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HUMAN RIGHTS COUNCIL

Sixth session

SUMMARY RECORD OF THE 1st (ORGANIZATIONAL) MEETING

Held at the Palais des Nations, Geneva,
on Friday, 24 August 2007, at 10 a.m.

President: Mr. COSTEA (Romania)

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The meeting was called to order at 10.10 a.m.

OPENING OF THE MEETING

1. The PRESIDENT declared the organizational meeting of the sixth session of the Human Rights Council open.

ORGANIZATIONAL AND PROCEDURAL MATTERS

2. The PRESIDENT introduced and invited comments on the revised draft programme of work for the Council's sixth session in September 2007, the overview of the draft annual programme of work, and the draft calendar of meetings for 2007 and 2008 posted on the Human Rights Council extranet. He said that the review, rationalization and improvement of mandates should comprise three stages, which need not all take place at the same session: assessment of the mandate; presentation of the annual final report by the mandate-holder; and the outcome of the assessment.

3. Mr. KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference, said that consideration of the report of the Working Group on the universal periodic review mechanism should be deferred until after March 2008 in order to allow more extensive consultations. The prompt establishment of a voluntary trust fund to help least developed countries participate in the universal periodic review (UPR) process was important, and the Office of the High Commissioner for Human Rights (OHCHR) should assign priority to that matter. The assessment of mandates should not be linked to the presentation of a final report by the mandate-holder, but should take place as part of the overall process of review, rationalization and improvement.

4. He asked for clarification of the purpose of the informal meeting scheduled in the draft programme of work for the September 2007 session, and proposed that the item entitled "composition of the Working Group on Communications" should be renamed "decision on the Working Group on Communications". He also requested the addition to the agenda for the sixth session of an item on the interaction between OHCHR and the Council.

5. The PRESIDENT said that the purpose of the informal meeting was to consider the non-papers resulting from the facilitation processes.

6. Mr. ESTEVES (Observer for Portugal), speaking on behalf of the European Union, said that several examples of fruitful cross-regional coordination had enhanced the Council's capacity to work in a spirit of consensus and cooperation. A crucial part of the Council's work would be to take decisions, in that same spirit, on the outstanding institution-building issues.

7. With regard to the calendar of meetings, he said it was very important to hold the first session of the Working Group on Universal Periodic Review before the high-level segment of the main session of the Council. The Council must be able to show the international community timely results of its work, particularly on the crucial topic of universal periodic review. He hoped that the final version of the calendar would avoid any overlap between meetings of the Council or its open-ended working groups and of the Third Committee of the General Assembly.

8. Regarding the draft programme of work for the September 2007 session, he proposed that general statements should be allowed at the opening of each agenda item. He would welcome information on when during the session the High Commissioner for Human Rights would address the Council.

9. The PRESIDENT said that time for general statements had already been allocated in the draft programme of work under the heading “general debate”.

10. Mr. SHALABY (Egypt), speaking on behalf of the African Union, emphasized the exceptional nature of the resumed sixth session to be held in December 2007; in general, the Human Rights Council should hold only three sessions a year. He deeply regretted that the review of the mandates of the independent experts on the situation of human rights in the Democratic Republic of the Congo and Burundi, and of the Special Rapporteur on the situation of human rights in the Sudan, had not been included in the final version of the draft programme of work for the September 2007 session. In view of its ambiguity and implications, the term “assessment of mandates” used in the draft programme of work should be changed to “review, rationalization and improvement of mandates”. Reviewing and deciding on any particular mandate, including those relating to the situation of human rights in the Democratic Republic of the Congo, Burundi and Sudan, was not contingent on consideration of the report submitted by the mandate-holder concerned.

11. He understood the subheadings appearing under the various agenda items in the draft programme of work to be mere indications of issues to be taken up; they should in no way restrict the right of groups and delegations to discuss other issues or put forward initiatives. Consultations should be scheduled on the institutional relationship between the Human Rights Council and OHCHR. It was important to ensure that all documents relating to the Council’s work were circulated in all official languages at least a fortnight before consideration of the relevant items. The time allocated for informal meetings during the September session should be used solely for consultation on the outcomes of the outstanding institution-building issues - one of the main priorities of the session.

12. The African Group would welcome the convening of a limited session of the Working Group on the Right to Development. It endorsed the comments made by the representative of Pakistan concerning the Working Group on Communications, and proposed that the first session of the Working Group on the universal periodic review mechanism should be held immediately after the Council’s main session in March 2008. It hoped the issue of the UPR voluntary trust fund would be given the necessary attention.

13. Mr. MARTÍNEZ ALVARADO (Guatemala) noted that the texts under discussion formed part of the Council’s development process, and, while his delegation might not agree with every detail, it accepted them in principle. The way forward was not to criticize, but to make constructive proposals and reach agreement on the Council’s institution-building process as soon as possible. Lastly, he reaffirmed his delegation’s commitment to promoting the rights of indigenous peoples nationally and internationally.

14. Mr. FLORÊNCIO (Brazil), speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), said that GRULAC had taken an active role in the institution-building process and was committed to effective implementation of the Council's institutional framework, including the agreements on the Advisory Committee, universal periodic review and mandate-holders. He was confident that the President would give priority to such efforts. The Council's annual programme of work must guarantee a balanced, objective, transparent and flexible approach to all areas of human rights. There must be no delay in the establishment of the UPR mechanism, and the related definitions should be agreed upon at the Council's sixth session since States would need time to prepare for review.

15. Speaking on behalf of his own delegation, he observed that States' national reports for UPR should be prepared by means of a broad, inclusive consultative process, and include three sections: legal framework; human rights bodies and national institutions; and the human rights situation, main problems and achievements, and the extent to which international commitments were being honoured. It was vital to ensure an appropriate and effective outcome to the UPR process. Brazil was in favour of a broad and consistent view of all human rights mandates. The Council should ensure the coherence and effectiveness of all special procedure mechanisms and firmly avoid any setback in the protection and promotion of human rights.

16. Mr. MATVEEV (Russian Federation) said he hoped that documentation for the sixth session of the Council would be made available well in advance to facilitate productive dialogue. He was pleased that the work of the Council would be structured in accordance with the agenda set out in Council resolution 5/1, thus avoiding the chaos which had characterized its first year of existence, and welcomed the imminent conclusion of the institution-building process. While appreciating the inclusion of mandate review on the agenda, he wondered why the presentation by mandate-holders of their annual or concluding reports had been designated a separate stage of the three-stage assessment process proposed by the President. He also asked what topics would be discussed during the informal meeting scheduled in the draft programme of work.

17. His delegation had repeatedly stated that the President's suggestion of retaining part of the former membership of the Working Group on Communications was legally unsound; that being so, he wished to know how work on agenda item 5 would proceed. He called for the procedure for selecting countries for universal periodic review to be formulated before the sixth session of the Council, and expressed doubts over the decision to hold that session in two separate parts.

18. The PRESIDENT explained that the expression "Assessment of Mandates" had been used on the draft programme of work for two reasons: first, the full title, "Review, rationalization and improvement of mandates", was simply too long; and second, section 2 (B) of Council resolution 5/1 referred to assessment of mandates.

19. Mr. MNATSAKIANIAN (Observer for Armenia) expressed the hope that, by the end of the sixth session, a clearer draft calendar and annual programme of work would have been worked out, and that the work on institution-building (excluding the review of mandates, which would continue throughout the year) would be complete. Predictability in the Council's business was important for delegations, but no less important for representatives of civil society and national

human rights institutions (NHRIs). As the last opportunity that many of them had had to engage in the work of a United Nations human rights body had been at the sixty-first session of the Commission on Human Rights in March-April 2005, they should be encouraged to re-engage as soon as possible.

20. He asked whether the President envisaged an opportunity to make general statements during the sixth session, and, if so, what procedure would be followed.

21. Ms. TOMIČ (Slovenia) welcomed the overall balance of the draft programme of work, and the fact that the assessment of mandates was to be taken up as early as the sixth session. However, her delegation had three comments. First, time should be allotted in the programme of work for consideration of the integration of gender issues into the overall work of the Council. The sixth session offered an opportunity to begin considering how best to approach and systematize gender mainstreaming. The gender perspective must be properly applied both to UPR and to the process of reviewing special procedures mandates. Secondly, assessment of the special procedures mandate on the sale of children, child prostitution and child pornography should be rescheduled from the sixth to the seventh session, as all child-related mechanisms could thus be assessed comprehensively in conjunction with related work, especially during the sixty-second session of the General Assembly. Lastly, the drawing of lots to determine the order of States for UPR in 2008 should take place early in the sixth session.

22. Mr. ARTUCIO RODRÍGUEZ (Uruguay) offered some substantive points on the UPR guidelines, the review of mandates and the identification of the technical requirements for the submission of candidatures for the Advisory Committee. He said that his delegation shared the concern for indigenous peoples voiced by the representative of Guatemala, and expressed support for the efforts made by Mexico and Guatemala to protect their interests. Each State facing UPR must be allowed adequate time for preparation, which should include extensive consultations with State bodies, NGOs and civil society representatives. Lastly, he reasserted the importance of ensuring appropriate follow-up to the UPR process.

23. Ms. GÓMEZ OLIVER (Mexico) suggested that an exchange of views between representatives of the Council and indigenous groups would be invaluable to work on the rights of indigenous peoples. She supported the proposal by the representative of Slovenia for a panel to discuss gender mainstreaming, and called for the gender perspective to be taken into account when decisions were taken on the special procedures.

24. All the necessary decisions on the package comprising Council resolutions 5/1 and 5/2 should be taken at the sixth session, including a decision on the establishment of the Advisory Committee. The Working Group on Communications could then be set up and the complaint procedure put into effect. The wording used in the draft programme of work - "assessment" of mandate-holders - did, however, require further consideration.

25. The PRESIDENT said it had been decided that all three stages of the assessment and review of mandates need not take place at the same session, as it was important to give members of the Council time to propose draft resolutions after the special procedures had been assessed; further consultations could still be conducted on the issue.

26. Mr. MINAMI (Japan) said that, since the first year of the Council's work had been devoted to institution-building, real work on the promotion and protection of human rights should begin as soon as possible. He supported the suggestion of informal meetings at the sixth session, but stressed that institution-building issues should be settled in a consensual manner and without delay. He also endorsed the timetable suggested by the President for the application of universal periodic review. Since the special procedures played a key role in the Council's work, the review of mandates called for careful consideration.

27. Mr. BESSEDIK (Observer for Algeria), expressed concern that proposals submitted by the Group of African States had not been included in the draft programme of work. He called for the first session of the Working Group on the universal periodic review mechanism to take place immediately after the sixth session of the Council. Willingness to start the UPR process should not be mistaken for haste, but countries selected for universal periodic review would require time to prepare, and the suggestion that the work of the universal periodic review mechanism should begin only in February 2008 must therefore be reconsidered. He contended that the review of mandates should focus on rationalization, review and improvement rather than assessment and that links between the presentation of reports and the review of mandates should be avoided. Moreover, the eligibility criteria for members of the Advisory Committee were set forth in Council resolution 5/1 and required no further discussion.

28. Raising concerns about the general debate scheduled for the sixth session, he said that general comments should relate directly to each agenda item, so that the politicization which had characterized previous sessions of the Council could be avoided; the topics to be discussed during the general debate should be identified.

29. Mr. VON KAUFMANN (Canada) appealed for general comments by delegations and non-governmental organizations to be allowed under each agenda item. He supported the proposal to discuss gender perspective during the sixth session. Another priority for that session would be to adopt guidelines for State input to universal periodic review and to draw up technical eligibility criteria for special procedure mandate-holders and members of the Advisory Committee in a transparent and consensual manner. The processes and modalities of the universal periodic review mechanism had already been laid down in Council resolution 5/1 and needed only to be put into effect: he requested details of the processes by which countries would be selected for universal periodic review and the group of three rapporteurs (*troika*) would be chosen. He also asked what progress had been made in the consultations on the subsidiary bodies of the former Commission on Human Rights.

30. The PRESIDENT replied that a transparent and efficient way to select countries for universal periodic review was being sought.

31. Mr. LA Yifan (China) joined the calls for swift and consensual resolution of outstanding institution-building issues. He appealed for an early beginning to universal periodic review, provided that the quality and reputation of the mechanism would not suffer thereby. Given that the preparation of reports for other United Nations human rights bodies could take years, he asked for countries to be allowed sufficient time to prepare for universal periodic review. The establishment of the UPR voluntary trust fund was in his view vital to the successful start of universal periodic review. He underscored the importance of the relationship between the Council and OHCHR, and called for it to be strengthened accordingly.

32. Ms. ÖZÇERI (Observer for Turkey) said that the sixth session of the Council would be a transitional one during which decisions on the package comprising Council resolutions 5/1 and 5/2 must be taken as efficiently as possible, since the effective functioning of the Council depended on it. Wherever possible, mandate-holders should be present when their mandates were reviewed. She supported the calls for a gender perspective to be integrated into the work of the Council, and for documentation to be made available at least 15 days before the start of each session.

33. Mr. EGUIGUREN (Observer for Chile) said that his delegation endorsed the position expressed by the representative of Guatemala on the question of indigenous peoples, and the view that the gender perspective required specific discussion. The gender perspective should be an integral aspect of every agenda item. More generally, it was important to have a programme of work for the year as soon as possible so that delegations could plan properly for the discussions on each item.

34. Mr. RAHMAN (Bangladesh) said that the priority for the sixth session should be to complete the work on institution-building. On the question of the selection of mandates, he said that the Council should follow certain criteria in order to avoid controversy. For the assessment of mandates it was not necessary for the mandate-holder to be present; moreover, his delegation did not see any need for the mandate-holder to present a final report before review: the Council would be taking a decision on the mandate, not on the substance of a report.

35. The purpose of the general debate segment of the draft programme of work was not very clear. The second debate appeared to have been included to allow delegations to raise any issue they wished, along the lines of "other business"; his delegation was opposed to that idea. The purpose of a general debate was to give States an opportunity to report general developments and problems in their countries.

36. In closing, he urged that the first cycle of UPR should begin after the Council's March 2008 session in order to allow States adequate time to prepare.

37. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) said that it was regrettable that the Council was planning to assess the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea at its March 2008 session and to consider the report of the Special Rapporteur at its June 2008 session. That timing clearly prejudged the outcome of the review of the mandate, and such an approach was not being taken to any other State that was the subject of special procedures. His country had been subjected to similar treatment at the General Assembly in 2006 and again at the Council earlier in 2007, and his delegation hoped it would not be repeated.

38. Ms. VOLKEN (Switzerland) said that it was necessary to complete the institution-building work in September and her delegation supported the President's endeavours to that end. Her delegation took note of the methodology proposed for assessing mandates; it believed that mandate-holders should be present during the assessment.

39. Her delegation favoured devoting a half-day's discussion to the question of gender mainstreaming and supported the inclusion of the gender perspective in all the Council's work.

40. The working group on UPR should hold its first meeting as soon as possible, for example in February 2008.

41. Mr. FISHER (Canadian HIV/AIDS Legal Network) said he welcomed the Council's open approach to consultations with States and non-governmental organizations. The general debate was a welcome segment of the draft programme of work, and he supported those States that had requested the opportunity to make general comments on specific agenda items throughout the session.

42. Gender integration, as distinct from the substantive human rights of women, was an institutional issue related to the Council's organization of its work and was therefore an appropriate topic for the next session, under either agenda item 3 or agenda item 8.

43. He encouraged the Council to devote time at its March 2008 session to the question of thematic protection gaps in order to ensure that no human rights issues were overlooked.

44. Mr. SPLINTER (Amnesty International) said that it was important to take a coherent approach to the assessment of mandates and avoid a piecemeal review. The Council should decide on a starting point for the identification of gaps and overlaps: the Universal Declaration of Human Rights and the International Bill of Rights were two possibilities.

45. The gender perspective was a principle underlying both UPR and the Council's agenda. Many seemed uncertain what it meant, however. If the Council was to apply the principle in practice it must ensure that it was better understood. Early and well-informed discussion would provide a sound basis for meeting that challenge.

46. Mr. GILLIOZ (Human Rights Watch) said that a dedicated slot on gender mainstreaming at the Council's September session would permit discussion of the best ways of integrating gender into the Council's work, the universal periodic review and the assessment of mandates, and of how to reflect women's experience and gender-related violations in the work of the special procedures. That was different from the substantive question of the human rights of women, which would involve deciding what particular experiences of women and girls the Council should look at.

47. Mr. LITTLECHILD (International Organization of Indigenous Resource Development) said that he was concerned at the scant consideration being given to indigenous peoples' issues. His organization and the Assembly of First Nations urged that indigenous peoples' issues should be specifically included in the universal periodic review. The Council should also consider the proposal to establish an indigenous expert body, which could make an important contribution to the Council's work.

48. Mr. PARY (Indian Movement "Tupaj Amaru") said that the Council had at its fifth session renewed all the mandates and mechanisms of the former Commission on Human Rights other than the Working Group on Indigenous Populations, which had existed for 25 years. Indigenous peoples' rights were now, apparently, to be considered together with other questions, rather than

as a separate issue. The Council's purpose in making such an arrangement was not clear. Indigenous peoples' rights should be considered separately, by a body that included representatives of indigenous peoples and communities.

49. The PRESIDENT said that, in organizing the work of the Council, he hoped Member States would show flexibility over their own and other delegations' positions. It would be important to abide by the decisions taken, in the interests of predictability. Lastly, he said the confidence that had been established needed to be further developed; he expected all Member States to continue to be open to new proposals.

The meeting rose at 12.45 p.m.