

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

COUNCIL ALERT HUMAN RIGHTS COUNCIL, 5TH SESSION 11 – 18 JUNE 2006

[ADVANCE COPY, 6 JUNE 2007 – SUBJECT TO
CHANGE]

Overview

The 5th session of the Human Rights Council (the Council) will convene from 11-18 June 2007. The President of the Council, Ambassador de Alba, circulated a draft timetable for the 5th session at the conclusion of the final informal consultation on the institution-building process, and explained that this is provisional and subject to amendment. Nonetheless, the order of the work of the 5th session is clearly divided into three parts:

1. Interactive dialogue with the remaining fifteen special procedures who did not have the opportunity to present themselves before the Council at its 4th session;
2. Follow-up on decisions of the Council (Israel/OPT, Beit Hanoun, Darfur);
3. Finalization of the institution-building process.

The most pressing item of the 5th session will be the conclusion of the institution-building process, as required on the Council in its first year by General Assembly *Resolution 60/251*, which established the Council in March 2006. Upon adoption by the Council, the outcome document(s) on the review of mechanisms and mandates of the former Commission on Human Rights (including the system of special procedures, the complaints procedure and the system of expert advice), the modalities of the new universal periodic review mechanism, and the elements of the new agenda and rules of procedure of the Council, will be forwarded to the General Assembly for its consideration and approval.

Order of the session

The President of the Council held an organisational meeting on 24 May to discuss the provisional order for the 5th session. He first explained that he hoped the Council would be able to move through the presentations of the outstanding **special procedures** that did not speak at the 4th session. This will require an additional meeting on Tuesday 12 June for that nine experts can speak. These are as follows:

- Monday: Independence of judges and lawyers; Trafficking; Racism¹; Food; Toxic Waste; Housing

¹ The Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance presented his annual report to the Council at its fourth session, but is presenting an update of his report on the incompatibility of democracy and racism to the Council at the fifth session as he unable to do so at the 62nd session of the Commission on Human Rights in March 2006.

- Tuesday: Extreme poverty; International Solidarity; Belarus; Cuba; Cambodia; DRC; Somalia; Sudan; Haiti.

Wednesday morning will be dedicated to **follow-up on the decisions of the special sessions** of the Human Rights Council.² This will include the presentation of a report by Archbishop Desmond Tutu, as head of the Fact Finding Mission to Beit Hanoun established by the third special session of the Council, despite the fact that Archbishop Tutu was not granted access to the area. It has also been confirmed by the President of the Council that follow-up to the fourth special session on Darfur will be addressed. It is yet undecided whether there will be any follow-up to the first and second special sessions on the OPT and Israel/Lebanon.

The Council will then turn to completing the **institution-building process** from Wednesday afternoon.

On 4 June the President circulated his draft text on the institution-building process.³ Following negotiations that are presently ongoing, the President will present an updated text on Wednesday morning to the Council. The way to proceed will then be explained. Although the provisional timetable suggests that meetings would take place in formal plenary sessions, it is more likely at this stage that informal sessions will be held outside the plenary, and the President has already suggested that informals would better suit the type of negotiations which are likely to take place. Nor is it clear how many parallel informals there may be or whether any or all of these will be held in public.

The President has indicated the hope of drawing the Council back to the plenary and reaching a decision by the evening of Friday 15 June. This would include all elements of the institution-building process, although the President also indicated in the presentation of his report on 4 June that this need not include the **code of conduct on special procedures** because it is important to achieve consensus on this issue.⁴ The aim of reaching a decision by Friday evening will then allow the Secretariat to translate the document into the official languages. It would then be ready for adoption by the Council on Monday, with the hope of leaving additional time to discuss how to report to the General Assembly and how to prepare for the next cycle of the Council.

Next step

The President is holding a final informal consultation on 8 June 2007. ISHR's review of the informal consultation will be available online soon after and will provide any additional updates on the organisation of the fifth session.

² For ISHR's reviews of the special sessions see <http://www.ishr.ch/hrm/council/cmreports/specialsessions/specialsessions.html>

³ For ISHR's review of the presentation see http://www.ishr.ch/hrm/council/wg/wg_reports/informal_presentation_of_text.pdf and the President's text (as of 4 June 2007) at http://www.ishr.ch/hrm/council/wg/wg_reports/president_text.pdf; see also the joint NGO document entitled '20 Critical Issues for a Successful Outcome to the Human Rights Council Institution-Building Process' at http://www.ishr.ch/lca/advocacy_kits/ngo_20_critical_issues_4_june_2007.pdf

⁴ It is expected that the African Group may release a revised version of its proposed code of conduct by Friday 8 June. It is worth noting that as the code of conduct was not mandated by General Assembly Resolution 60/251, it is not required that it be completed within one year of the first session of the Human Rights Council.

COUNCIL MONITOR STAFF

Gareth Sweeney, Human Rights Officer, Information Program

Michael Ineichen, Fellow, Information Program

Eléonore Dziurzynski, Communications Officer, Information Program

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.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.ch.