

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

HUMAN RIGHTS COUNCIL, 4TH SESSION DAILY UPDATE, 13 MARCH 2007

Overview.....	1
Table on key issues raised during the High Level Segment	2
Rights of Reply.....	14

Overview

Today's session of the Human Rights Council (the Council) continued with the High Level Segment. In the morning session, after three countries delivered their statements, there were technical difficulties with the audio system in the assembly room, which prevented the Council from proceeding with the session in that room. The session was moved to room 17. Due to the time that had been lost and to accommodate the guest speakers, it was decided that the Council would not break for the afternoon and would meet non-stop till seven pm. The session finally concluded at 7.30 pm.

Dignitaries from 36 States and representatives of two organisations addressed the Council. Though a number of issues and concerns about various countries were raised, the situation in Darfur (Sudan) emerged as one the significant highlights of the day with many countries referring to the situation in their statements. It also came to the forefront because Sudan, which exercised a right of reply, reacted strongly to the statements that had been made and also spoke out against the high level mission to Sudan during its own statement to the plenary.

Sudan asserted that the report of the High Level Mission to Sudan was "questionable" and could not be considered legitimate because two of its five members had not participated in the mission and the information had been compiled outside of Sudan in a country which had a negative stance towards Sudan. It also contended that the head of the mission had a "preconceived and hostile attitude against Sudan as noted in her statements to the media and her meetings with the different regional groups in Geneva". Mr Mohamed Ali Elmardi, the Minister of Justice of the Sudan, stated that the head of the mission had taken the unprecedented step of requesting visas for all members of the mission in less than one hour's time on 14 February 2007 and unduly insisted that they proceed with the task outside the Sudan. He also pointed to a number of core steps which had led to the situation in Darfur since the eruption of the conflict, and claimed that the situation had never been more stable than it is today.

There were a number of countries that exercised their rights of reply, with Algeria and Morocco, and Japan and Democratic People's Republic of Korea taking the floor to contest each others statements. Belarus, Colombia, Iran, Sweden and Turkey also exercised their rights of reply at the end of the morning session.

Table on key issues raised during the High Level Segment

Name of country	Special procedures	UPR	Other aspects of institution-building	Countries of concern	Thematic issues	Commitments/pledges/elections	Other
Angola	Need a code of conduct to ensure accountability and that special procedures don't exceed their mandates		The lack of understanding about the main issues to be analysed by the Council is an obstacle to deciding on the agenda by consensus		Death penalty		Politicisation and double standards
Armenia		Needs to be inclusive			Democracy		
Azerbaijan	Important and instrumental role of the special procedures; support drafting a code of conduct and think that the review of the revised draft manual of special procedures should be in strict compliance with the work on drafting the code of	The major challenge in ensuring its workability	Essential that the institution building processes be completed on time; explore expert element and professional scrutiny in the complaint procedure; expert advisory body should provide for further development of		Discrimination against vulnerable groups: indigenous people; migrants; women; refugees and IDPs; and national, ethnic, religious and linguistic minorities		Mutual respect; free of dialogue; free of over politicisation; and double standard; objectivity; and non-discrimination

	conduct; the process should not undermine their effectiveness but ensure better performance		human rights standards; support the development of a broad but streamlined agenda	Occupied Palestinian Territories (OPT); and Iraq	Promotion and respect of human rights to establish peace, security, stability and rule of law	Taking measures to ratify the <i>International Covenant on Economic, Social and Cultural Rights</i>	Objectivity; transparency; cooperation; dialogue
Bahrain			Cooperate with NGOs				
Bosnia and Herzegovina	Support the special procedures; welcome active participation of the mandate holders in the Council's sessions	UPR should be a credible and effective mechanism	Hopes all decisions will be made in a consensual and constructive manner; non-member States, international organisations, NGOs and national human rights institutions (NHRIs) should be actively involved in the institution building process				Universality; non-objectivity; non-selectivity
Botswana	Necessary to have operational guidelines in order to enhance the credibility of special procedures			Darfur (Sudan) – contributed to peacekeeping efforts	Balance between economic, social and cultural rights (ESCRs) and civil and political rights (CPRs); IDPs and		Put an end to finger-pointing and point-scoring; highlighted burden on

				refugees		reporting to multiple UN human rights bodies and suggested sharing a single report among all mechanisms
Burkina Faso	Supported follow-up mechanism for special procedures		Should maintain confidential nature of the complaint procedure	Darfur (Sudan); Lebanon; Palestine	Balance between ESCR and CPR; extreme poverty	
Cameroon				Iraq	Poverty; right to development; impunity; immigration; enforced disappearances	
Croatia	Has extended a standing invitation to all special procedures; called for a transparent nomination process for candidates based on criteria such as expertise, experience, independence, impartiality and equitable geographic distribution	Important that it be impartial, objective and inclusive			Enforced disappearances; trafficking in human beings; violence against women; support the setting up of an optional protocol to the <i>International Covenant on Economic, Social and Cultural Rights</i>	Will sign the Convention on Disabilities at the end of the March
Cuba	Supports the strengthening of			OPT	Right to development; human rights	Supports non-selectivity and

	thematic Special Rapporteurs but is opposed to country mandates				violations under the war on terror (USA and its allies)		objectivity
Cyprus			Institution building processes should be completed by June	Violations by Turkey in occupied Cyprus	Enforced disappearances; disabilities; death penalty; fighting terrorism; missing persons; and displaced persons		Support active involvement of OHCHR in monitoring and reporting on a universal basis
Equatorial Guinea					Migrants; violence against women; rights of children; mercenaries; terrorism; poverty		
Hungary	Special procedures are one of the main achievements of the former Commission; granting access to special procedures in their work is imperative	UPR can only be effective if all countries are willing to be scrutinised by their peers	Support full participation of civil society including NGOs and NHRIs in the activities of the Council		Disabilities; enforced disappearances		Recognise the complexity of measures required to address the needs of the Roma in Hungary
Inter-Parliamentary Union (IPU)	Recommendation issued by special procedures and treaty bodies often require parliamentary debate and action; both thematic and country related SPs are valuable; the	There should be parliamentary input to the UPR	Victims should be foremost in Council's considerations; and the Council should be representative, transparent, accessible, and accountable and		Freedom of speech and expression; gender equality and violations against women		

	key question is how countries are selected for the creation of country mandates		effective						
Italy	Have extended a standing invitation to all Special Rapporteurs.				Darfur (Sudan)	Prisons; discrimination; death penalty; human rights defenders	Will stand for elections		
Latvia	Worrying failure of States to cooperate with the Council's mechanisms; States, particularly Council members, should extend a standing invitation to special procedures; hopes that special procedures will be preserved and further developed	Should provide an objective peer review starting with members of the Council	Hopes that the expert advice system of the Commission and the complaint procedure will be preserved and further developed	Darfur (Sudan)	Responsibility to protect			Paramount role of OHCHR is helping States; Latvia plans to double its contribution to OHCHR	
Lesotho	Thematic and country mandates should be improved and maintained	Complaint procedure should serve as an early warning system for the UPR	Agenda should be predictable, transparent, objective, non-selective and enable accountability; it should focus on inter-dependence of rights, rights to development and focus on abject			Durban Declaration and Programme of Action; development of complementary standards to the <i>International Convention on the Elimination of All Forms of Racial Discrimination</i>		Principles of non-selectivity and accountability must be respected; notes contribution of High Commissioner; reporting obligations	

				poverty; the confidentiality of 1503 procedure should be revised;						under various instruments should be harmonised
Libyan Arab Jamahiriya				Must ensure follow up to decisions	Palestine	Illegal migration; children affected with HIV/AIDS				
Malaysia	Mandates must be accountable to the Council; they need to be streamlined in order to have more objective and democratic outcomes; should focus on thematic issues; country-specific mandates should be a decision of last resort and subject to stringent criteria; recommendations of special procedures should be practical	Needs to be manageable and operate as a cooperative forum for sharing best practices	Adoption of a well-structured agenda to treat human rights issues equally	OPT	Individuality and interdependence of all human rights				No selective targeting of specific countries	
Mauritania					OPT; Middle East					
Morocco		Promising mechanism			OPT	Proposal for an international declaration on education and training		Candidate country		

					in human rights culture; security and sustainable development			
Nepal					Development, democracy and human rights are interlinked; even handed approach to ESCR and CPR;			Highlighted important role of OHCHR in Nepal; Council needs to avoid selectivity, politicisation, and double standards
Nigeria	Timely completion of review and rationalisation of mandates is required	African Peer Review Mechanism (APRM) should serve as a model for UPR, in particular the self-assessment by States		Darfur (Sudan)	Equal attention to ESCR and CPR; more assistance for development to reach Millennium Development Goals			Council must operate through dialogue and cooperation; human rights defenders and victims rely on Council for real and effective remedies
Poland	Need to increase their effectiveness; should incorporate thematic and country procedures; country mandates should not be replaced by the UPR or special	Universality and equal treatment of all States; transparency; participation of NGOs and NHRIs; UPR should be conducted in working groups	Principle of international solidarity is crucial in institution building; complaint procedure should utilise objective and independent experts;	Darfur (Sudan)	Fight against corruption			

	<p>sessions; special procedures should have the capacity to act as early warning mechanisms; should be unbiased, objective and independent; requires the full collaboration of governments</p>	<p>and final phase to be held during the plenary session; the review should be an interactive dialogue</p>	<p>essential to ensure participation of NGOs, NHRIs and independent experts in the institutional building process</p>			
Romania	<p>Strongly support country mandates; need improved mechanisms for cooperation by States and for follow-up</p>	<p>Key element in the strengthened human rights architecture; should be universal in its inclusion of what concerns the criteria of its review</p>	<p>Institution building must not occur in a vacuum</p>	<p>Darfur (Sudan)</p>	<p>Independence of the OHCHR; death penalty; violence against women and children</p>	<p>Support the statement made by the Community of Democracies on 12 March 2007</p>
Russian Federation		<p>Prepared to participate actively in fine-tuning this process</p>	<p>A clear structured agenda, rules of procedure and methods of work are needed; need to finish the process by June 2007</p>		<p>Racial and ethnic discrimination; xenophobia and related intolerance; glorifying fascism; assist High Commissioner in de-politicising human rights agenda and overcoming confrontational trends in the work of human</p>	<p>Unilateral decisions; double standards; cultural specificities must be remembered; opposed to setting up additional criteria for</p>

				rights mechanisms			membership
Saudi Arabia				Middle-East; Iraq; Lebanon; OPT; Israel	Civil and political rights; economic, social and cultural rights; extremism; racial terrorism; racial discrimination; discrimination based on religion and belief; corruption; poverty; globalisation; right to development.	Establishing a non-governmental Human Rights Association.	Closely examining the negative aspects of the past
Senegal		Corrective measures can take place five years after the Council's establishment		OPT	Poverty; right to development; right to peace; Durban Review Conference in 2009; women's rights.		Council needs universality, objectivity, and cooperation.
Slovenia	Children's rights should be mainstreamed in the mandates of all special procedures	Active involvement of civil society	UPR for all countries should be undertaken based on objective dialogue and cooperation	Middle East; Darfur (Sudan) - the Council should adopt effective follow-up measures	Supports drafting an Optional Protocol to the ICESCR	Will be a candidate in the upcoming elections; Will ratify the <i>Convention on Enforced Disappearances</i> and the <i>Convention on Disabilities and its Optional Protocol</i>	
Sudan							Transparency; constructive dialogue; sincere cooperation;

								politically motivated approach on Darfur; challenge legitimacy of the report of the high level mission to Sudan
Tanzania							Poverty; gender based violence; violence against children; women's rights; death penalty; trafficking; disabilities	Double standards, selectivity, politicisation
Togo							Refugees; internally displaced persons; poverty, HIV/AIDS; anti-Islamism; interdependence of ESCRs and CPRs;	Support assistance of UNHCR in Togo.
Turkey							Attacks on civil liberties of immigrants; xenophobia; racism; Islamophobia; multi-culturalism; security should not be at the cost of human rights	
United Kingdom					Importance of participation of NGOs, who	Effective balanced periodic review	Standing invitation to special procedures	Cooperation can only work if all UN members
							Contemporary forms of slavery; trafficking;	Running for re-election
							Darfur (Sudan); Lebanon; Israel; OPT; Fiji;	

				represent voices of those who would not otherwise be heard	Zimbabwe; Burma (Myanmar); DPRK; Sri Lanka (welcome formation of Independent Eminent Persons Group)	child soldiers; labour rights and trade unions; sexual orientation; religious tolerance; torture	recognise and cooperate with the Council's mechanisms, no matter how they were created
UN International Research and Training Institute for the Advancement of Women (UN-INSTRAW)						Gender perspective: violence against women; political participation of women at the local level	
Venezuela	Election of the mandate holders on the basis of geographic representation, gender equality, independence and impartiality; support the adoption of a code of conduct for the work of experts	UPR should be based on the <i>Universal Declaration of Human Rights</i> (UDHR) and the Vienna Plan of Action	Universality, objectivity and non-selectivity of the Council			Poverty	
Vietnam	Supports the rationalisation of	UPR should be objective,				ESCR; right to development;	Avoid selectivity,

	special procedures; code of conduct is required	transparent, with consistent follow up; results orientated; be based on an interactive dialogue, with the full involvement of country concerned; should not overlap with other mechanisms; and should consider levels of development			enforced disappearances		politicisation, double standards, and confrontation; Council must be constructive and promote mutual respect
Zimbabwe	Abolish all country mandates except on OPT; election of mandate holders by members of the Council; supports the adoption of the code of conduct	Carried out with proper follow-up and genuine cooperation; abide by highest standards, objectivity, and impartiality			Civil and political rights; economic, social and cultural rights; right to development.	Negotiations with all stakeholders for the establishment of National Commission on Human Rights.	Politicisation and selectivity.

Rights of Reply

A number of States exercised rights of reply at the end of the morning session. Iran reacted to statements made by France and Sweden and recommended that they stop politicising issues and choosing them selectively. It stated that France and Sweden are deliberately choosing to turn a blind eye to the gross and systematic violations of the rights of Muslims residing in their countries. Belarus also questioned the statements made by France and Sweden on the situation in Belarus. It questioned whether Sweden had taken a position on renditions carried out by the CIA and also pointed to riots occurring in France, suggesting that these States should focus on human rights in their own countries first. Sweden responded to Belarus by pointing out that they have taken action to rectify the situation in the one case concerning renditions which involved Sweden.

Morocco challenged Algeria's statements in relation to Western Sahara, leading to a number of rights of reply between Algeria and Morocco. There were also a number of rights of reply exercised between the Democratic People's Republic of Korea (the DPRK) and Japan on the question of abduction of Japanese nationals, with the DPRK pointing to Japan's war crimes and colonial history in response.

Sudan also replied to references to the situation in Darfur by stating that the lack of impartiality displayed by the head of the High Level Mission had confirmed their fears about the mission. The representative of Sudan also suggested that States that were pushing to discuss the follow up to the mission to Sudan were often reluctant to discuss the follow up to the other three fact-finding missions that had been established. It stated that the report of the mission could not be considered legitimate, as it had been prepared by only three of the original members, and without visiting Sudan. The Sudanese delegation also pointed to various instances where Sudan has cooperated with the UN and special procedures.

COUNCIL MONITOR STAFF

Meghna Abraham, Program Manager, Information Program
Gareth Sweeney, Human Rights Officer, Information Program
Michael Ineichen, Fellow, Information Program
Tony Morris, Information Program
Eléonore Dziurzynski, Communications Officer, Information Program

CONTRIBUTORS

Elodie, Intern
Rami Chalabi, Intern
Hannah Klein, Intern
Jumi Rahayu, Intern
Betty Yolanda, Intern

ABOUT THE PUBLICATION

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

SUBSCRIPTION

If you wish to receive the Council Monitor Daily Updates by e-mail during the Council session, please e-mail information@ishr-sidh.ch with 'subscribe' in the subject line. Your e-mail address and personal information will not be shared or sold to any third parties. We may from time to time send you a notification about other publications in the Human Rights Monitor Series that you may be interested in downloading or subscribing to.

COPYRIGHT AND DISTRIBUTION

Copyright © 2007 International Service for Human Rights

Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.

DISCLAIMER

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on or any use of this publication. We are however happy to correct any errors you may come across so please notify information@ishr-sidh.ch