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SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 23 June 2006, at 3 p.m.

<u>President:</u>	Mr. DE ALBA	(Mexico)
later:	Mr. HUSÁK (Vice-President)	(Czech Republic)
later:	Mr. DE ALBA (President)	(Mexico)

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The meeting was called to order at 3.05 p.m.

EXCHANGE OF VIEWS WITH THE CHAIRPERSON OF THE COORDINATION COMMITTEE OF SPECIAL PROCEDURE MANDATE HOLDERS, A VICE-CHAIRPERSON OF THE SUB-COMMISSION AND THE CHAIRPERSON OF THE MEETING OF CHAIRPERSONS OF THE HUMAN RIGHTS TREATY BODIES

1. Mr. MUNTARBHORN (Chairperson of the Coordination Committee of the Special Procedure Mandate Holders) said that the special rapporteurs, special representatives, independent experts and working groups that were known as special procedure mandate holders viewed the establishment of the Human Rights Council as an opportunity to reinvigorate the global human rights system. The special procedures provided early warning of violations and gave a voice to the victims of abuses; they brought objectivity, expertise and credibility to the process of monitoring human rights protection. Thematic mandate holders investigated the human rights situation in respect of their mandate throughout the world, while other mandate holders dealt with the human rights situation in individual countries. To retain their independence from external political or other influences and to avoid being perceived as partisan, potential mandate holders should not hold decision-making positions within the executive or legislative branches of their Governments.
2. He encouraged current and future members of the Council to cooperate fully with the special procedures, inter alia by extending standing invitations to them to visit their countries, a step that had been taken by 17 current members. He strongly urged countries that had failed altogether to respond to requests for visits, including countries that had extended standing invitations, to do so as a matter of priority.
3. The special procedures wished to be actively involved in the review to be undertaken within a year pursuant to paragraph 6 of General Assembly resolution 60/251. The review should lead to the strengthening of the special procedure system and to greater synergy with other United Nations human rights bodies. The review should begin with a full conceptualization of the role to be played by the special procedures in advising and supporting the Council, above all in the universal periodic review. The individual mandates should then be reviewed in terms of, inter alia, the selection process designed to ensure independence of action, complementarity and gaps, capacity and resources required to fulfil the mandate, enhancement of follow-up mechanisms, and emerging human rights issues.
4. Two examples of the special procedures' commitment to the open and transparent enhancement of their working methods were the establishment of the Coordination Committee in 2005 and the updating of the manual on working methods, a draft of which would be posted on the Internet for comment.
5. He called on the Council to recognize the special procedures system as an indispensable mechanism for the promotion and protection of human rights and to ensure direct and effective interaction with the Council by expeditiously acknowledging and responding to mandate holders' mission reports; responding swiftly to warnings of impending egregious violations and systematically involving mandate holders in the Council's early warning initiatives, thematic

debates and emergency sessions; scheduling an interactive dialogue of at least one hour with each mandate holder during its plenary sessions; and encouraging its members to respond to specific recommendations made in mandate holders' reports.

6. The Council should focus the universal periodic review on assessing States' effective implementation of the findings and recommendations of independent expert bodies rather than duplicating their efforts; to make those findings and recommendations an essential element of the review; to ensure that cooperation with special procedures was a core criterion in its assessment of States; and to involve special procedure mandate holders in the review.

7. He urged the Council to call on States to extend invitations to special procedures; to provide prompt and substantive replies to their communications; to respond promptly to requests for country visits; to facilitate access to victims, rights holders and non-governmental organizations (NGOs); and to implement post-visit recommendations. The Council should also become actively involved in the process of enhancing follow-up mechanisms.

8. The Council should grant the Coordination Committee consultative status from the outset in the review of mechanisms and in all reforms undertaken.

9. He requested the Secretary-General, in cooperation with the High Commissioner for Human Rights, to provide the special procedures with the human, material and financial resources they needed to respond to the challenges posed by the reform process.

10. The Council should recognize the fundamental role of NGOs and regional and national human rights institutions as key partners of the Council and the special procedures. The participation of civil society in the work of the Council should be maintained and enhanced.

11. Mr. SALAMA (Vice-Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights) said that an advisory body, such as the Sub-Commission on the Promotion and Protection of Human Rights, was essential to meet the Council's technical needs.

12. At its fifty-seventh session in 2005, the Sub-Commission had begun to discuss its successor body, which might be called the "human rights consultative committee". However, not all the views that he was about to express reflected a consensus within the Sub-Commission. Change was needed, first and foremost, in the way in which experts were selected, in the methods of work and in the way in which the successor body was linked to the rest of the United Nations human rights system. The Sub-Commission's contacts had regrettably been confined almost exclusively to the Commission and it had only rarely conferred with other components of the system, such as the special procedures and treaty bodies. The successor body should meet with those bodies on a periodic basis and draw up its agenda in consultation with them as well as with the Office of the United Nations High Commissioner for Human Rights.

13. As the field of international human rights law was becoming increasingly technical, he suggested that, when potential members were selected, due attention should be given to their expertise in particular areas. Eligibility criteria could be drawn up to assist Member States in that regard. The quality of the Council's work would depend to a large extent on the expertise available from the different components of the system.

14. At its final session, the Sub-Commission should undertake an assessment of its past achievements and of work in progress, while expanding on the ideas set out in document E/CN.4/Sub.2/2005/L.48. It should also discuss whether its working groups should be maintained in the same format. To that end, the working groups should undertake a self-assessment meeting prior to the session of the Sub-Commission, which could be shortened to two weeks since no resolutions would be adopted.

15. The Social Forum was, in his view, one of the Sub-Commission's most important innovations. It imparted a civil society dimension to the Sub-Commission's work and gave a voice to the socially excluded. The Social Forum should also be linked more closely to the other components of the human rights system. The choice of topics to be dealt with by the Forum should be made jointly with the treaty bodies, the special procedures and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The Forum should act as a sensor of protection gaps and a detector of follow-up failures.

16. Ms. CHANET (Chairperson of the meeting of chairpersons of the human rights treaty bodies) said that all seven treaty body chairpersons whom she represented hoped that the Council would urge States to ratify and implement the core human rights treaties.

17. The experience of the independent treaty body experts in all the areas covered by the Council's mandate under General Assembly resolution 60/251 would constitute an invaluable database of objective information, especially for the purpose of the universal periodic review. In that context, she trusted that the Council would examine the extent to which States acted on the treaty bodies' recommendations and on their views regarding individual complaints, thereby complementing the mandate of the treaty body experts.

18. Apart from the universal periodic review, she was greatly encouraged by the current interactive dialogue with the Council and hoped it would be continued, in particular to enable the treaty bodies to report on their early warning systems and follow-up mechanisms. Unfortunately, administrative constraints affecting the State reporting procedure often made it difficult for the treaty bodies to take urgent action on gross human rights violations.

19. The treaty bodies were constantly seeking to improve their performance in the light of criticism from States parties and NGOs and were currently harmonizing their working methods. They were also discussing the ambitious reform project outlined in the High Commissioner's concept paper. While the concept paper raised many difficult questions, the treaty bodies were ready to cooperate on any project that enhanced the effectiveness of the monitoring system.

20. Mr. FERNÁNDEZ PALACIOS (Cuba) drew attention to a number of flaws in the special procedure system that needed to be remedied. The politicization, selectivity and double standards that had characterized the Commission on Human Rights had stemmed largely from the influence of the country-specific rapporteurs and other procedures. The Chairperson of the Coordination Committee should indicate whether the new era to be ushered in by the Council would bring any change in that regard or whether the old system with its many shortcomings and unjust country-specific procedures would be maintained. He enquired how paragraph 6 of General Assembly resolution 60/251, which referred to improvement and rationalization of the system, would be applied. All mandates were to be extended by a year, which meant that some of the viruses that had infected the Commission were still in existence.

21. Curiously enough, the principle of automatic extension of the special procedures was not being applied to the Sub-Commission, which had to request permission to meet. He stressed the appropriateness of convening the Sub-Commission together with all its constituent bodies.

22. Ms. ELLISON-KRAMER (Observer for Austria), speaking on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Croatia, The former Yugoslav Republic of Macedonia and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina and Serbia, and, in addition, the Republic of Moldova and Ukraine, said that the European Union would contribute actively to the review process mandated by General Assembly resolution 60/251.

23. The Council would benefit greatly from the independent expert advice offered by the special procedures whose work deserved strong support. The European Union was therefore interested in hearing the views of the special procedure mandate holders on their future work with the Council. The European Union noted with satisfaction that an increasing number of Governments had developed a working relationship with the special procedures and that some had issued a standing invitation to mandate holders to visit their country. The European Union called on all States to follow suit. Moreover, States should cooperate fully during visits and reply promptly to all communications. To give further impetus to follow-up, the findings of special procedures should form an important part of the universal periodic review.

24. The European Union wished to hear more about the role that the Coordination Committee, with the support of OHCHR, might play within the framework of the Council. It welcomed the updating of the manual on working methods, which had the potential to improve the efficiency, transparency, integrity and independence of the special procedures.

25. The European Union wished to hear from the Vice-Chairperson of the Sub-Commission about progress made on existing studies.

26. The treaty monitoring bodies played a crucial role in promoting the effective implementation of States' human rights obligations. The European Union attached great importance to ensuring that the universal periodic review mechanism drew on, inter alia, the findings and recommendations of the treaty bodies and special procedures. The treaty body chairpersons should put forward their ideas on how that could be achieved without duplicating or undermining their work.

27. Mr. NORMANDIN (Canada) said that the special procedures were an important mechanism, and he was pleased that they would be maintained. Canada had been one of the first countries to issue an open invitation to the special procedures, and it encouraged all States, in particular the members of the Council, to follow suit.

28. The special procedures mandate holders regularly expressed their desire to visit certain countries, whose Governments responded in various ways. As it was difficult to keep track of Governments' replies, it would be useful to have a simple periodic report on the outcome of such requests. The Chairperson of the Coordination Committee of the Special Procedure Mandate Holders should indicate what was being done to coordinate requests for visits and to ensure that the most relevant rapporteurs sought invitations for country visits.

29. He commended the efforts of the High Commissioner for Human Rights to reform the human rights treaty body system, including her proposal to establish a unified standing treaty body. States should consider that proposal, particularly in the light of the legal issues and modalities. The universal periodic review mechanism would be an additional means of improving States' implementation of their international human rights obligations. The concluding observations of the treaty bodies should be channelled to the universal periodic review mechanism. He would be interested to learn what efforts were being made to clarify and standardize the participation of NGOs in the treaty bodies.

30. Mr. HUSÁK (Czech Republic), Vice-President, took the chair.

31. Mr. LUKIYANTSEV (Russian Federation) said that the concept paper on the High Commissioner's proposal for a unified standing treaty body (HRI/MC/2006/2) was attracting increasing attention, and it would be useful for the Council to receive written comments from the treaty bodies on the ideas contained in the concept paper, including the proposal to merge those bodies into a unified treaty body. It would also be interesting to know the expert opinion of the members of the treaty bodies on the legal consequences of such a merger.

32. The establishment of the universal periodic review mechanism was bound to be one of the most important aspects of the Council's work. He asked the Chairperson of the meeting of chairpersons of the human rights treaty bodies how duplication between the treaty bodies and the Council would be avoided. He wondered how the members of the treaty bodies intended to strengthen relations between their committees and intergovernmental organizations.

33. He wished to know how the special procedure mandate holders had reacted to the proposal to draw up a code of behaviour for special procedures.

34. Mr. HIDAYAT (Indonesia) said that a reform of the special procedures was required in order to ensure their greater effectiveness. The Commission on Human Rights had set up special procedures on a case-by-case basis, which had resulted in incoherence, duplication of mandates and a lack of standard reporting procedures. The special procedures mandate holders required a code of conduct, in particular for dealing with politically sensitive issues, and they must strike a better balance between civil and political rights, on the one hand, and economic, social and cultural rights, including the right to development, on the other. There was room for improvement in the selection and appointment of mandate holders, who should be designated with due regard for geographical distribution and the diversity of legal traditions, cultures and religions. The special procedures should work in synergy with the other bodies established by the Council. Indonesia fully supported the system of special procedures, and agreed that all current mandates should be extended until the review of the special procedures was completed.

35. Mr. UTRERAS (Chile) said that it was essential to conserve the main characteristics of the special procedures, which included independence and the support of the United Nations. However, if the Human Rights Council wished to maintain the special procedures, it would be necessary to improve the coherence of the system in both thematic and formal terms and to avoid

duplication. It would also be necessary to define the relationship between the special procedures and the overall structure of the Council. He asked the Chairperson of the Coordination Committee how the Council could make best use of the results of the seminar held in October 2005 on the strengthening of the special procedures.

36. Mr. MUNTARBHORN (Chairperson of the Coordination Committee of the Special Procedure Mandate Holders) said that, in the reform process, the challenge consisted in capitalizing on the added value of past achievements while formulating and implementing new and more effective policies and mechanisms. Many delegations had spoken in favour of the system of special procedures, which involved independent experts who acted as expeditiously as possible on behalf of those who would otherwise have no voice. That system should be accessible to all those affected by human rights violations, and be active both in the provision of remedies and in the prevention of violations. In order to ensure objectivity, the independent experts must provide credible information, and a dialogue must be held not only with States but also with all other stakeholders, namely NGOs, civil society and the various protection systems and treaty bodies.

37. The special procedures mandate holders recognized the need for constructive change and were already considering ways of improving their relations with the Human Rights Council. There should be adequate time in the Council's deliberations to engage constructively with the special procedures mandate holders and to strengthen the entire human rights system. For example, measures could be taken to ensure a quick response to early warnings and to make the work of the special procedures and the treaty bodies central to the universal periodic review mechanism by focusing on their findings and recommendations. States should extend invitations to the special procedures mandate holders and follow up on their findings.

38. The selection process for the special procedures mandate holders was determined by the States. In order to guarantee mandate holders' independence, it was necessary to ensure that candidates did not hold government or decision-making posts. With regard to the special procedures' working methods, he said that a manual had been drawn up with a view to ensuring reliability of information, credibility of sources and plurality of resources.

39. Mr. SALAMA (Vice-Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights) said that the "viruses" referred to by the Cuban delegation were well known, and it was up to the Human Rights Council to take action to correct them. However, the Council should bear in mind that such problems could arise from action taken in good faith. For example, there was a tendency in the international community to deal with human rights solely as a general political issue, which resulted in unwarranted mistakes that in themselves were not necessarily politically motivated. Moreover, each body of the United Nations human rights system tended to consider situations solely from the point of view of its own specific mandate, which was contrary to the principle of the indivisibility and interrelatedness of human rights.

40. The Sub-Commission on the Promotion and Protection of Human Rights had a general mandate and a global approach that provided a bird's-eye view of the human rights situation throughout the world. With the establishment of the Council, the Sub-Commission would be

able to accomplish much more than it had in the past. The Council should therefore give the Sub-Commission the opportunity, responsibility and time - at least two weeks - to suggest how its own reform should proceed.

41. Ms. CHANET (Chairperson of the meeting of chairpersons of the human rights treaty bodies) said that, since the treaty bodies did not meet year-round, only one of them had had the time to draw up a position regarding the High Commissioner's concept paper (HRI/MC/2006/2). The role of NGOs in the treaty bodies varied considerably. The treaty bodies had clear mandates that stipulated that their members must be independent not only of States but also of NGOs and the press. Any information that they received was cross-checked and verified, which required a great deal of work.

42. The concern about duplication arose from the wording of General Assembly resolution 60/251, which gave the Human Rights Council a mandate that was in some ways similar to that of the treaty bodies. That concern should dissipate once the universal periodic review mechanism was implemented. The Council would no doubt solicit the recommendations and concluding observations of the various treaty bodies in order to facilitate its own procedures. Reports prepared by the special rapporteurs would not overlap with those of the treaty bodies, since the former addressed specific cases, while the latter were more systemic in their approach.

43. Ms. SUIKKARI (Finland) said that, as a member of the Human Rights Council that had been elected for a one-year term, Finland expected to be reviewed in the near future, and she wondered how the review would be conducted.

44. Mr. ENDO (Japan) said that Japan would continue its efforts to identify practical steps to strengthen and enhance the effectiveness of the special procedures. His delegation supported the extension of the mandates of all special procedures and the term of office of all mandate holders.

45. Mr. CERDA (Argentina) said that the great value of the special procedures was that they were able to raise awareness of issues that could not be dealt with in other intergovernmental forums. The special procedures and the Sub-Commission should be actively involved in the whole reform process. The Council should consult the Sub-Commission on how best to organize the universal periodic review.

46. He noted that only one treaty body had submitted comments on the proposals for streamlining the work of the treaty bodies. It was very important to obtain the views of all the committees on the matter.

47. Mr. SERVIGON (Philippines) said that he hoped the exchange of views and the meetings with the chairpersons of the treaty bodies would be held on a regular basis.

48. Universal adherence to the core human rights instruments would give the work of the treaty bodies greater significance. A vigorous information campaign might prove useful in encouraging States that had not yet done so to become parties to those instruments.

49. He welcomed the recent adoption by the Inter-Committee Technical Working Group of the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific targeted documents, and suggested that OHCHR should propose technical assistance activities to assist States parties in preparing their reports.

50. His delegation would appreciate receiving a report from the Secretariat containing the various views on the special procedures and on the successor to the Sub-Commission.

51. Mr. KHAN (Pakistan) said that he wondered how the idea of “capitalizing on the added value of past achievements” would apply, given the different ways in which the various special procedures were viewed. While there was broad support for the work of the thematic mandates, the politicizing effect of the country-specific mandates was a source of considerable concern. It would be interesting to know what the special procedures themselves expected from the review process.

52. It was important to know how the Sub-Commission assessed its own work and what reforms it considered necessary to enable it to work as an expert body of the Council. The Vice-Chairperson of the Sub-Commission had suggested that eligibility criteria could be drawn up to assist States in selecting experts for the Sub-Commission; however, selection criteria already existed, and he wondered how the new criteria would differ from those currently applied. He would also be interested to know how the Social Forum could be revitalized to produce practical results.

53. It had been suggested that the mandates of all the procedures should be extended, and he asked whether the provisions of the relevant resolution would permit them to be extended automatically or whether the Council’s specific approval would be required.

54. He asked how the Chairperson of the meeting of chairpersons of the human rights treaty bodies viewed the concerns that had been voiced at the idea of a unified standing treaty body, and in what way those concerns might be resolved. In particular, the Chairperson had said that the recommendations and concluding observations of the various treaty bodies would be useful in the Council’s conduct of universal periodic reviews. In that connection, he wished to know how a duplication of work could be avoided.

55. Mr. VIGNY (Switzerland) said that Switzerland supported the recommendations of the Chairperson of the Coordination Committee. Direct dialogue with the special rapporteurs was of particular importance, and the Council should also establish a mechanism to ensure follow-up of their recommendations, possibly by involving the special rapporteurs in the periodic review process. The special procedures and the treaty bodies were the two pillars of human rights promotion and protection, and he urged OHCHR to provide them with all the resources they needed to carry out their work.

56. Ms. SOSA NISHIZAKI (Mexico) said that it was important for all actors in the reform exercise to share their opinions, ideas and experience in order to arrive at a comprehensive system that would be more functional, especially in meeting the needs in the field. In that regard, the Sub-Commission should continue the work that it had begun the previous year with a view to adapting the various components of the system to the new objective of implementation.

57. Ms. NIANG (Senegal) said that, in the transition from the Commission to the Council, it was important to take account of past experience in order to adapt the various procedures to the purposes of the Council. The Council's review and evaluation mechanisms should be founded on the principles of impartiality and objectivity.

58. Mr. FLORÊNCIO (Brazil) suggested that interaction between the special procedures and delegations could be improved if regular meetings were held between the Coordination Committee of the Special Procedure Mandate Holders and the regional groups.

59. It was important to review the mandates of the special rapporteurs, since those mandates had proliferated in recent years and some of them were not particularly relevant to human rights. Similarly, it was necessary to re-examine the idea of indefinitely renewing the mandates of Sub-Commission experts, some of whom had been members for a considerable time. It was important to ensure the vitality of the Sub-Commission.

60. He welcomed the Secretary-General's proposals for rationalizing the treaty bodies, which would promote greater synergy between the various committees.

61. Mr. Young-hyo PARK (Republic of Korea) welcomed the efforts of the Inter-Committee Technical Working Group to harmonize and streamline the reporting process. The reporting burden should be reduced in order to enable more non-reporting or late-reporting States to comply with their obligations. The working methods of the treaty bodies should be harmonized to take account of best practices while not impairing individual specificities. Such work should be completed before the launching of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Once the working methods of each treaty body had been harmonized and coordinated, the Council would be in a better position to assess the real need for a unified standing body.

62. Ms. SCANNELLA (Amnesty International), speaking also on behalf of Human Rights Watch, the International Federation for Human Rights and the International Service for Human Rights, said that strengthening the special procedures system meant integrating the information and analysis provided by the special procedures into the Council's deliberations and decision-making, and requiring Governments to cooperate with the special procedures. The Council provided a new channel for promoting the ratification and implementation of the international human rights treaties. In performing its tasks, the Council should draw on information from the treaty bodies, especially in its conduct of the universal periodic review.

63. Mr. MUTZENBERG (World Organization Against Torture), speaking also on behalf of the Association for the Prevention of Torture and the International Federation for Human Rights, said that, while it was the prerogative of the treaty bodies to comment on States' implementation of the international human rights treaties and of committees' recommendations, the Human Rights Council would have an important role to play, in the context of the universal periodic review, in considering States' general positions in respect of those treaties. It would also be responsible for reminding States of their obligations to report on implementation and to follow up on treaty bodies' recommendations.

64. Ms. PARKER (Minnesota Advocates for Human Rights) said that the body that replaced the Sub-Commission should be geographically representative and be capable of operating collegially in dealing with a range of relevant human rights issues, as well as incorporating key elements of the Sub-Commission's existing structure. It should also be able to reproduce the Sub-Commission's unparalleled success in offering meaningful participation to all interested stakeholders. She asked the Vice-Chairperson of the Sub-Commission whether he saw the value in NGO access and participation and whether he supported similar arrangements for any future expert body. With regard to the Sub-Commission's upcoming session, she wished to know whether NGOs who came prepared to offer a rich diversity of comment on human rights violations would be permitted to speak only in the Sub-Commission's concluding procedures or whether they would be given time to comment on substantive issues.

65. Ms. PONCINI (International Federation of University Women) said that the absence of systematic gender mainstreaming by the Commission on Human Rights had resulted in a lack of coherence in its work, since it had often confused women's rights with gender equality. Women's rights continued to be viewed in the context of welfare, and women were seen as victims, rather than as the survivors, actors and catalysts of change, particularly in the areas of peace and development. Statements made on the premise that women and men had equal rights contained abstract and generic terms, which were implicitly male-biased. The mainstreaming of a gender perspective should be transparent, and tackled separately from women's rights issues.

66. Direct gender-based discrimination had originated when women had been perceived as the weaker sex, both physically and socially, and had not been permitted to carry out certain types of work. Indirect discrimination had emanated from economic and social terms that had been historically based on the division of labour by gender and a traditional reflection of women and men's roles in society. In many situations, women's reproductive role was used as a pretext to prevent them from acquiring and exercising autonomy. Gender mainstreaming in the work of the Council would be essential if those imbalances were to be rectified.

67. Ms. RAO (International Women's Rights Action Watch) said that the Human Rights Council should integrate gender equality into its work, since guaranteeing women's rights was vital to universal respect for human rights. Although there had been discussions on gender mainstreaming in all aspects of United Nations human rights activities, not enough had been done to implement that policy. The establishment of the Council provided an opportunity to rectify that situation. The Council should adopt a rights-based approach to gender equality, using the principles and standards contained in the Convention on the Elimination of All Forms of Discrimination against Women.

68. The Council should adopt a consistent and holistic approach to the promotion, protection and monitoring of human rights. It should streamline the work of human rights mechanisms and procedures in order to strengthen their impact and avoid duplication of effort. Although her organization welcomed the High Commissioner's efforts to develop the concept paper on a unified standing treaty body, it was concerned that such a body would risk losing the specificity and expertise of the individual committees, to the detriment of rights holders. If established, such a body must consist of experts, particularly experts in the area of women's rights.

69. The treaty bodies had developed progressive standards and jurisprudence in several areas, which must be incorporated into any reform of the treaty body system from the outset. Reporting on the rights to equality and non-discrimination deserved special emphasis in both the common core document and treaty-specific reports. Guidelines should be clearly set in order to avoid the dilution of those rights. The implementation of the guidelines should be monitored so that they could be adapted if necessary to respond to any difficulties that might arise in practice. The reforms should result in a holistic, integrated and progressive human rights paradigm that applied not only to treaty bodies but also to all other United Nations human rights mechanisms.

70. Mr. MUNTARBHORN (Chairperson of the Coordination Committee of the Special Procedure Mandate Holders) welcomed the suggestion concerning the need for interaction between the Coordination Committee and the regional groups. The Coordination Committee must have adequate access to the work of the Human Rights Council. The interim extension of mandates was essential if the Council was to ensure that there were no gaps in human rights protection during the transition from the Commission on Human Rights to the Council.

71. The universal periodic review should focus on the recommendations and findings of independent bodies, and the Coordination Committee hoped that cooperation with the special procedures would be a central criterion in the assessment of countries in the context of the review. The special procedures should be independent, since they were required to carry out investigations, conduct country visits and be proactive in the field. The mechanisms should work together in a coordinated manner to share assistance and missions. The quality of those mechanisms depended largely on cooperation with States and other actors, since mandate holders were appointed by States.

72. Mr. SALAMA (Vice-Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights) said that he appreciated the suggestion made by the representative of Argentina that all the provisions of General Assembly resolution 60/251 should be taken into account when considering the reform of the Sub-Commission. Stricter criteria should be applied to the selection of experts; for example, experts should have international field experience and must have published materials on human rights issues. The more detailed those criteria were, the higher the quality of expert knowledge would be.

73. The role of civil society in the Sub-Commission was an example of the natural alliance between NGOs and the human rights system, since the dynamics between NGOs and the Sub-Commission were different from those between NGOs and individual States. That relationship must be maintained and enhanced in the reformed Sub-Commission. Through their participation in the work of the Social Forum, NGOs would contribute to the work of the Sub-Commission, the special procedures and the treaty bodies. The partnership between NGOs and the Sub-Commission would be enhanced by NGO participation in working groups. NGOs should attend the forthcoming session of the Sub-Commission so that they could put forward their ideas on ways of reforming the Sub-Commission. Efforts should be made to broaden the scope of NGOs in the context of their contribution to the future work of the Sub-Commission, the treaty bodies and the Council.

74. The issue of completed mandates should be addressed, and an advisory body should carry out an assessment of the relevance of continuing mandates, rather than allowing mandates to be maintained purely for political reasons.

75. Ms. CHANET (Chairperson of the meeting of chairpersons of the human rights treaty bodies) said that the Human Rights Council should respect and make use of the work done by the treaty bodies. Efforts should be made to avoid double standards and to ensure that the campaign for the universal ratification of the core international human rights instruments was carried out in a spirit of objectivity in order to obtain a clear view of the real human rights situation in individual States.

The meeting was suspended at 5.40 p.m. and resumed at 6.00 p.m.

76. Mr. de Alba (Mexico), President, resumed the Chair.

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK (agenda item 2)
(continued)

Adoption of the draft programme of work

77. The PRESIDENT said that the heading “pressing human rights issues” in the draft programme of work had been the source of some confusion. The word “pressing” had been included in order to accommodate the interests of various parties; however, the formula could be changed, and it should not be used as a precedent for future programmes of work. The time frame of the first two days of the programme of work was not rigid, and the so-called “pressing” issues could, in fact, be granted further discussion time. Efforts would be made to ensure that discussions were less rigid than they had been in the past. He proposed the following topics for discussion: the situation of human rights in Palestine and the other occupied Arab territories; support for the Abuja Peace Agreements; backing efforts for the strengthening of the promotion and protection of human rights; avoiding incitement to hatred and violence for reasons of religion or race through the promotion of tolerance and dialogue; and the role of human rights defenders in promoting and protecting human rights. A thematic discussion should also be held on the human rights of migrants in the context of the high-level dialogue on international migration to be held at the sixty-first session of the General Assembly in September 2006. He invited delegations to propose other topics for discussion.

78. Mr. FERNÁNDEZ PALACIOS (Cuba) said that the heading “pressing human rights issues”, should be replaced by “other substantive issues”. His delegation supported the proposed topics for discussion and proposed the inclusion of an additional topic, namely the promotion and protection of human rights in the fight against terrorism.

79. The PRESIDENT suggested that the heading “pressing human rights issues” should be replaced by “implementation of United Nations General Assembly resolution 60/251”, on the understanding that there would be no change in the topics to be discussed.

80. It was so decided.

81. The draft programme of work, as orally revised, was adopted.

The meeting rose at 6.15 p.m.