

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

COUNCIL ALERT HUMAN RIGHTS COUNCIL, 14TH SESSION 31 MAY – 18 JUNE 2010

Overview	1
Programme of work.....	1
Other issues	4
Planned resolutions	5
Further information.....	5

Overview

The Human Rights Council (the Council) will hold its 14th session from 31 May to 18 June 2010 in the Palais des Nations, Geneva. It will be the last session of the Council's 4th cycle, and the final session chaired by the outgoing President, Ambassador Alex Van Meeuwen of Belgium. After this session the 14 new members elected to the Council by the General Assembly in May 2010 will take up their seats¹ and a new President will be chosen. According to the principle that the presidency rotates among regional groups, the next president will be from the Group of Asian States. As the Council sets out on the 5-year review of its work and functioning, it will be particularly important to appoint an Ambassador with the ability to forge consensus and a commitment to a transparent and inclusive process.²

On 20 May 2010, the President, convened an organisational meeting to present the draft programme of work for the upcoming session of the Council. Also at this meeting the Council elected Ambassador Pedro Oyarce, the new Ambassador of Chile, as vice-president. He replaces Mr Carlos Portales, the previous Chilean Ambassador, who has left Geneva.

The Council continued the practice of using the organisational meeting as a platform for States and NGOs to share information on initiatives and planned resolutions. This Council Alert highlights the main themes that will be discussed during the upcoming session and lists the resolutions that were announced.

Programme of work

The draft programme of work for the session is available on the Council's website.³

¹ For more information on this story see: <http://www.ishr.ch/general-assembly-news/767-uncontested-council-election-raises-concerns-about-the-integrity-of-its-membership>

² For more information on the Council review see *Human Rights Council review: first steps*: <http://www.ishr.ch/>

³ The draft programme of work is available here: <http://www2.ohchr.org/english/bodies/hrcouncil/14session/>

Dialogue with the High Commissioner

As at every session, the High Commissioner for Human Rights, Ms Navanethem Pillay, will give an update of the work carried out by her and her Office. The update will be followed by a general debate under Item 2.

Thematic focus

Eighteen thematic special procedures will present their reports to the Council.⁴ Following the usual practice, **interactive dialogues** will be held with groups of two or three mandate holders, with one hour notionally allocated per mandate.

Nigeria (on behalf of the African Group) requested that the report of the **Working Group of people of African Descent** be added to the programme of work. While the report will only be available in English, an interactive dialogue with the chair of the Working Group will be scheduled.

Prior to the 13th session of the Council in March, the African Group and the Organisation of the Islamic Conference (OIC) blocked consideration of a joint study on secret detention prepared by four special procedures including the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.⁵ They argued that since a report requested from the Special Rapporteur on countering terrorism compiling ‘good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism’ was not ready for consideration, the joint study could not be presented and discussed. However, it seemed that what the two groups really objected to was the independent initiative taken by the special procedures in drafting the joint study and no doubt reflected concerns in relation to the rather sensitive topic they have examined.

During the organisational meeting, Nigeria (on behalf of the African Group) raised concerns that State submissions for the report on good practices, which had been received past the deadline for inclusion had not been taken into account. It threatened that the African Group would not be able to accept the report as a result. In its questioning of the validity of the report on good practices, Nigeria also seemed to imply that it would again object to the consideration of the joint study on secret detention. However, the Council secretariat explained that the first deadline for contributions to the compilation report had been extended to 1 May, and all contributions received until 5 May had been taken into account. In addition, OHCHR will prepare an addendum including contributions until 17 May, and post all contributions on the OHCHR extranet. Although the four special procedures involved in the joint study are currently scheduled for an interactive dialogue with the Council regarding the joint study, it remains likely that they will face considerable criticism from States about the report.

The Council will also consider a report on reprisals against persons that have cooperated with the United Nations on Friday 4 June.⁶ It will be the first time that the report will include information on reprisals for cooperating with any part of the UN system, and not just the human rights bodies and mechanisms. The report has often received little attention in the past, but certainly deserves serious consideration and follow up by the Council.

Panel discussions

⁴Independent Expert on cultural rights, Special Rapporteur on migrants, Special Representative of the SG on transnational corporations, Independent expert on foreign debt, Special Rapporteur on the right to education, Special Rapporteur on the independence of judges and lawyers, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Special Rapporteur on torture, Working Group on arbitrary detention, Working Group on enforced or involuntary disappearances, Special Rapporteur on freedom of expression, Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Rapporteur on trafficking in persons, Special Rapporteur on health, Independent Expert on extreme poverty, Special Rapporteur on violence against women, Special Rapporteur on racism, and the Working Group on people of African descent.

⁵ For more information see the 13th Council Alert: <http://www.ishr.ch/council-monitor/council-alerts>

⁶ A/HRC/14/19.

There are five **thematic panel discussions** planned for the 14th session.⁷ These panels are all the result of resolutions adopted by the Council. OHCHR circulated hardcopies of the list of panel discussions to take place, detailing the sponsoring States and the budget allocated to each panel. This represents a welcome new attempt to introduce increased transparency around the organisation of panels. The following panel discussions will be held:

- The **annual full day discussion on women's human rights**⁸ consisting of two panels will be convened at the initiative of Chile. This year the focus of the discussion is on the empowerment of women through the right to education.
- A **panel on toxic waste**⁹ will be convened at the initiative of Côte d'Ivoire, to examine the adverse effects of the movement of toxic and dangerous wastes on the enjoyment of human rights. The Special Rapporteur on toxic and dangerous products and wastes will also participate.
- A panel entitled '**Give voice to victims of trafficking**'¹⁰, sponsored by a cross-regional group of States including Brazil, Bosnia and Herzegovina, Egypt, Germany, Nigeria and the Philippines. It will focus especially on the impact of the practice on women and children.
- New Zealand and Colombia will take the lead on a panel on **preventable maternal mortality**.¹¹
- Of particular note is the **panel on the protection of journalists in armed conflict**, held under the lead of Bangladesh, Egypt and Mexico. The Special Rapporteur on the right to freedom of expression will participate in the discussions. *Resolution 13/24*, on the holding of the panel, was adopted by consensus at the March session of the Council. It will be interesting to see whether the role of journalists as human rights defenders will be addressed during the panel discussion.

Country situations

The Council will also hold interactive dialogues with three country specific mandates. The **Independent Expert on Haiti** and the **Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967** will present their reports to the Council. The President informed the Council that the **Independent Expert on the Sudan** will not be able to present his report in person due to health reasons. Depending on his capacity, it may be possible for him to make the presentation via videolink.

The President also informed the Council of a letter received by the **Independent Expert on Burundi**, Mr Akich Okola, requesting permission to submit an oral report before the end of his tenure.¹² Based on consultations with the Government of Burundi, and in the absence of objections by the Government, the President informed the Council that he has granted Mr Okola's request. The report will be presented under Item 10 together with the report of the **Independent Expert on Haiti**.

Pakistan (on behalf of the OIC) and Palestine objected to the consideration of the report of the **Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967**. They did not, however, clearly specify the reasons for their objections. Palestine claimed that the report violates resolutions of the General Assembly, the **Code of Conduct** and the manual of special procedures, and that as a result it could not be brought before the Council. The President acknowledged that there was a 'legal issue' in the current version of the report of the Special Rapporteur, and that the report was currently being revised.

Universal periodic review (UPR)

⁷ Concept notes on all these panels will be made available in due course on the HRC extranet:

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/14thSession>

⁸ HRC/RES/6/30.

⁹ HRC/RES/12/18

¹⁰ HRC/RES/12/18

¹¹ HRC/RES/11/8

¹² Mr Okola's term will end in June. He was mandated by the Council to report on the establishment of a national human rights institution. Since that has not yet been achieved he has been unable to report to the Council.

The Council will consider and adopt the reports on the review of 16 States from the UPR Working Group's February 2010 session.¹³ NGOs, along with other stakeholders, will have the opportunity to make general comments prior to the adoption of the reports. One hour is set aside for the adoption of each report. Twenty minutes of that hour is reserved for the State under review to present its views on the recommendations made in the Working Group. Twenty minutes are set aside for member and observer States, and for other stakeholders respectively.

Pakistan (on behalf of the OIC) again raised the issue of the UPR speakers list and expressed the hope that the Council would be able to take a decision on this issue. This comes after concerns expressed during previous sessions about the number of States wanting to speak at the UPR Working Group, with the result that the final reports could not properly reflect all interventions made within the word limits prescribed for the report.

Appointments and elections

The President, with the Council's endorsement, will appoint eight new mandate holders.¹⁴ Several names for each vacancy have been suggested by the Consultative Group.¹⁵ The report detailing the candidates and their experience is available on the OHCHR Extranet.¹⁶ The President is currently holding consultations with all interested stakeholders including national human rights institutions and NGOs before making his final selection. Views on the candidates proposed by the consultative group can be sent to hrcspecialprocedures@ohchr.org.

The Council will also elect a member of the Advisory Committee to replace Mr Miguel Alfonso Martinez, who passed away recently.

Other issues

Prompted by Palestine's reference to the Code of Conduct, the President reminded the Council that any alleged breach of the Code of Conduct should be brought to the attention of the Coordinating Committee of Special Procedures, and that he would bring it to the attention of the Coordinating Committee if he received such complaints. Nigeria 'emphasised for clarity' that the Coordinating Committee was not an established mechanism, and was therefore not authorised to deal with issues arising from the institution-building text. The UK expressed its support for the President's approach, and stated its view that the Code of Conduct was formally separate from the institution-building text, and that the Coordinating Committee was the appropriate body to deal with matters arising from alleged violations of the Code of Conduct. Nigeria was compelled to respond again, and argued that the Code of Conduct was annexed to the institution-building text and therefore had no independent life. Any issue arising from the Code of Conduct should be seen in connection with the institution-building text. It also claimed that the President had no authority to refer issues arising from the implementation of the Code of Conduct to the Coordinating Committee. The issue remained unresolved. The incident seemed to foreshadow discussions coming up in the context of the 2011 review of the Council. It is likely that the special procedures and the Code of

¹³ The 7th session of the UPR Working Group reviewed Angola, Bolivia, Bosnia and Herzegovina, Egypt, El Salvador, Fiji, Gambia, Iraq, Iran, Italy, Kazakhstan, Madagascar, Nicaragua, Qatar, San Marino and Slovenia. See www.ishr.ch/upr_monitor for further information and reports on these reviews.

¹⁴ The mandate holders whose terms come to an end this session are: Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions; Santiago Corcuera Cabezut, Working Group on Enforced or Involuntary Disappearances; Okechukwu Ibeanu, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights; Asma Jahangir, Special Rapporteur on freedom of religion or belief; Vitit Muntarbhorn, Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea; Vernor Muñoz Villalobos, Special Rapporteur on the right to education; Akich Okola, Independent Expert on the situation of human rights in Burundi; Shaista Shameem, Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination.

¹⁵ The Consultative Group, established in accordance with Human Rights Council resolution 5/1, submits to the president, 'at least one month before the beginning of the session in which the Council would consider the selection of mandate holders, a list of candidates who possess the highest qualifications for the mandates in question and meet the general criteria and particular requirements'.

¹⁶ The *Report of the Consultative Group to the President of the Human Rights Council relating to the Special Procedures mandate-holders to be appointed at the 14th session of the Human Rights Council* is available on the HRC Extranet. Username: hrc extranet Password: 1session <http://portal.ohchr.org/portal/page/portal/HRCExtranet/SpecialProcedures/Final%20CG%20report%20to%20the%20President%20070510.pdf>

Conduct will again be controversial areas for discussion, and the Council must ensure that the review is used as an opportunity to strengthen the system of special procedures.¹⁷

Planned resolutions

The following resolutions will be negotiated during the session.

The African Group (coordinated by Nigeria) will present resolutions on: the Working Group on people of African descent; Follow up to the Durban Declaration and Programme of Action; and the effect of foreign debts on the enjoyment of human rights.

France jointly with Argentina will present a resolution on enforced or involuntary disappearances.

Spain (on behalf of the EU) will present a resolution on freedom of religion and belief.

Cuba will present resolutions on a convention on the human right to peace; the effect of foreign debt on the enjoyment of human rights; and the Independent Expert in the field of cultural rights.

Palestine may present a resolution on follow up to the 13th special session and the Goldstone report.

Canada will present a resolution on violence against women.

Germany and the Philippines will present a resolution on trafficking in persons.

Austria will present a resolution on internally displaced persons to extend the mandate of the Special Representative of Secretary-General.

Ukraine will present a draft resolution on the role of prevention in the enjoyment of human rights.

Further information

For further information on the Human Rights Council, please consult the following resources:

- Follow ISHR on Twitter: [@ishr_geneva](https://twitter.com/ishr_geneva).
- Web site of the International Service for Human Rights, providing up-to-date information before, during and after sessions of the Council: <http://www.ishr.ch/council>. During the session, ISHR will provide information about the Council's proceedings on a regular but not daily basis. You can subscribe to receive alerts of our publications by sending an email to information@ishr.ch.
- Oral statements made at the Council, as well as other informal documents and draft resolutions are available on the 'OHCHR extranet' at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: 'hrc extranet' Password: '1session'.
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 12th session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/12session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/12session/reports.htm>.

NGOs, NHRIs and human rights defenders seeking more specific information or individual advice on the Council session, please contact the ISHR secretariat by email or phone at +41 (0) 22 919 71 00.

¹⁷ A number of NGOs have put forward a set of principles in this regard, available at http://www.ishr.ch/component/docman/doc_download/910-10-principles-on-a-successful-review-of-the-council-as-it-relates-to-special-procedures

COUNCIL MONITOR STAFF

Eléonore Dziurzynski, Communications Officer
Michael Ineichen, Human Rights Officer
Heather Collister, Human Rights Officer
Katrine Thomasen, Manager International Programme

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 Council 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.

SUBSCRIPTION

If you wish to receive the Council Monitor Council 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, DISTRIBUTION AND USE

Copyright © 2009 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. ISHR accepts no responsibility for any inaccuracies arising from or connected to unapproved or unofficial translations of its publications or parts thereof.

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.