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HUMAN RIGHTS COUNCIL

Sixth session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 September 2007, at 10 a.m.

President: Mr. COSTEA (Romania)

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The meeting was called to order at 10.25 a.m.

ORGANIZATIONAL AND PROCEDURAL MATTERS (agenda item 1) (continued)
(A/HRC/6/1 and Add.1)

1. The PRESIDENT drew the Council's attention to document A/HRC/6/1 And Add.1, which contained the agenda. He suggested that the Council should proceed on the basis of that document and continue its discussion on how to approach its yearly calendar of work.
2. During the current cycle, the Council should focus on two categories of objectives. First, the Council must conclude the institution-building exercise by implementing the relevant decisions that it had adopted at the end of the previous cycle. It was also necessary to adopt guidelines for the documentation to be used during universal periodic reviews, select the technical objective criteria for appointing mandate-holders and electing members of the Advisory Committee, and decide on the future of several working groups established by the Commission on Human Rights. The Council must also begin to review, rationalize and improve mandates.
3. The second category of objectives included ways of approaching and considering substantive issues. He had requested delegations to share with the Council their intentions concerning the tabling of draft resolutions and decisions, and concerning other proposals that would lead to meaningful debates on issues related to the promotion and protection of human rights.
4. There was a close relationship between the two categories of objectives, since substantive discussions on human rights-related matters would occur both during the Council's discussion of various types of reports and during the interactive dialogues. The Council's work had been organized on the basis of those two categories of objectives and on the agenda contained in the institution-building package.
5. The draft programme of work was the result of consultations that the Council had held in recent weeks. It contained the items of the Council's agenda and the topics that had emerged from the institution-building package contained in Human Rights Council resolution 5/1.
6. During the first part of its sixth session, the Council would discuss the gender perspective and ways of incorporating it into its work. The discussions would have a moderator, and three or four members of a panel would make presentations, which would be followed by an interactive dialogue.
7. Several delegations had recently informed him that they wished to express their positions on each agenda item. The Council would have to consider that matter, which was not explicitly addressed in the institution-building package. He proposed that member States and observers that wished to take the floor on topics other than those included in the programme of work should place their names on the list of speakers. Member States would be given five minutes to make their statements, and observers would be given three minutes. The programme of work for the second part of the session, which would be held from 10 to 14 December 2007, would include the observance of International Human Rights Day.

8. For the interactive dialogues that would follow the reports of the special procedure mandate-holders, he proposed that the Council follow the procedure that had been used at its fifth session. There would be no list of speakers; members and observers would be free to use their nameplates; other participants, such as non-governmental organizations (NGOs) and national institutions, would be invited to inscribe their names on the list of speakers. Mandate-holders would have 10 minutes to present their reports, the country concerned would have 5 minutes, member States would have 5 minutes and observers would have 3 minutes. At the end of the discussions, mandate-holders would have 5 minutes.
9. Mandates would be reviewed in a manner that allowed for the proper allocation of time to such an important issue. Council resolution 5/1 provided for the possibility, on an exceptional basis, to extend the term of those mandate-holders who had served more than six years, until the relevant mandate was considered by the Council and the selection and appointment process had concluded. That meant that the Council could, by a general decision, extend all mandate-holders to avoid a protection gap.
10. The review of mandates could be dealt with in three stages. The first stage should include the assessment of the mandate, where sponsors and interested States were invited to express their views on the mandate, preferably in the presence of the mandate-holder. Delegations, followed by NGOs and other observers, would then be invited to take the floor. The next stage would include the presentation of the mandate-holder's annual or final report. The final stage should be the outcome of the review, rationalization and improvement of each mandate, which would take place in the context of negotiations on relevant resolutions. All three stages would not necessarily take place at the same session.
11. Mr. KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), condemned the two recent terrorist incidents in Algeria in which more than 50 people had been killed. He also strongly condemned the publication of an offensive sketch of the Holy Prophet in a Swedish newspaper; such blasphemy should not be allowed to flourish under the banner of freedom of expression.
12. General Assembly resolution 60/251 clearly stated that the work of the Council should be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to promoting and protecting all human rights. The Council should fully adhere to those fundamental principles in its working methods.
13. The reflection and repetition of the agreed agenda items in the draft programme of work was a good practice and would ensure stability, predictability and uniformity in the Council's work.
14. He noted that a number of reports to be considered at the current session were not yet available. Documentation for a given session of the Council must be issued in a timely manner in order to enable delegations to prepare their briefs in consultation with their Governments.

15. He requested that the report on combating defamation of religions (A/HRC/6/4), which had been listed for consideration under agenda item 3 (Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development), should be considered under agenda item 9 (Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action).

16. OIC welcomed the Council's forthcoming discussion of the gender perspective and requested additional information on the subject in order to ensure a useful and substantive interactive session.

17. While OIC looked forward to the Council's completion of the institution-building process at the current session, it stressed that pending issues should be dealt with at the right pace and without undue haste. The inaugural session of the universal periodic review mechanism should be held after the Council's session in March 2008, since that would give States sufficient time to consult all stakeholders.

18. He supported the Council's efforts to expedite the establishment of the Voluntary Trust Fund. While OIC welcomed the inclusion of the review of mandates in the programme of work for the current session, it pointed out that the rationale for selecting the mandates to be reviewed was not self-evident. In future, the Council should make use of a transparent and uniform formula to select mandates for review. The assessment of mandates should have no link with the presentations of reports by mandate-holders. OIC proposed that the review exercise should be called "review, rationalization and improvement of mandates".

19. Initiatives and proposals on various agenda items should be put forward at one designated session, and two subsequent sessions could be used for follow-up. OIC welcomed the forthcoming discussions of the work of the Preparatory Committee for the Durban Review Conference and the presentation by the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action. He reiterated the importance of streamlining the Council's relationships with the General Assembly, the Secretary-General and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

20. Mr. SHOUKRY (Egypt), speaking on behalf of the Group of African States, said that, in the interests of predictability and stability, a programme of work for the whole coming year should be adopted as soon as possible. The applicability of agenda items to all regular sessions would ensure legality and objectivity.

21. While it might not be possible for certain mandate-holders to be present during the review of their mandates, he stressed that neither their presence nor the presentation of a final report was a precondition for such reviews. Furthermore, the Group of African States formally proposed that the item in the draft programme of work entitled "Assessment of mandates" should be renamed "Review, rationalization and improvement of mandates".

22. The discussion on pending institution-building issues should be referred to in the programme of work not as an “informal meeting” but as a formal item under which informal consultations could take place. Delegations and regional groups should be given sufficient time to study the proposals submitted. In that regard, the Group of African States noted with concern that, despite its repeated requests, not all the documents for discussion at the current session had been made available in all official languages at least two weeks before the consideration of the relevant agenda item.

23. It was important to clarify the institutional relationship between the Council and OHCHR at an early stage in the life of the Council, and he hoped the Council would hold discussions on that subject at the current session.

24. Mr. THORNE (United Kingdom), speaking on behalf of the Group of Western European and Other States, said that he had taken careful note of the various titles that other political and regional groups were suggesting for the mandate review process, and of the rather long lists of issues that some groups wished to raise during the current session. It was important that the Council should be able to deal with the full range of issues before it at the appropriate time.

STATEMENT BY THE MINISTER OF JUSTICE OF THE ISLAMIC REPUBLIC OF MAURITANIA

25. Mr. OULD TEGUEDI (Observer for Mauritania) said that, following its successful transition to democracy, Mauritania had entered a decisive stage in its history. Aware of the importance of restoring the rule of law, reinforcing the role of the judiciary and meeting the basic needs of its citizens, the new Government had enacted legislation on such issues as the status of the democratic opposition, prisoners’ rights, AIDS prevention and care, women’s access to elected office, and the repression of slavery.

26. His Government was committed to the proper resolution of the question of Mauritanian refugees in Senegal and Mali, and had already taken action to arrange for their return under an agreed plan of action. His Government was grateful to the Office of the United Nations High Commissioner for Refugees (UNHCR) for its assistance in that regard. The Government of Mauritania was determined to address the legacy of the human rights violations that had occurred between 1990 and 1991, in a spirit of justice, tolerance and national reconciliation. Mauritania was counting on the support of the international community as it prepared to meet the challenge of creating a truly democratic State.

27. Mr. LOULICHKI (Observer for Morocco) said that the measures described by the observer for Mauritania demonstrated the Mauritanian Government’s democratic aspirations. Mauritania had sent a message to the international community through the Council and he hoped the international community would not disappoint that country at such a crucial juncture in its history.

28. Mr. AL-JAZAÏRY (Observer for Algeria) thanked all those who had expressed their sympathy for and solidarity with his country in the wake of the recent terrorist attacks in which innocent people had been killed.

29. Human rights were not the prerogative of a particular civilization but were based on civilized values that were common to all. Mauritania was setting an example in that regard and needed every encouragement as it began to tackle subjects that had too long been avoided. Mauritania had shown that it was possible to address such topics while remaining faithful to its Arab and Islamic heritage.

The meeting rose at 11.25 a.m.