

# COUNCIL MONITOR

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Human Rights Monitor Series

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Overview .....	1
Report of the High Level Fact-Finding Mission to Beit Hanoun – Item 7 .....	2
Presentation by Archbishop Tutu .....	2
Interactive dialogue .....	2
Replies by the High Level Mission.....	4
General debate on Item 7 .....	4
Universal periodic review (continued) .....	5
Follow-up and implementation of the Vienna Declaration.....	7
Informal consultations .....	8
Protection of the human rights of civilians in armed conflict .....	8
Human rights voluntary goals .....	9

### Overview

The morning meeting of the Council addressed the final report of the High Level Fact-Finding Mission to Beit Hanoun, following considerable delays on account of the non-cooperation of the Government of Israel in relation to the conduct of the visit. Archbishop Desmond Tutu presented the final report, which concluded that in the absence of any investigation and viable explanation, the shelling of Beit Hanoun and the resulting deaths of 19 individuals possibly constituted a war crime. Archbishop Tutu and Professor Christine Chinkin both called for an independent investigation into the shelling and adequate reparation to the victims, stating that to date the international community had failed to fulfil its role, and that such ‘silence begets complicity’. The report met with the general support of States, with the notable exception of Israel, who claimed that it had already carried out an internal investigation and that this report would contribute nothing to ongoing peace efforts, and the European Union, who had serious (although unexplained) reservations about the report's legal conclusions.

Under Item 7 (Human rights situation in Palestine and other occupied Arab territories) States presented predictable positions in relation to the occupied Palestinian territories and other occupied Arab territories (including the Golan), with the vast majority of speakers criticising Israel's actions but not referring to any actions by armed Palestinians.

Under Item 6 (universal periodic review) the Council held a general debate, which covered some of the mechanism's substantive and technical aspects. Two clear camps emerged during the session: those States that wished to report on their progress in preparing and following-up to the UPR, and those that opposed allowing this agenda item to develop into a forum for evaluating States' UPR implementation.

Under Item 8, 'follow-up and implementation of the Vienna Declaration and Programme of Action' (Vienna Declaration) delegations recalled the commitments that countries had entered into during the 1993 World Conference on Human Rights, and reiterated the importance of renewing the commitments of the international community to the Vienna Declaration's fundamental precepts.

The Council also held informal consultations on the protection of the human rights of civilians in armed conflict, and human rights voluntary goals.

### Report of the High Level Fact-Finding Mission to Beit Hanoun – Item 7

The President of the Council introduced Archbishop Desmond Tutu as a 'moral voice worldwide', and also commended the excellent work of Professor Christine Chinkin, before giving the floor to Archbishop Tutu to present the report of the High Level Fact Finding Mission to Beit Hanoun on 26-30 May 2008.

#### **Presentation by Archbishop Tutu**

Archbishop Tutu stated that after 14 months and numerous failed attempts to enter Beit Hanoun, they were grateful to the Government of Egypt for facilitating their access. Archbishop Tutu explained the nature of the visit, including visiting the site of the shelling on 8 November 2006 resulting in deaths of 19 civilians, hearing testimonies, meeting with UN staff, Hamas, NGOs and the press. He stated that what the High Level Mission saw 'shocked us' and that the picture for victims remains grim, including ongoing violations of the right to physical and mental health. He urged the Council to recognise that dialogue is the only means to move forward. He further stated that the fact that Israel refused to engage on the grounds that the mandate was biased was ironic, as that refusal made it more difficult for the High-Level Mission to present a balanced account of events. Their meeting with Hamas, he noted, allowed the mission to challenge their actions and call for an end to rocket attacks on Israeli civilians and comply with its legal obligation to uphold international humanitarian law.

Archbishop Tutu concluded that the lack of a proper investigation was 'morally and legally absolutely unacceptable' and that what occurred in Beit Hanoun possibly constituted a war crime. He questioned how the people of Gaza could understand the concept of the rule of law in the face of such impunity, and stated that they should not be expected to fight through the Israeli courts. Instead, an independent investigation needed to take place and the international community needed to implement its recommendations, as its present silence 'begets complicity'. Addressing human rights should be its prime motivation.

#### **Interactive dialogue**

Speaking as a concerned country, Israel stated that it did not have any substantive remarks on the report, but the High Level Mission itself 'seemed to legitimise...the iron-fisted control of Hamas', that has not endorsed the road map to peace. Pointing to the upcoming anniversary of the Annapolis Conference, the Ambassador said that the question must now be about when and how peace will be achieved, and that the present report would sit on the pile of other such resolutions of the Council, contributing nothing to the peace process. He claimed that a thorough 'internal investigation' had taken place and that this had been presented to the UN (although the High Level Mission did not receive this report, despite continued requests).

Palestine, as a concerned country, endorsed the report and referred to the shelling as a war crime, which needed to be brought to the attention of the International Court of Justice and the International Criminal Court. The Ambassador claimed that the treatment of Gaza as a ‘concentration camp’ could not be sustained and that a genuine commitment needed to be made to put an end to the occupation. He stated that a draft resolution was to be tabled at the present session following up the present report.

All States welcomed the report<sup>1</sup>, with Egypt (on behalf of the African Group) referring specifically to its meticulous legal analysis. Pakistan, on behalf of the Organisation of the Islamic Conference (OIC), Malaysia and the Sudan criticised Israel’s refusal to cooperate with the High Level Mission, resulting in a 14-month delay, and expressed their gratitude to Egypt for facilitating the visit. Many States, including Pakistan (on behalf of the OIC), Morocco, and China reiterated the findings of the High Level Mission, with Mexico and South Africa drawing particular attention to the impact on women and children, and concluded that the attack was deliberate and premeditated,<sup>2</sup> constituted a war crime,<sup>3</sup> and that Israel had refused and blocked any inquiry.<sup>4</sup>

Several States also endorsed the view of the High-Level Mission that the international community was failing to act<sup>5</sup>, and that such silence ‘begets complicity’.<sup>6</sup> Egypt (on behalf of the African Group), Qatar, and Kuwait called for an immediate response, with Algeria recommending that the report be taken to the General Assembly. The Cairo Institute for Human Rights Studies also regretted that Israel had not cooperated with the mission and expressed endorsement for the recommendations in the report. Cuba (on behalf of NAM), Pakistan (on behalf of the OIC), Algeria and Saudi Arabia endorsed the call for an immediate public investigation. Bangladesh, the United Arab Emirates and Sri Lanka also addressed the need for reparations for victims. Syria identified the implementation of these recommendations as being critical to securing the credibility of the Council. Bahrain hoped that the draft resolution to be tabled at the present session would be adopted by consensus. New Zealand also implored that Israel would abide by the recommendations of the Council and its mechanisms.

The one notable divergence of opinion came from France (on behalf of the EU), which expressed ‘serious reservations’ about certain conclusions contained in the report, including the legal evaluation of the bombardment and the responsibilities attributed to the international community. Unfortunately, it did not explain what those reservations were. Instead, it simply called for a continued support for the peace process.

Pakistan (on behalf of the OIC), Egypt (on behalf of the African Group), and Iran reiterated that the occupation remains the root cause of the suffering of the Palestinian people. Several States emphasised the need for the establishment of an independent Palestinian state<sup>7</sup> and the need to commit to the peace process.<sup>8</sup>

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<sup>1</sup> Pakistan (on behalf of the Organisation of the Islamic Conference), Egypt (on behalf of the African Group), France (on behalf of the European Union) Morocco (on behalf of the Arab Group), Cuba (on behalf of the NAM), Egypt, Mexico Saudi Arabia, Iran, Algeria, South Africa, China, Bangladesh, Qatar, Iraq, Malaysia, Syrian Arab Republic, United Arab Emirates, Kuwait, Jordan, New Zealand, Yemen, Tunisia, Sri Lanka, Sudan, Mauritania, Senegal, Arab Jamahiriya, Bahrain.

<sup>2</sup> Pakistan (on behalf of the OIC), Algeria, Egypt (on behalf of the African Group and in its national capacity), Bangladesh, Libya, Algeria, Tunisia.

<sup>3</sup> Pakistan (on behalf of the OIC), Egypt (on behalf of the African Group), Cuba (on behalf of NAM).

<sup>4</sup> Pakistan (on behalf of the OIC), New Zealand, Sudan, Egypt (on behalf of the African Group), Morocco, Cuba (NAM), Saudi Arabia, Algeria, Bangladesh, Iraq, Sri Lanka, Sudan, Mexico

<sup>5</sup> Pakistan (on behalf of the OIC), France (on behalf of the EU), Algeria, Qatar, Bangladesh

<sup>6</sup> Morocco (on behalf of the Arab Group).

<sup>7</sup> South Africa, Qatar, Syrian Arab Republic, Mauritania, Senegal, Cuba (on behalf of NAM), Bahrain.

<sup>8</sup> Cuba (on behalf of NAM), South Africa, China, Bangladesh, UAE, Bahrain, New Zealand.

## **Replies by the High Level Mission**

Ms Chinkin opened by responding to Israel that the opinions of the High Level Mission cannot be imputed to belong to the UN. The independence of the High Level Mission was emphasised by the fact that the report on Israel's internal investigation has not been given to the High Level Mission, despite repeated requests. Ms Chinkin stressed that the denial of the rule of law was feeding the cycle of violence and impunity, and she urged that a culture of human rights be engendered at the national level with the support and assistance of the international community. She hoped that the report's recommendations would contribute to the peace process. But she emphasised at the same time that responses to human rights violations could not wait until peace had been achieved. Ms Chinkin expressed hope that the fact-finding mission's past recommendation for an independent monitoring mechanism that includes both Israelis and Palestinians would be seriously considered.

Archbishop Tutu stressed the need to communicate the sense of devastation that had affected Beit Hanoun and urged that the Council view all persons of the world as a family. He insisted that the 19 dead should not be considered statistics and that each person is diminished if one is treated as less than who they are. He stressed that the Council was not supposed to concern itself with politics, but that its role in the world would be enhanced if people see that its interest is in human rights, and that a human rights violation anywhere is a human rights violation.

### General debate on Item 7

Following the very specific nature of the discussion on Beit Hanoun, the proceeding general debate on Item 7 was indeed very general and provided little new talking points beyond States' well established positions and concerns on the situation of human rights in the occupied Palestinian territories (OPT)

The new Ambassador of Israel first spoke as a concerned country regretting joining the Council on a day when Israel/OPT was the only issue on the agenda, a situation on which the views of Israel were 'already well-known'. He said that no progress would be made under Item 7, and that the new opportunities stemming from the Annapolis accord point the way towards peace. Meanwhile, the Council should work together to solve the 'real and pressing issues on the ground'. The Ambassador of Palestine stated that Israel must end the occupation and provide full reparations to victims, and that the Palestinians are willing to live in peace.

Syria raised the treatment of Syrian citizens detained for up to 25 years without trial and subjected to the 'worst forms of torture'. Cuba (on behalf of NAM), also raised the issue of the treatment of prisoners and inhuman conditions. Egypt (on behalf of the African Group) reiterated Syria's condemnation of the confiscation of Syrian land and the imposition of citizenship. It also reiterated the view expressed earlier by the High Level Mission that occupation was the root cause of injustice in the region. France (on behalf of the EU) essentially repeated its earlier statement that it supports continued peace efforts, that it condemns violence on all sides, and that there can be no military solution to the conflict.

States presented predictable positions in relation to the OPT, and old ground was revisited in relation to their views on Israeli actions in the region. The majority of States that spoke condemned Israeli actions and called for increased international cooperation.<sup>9</sup> The only States that highlighted any positive Israeli action were Switzerland and the Russian Federation. Switzerland called on both the Israeli and Palestinian authorities to respect their human rights obligations under international law. It welcomed the ceasefire agreed three months ago between Israel and Hamas, and the continuing negotiations between Israel and the Palestinian

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<sup>9</sup> Morocco (on behalf of the Arab Group), Egypt, Pakistan (on behalf of the OIC), Bahrain, Saudi Arabia, Indonesia, Algeria, Yemen, Kuwait, Iran, Oman, Morocco, Sudan, Tunisia.

Authority.<sup>10</sup> The Russian Federation welcomed the decision by Israel to release 200 Palestinian prisoners as a good will gesture. It also called on both sides to refrain from ‘creating new realities’ in the region.

Morocco (on behalf of the Arab group) stressed that Israel continued to violate international law and act in ‘complete defiance’ of the International Court of Justice (ICJ) regarding its separation barrier and construction of settlements. It urged the Council to emphasise that Israel was ‘not above international law’. Egypt (in its national capacity) accused some Council members of applying ‘double standards’ in relation to the occupied Palestinian territories. Namely, it argued that those same voices that condemned human rights violations around the world remained quiet when it came to criticising Israeli actions in Palestine. Many States condemned the building of Israeli settlements in Palestinian territory<sup>11</sup> and the building of the separation barrier.<sup>12</sup> Other Israeli actions criticised included extrajudicial killings, torture, the use of human shields, closures and movement restrictions, confiscation of land, and the transformation of Gaza into an ‘open-air prison’ isolated from the world by Israel’s economic blockade.

The majority of NGOs<sup>13</sup> that spoke also criticised Israeli actions in the region, with the exception of United Nations Watch and the Co-ordinating Board of Jewish Organisations. Egypt interrupted the latter, arguing that the Council was a place to ‘discuss serious issues’. United Nations Watch expressed continued support for the peace process in the region, and noted that both sides were suffering.

The vast majority of speakers that took part in the general debate solely criticised Israeli actions in Palestine, without any reference to actions by the Palestinian authorities or intra-Palestinian violations.

#### Universal periodic review (continued)

Under Item 6, universal periodic review (UPR), the Council held a general debate, which covered some of the mechanism’s substantive and technical aspects. Two clear camps emerged during the session: those States that wished to report on their progress in their preparations and follow-up to the UPR, and those that sought to preclude (or at least passively resisted) the possibility of this agenda item developing into a forum for evaluating States’ implementation of recommendations made in the UPR.<sup>14</sup>

As observed during the organisational meeting prior to the session, some States were clearly opposed to the idea of holding general debates on the UPR in order to create further space for the implementation of recommendations in specific countries. India made the point that the UPR was by definition a periodic exercise, and that governments were only obliged to report on their progress at the following review (that is, four years after the initial review). Nigeria made a similar point, saying that Item 6 should not be used to restart ‘another review cycle’, given that the duration of the cycle had been agreed at four years in the institution-building text.<sup>15</sup> Cuba did not oppose the practice of States voluntarily reporting on their follow-up, as long as this did not develop into a standard practice or an obligation. China asserted that the institution-building text had stipulated that the second round of the UPR (and not Item 6) should focus on evaluating progress on the UPR’s outcome. While China did not oppose voluntary reporting in ‘written form’ by some countries on their implementation, it emphasised that the Council had not authorised a general debate to

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<sup>10</sup> The Russian Federation also noted these two points.

<sup>11</sup> Morocco, Egypt, Pakistan, Bahrain, Saudi Arabia, Tunisia.

<sup>12</sup> Kuwait, Bahrain, Iran, Oman, Tunisia.

<sup>13</sup> International Organisation for the elimination of all forms of racism, Association for World Education, Nord Sud, Organisation for Defending Victims of Violence, Iranian Elite Research Centre, the International Association of Democratic Lawyers.

<sup>14</sup> In this context, Council *Resolution 5/1* offers the following guidance under the heading of ‘follow-up’: ‘the subsequent review should focus, inter alia, on the implementation of the preceding outcome’ (paragraph 34); and ‘the Council should have a standing item on its agenda devoted to the universal periodic review’ (paragraph 35).

<sup>15</sup> Human Rights Council *resolution 5/1*, available at <http://www2.ohchr.org/english/bodies/hrcouncil/>

evaluate implementation. China urged the Council to ‘faithfully implement’ the institution-building text and refrain from ‘re-interpreting’ it by transforming the general debate into ‘another debate on country situations’. Accordingly, China expressed the hope that the Council President would continue to hold consultations to ‘resolve’ this issue.

Mexico considered that the UPR served to strengthen the credibility of the Council, and assessed that the review of the first 32 States had proven highly constructive. It commended the quality of the reports submitted by States, as well as the compilation reports (which included contributions from civil society and various elements of the UN human rights system) prepared by the Office of the High Commissioner for Human Rights (OHCHR). Mexico commended civil society for its helpful contributions made during the adoption of UPR outcomes. Similarly, Switzerland assessed that the involvement of civil society in the UPR process opened up new opportunities for dialogue on human rights issues. It urged other States to involve their national civil societies at the beginning of the process.

Some delegations took the opportunity to outline the follow-up initiatives their Governments had already undertaken, or were planning to undertake, as a result of the UPR.<sup>16</sup> Mexico, in a similar spirit, outlined the measures it was taking to prepare for its February 2009 UPR, including broad consultations with its civil society.

Nigeria supported the idea that a summary of views expressed during the adoption of UPR outcomes<sup>17</sup> should be included as an integral part of the subsequent report on the relevant Council session (rather than as an appendix thereto), which, in turn, should be governed by strict page limits.<sup>18</sup> It also stressed that statements ruled out of order should not be reflected in any report.

Sri Lanka welcomed the prospect of receiving technical assistance as a result of the UPR, and reported that it was proceeding well with its National Action Plan. It also urged those States that continued to insist on the establishment of an OHCHR office in Sri Lanka to ‘accept reality’ and pursue other ways of achieving common objectives.

A number of NGOs made interventions on the broader implications of the UPR process. Human Rights Watch urged States participating in the UPR to put forward recommendations that are as specific and action-oriented as possible. The Asian Forum for Human Rights and Development noted with regret that many Asian States had not made sincere efforts to engage with civil society, and urged other States participating in the UPR interactive dialogue to pay closer attention to inputs from civil society.

Amnesty International recalled the UPR’s primary objective was to improve human rights situations on the ground. To achieve this, the process should be rooted at the national level, and function as a catalyst for a national process of reviewing and strengthening protection, involving both governments and civil society. It welcomed the practice adopted by some States of consulting with civil society in the preparation of the national report, and encouraged all States to hold broad, inclusive consultations before and after the UPR

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<sup>16</sup> Switzerland spoke of a workshop it had held to evaluate the UPR process, which had included discussions on best practices and challenges. Switzerland also announced that, in the framework of its annual support for the Office of the High Commissioner for Human Rights, it intended to contribute 100.000 Swiss francs to the voluntary UPR fund. Romania outlined various initiatives it was taking, including implementing recommendations, stepping up efforts to complete treaty body reports, and developing relevant legislation.

<sup>17</sup> This ‘summary of views’ includes the views of civil society. The adoption of UPR outcomes occurs at the Council session that follows the UPR’s Working Group session.

<sup>18</sup> For further information about this issue, see ISHR’s ‘Council Alert’ ahead of the Council’s 9<sup>th</sup> session, available at [http://www.ishr.ch/index.php?option=com\\_content&task=view&id=313&Itemid=496](http://www.ishr.ch/index.php?option=com_content&task=view&id=313&Itemid=496). A page limit would likely considerably restrict space in the report for reflecting the full scope of views presented during the session; whereas an ‘appendix’ or equivalent format would allow for a more comprehensive reflection of the views expressed by all stakeholders during the adoption of the UPR outcome.

session. A group of NGOs<sup>19</sup> stressed the importance of retaining the general debate under Item 6, which it considered a useful opportunity to discuss developments related to the UPR process and the mechanism as a whole.

Amnesty International urged that interactive dialogue in the UPR working groups focus on the key human rights challenges in the State under review, and that recommendations be clearly articulated. It added that a State's acceptance or rejection of recommendations should be unambiguous, and that clear written responses to recommendations should be made available well before the adoption of the UPR outcome.<sup>20</sup>

UN Watch identified excessively positive remarks about certain countries' records, too few references to specific abuses, not enough regard to NGO contributions, and the practice of political and regional alliances of States banding together to protect their peers during interactive dialogues as the weaknesses of the UPR.

The Canadian HIV/AIDS Legal Network noted positively that many States had provided clear responses to each recommendation it had received. It also pointed out the varying attitudes of States to the issue of sexual orientation, which fell into three broad categories: those States that accepted recommendations on this issue (for example, the Czech Republic and Ecuador); those that had at least agreed to consider the matter further, and to engage on it in an open, human rights-based dialogue (India, Benin, Tonga); and a limited number of States that sought to altogether exclude the issue from being addressed. The Canadian HIV/AIDS Legal Network urged this latter group to approach the issue more constructively.

The South African Human Rights Commission, the country's national human rights institution, offered the view that national human rights institutions were well placed to support the linkages between the domestic, regional and international levels of human rights protection, and to ensure a 'cascading down' of international standards.

## Follow-up and implementation of the Vienna Declaration

Under Item 8, 'follow-up and implementation of the Vienna Declaration and Programme of Action', delegations recalled the commitments that countries had entered into during the 1993 World Conference on Human Rights, and reiterated the importance of certain key features of the international human rights architecture that had been conceived or reinforced at that Conference – for example the special procedures, the post of High Commissioner for Human Rights,<sup>21</sup> and the proliferation of national human rights institutions.<sup>22</sup> Some States recalled that the Vienna Declaration had solidified the guiding principles of human rights promotion and protection – namely their universality, indivisibility, and interrelatedness.<sup>23</sup> Delegations considered 2008, the 15<sup>th</sup> anniversary of the Vienna Declaration, an opportune moment to take stock of the human rights achievements and challenges that had emerged since the Conference, and to renew the commitment of the international community to its key principles. Egypt (on behalf of the African Group) recalled that the Vienna Declaration had set in motion efforts to negotiate the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Egypt (on behalf of the African Group) raised the issue of 'universality' and its scope. It suggested that it may prove useful to debate what the concept did not include. Namely, in its view, several trends contradicted

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<sup>19</sup> International Service for Human Rights, the Bahai International Community, and the Cairo Institute for Human Rights Studies.

<sup>20</sup> The Canadian HIV/AIDS Legal Network made a similar point.

<sup>21</sup> Egypt on behalf of the African Group, France on behalf of the European Union.

<sup>22</sup> Egypt (on behalf of the African Group).

<sup>23</sup> Egypt (on behalf of the African Group), Pakistan (on behalf of the OIC), Cuba (on behalf of the NAM).

universality: for example the artificial creation of a hierarchy of rights, and the forcible introduction of norms that were not internationally recognised norms.

France (on behalf of the EU) stressed that the Vienna Declaration should continue to serve as a framework for overcoming obstacles in the implementation of universal human rights. It commended the work of OHCHR, particularly in its field offices, and emphasised the strong contribution special procedures had made to the international human rights system. France also took the opportunity to highlight the fundamental role of civil society in ensuring human rights, and applauded the latter's efforts, particularly the role of human rights defenders.

France (on behalf of the EU) identified the UPR as a key tool for the global promotion and protection of human rights, and called for effective follow-up to the UPR. Pakistan stressed that the mechanism's success rested on its universal and constructive character. In turn, it would need to ensure that it remained non-politicised and non-selective. Pakistan underlined the important role of NGOs in the UPR.

Pakistan (on behalf of the OIC) called for equal attention to be paid to economic, social and cultural rights; civil and political rights; and the right to development.<sup>24</sup> It stressed the importance of the right to self-determination, and the need to combat poverty and, in this context, to cooperate on development at the global level. It also stressed the importance of 'reviving the spirit of the Vienna Declaration', among others by fighting xenophobic tendencies. It considered that the upcoming expert seminar organised by OHCHR on the links between right to freedom of expression and incitement to hatred would allow the Council to gain a better understanding of this issue.

Cuba, on behalf of the Non-Aligned Movement (NAM), underscored that the selective targeting of specific countries for political purposes was unacceptable, and stressed that adequate attention should be paid to poverty, underdevelopment, instability, and foreign occupation.

Several States<sup>25</sup> criticised the European Union's recent 'directive on return of illegal immigrants', which they considered discriminated against migrants from developing countries.

The debate was not concluded and will be pursued the following day.

#### Informal consultations

#### **Protection of the human rights of civilians in armed conflict**

During the day Egypt convened informal consultations on its draft resolution on protection of the human rights of civilians in armed conflict. The discussions focused on several paragraphs that touched on the relationship between human rights law and international humanitarian law and their respective application. In this regard, the USA argued that the Council did not have a mandate to deal with issues that are covered by international humanitarian law.

Most of the discussion focused on a paragraph that would call on all States involved in armed conflict to facilitate the work of any future mechanisms that the Council may establish in response to human rights

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<sup>24</sup> Cuba (on behalf of the NAM) made a similar point.

<sup>25</sup> Egypt (on behalf of the African Group), Cuba (on behalf of the NAM). France, on behalf of the EU, responded that, as it had outlined under Item 3, EU migration policy was based on solidarity and shared responsibility. It stressed that Europe as a region welcomed far more migrants every year than any other region. However, it needed also to counter irregular migration that could lead to trafficking and other criminal activity.

violations in armed conflict. It attracted much opposition from several States.<sup>26</sup> These States argued that the paragraph was redundant or that it added little value. The UK suggested that it could be moved to the preambular part and this suggestion was subsequently supported by the USA. The strongest opposition came from Canada, which stated that it could not endorse a reference to cooperation with such mechanisms. The strong reservations to the paragraph seems to be in stark contrast to the view often expressed by these States in relation to cooperation with Council mechanisms in general.

On the other hand Norway, Denmark, Belgium and Japan seemed willing to accept the paragraph as long as it did not prescribe which kind of mechanisms the Council could establish. France (on behalf of the EU) simply noted that it would have to consider the paragraph carefully, indicating that there is not yet a common EU position. Egypt will hold another informal consultation on 19 September 2008.

### **Human rights voluntary goals**

Brazil introduced a revised draft of its resolution on human rights voluntary goals. The majority of the draft resolution was already agreed upon among the States present. However, the debate continued on a few specific points. Particularly many countries were opposed to a specific deadline for the implementation of the voluntary goals set out in the resolution.<sup>27</sup> Brazil will try to encompass this in the re-wording while still incorporating the 70<sup>th</sup> anniversary of the *Universal Declaration of Human Rights* as an opportunity for countries to look at the status of the goals.<sup>28</sup>

Also the reference to cooperation with ‘mandate holders’ and to the UPR was revisited by China that wanted it replaced by a reference to the Working Group on the right to development and the Social Forum.<sup>29</sup> Making references in the resolution to the right to development and related issues continued to divide States. Brazil will further revise the draft resolution.

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<sup>26</sup> Slovenia, UK, Turkey, Canada, USA.

<sup>27</sup> Singapore, China, Cuba, the Republic of Korea, Bangladesh,

<sup>28</sup> In 10 years time.

<sup>29</sup> Supported by Cuba, the Russian Federation, Bangladesh, Singapore

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