

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

HUMAN RIGHTS COUNCIL, 4TH SESSION DAILY UPDATE, 14 MARCH 2007, MORNING SESSION, HIGH-LEVEL SEGMENT, AND ADOPTION OF THE AGENDA AND PRESIDENT'S DECISION FOR THE 5TH SESSION

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Overview

The morning meeting of the 4th session of the Human Rights Council (Council) brought the conclusion of the High-Level Segment (HLS). The pattern followed that of the previous two days, with States dividing their statements between domestic achievements and their expectations for the Council. The issue of Darfur was once again raised throughout the day, with a number of States calling for it to be discussed substantially at the current session and for concrete decisions to be reached.

The High-Level Segment was followed by rights of reply. Armenia and Azerbaijan exchanged a number of statements, disagreeing on historic events. Along the same lines, Cyprus and Turkey traded accusations on the difficulty in their relations. When all rights of reply had been exercised, the HLS was officially closed. The President of the Council, Ambassador Luis de Alba, concluded by emphasising the importance that States had attached to the High-Level Segment, as was reflected in the high number of dignitaries taking the floor.¹

The following table summarises the main points raised during the High-Level Segment, and is organised by selected issues. It is not an exhaustive account of the statements made. For today, there are two Daily Updates published; this report is concerned with the HLS, a second report is concerned with the afternoon session.

Before proceeding with the adoption of the agenda and the organisation of work, the President asked States to consider a draft decision submitted by the President² to convene the Council's 5th session from 11 to 18 June 2007. This was adopted by consensus. Cuba and China explained that they did not comment on the decision in order not to break consensus, on the understanding that the 5th session of the Council would be dedicated to finishing the process of institution-building. The President replied that while he shares the desire to finish the

¹ 86 in total.

² A/HRC/4/L.5, 13 March 2007.

institution-building in that session, he believes that the session will also require room for substantive issues to be addressed. This could be dedicated to dealing with the reports of special procedures not presented at the 4th session.

Please scroll down to view the **Table on key issues raised during the High-Level Segment**.

Table on key issues raised during the High Level Segment ³

Name of country	Special procedures	UPR	Other aspects of institution-building	Countries of concern	Thematic issues	Pledges/elections	Other
Colombia	Need clear definition of mandates; concerned about the mandate holders exceeding terms of reference (eg the Special Rapporteur on indigenous people and Working Group on mercenaries); need for accountability and code of conduct; council to examine complaints about special procedures (SPs)	UPR is an opportunity for cooperation and dialogue; should avoid selectivity and politicization; need to take into account the specificity of the country; UPR is not a quasi-judicial body; should take speedy decisions volunteered to be reviewed in the first round;			Non-state actors; drug trafficking; impunity		Country office is welcome and fruitful
Commonwealth		Require a universal peer review				Commitment to the universal cause of human rights	
Côte d'Ivoire	Reform and strengthening of mandates; need code of conduct				Right to development		Thank the efforts of NGOs and specialised agencies of the UN for

³ To access the watch and listen to the statements (web cast) go to <http://www.un.org/webcast/unhrc/archive.asp?go=070314>.

Denmark (endorsing the Statement by the EU)	SP should be able to identify root causes of violations	Could be used for needs assessment	Technical assistance needs to be possible, NGOs and NHRIs need to be heard in the Council; decisions should be taken by consensus	Sudan (Darfur, reaction shows non-cooperation, Council should draw consequences)	Indigenous peoples; impunity; terrorism and human rights; torture; opposed to the death penalty	Announced candidacy for the next elections; details in written pledges and commitments	assistance Council should be based on consensus, but if consensus is not found action has to be possible
Honduras					Women; children;	Undergoing ratification of CAT and other conventions	State has responsibility for promotion and protection of human rights, security and justice are essential, civil society is essential
Iraq					Disabilities; forced disappearance; death penalty; right to life;	Working towards accession to CAT, Disappearances Conventions; working on withdrawing reservations to existing treaties	Thanks the UN assistance mission in Iraq
Ireland (associated with the EU)	UPR should not prevent the Council from pointing to other violations of human	NHRI as the key part in the country level; partnership with	Sudan (Darfur, situation is worsening)	Death penalty; ESCRs and development;	Pledges are important, should be honoured by all	Council too timid, not using the opportunities	

		rights	civil society		Women's rights; gender based violence; human rights defenders	members of the Council; will sign the Conventions on Disappearances and Disabilities	presented to it; will increase OHCHR funding;
Kenya	Review of SP; election of mandate holders should be based on region and gender; extends standing invitation	Major tool in strengthening existing mechanisms; should cover all countries in the same manner	Develop working methods to respond to crisis situations		Poverty; race, ethnic and religious discrimination; corruption and fair trade; strengthening the implementation of Durban Declaration		Cooperation not confrontation
Lithuania (aligned with EU)			Council should not become a body of mere formal discussion	Sudan (Darfur, cooperation needed)	Human rights defenders; children; death penalty; freedom of opinion and expression	Need a procedure to assess information on implementation of pledges	Responsibility to guarantee human rights lies with the State;
Maldives	Urge special procedures to visit and report	Capacity building and technical assistance; final process must take account of LDC's, including a special fund to pay for experts to travel to Geneva				Signed the two covenants of 1966 and are gradually adapting	
Mexico	SP should be	UPR with 4 working	Duplication has to		Children;	Remains open	

	strengthened; broaden capacity of action including <i>in situ</i> visit for urgent situations; combination of appointment by President and endorsement by regional groups; harmonisation of methods	group meeting throughout the year; must be able to provide follow up to its results, should have credible instruments for the lack of cooperation by states	be prevented (in particular with regard to 3 rd committee of the GA; must be done by 18 June; improve follow-up to Council's recommendations		violence against women (public and private); indigenous declaration; human rights and terrorism; torture (national mechanism planned)	to visits, and ensures full cooperation; calls for the adoption of the Declaration of Indigenous Peoples	
Republic of Korea	Independent assessment is essential; SP should not be subject to politicization	Central element for promotion and protection; should be serious and not subject to any form of governmental control	Civil society participation in the Council's work	Sudan (Darfur, calls for action, discuss at 4 th session); DPRK;	Women	Striving to withdraw reservations to ICCPR, CEDAW and CAT; plans to sign the Disabilities Convention and the Convention against Enforced Disappearances	Counter efforts of some states to undermine work of the Council; promote inter-regional dialogue; High Commissioner should be more active on the deliberations of other UN bodies
Slovak Republic (align with EU)	Special procedures are of great value	Needs to be credible and effective	No shared efforts in the humanitarian rights field; need for quick reaction mechanism; hopefully decisions by	Sudan (Darfur, regret that the HLM did not enter, welcomes the report, ready for substantial discussion at	Draft Declaration on Indigenous Peoples; disappearance s; human rights defenders;	Present candidacy for next Council membership	

				consensus; Council decision should subject to follow up discussion and implementation	4 th session)	abolition of the death penalty; children; women;		
Uzbekistan		UPR should ensure equal treatment and avoid political motivation and selectivity				OHCHR needs to be reformed for objectiveness and transparency; right to development	As of 1 January 2008 death penalty will be abolished, now <i>de facto</i> moratorium on execution	
Yemen	Working Group needs to finish its work on time				Palestine (right to return, including Jerusalem); Iraq; Somalia (national reconciliation) ; Sudan (Darfur, tangible cooperation by the Sudanese government)	Women; terrorism		Double standards

Rights of Reply

A number of States exercised rights of reply at the end of the High-Level Segment.⁴ France reacted to statements made on the previous day, insisting that as a State France is open to all cultures, and that 5 million Muslim people are living there. Responding to a complaint made by Belarus, France argued that Belarus should first cooperate with the Council by inviting the relevant special procedures to visit the country. If these rapporteurs were to find that allegations of human rights abuses in Belarus are unfounded, France would be happy to declare that publicly.

Germany reacted to a statement by the Libyan Foreign Minister, and deplored the ‘unacceptable verdict’ that the Criminal Court in Libya handed down to five Bulgarian nurses and one Palestinian doctor accused of voluntarily infecting children with HIV. They demanded, on behalf of the European Union, that the medical workers be freed expeditiously.

Armenia replied to Turkey’s right of reply from the previous day by reminding them of a proposal by the President of Armenia to discuss their bilateral difficulties in an intergovernmental format. Armenia also called on Turkey to recognise the genocide. Azerbaijan, replying to a statement made on the previous day, accused Armenia of misusing the Council for its own political propaganda, and asked them to recall the massacre of Azerbaijani people in 1992. In a further round of replies, Armenia claimed that Azerbaijan was using ‘dubious facts’ – a statement that in turn provoked Azerbaijan to say that 300’000 of their people had to flee.

Similar to the exchange of views between Armenia and Azerbaijan, Turkey and Cyprus took turns in accusing each other. Turkey reminded the Council that it was Cyprus who had rejected the UN Plan, while Cyprus recalled a number of Security Council resolutions calling on States not to accept the Turkish-Cypriot part of the island.

Replying to the a statement by the Cuban Foreign Minister of the previous day, the United States of America (USA) reiterated that torture was prohibited by USA personnel in all locations and at all times. They also said they had welcomed the Cuban support of the thematic mandates on freedom of opinion and expression, torture and the Working Group on arbitrary detention. Cuba then replied that these mandates should, when coming to Cuba, also be able to visit the Guantánamo Bay.

The Democratic Peoples Republic of Korea (DPRK) called an earlier statement by the Republic of Korea ‘a fabrication’, and urged them to first address about their own human rights problems. Zimbabwe complained about a statement made by the Foreign Minister of the United Kingdom, and assured the Council that Zimbabwe would resist any attempted re-colonisation of the African continent. Sudan also replied to the United Kingdom, accusing them of having influenced the composition of the High Level Mission to Sudan established at the fourth special session of the Council. They said they would not accept members that are not independent. Replying to an earlier statement by the Irish Minister for Human Rights and Development, Sudan said the problem in Darfur was not unsolvable, and that the government was working towards a solution. They also underlined the cooperation of Sudan with the Council, which in their view “does not need to be emphasised”.

⁴ France, Gemany, Armenia (2), the USA, Zimbabwe, Sudan, Turkey (2), Azerbaijan (2), the Democratic Peoples Republic of Korea, Cuba, Cyprus (2).

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ABOUT THE PUBLICATION

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