important to discuss this issue but was not convinced that the Council was the appropriate international forum. Japan noted that the decision calls for an expert consultation, which would require resources, and thus would vote against the decision. Finland, on behalf of the EU, stated that they believed that this issue went beyond the expertise of the Council. They had serious reservations about the request for an expert consultation on draft general guidelines as felt that it was an area that fell within the competence of international financial institutions. They were also concerned that the decision prejudged the consultations on the future expert body. The resolution was adopted by a vote of 33 in favour, 13 against¹⁵ and one abstention (Peru).¹⁶

¹² Cameroon, Czech Republic, Finland, France, Germany, Guatemala, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, Ukraine and United Kingdom. The full voting record is available at the OHCHR extranet, which can be accessed at www.ohchr.org/english/bodies/hrcouncil/form.htm (fill out the form on the page to receive the user name and password).

¹³ A/HRC/2/L.17

¹⁴ A/HRC/2/L.17

¹⁵ Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, Ukraine and United Kingdom.

¹⁶ The full voting record is available at the OHCHR extranet, which can be accessed at www.ohchr.org/english/bodies/hrcouncil/form.htm (fill out the form on the page to receive the user name and password).

Israeli settlements in the Occupied Palestinian Territory

Pakistan, on behalf of the OIC, introduced a resolution on Israeli settlements in the Occupied Palestinian Territory (OPT), including East Jerusalem, and the occupied Syrian Golan.¹⁷ The resolution had 23 co-sponsors. The resolution recalled relevant international law, including the Geneva Conventions, and past Commission on Human Rights, General Assembly and Security Council resolutions in expressing grave concern about Israel's continuing occupation, continuing settlement and related activities, pointing to the construction of a tram through East Jerusalem, the Wall separating Arab neighbourhoods, and settlements infringing on Palestinian land. The resolution calls for a number of actions on each of these issues and demanded that Israel respect recommendations of the UN High Commissioner for Human Rights (the High Commissioner) and called on Israel to desist from ongoing activities incompatible with international law. It also calls on all parties to resume peace negotiations.

Israel highlighted the visit of the High Commissioner, and her direct experience of these 'inherently directionless weapons', as well as recent reports by Human Rights Watch, to describe the actions of Hamas as breaches of international humanitarian law. The delegate of Israel referred to the recent ceasefire agreement between Israel and Palestine as a cause to withdraw the resolution, indicating positive intentions. Instead, Israel argued, this resolution pre-judges the outcome of bilateral negotiations.

Palestine stated that as long as Palestine remained an occupied territory, such resolutions would continue to be tabled. It declared that it was the actions of Israel on the ground, and not its words, that were important. In view of the present ceasefire, Palestine indicated that it did not wish to reiterate the harsh words of Israel, but called for 'swords to be set aside'. Syria, on the other hand, spoke of Israel's 'falsifying of the facts' and making light of UN resolutions, and insisted that Israel was the instability of the region.

Canada stated that this matter would be better dealt with in the General Assembly and called for a vote. The resolution was adopted by a vote of 45 in favour, one against (Canada), and one abstaining (Cameroon).¹⁸ Several delegations that voted in favour took the floor to emphasise that they were against all forms of violence and urged all parties to find a peaceful resolution to the conflict.¹⁹ Finland, on behalf of the EU, saw the approach of the OIC as constructive and, in noting that it did not recognise any changes to the 1967 borders, urged restraint in upholding the ceasefire. Nigeria talked of its experience of land exchange with Cameroon and proposed a similar resolution to the Arab-Israeli conflict.

Resolutions adopted by consensus

Human rights and access to water

Germany presented the decision concerning human rights and access to water²⁰ which requested the OHCHR to conduct a detailed study on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation. OHCHR is also requested to take into account the views of States and other stakeholders while preparing the study, which should be submitted prior to the 6th session of the Council. The decision took note of the General Comment No. 15 of the Committee on Economic, Social and Cultural Rights on the right to water and the provisions of various other international

¹⁷ A/HRC/2/L.12/Rev.1.

¹⁸ The full voting record is available at the OHCHR extranet, which can be accessed at www.ohchr.org/english/bodies/hrcouncil/form.htm (fill out the form on the page to receive the user name and password).

¹⁹ Peru, Finland (on behalf of the EU), Argentina, Nigeria, Ecuador.

²⁰ A/HRC/2/L.3/Rev.3.

declarations, resolutions and programmes of action. The German delegation noted that many dimensions of the right to water have not been addressed in the human rights system and that access to water was an important issue in the wider framework for the protection of human rights. Algeria, Argentina, Brazil, Bangladesh, India, Indonesia, Nigeria, Pakistan, Spain, and Zambia made statements in support of the resolution. Bangladesh, Brazil and Pakistan, on behalf of the OIC, highlighted that the right to water was a fundamental right that was closely linked to other human rights. India stated that the access to clear water was a goal set out under the Millennium Development Goals and that access to water along with sanitation was a high priority. Algeria emphasised equity as a key concern. This is the first decision adopted by the Council specifically on the right to water.

Human rights and extreme poverty

France presented a resolution on human rights and extreme poverty.²¹ The President informed the Council that there were 50 co-sponsors of the resolution.²² The resolution requested the OHCHR to circulate the draft guiding principles on extreme poverty and human rights, developed by the Sub-Commission for the Promotion and Protection of Human Rights, to obtain views from States, international organisations, NGOs, special procedures, treaty bodies, NHRIs, and people living in extreme poverty.²³ This information will be reported to the Council at its 7th session. France stated that the resolution was an opportunity for the Council to emphasise its commitments to the full realisation of all human rights. They also hoped for consensus on the resolution due to the fact that extreme poverty affects all, regardless of social or cultural background. Algeria, the Philippines and Bangladesh made statements in support of the resolution. Algeria and Bangladesh noted that extreme poverty is an injustice to all and needs to be addressed at the national and international level. The Philippines welcomed the initiative to identify practical steps to eliminate extreme poverty.

Right to truth

Argentina introduced the decision on the right to truth²⁴ requesting OHCHR to prepare a follow-up report on the study²⁵ on the right to truth, including on best national and international practices, in particular legislative, administrative or other measures as well as individual and societal dimensions of the right. OHCHR should take into account the views of States and relevant intergovernmental organisations and NGOs while preparing the report. The President informed the Council that there were 15 additional co-sponsors of the decision.²⁶ Argentina noted that societies must recognise the rights of victims to know the truth about human rights violations and to be assisted by domestic law in doing so. They also pointed out that since the first study on the right to truth had a limited number of responses, the decision sought to correct this situation. The decision was adopted by consensus.

Incompatibility between democracy and racism

Brazil presented the decision titled incompatibility between democracy and racism.²⁷ The decision provides for the OHCHR, in collaboration with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to analyse further the issue of racism, incitement, xenophobia and related intolerance in the political debate. It also requested the Special Rapporteur to include

²¹ A/HRC/2/L.4/Rev.2.

²² Co-sponsors include: Albania, Belgium, Chile, France, Indonesia, Morocco, Peru, Philippines, Romania, and Senegal.

²³ A/HRC/2/L.4/Rev.2.

²⁴ A/HRC/2/L.6/Rev.1.

²⁵ E/CN.4/2006/91, 8 February 2006.

²⁶ Co-sponsors include: Belgium, Brazil, Chile, Costa Rica, Cuba, Cyprus, Ecuador, Egypt, France, Guatemala, Nicaragua, Peru, Spain, and Uruguay.

²⁷ A/HRC/2/L.7/Rev.2

the issue of political participation and representation of groups that are vulnerable to racism, racial discrimination, xenophobia and related intolerance in the decision-making process in national governments and other forums in his report to the Council at any session after the 4th session. Algeria supported the decision but suggested an amendment to add a mention to religious and other forms of intolerance as well as incitement to violence. Brazil informed Algeria that it would be difficult for them to accept the proposed changes as they had organised two weeks of discussions and exchanges on the draft and some of the co-sponsors would not accept the changed wording at this stage. Algeria withdrew their proposed amendment. Pakistan expressed appreciation to Brazil for the extensive consultations. The decision was adopted by consensus.

Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria and the right to health

Brazil also presented the decision on access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria.²⁸ The decision had over 17 additional co-sponsors and requested the Secretary-General to continue to seek comments from governments, UN agencies, international and non-governmental organisations on steps taken to improve access to medication in the context of HIV/AIDS, tuberculosis and malaria and to study new and innovative financing mechanisms which can help to improve access to medication to fight those pandemics from the perspective of human rights. It also requested the Secretary-General to include an assessment of the impacts of intellectual property rights on access to medication in the some context, in his report to the Council any time after its 4th session. They also presented the decision dealing with the right to health.²⁹ The decision requests the Special Rapporteur on the right to health to identify the key features to an effective, integrated and accessible health system, bearing in mind the level of development of countries, in his report to the Council. This information can be presented any time after the Council's 4th session. Brazil noted that the need to identify key features of an effective health system, which is accessible to all, was addressed by the Special Rapporteur in the 2nd session of the council and should be developed further in his work. Brazil also stated that they had held two open ended sessions which allowed members to exchange views and that the decision reflected these views. The resolution was adopted by consensus. Both decisions were adopted by consensus.

Integrity of the judicial system and human rights and arbitrary deprivation of nationality

The Russian Federation (Russia) introduced a decision on the integrity of the judicial system, which requests the Special Rapporteur on the independence of judges and lawyers to take into account the relevant resolutions and decisions on the issue of administration of justice through military tribunals of the Sub-Commission on the Promotion and Protection of Human Rights in the discharge of his mandate. They also presented a decision on human rights and arbitrary deprivation of nationality, which calls on treaty bodies, the United Nations High Commissioner for Refugees (UNHCR), and all other relevant mechanisms to collect information on human rights and arbitrary deprivation of nationality from all sources and to take account of this information in their reports and activities.³⁰ It also calls on the Secretary-General to do the same and to make this information available to the Council at its 4th session. This r decision received one additional co-sponsor and did not entail any budgetary implications. Russia took the floor to make the case that the number of stateless persons had been steadily increasing in recent years and that this was a matter of increasing concern. It emphasised that this decision would help stimulate action with the special procedures and the

²⁸ A/HRC/2/L.8/Rev.2

²⁹ A/HRC/2/1.9/Rev.2, full title: The right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

³⁰ A/HRC/2/L.22, 3 October 2006.

OHCHR. The decision would facilitate the collection of information and ensure a system-wide coordination on the issue. Both decisions were adopted by consensus.

Persons deprived of liberty in the context of counter-terrorism measures

Switzerland introduced its decision on persons deprived of liberty in the context of counter-terrorism measures, which urges all States to take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or of detention, benefit from the guarantees to which they are entitled under international law.³¹ Switzerland spoke of the fact that in recent years more innocent citizens have been victims of acts of terrorism around the world, and made it clear that while facing this threat it was imperative that States ensure their protection. However, it stated that it was imperative for States to respect international human rights law and the rights of refugees. The decision urges all States to ensure that persons deprived of liberty benefit from the guarantees to which they are entitled under international law. decision received two additional co-sponsors and was adopted by consensus.

Cooperation with the OHCHR in Afghanistan

Finland, on behalf of the EU, and Afghanistan introduced a decision on cooperation with the OHCHR in Afghanistan.³² The decision requests the High Commissioner to continue, in cooperation with the United Nations Assistance Mission in Afghanistan, to monitor the human rights situation in Afghanistan, provide and expand advisory services and technical cooperation, and report regularly to the Council on the situation of human rights in Afghanistan, paying special attention to the rights of women and achievements of technical assistance. They stated that the main goal of the decision was to improve cooperation with the OHCHR and special procedures by providing increased technical and capacity-building assistance to Afghanistan. This resolution did not entail any budgetary implications and was adopted by consensus.

Cooperation with the OHCHR in Nepal

Finland, on behalf of the EU, and Switzerland introduced a decision on cooperation with the OHCHR in Nepal.³³ The decision called on all stakeholders to address the human rights situation in Nepal and encouraged continued cooperation between the Government of Nepal and the OHCHR. However, this discussion took place in a positive atmosphere, with both Switzerland and Nepal warmly welcoming the peace accord signed on 21 November 2006 between the Nepalese Government and the Maoist rebels. Switzerland introduced an oral amendment on the floor referring to the signing of the accord and the establishment of a Truth and Reconciliation Commission in Nepal under the accord. Switzerland emphasised the need to further facilitate coordination between the Nepalese Government and the OHCHR and special procedures. Nepal took the floor to express their jubilation at the signing of the peace accord, vividly describing celebrations in Kathmandu. Zambia took the floor to congratulate Nepal on its involvement with the Human Rights Council, which Zambia saw as a model of action that should be encouraged everywhere. The decision did not entail any budgetary implications and was adopted by consensus.

³¹ A/HRC/2/L.34/Rev.1, 17 November 2006.

³² A/HRC/2/L.46, 3 October 2006.

³³ A/HRC/2/L.47, 4 October 2006.

Resolutions that were adjourned till Tuesday

Impunity, effective implementation of international instruments on human rights and freedom of opinion and expression

Canada introduced its resolution on impunity,³⁴ which urges the OHCHR to continue to disseminate the updated *Set of Principles to combat impunity*.³⁵ It also requested the OHCHR to report to the Council on the development combating impunity. Pakistan took the floor and requested postponing the consideration of this resolution, as well as Canada's other resolutions on freedom of opinion and expression³⁶ and effective implementation of international instruments on human rights³⁷ to the morning of 28 November 2006. Since Canada did not agree to the postponement and Pakistan did not call for the vote, the President suspended the session for five minutes in order to allow the parties to negotiate a settlement. Following the break, Canada stated that it had not heard any substantive arguments and asked for consideration of the resolutions to go ahead. Bahrain then took the floor and asked for a procedural vote to adjourn the consideration of the resolutions to the morning of 28 November 2006. Algeria and Cuba took the floor to support Bahrain's request. Algeria stated that postponing the consideration of the resolutions would increase support for them. Cuba stated that, regardless of Pakistan's motives for wanting to postpone, there must be flexibility and expressed their support for Bahrain's proposal. Finland, on behalf of the EU, and Canada both took the floor to express their opposition to Bahrain's proposal. A vote took place with 25 States voting in favour, 20 States voting against³⁸, and two States abstaining (Mauritius and Mexico). The consideration of Canada's three resolutions was accordingly adjourned to the morning of 28 November 2006.

Other Practical and Procedural Issues

The President explained the procedure for voting to all delegates at the beginning of the session, and a document detailing the procedure was circulated.³⁹ For the purpose of quickly moving through the resolutions, it had been decided to reduce all speaking time - from introductions of resolutions, through to general comments and explanations of the vote - to three minutes. Cuba took the floor to respond that whilst it recognised the need for short statements, it would have preferred a five-minute speaking time for 'concerned countries', and that it will raise this issue in the 3rd session of the Council. Algeria also stated that while it was the prerogative of the President to set the speaking time limits, he should apply these with flexibility as delegations had already prepared their speeches.

³⁴ A/HRC/2/L.38/Rev.1.

³⁵ E/CN.4/2005/102 and Add.1

³⁶ A/HRC/L.42/Rev.1.

³⁷ A/HRC/2/L.40/Rev.1.

³⁸ Argentina, Brazil, Canada, Czech Republic, Finland, France, Germany, Ghana, Guatemala, Japan, Netherlands, Peru, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom, Uruguay and Zambia. The full voting record is available at the OHCHR extranet, which can be accessed at www.ohchr.org/english/bodies/hrcouncil/form.htm (fill out the form on the page to receive the user name and password).

³⁹ Modalities of the Voting Procedures, available at the OHCHR extranet, which can be accessed at www.ohchr.org/english/bodies/hrcouncil/form.htm (fill out the form on the page to receive the user name and password).

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