

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## DISCUSSION ON OBJECTIVES AND MODALITIES OF PANELS HUMAN RIGHTS COUNCIL, 11TH SESSION AFTERNOON, 12 JUNE 2009

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### Overview

At the afternoon of Friday 12 June, President Uhomoibhi organised a short discussion on the functions and modalities for future panel discussions. He began by asserting that panels should never be used to replace existing, more formal mechanisms, but that they are a valuable way of enhancing dialogue and achieving mutual understanding. The organisation of this ‘procedural panel’ came as a reaction to the opposition by some States to the President organising a thematic panel discussion. Originally, the President had planned to hold a thematic discussion on the protection of civilians in armed conflict. However, during the organisational meeting held prior to the 11<sup>th</sup> session, several States objected to this, arguing that panels could only be organised by a decision of the Council, and that the Bureau of the Council merely has an organisational role.<sup>1</sup> The holding of this ‘procedural discussion’ seems to represent a compromise allowing the President of the Council to convene a discussion, although on a primarily procedural topic. It was, however, not a normal panel discussion with several speakers.

President Uhomoibhi tried to structure the session with some leading questions on the possibility of holding panels on issues which are not urgent or which do not address gross violations of human rights, and what kind of follow-up to panel debates, if any, there should be.

Participation in the debate was limited. States taking the floor included the Czech Republic on behalf of the European Union (EU), the Philippines, India, China, Brazil, Mexico, Canada, Switzerland, Senegal, Nigeria, Indonesia, Pakistan, the US and Algeria. All States agreed that panels should not be used to replace existing mechanisms but emphasised their utility in establishing dialogue and exploring themes in a less formal environment.

Most States seemed to support the notion of encouraging debate about particular human rights issues, and in this regard Mexico highlighted two recent panels that it considered useful in advancing discussion of thematic issues such as the rights of the child and discrimination against persons with disabilities. Canada also reacted to the statement made by China that panels should not be new human rights mechanisms, by emphasising the need to create alternative fora for substantive dialogue, and not just on modalities. The Ambassador of Canada suggested that discussions should be informal, to the extent that delegates should represent their own views, and not those of their government. While this is certainly an innovative and creative proposal, it is questionable whether it will find much support from States or is even practically possible.

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<sup>1</sup> See ISHR’s Council Alert, available at [www.ishr.ch](http://www.ishr.ch)

Views did however tend to differ on the selection of panellists and the outcome of panel discussions. On the issue of establishing an appropriate geographical and gender balance among panellists, nearly all States agreed. Some also suggested that panels should represent various cultures and legal systems. India in particular raised the need to have representatives from the developing world. Indonesia, China and Pakistan were preoccupied with ensuring transparency in the choice of panellists.

Concern was also expressed by the Philippines, Canada, Switzerland and Indonesia for the need to give advance notice of the topics for discussion, as well as any relevant documents, to enable States to contribute appropriately to the discussion. Pakistan went further in calling for the panellists to circulate their statements in advance.

On the issue of follow-up, the Czech Republic (on behalf of the EU) and Senegal were keen on sharing summaries of the debate whilst India insisted that there should be ‘very little’ outcome at all. Indonesia, China and Pakistan did not offer any thoughts on possible follow-up at all.

In relation to the number of panels that are currently held by the Council, the Philippines advocated for clearer criteria for the holding of panels, to ensure their continued high quality. The Czech Republic (on behalf of the EU) suggested a more even spread of panels throughout the year.

The President ended by reasserting the need to further develop panels, which he called ‘an important tool of the Council’ in providing detailed information about a thematic issue, and building consensus among States. It is unclear what the outcome of this discussion on panels will be. It remains elusive whether the holding of this debate has moved the debate on the issue forward. Brazil suggested that the question be returned to in the framework of the review of the Council in 2011.

### Further information

For further information on the BODY, please consult the following resources:

- 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](mailto:information@ishr.ch).
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 11<sup>th</sup> session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/11session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm>.
- More 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’.

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