

COUNCIL MONITOR

International Service for Human Rights



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Overview

The 8th session of the Human Rights Council (the Council) will be held from 2-18 June 2008. The President of the Council, Ambassador Costea, convened an organisational meeting on 19 May to discuss the draft program of work,¹ which he referred to as a ‘work in progress’.

The first week of the Council session will begin with an update from the UN High Commissioner for Human Rights, and by interactive dialogues with special procedures and the review of eight mandates.² Three special events are also scheduled: on the human rights of women; on the entry into force of the Convention on the Rights of Persons with Disabilities; and on the draft UN guidelines for the appropriate use and conditions of alternative care for children.

¹ Available 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.

² These mandates are, in order, the Special Rapporteurs on summary executions; extreme poverty; torture; right to education; trafficking; migrants; human rights and transnational corporations; and the independence of judges and lawyers.

The second week of the Council will be dedicated to the consideration of the universal periodic review (UPR) Working Group reports on its first two sessions. At the time of writing, it has not been decided how much time will be allocated to NGOs under each country review. As provided by Council Resolution 5/1, one hour will be allocated to the consideration of each country reviewed by the Working Group in its first two sessions of April and May 2008 respectively, and these reports will be considered by the Council in the same order that they were taken up in the UPR.

The third week will then include: follow-up to special sessions of the Council; general debates on the Occupied Palestinian Territories (Item 7); follow-up and implementation of the Vienna Declaration and Programme of Action (Item 8); racism and racial discrimination (Item 9); technical assistance and capacity-building (Item 10); on oral report from the Durban Preparatory Committee; appointment of special procedure mandate-holders and members of the expert mechanism on the rights of indigenous peoples; and the organisational session for the third year of the Council in 2008-9.

It was clear at the organisational meeting that differences of opinion remain on three core issues coming up to the 8th session: the Council's relationship with OHCHR; modalities on the consideration of UPR reports, particularly in relation to NGO participation; and the reappointment of special procedures who have served their first term.

Relationship between the Council and the Office of the High Commissioner for Human Rights

The President informed the organisational meeting that he had received a letter from the High Commissioner for Human Rights regarding the OHCHR's 2010-2011 Strategic Framework, which was to be considered by the Committee for Programme and Coordination on 16-23 June 2008. The High Commissioner had advised that she was ready to receive views and comments on the Framework from interested states.

Egypt (on behalf of the African Group) asserted that there was a need to clarify the relationship between the Council and the OHCHR. The African Group welcomed the High Commissioner's "readiness to present" the Strategic Framework to the Council, and requested that this issue be considered at an appropriate time in the work program. China hoped for a dialogue on the Strategic Framework could be conducted with the OHCHR, given the importance of facilitating communication with the OHCHR, and 'strengthening the guidance' provided by the Council to the OHCHR.

On behalf of the EU, Slovenia reiterated the EU's 'firm' position that given already existing legal parameters on the interrelationships between the OHCHR, UN General Assembly, UN Secretary General, and the Council, there was no legal need to have the OHCHR's strategic management plan formally considered by the Council. They argued that this constituted an internal management document, and delegations could bilaterally provide comments on it.³ Canada echoed these sentiments, and stressed that it would not be appropriate for the Council to be involved substantively in the OHCHR's programming work. Chile, in a similar vein, stressed the importance of an independent OHCHR, while Switzerland explicitly opposed formalising links between the Council and the OHCHR.

The President commented that the Council had on previous occasions discussed its relationship with the OHCHR. The OHCHR's strategic framework had been available on the internet for the last three months. The President reminded delegations that the High Commissioner for Human Rights would participate in the Council session, which provided an opportunity for States to express their views.

³ Switzerland made the same point.

Modalities for the consideration of UPR reports

The President of the Council made it clear at the organisational meeting that no decisions had been made on the modalities for the consideration of the reports of the UPR Working Group and assured that discussions would continue over the coming days. However, Pakistan (on behalf of the OIC) stated that it was seeking 20 minutes speaking time for the State under review, 30 minutes for member and observer States and the ‘remaining time (**10 minutes**) could be given to NGOs’. Bangladesh claimed that NGOs had shown their value through the submission of written material and that there was no need to debate their involvement any further. Slovenia (on behalf of the EU), Switzerland and Canada, on the other hand, proposed **30 minutes for NGO interventions**, with the latter stressing that NGOs are essential to the work of the Council, and precluding them would undermine the commitment that they have already shown to the UPR process. Switzerland stated that they always envisaged that NGOs would have a prominent role at the Council stage.

Process for the re-appointment of special procedure mandate holders

The issue of renewal of mandate holders whose first term has expired drew the most attention at the organisational meeting. The President briefly stated that he had received various non-papers from the EU, OIC, the African Group and Canada and noted the lack of agreement on the issue. Egypt argued that Council *Resolution 5/1* ‘said nothing’ about the automatic renewal of mandates, and that such practice created a disincentive to perform, as well as limiting accountability in line with the code of conduct for special procedures. Algeria added that any mandate holder could seek re-election through the normal consultative group process. This was supported by Pakistan (on behalf of the OIC), the Russian Federation and China. Slovenia (on behalf of the EU) countered that unless it was so stated in Council *Resolution 5/1* that the process of reappointment was modified, the former Commission on Human Rights’ rules carry over to the practice of the Council. Also, changing the process at this stage would amount to ‘unequal treatment’ as many mandate holders have already been reappointed at the last two sessions of the Council. Chile also stated that the rule exists and is clear, and the proposals being voiced are an attempt to modify the rule.

The President did not address these points in his concluding statement, but simply stated that Council *Resolution 5/1* was ‘to be implemented [by the Council], not interpreted and not changed’. Algeria, however, requested at the last moment that the issue of mandate holders terms be added to the programme of the 8th session and resolved therein.

Special events

Discussion on the human rights of women

Chile elaborated on its initiative to hold a discussion on the human rights of women. This followed Council *Resolution 6/30* on mainstreaming women’s rights in the UN system, which called for the convening of such a meeting with a focus on violence against women. Chile expressed concern that mortality rates for women in pregnancy and childbirth were unacceptably high. It considered that the discussion should reaffirm States’ obligations to prevent mortality caused by pregnancy and childbirth, and should identify best practices. In this context, Chile hoped that the deliberations would address the need to end impunity, establish adequate protection, ensure that national legislation was in line with international standards, and strengthen health and social infrastructure.

Chile envisaged that the interactive discussion could involve three panellists and a moderator, and should involve government and civil society representatives. It foreshadowed the distribution of an explanatory text outlining modalities at a later stage. Two meetings (up to 6 hours) have been allocated for this discussion.

Discussion on the draft UN guidelines for alternative care for children

Brazil advised that the ultimate aim of this discussion would be to enhance the implementation of the Convention on the Rights of the Child and other relevant international law provisions with regard to the protection and well-being of children in need of alternative care. The initiative was the result of broad consultations with governments and relevant international bodies, and the guidelines had been drafted by an intergovernmental “Group of Friends” meeting hosted by Brazil.

The panel is expected to focus on the draft guidelines. Brazil hoped that these would gain the support of the Council. Some statements could be made by a panel of relevant experts in the field (including members of: a relevant civil society organisation, the Committee on the Rights of the Child, and the UN Children’s Fund). An interactive dialogue would follow, during which a maximum of 15 states could take the floor (three from each regional group). Two civil society representatives would also participate.

Bangladesh commented that there was unlikely to be enough time during the special event to produce a decision or resolution. The President later responded that similar panel discussions in the past had indeed not culminated in formal outcome decisions.

Special event on the entry into force of the Convention on the rights of persons with disabilities

The President introduced this event by explaining that its objective was to illustrate how the Convention was already put into practice and to raise awareness on the day of its entering into force. He suggested that ten governments (two from each regional group) would participate for a maximum of three minutes each from the floor, responding to comments made by panellists. Two representatives from civil society could also participate for a maximum of three minutes each. The special event will last for one hour in total.

Other issues

In response to a previous request from the OIC that the 9th session of the Council be postponed so as not to coincide with Ramadan in September 2008, the President informed the organisational meeting that colleagues in New York are presently ‘dealing with this request’, but the availability of services remained difficult. He also asked the OIC to consider an alternative time, taking account of the present schedule in Geneva and New York. He suggested that one possibility might be to start each meeting of the September session at 9.30 am instead of 10 am in order to finish earlier.

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ABOUT THE PUBLICATION

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