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Human Rights Council Organizational Meeting

Summary record of the 2nd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 20 June 2007, at 10 a.m.

President: Mr. Costea (Romania)

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Implementation of General Assembly resolution 60/251 of 15 March 2006 entitled “Human Rights Council” (*continued*)

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The meeting was called to order at 10.15 a.m.

Implementation of General Assembly resolution 60/251 of 15 March 2006 entitled “Human Rights Council” (*continued*) (A/HRC/5/L.2 and L.3/Rev.1)

1. **Mr. Baah-Duodu** (Ghana) said that the difficulties encountered by the Council over the past year had shown that human rights were not sacrosanct. He was relieved that the members of the Council had been able to overcome those difficulties and to complete their programme of work successfully. The institutions and mechanisms that had been put in place would be better able to fulfil their role as all countries had contributed to their establishment and would be held to account by them. He welcomed the adoption of the Code of Conduct for Special Procedures Mandate Holders, which would ensure that efforts to promote and protect human rights were not sullied by politicization, selectivity and bias. It was to be hoped that the spirit of cooperation shown by Council members during the drafting of the documents they had adopted would also be in evidence at future meetings.
2. **Ms. Mtshali** (South Africa) said that her delegation aligned itself with the statement made by the Observer for Algeria on behalf of the Group of African States. She emphasized that not all of her Government’s concerns were reflected in the text proposed by the President, but she recognized that it was difficult to reconcile the different points of view of all delegations. At future sessions, the Council should examine some urgent issues that had been left in abeyance, particularly the harmonization of members’ terms of office with those of members of other United Nations organs. The mechanisms put in place by the Council must, in accordance with General Assembly resolution 60/251, ensure universal coverage in cases of human rights violations. She recalled that her delegation had shared its reservations the week before with regard to certain country mandates and emphasized the need for the Council not to follow the same working methods as the old Commission on Human Rights. In that respect, her Government subscribed to the newly established criteria for country mandates in order to avoid politicization and double standards. Finally, she thanked the delegation of China and others who, in a true spirit of dialogue, had enabled the Council to start its work.
3. **Mr. Puja** (Indonesia) welcomed the tireless efforts of the former President of the Council, Mr. de Alba, to build consensus and propose solutions. The text that had been adopted was a collective effort. In that respect, he wished to thank the Chinese delegation in particular for the commitment to human rights and flexibility it had shown during the consultations. The agreement on the code of conduct for mandate holders was a new milestone for the Council, but there was still much to be done to ensure that it was applied in accordance with General Assembly resolution 60/251. He reaffirmed his Government’s commitment to establishing the Council as a respected and credible body.
4. **Mr. Moaiyeri** (Observer for the Islamic Republic of Iran) said that the Council was witnessing a historic moment. Nevertheless, he regretted that, despite everyone’s efforts, it had been necessary to proceed to a vote in order to complete the institution-building process. With regard to the universal periodic review mechanism, States could only be held to account under recommendations they had accepted and the mechanism must ensure equal treatment of States when considering their human rights situation. He welcomed the adoption of the code of conduct for mandate holders, which he believed would greatly improve the special procedures system. The mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 should be prolonged until the end of the occupation. He believed strongly that the confidentiality of the complaints procedure must be protected at every stage and reiterated that the application of the criteria for admissibility should be restricted. Finally, he expressed concern that the item on “Human rights situations that require the Council’s attention” had been included on the Council’s agenda. It was to be hoped that there would be no repetition of the situation

that had arisen under agenda item 9 of the former Commission, which had been misused for many years to single out developing countries for criticism.

5. **Mr. Rapacki** (Observer for Poland) said that on 18 June 2007 Mr. de Alba had submitted a package to the Council which was the result of several months of difficult negotiations. His delegation had been convinced, and had not changed its mind, that the package should be adopted the next day by the new Council, but greatly regretted that it had not been possible to retain all the special procedures' mandates in the package. Some country mandates had been abolished without even a review, contrary to the provisions of General Assembly resolution 60/251. The view that some of those mandates were more important than others was difficult to justify. Poles knew from recent experience what it was like to live under an authoritarian regime or dictatorship and to be unable to enjoy the rights and freedoms that many took for granted. They knew how important it was, in such a situation, to have the support of the international community and they knew the feeling of abandonment that oppressed people could experience when the international community appeared to show less concern for their plight. Hence, he found it very difficult to understand why the mandate of the Special Rapporteur on the situation of human rights in Belarus had not been retained. However, the Council could rely on his delegation's cooperation to ensure the success of its institution-building efforts, in the interest of victims of human rights violations.

6. **Mr. Üzümcü** (Observer for Turkey) welcomed the broad consensus reached during the Council's institution-building process, which had strengthened everyone's sense of ownership of the process. The adopted package was certainly not perfect, but everyone needed to keep an open mind about the new mechanisms. The compromise reached by the Council should pave the way for a genuine partnership in the field of human rights. The occasional, inevitable interference of international and regional politics in the work of the Council should not be at the expense of victims of human rights violations, particularly those in regions affected by conflict who urgently needed assistance. The new institutions should be able to react quickly and get results, which implied a renewed commitment to multilateralism.

7. **Mr. Lee Sung-joo** (Republic of Korea), welcoming the package, said that the mandate conferred on the Council by General Assembly resolution 60/251 undoubtedly applied to all situations in all countries. That was the fundamental principle that should guide future work on developing and implementing the new human rights protection mechanism. While dialogue and cooperation were vital to the Council's work, they alone would not be sufficient to allow the Council to react quickly when human rights violations were committed. The Council must have sufficient resources to fulfil its mandate and adapt its response to each situation. Although his delegation, in a spirit of compromise and cooperation, had joined the consensus, it continued to be concerned about certain aspects of the package and wished to make the following observations. Firstly, with regard to the universal periodic review, all recommendations should be treated in the same way, without drawing distinctions between two categories of recommendation. Secondly, all mandates should be subject to a genuine review. And, thirdly, the Council should be able to continue to rely on the expertise and independence of the special procedures. In that regard, the code of conduct for mandate holders should help to boost confidence in the special procedures mechanism. The text, despite its flaws, represented a major step forward.

8. **Ms. Masri** (Observer for the African Union) endorsed the statement made by the Observer for Algeria on behalf of the Group of African States. It was when all had seemed lost, and the euphoria and optimism that had prevailed at the Council's inception had given way to despair, that wisdom, flexibility and a spirit of compromise had allowed reason to triumph and a consensus to be reached. The President's text and the code of conduct for mandate holders, as adopted, were valuable assets. The African Union was proud to have

contributed so much to the adoption of the code of conduct and looked forward to its entry into force.

9. **Mr. Labidi** (Observer for Tunisia) endorsed the statement made by the Observer for Algeria on behalf of the Group of African States. His Government had spared no effort in trying to reconcile points of view and encourage the emergence of consensus, and was committed to promoting human rights on the basis of the principles of universality and non-selectivity and to seeking ways to open a constructive dialogue. The protection of human rights should not be politicized. His delegation sincerely thanked the United Nations High Commissioner for Human Rights and her Office for the assistance provided to the Council in its work.

10. **Ms. Martín Gallegos** (Nicaragua), welcoming the package adopted by the Council, said that the text was the fruit of genuine dialogue and was testimony to the flexibility shown by everyone. Her Government would continue to work constructively to further improve the Council's mechanisms and to promote the full exercise of the right to development as a fundamental right of peoples. Nicaragua was deeply committed to promoting and protecting human rights and was aware that membership of the Council, which it had acquired at the current session, brought with it a greater responsibility in that respect. Accordingly, her delegation had just submitted to the Office of the United Nations High Commissioner for Human Rights all the periodic reports that it was required to submit under the international human rights instruments to which Nicaragua was a party. Thus, her Government, which had accumulated a reporting backlog of up to 15 years in some instances, had honoured the commitment it had made when submitting its candidacy for membership of the Council to meet all its obligations in the field of human rights.

11. **Mr. Uhomoibhi** (Nigeria) said that the result achieved by the Council was of historic importance and boded well for the future work of the United Nations system as a whole in the promotion and protection of human rights. All stakeholders, including NGOs, had shown flexibility during the negotiations and had taken each other's interests into consideration without losing sight of the main goal. He noted with satisfaction the role played by regional groups, particularly the Group of African States, in drafting the code of conduct for mandate holders, which should give them greater stature. In that regard, he would like the Council to focus more on the victims of human rights violations and not to allow its attention to be monopolized by issues that distracted it from its mission. He also welcomed the establishment of the universal periodic review. A periodic review had been introduced five years ago in Africa and had proved to be a valuable tool for self-assessment and the protection of fundamental human rights. Finally, he reiterated his delegation's unflinching dedication to the observance and defence of human rights.

12. **Mr. Haidara** (Senegal) said that the Council, in fulfilling its mandate from the General Assembly in a timely manner, had shown it was capable of establishing a process of dialogue, cooperation and mutual understanding. His delegation welcomed that process, which should give the Council the credibility and capability necessary to carry out its mandate to promote and protect human rights.

13. **Mr. Shoukry** (Egypt) said that his delegation had joined the consensus on the package submitted by the President — although it did not cover all of his Government's concerns — to give the Council the tools it needed to approach its mandate in the best possible circumstances, within a framework of fairness and without any politicization or double standards, and to strengthen the Council's credibility with victims of human rights violations. He was surprised to hear some extremely politicized comments in the Council chamber on the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967; the numbers and suffering of victims of a foreign occupation lasting four decades were being overlooked in the interest of narrow political considerations. He expected the Council to remedy that situation. His Government

prioritized human rights protection in every part of the world without exception, and would work tirelessly to establish the foundations of respect for human rights, in collaboration with other Council members and civil society, and to achieve common goals in that area.

14. **Mr. Chocano Burga** (Peru) said that his delegation had supported the adoption of the package submitted by the President of the Council because it had to be considered as a whole, but reserved the right to state its position on any part of the agreement requiring clarification or to set out conditions to ensure it was in line with Peru's foreign policy on human rights, which was a priority for his Government.

15. **Mr. Bessedik** (Observer for Algeria) said that he associated himself fully with the statement made by the representative of Pakistan on the right of self-determination. His delegation had repeatedly stressed the need to include that right on the agenda of the Council as a separate item, as its legitimacy was undeniable, even for those who questioned other collective rights. Citing the Charter of the United Nations and General Assembly resolutions 60/251 and 61/150, he solemnly called on the Council to deal equally with all human rights, including the right of self-determination, which had as yet not been realized and did not appear in its rightful place on the Council's agenda.

16. **Mr. Caracciolo di Vietri** (Italy), after associating himself with the statement made by the representative of Germany on behalf of the European Union, said he realized that every good compromise involved all parties agreeing to disagree. He welcomed the Council's institution-building package, in which the universal periodic review process was pivotal. Drawing attention to the need to promote the rights of the most vulnerable groups, he said that it was now the responsibility of States and other stakeholders to make good use of the new institutional machinery for the protection of human rights, without losing sight of the reality on the ground and, above all, without forgetting the victims of violations, who must be the real beneficiaries of such protection.

17. **Mr. Logar** (Slovenia), after associating himself with the statement made by the representative of Germany on behalf of the European Union, said that the Council's institution-building package contained the elements necessary for the smooth running of the Council. While it was impossible to completely eliminate the political dimension when considering human rights, the universal periodic review procedure seemed to have reduced it as much as possible. For that procedure to be truly credible and effective, it was essential to involve civil society. His delegation regretted that some country mandates had disappeared from the list. However, in the interest of the smooth functioning of the special procedures system, he welcomed the fact that the code of conduct was more balanced and made reference to States' obligation to cooperate with mandate holders.

18. **Mr. Husák** (Observer for the Czech Republic) said that his delegation had, since the beginning of the negotiations on the Council's institution-building, made clear its commitment to a review of the special procedures, which it considered a unique and independent mechanism in the human rights protection system. He emphasized that, although his delegation had joined the consensus on the final document, it had not changed its views on the seriousness of the human rights violations in Cuba and Belarus, two countries whose human rights situation deserved a prominent place on the Council's agenda. The silence of the international community in that regard was unacceptable. While his Government considered it regrettable to have to forgo the two special rapporteurs in those cases, it remained determined to do everything possible to ensure that Cuba and Belarus respected basic human rights standards.

19. **Ms. Gan** (Observer for Singapore) said that the package that had finally been adopted, while not perfect, was testimony to the resolve of delegations to cooperate. The great flexibility shown by the Chinese delegation was to be commended. The text provided a framework that should allow the Council to avoid politicization, selectivity and double

standards by subjecting all States to a universal periodic review, but that review should not be hijacked or turned into a tribunal. The code of conduct was also an important step forward in cooperation between States and special procedures mandate holders. Council members could congratulate themselves on reaching an agreement on the institutions to be set up, but those alone would not guarantee success: trust and a spirit of cooperation were essential.

20. **Ms. Kalmeta** (Bosnia and Herzegovina), after associating herself with the statement made by the representative of Germany on behalf of the European Union, said that the compromise that had been reached represented a sincere effort to improve the effectiveness and credibility of the multilateral human rights system. Encouraging differences of opinion by compelling the Council to adopt its decisions by a vote would only jeopardize the implementation of those decisions and did not bode well for the Council's future work. She therefore hoped that all future decisions taken by the Council would be taken in a constructive and consensual manner.

21. **Mr. Holguin** (Observer for Ecuador) said that his delegation had always emphasized the need to provide the Council's special procedures with all the appropriate resources to ensure their legitimacy, effectiveness, impartiality, objectiveness and non-selectivity. He reiterated his delegation's firm commitment to participating in the search for effective and genuine human rights protection through a transparent legal and institutional framework that guaranteed the inalienable rights of all individuals.

22. **Mr. Capon Duarte E Silva** (Angola), endorsing the statement made by the Observer for Algeria on behalf of the Group of African States, said that his delegation, while having some reservations, saw the special procedures, the universal periodic review mechanism and the code of conduct as essential instruments for improving the promotion and protection of human rights. The Council was not a place for confrontation between North and South and was not a court either, but a body for the promotion and protection of human rights. He supported the principles of objectivity and non-selectivity and emphasized the need to eliminate all politicization and discriminatory practices from the Council's work.

23. **Ms. Andrianjaka** (Madagascar), after associating herself with the statement made by the Observer for Algeria on behalf of the Group of African States, said that her Government attached great importance to the work of the Council and was committed to the promotion and protection of human rights, which was enshrined in the Constitution of Madagascar. Welcoming the spirit of dialogue and cooperation that motivated the Council's discussions, she urged all delegations to continue on the same path.

24. **Monsignor Tomasi** (Observer for the Holy See) welcomed the efforts made by all during the previous months, which had shown, in an exemplary way, that it was possible to achieve good results when everyone worked together in perfect harmony. However, the consensus reached was only a starting point. The globalization of human rights needed to match the globalization of the economy, communications and population movements. Human rights took precedence over narrow political considerations and any immediate benefits that might accrue from tolerating the violation of those rights. All States must now ensure that the Council became the pillar of the international system of coexistence and cooperation.

25. **Mr. Salazar** (Observer for the Bolivarian Republic of Venezuela) said that he was satisfied with the balance achieved by the Council on institution-building, particularly the way recommendations were dealt with in the universal periodic review; the role assigned to Special Rapporteurs; the abolition of the two special procedures for Cuba and Belarus, which were the remnants of the politicization of human rights; the introduction of the code of conduct; and the addition to the Council's agenda of an item on the situation in the

occupied Palestinian territories. He outlined his understanding of the provisions concerning the Human Rights Council Advisory Committee: States Members of the United Nations would propose candidates from among their citizens and the countries of that region would ratify those nominations.

26. **Mr. Bararunyeretse** (Observer for the International Organization of la Francophonie) said that the Council's institution-building had required a keen sense of dialogue and compromise. Regardless of initial positions and individual satisfaction at the outcome, the agreed document was a credible instrument. He called on Council members to set to work without further delay to translate principles into actions, particularly in the case of the universal periodic review mechanism, one of the great innovations of the Council.

27. **Mr. Soufan** (Observer for Lebanon) said that the text adopted by consensus was a road map for the Council, and would allow it to tackle the task of promoting and enforcing human rights. Emphasizing the President's mastery of three languages, as demonstrated in his speech, he noted that there was a desire to be closer to the people and their suffering and to help them to achieve their dreams. He drew a parallel with the Christian feast of Pentecost, when the Holy Spirit descended upon the apostles to give them the gift of tongues. He also drew a secular analogy with "the gift of spirits" that could characterize the Human Rights Council, moved by the desire to unite, work together and act as one now that cooperation had become a credible choice. He believed that the universal periodic review was not a constraint but an accomplishment. The Council should be guided by the desire to improve what needed to be improved and to rectify and correct any mistakes or differences. He regretted that the addition to the agenda of an item on Palestine and the other occupied territories had provoked a number of reactions, as the intention, far from being to exclude other cases requiring the Council's attention or to monopolize or paralyse its work, had been to highlight the devastating effect of that occupation on the enjoyment of human rights. He called for constructive cooperation and dialogue that would spur and enrich debate and for the abandonment of ritualistic and anachronistic attacks in favour of a calm approach that would consolidate respect for and the enjoyment of human rights.

28. **Ms. Sinjela** (Zambia) associated herself with the statement made the previous day by the Observer for Algeria on behalf of the Group of African States and expressed support for the draft text on institution-building adopted by the Council, which was admirably balanced. She was convinced, given the differences between member States that made it impossible to reach a general consensus, that it was the best solution the President could have put forward. Indeed, each delegation could identify at least one or two of its views in the text in question. She also welcomed the adoption by the Council of the code of conduct, which she saw as a tool that would advance the cause of human rights, and called on all States to cooperate with mandate holders performing their duties in accordance with the code.

29. **Mr. Manalo** (Philippines) said that his delegation would continue to support the Council in its second year of existence in the same way as it had during its first year, which had been devoted to the crucial and sometimes difficult task of institution-building. He joined with other delegations in welcoming the adoption by consensus of the package agreed on by the Council after intense negotiations, an achievement that could be attributed to the flexibility and desire of all stakeholders to reach a compromise. He agreed with other delegations that, although certain provisions of that document had not been worded as they would have liked, it did contain many acceptable proposals. After all, it had created a framework within which the Council, as the leading body of the international community for the promotion and protection of human rights, could carry out its work. He was in favour of moving forward and getting down to work on the basis of the agreed institutional structures and working methods.

30. **Mr. Jayathilake** (Sri Lanka) said that the bitter battles that had marked the final phase of the process reflected the contradictions between the concepts and projects entrenched in the international system, but he emphasized that the extent of those apparent contradictions and conflicts had not prevented the Council from taking all points of view into consideration and finding common ground. That meant that the values that united the Council's member States far outweighed those that divided them and that, despite their differences, the Council had been able to establish sufficient common ground to create a new body to which everyone had contributed and to which his country looked forward to making a full contribution. He thanked the Algerian delegation, which had drafted the very important code of conduct, and the facilitators, who had prepared the working papers that were the foundation of the new structure. He also thanked the Chinese delegation for its firm and yet flexible stance, not only in its own name but also on behalf of other delegations. While his delegation supported the various formulations proposed by China, it also fully supported the flexibility shown by the Chinese delegation, which had enabled a satisfactory conclusion to be reached.

31. **Mr. Phuanketkeow** (Observer for Thailand) associated himself with the statement made at the previous meeting by the representative of Sri Lanka on behalf of the Group of Asian States, and said that the institution-building process conducted over the course of the previous year had demonstrated the full commitment to human rights of States members of the Council, as well as States that were not members and other stakeholders. However, the end of that phase merely marked the beginning of the process of strengthening, in the years ahead, the institutions and procedures set up after so much effort. He welcomed the text adopted by common consent and noted that significant progress had been made in many areas, even if each delegation had its own concerns. Without losing sight of those concerns when the agreed text was put into practice, the Council must now move forward as one and reflect on how it should operate. It must also justify its existence when faced with the reality that its obligation to achieve results was shared by everyone, members and non-members alike, whose commitment and constructive dialogue had characterized the past year. It was in that spirit that the future work of the Council should be pursued.

32. **Mr. Abdulla** (Observer for Bahrain) said that there was still much to be done to promote and protect human rights, a task that he believed the Council capable of achieving.

33. **Ms. Poncini** (International Federation of University Women), taking the floor on behalf of 12 NGOs, said that, since institutional and legal frameworks, once adopted, were more rigid and more resistant to change, the organizations she represented welcomed the fact that the universal periodic review included gender issues amongst its principles, that the mandate of the special procedures, the complaints procedures and the Advisory Committee referred to gender equality, and that gender issues were among the principles of the work programme of the final, adopted text. Unfortunately, the recognition of gender equality and women's fundamental rights had not been included as a permanent item on the agenda even though women still did not enjoy de jure or de facto equality with men, a reality recognized in many United Nations guidelines, standards, statements and action programmes. Therefore, for the sake of consistency, she called for gender equality to be included as one of the principles set forth in subparagraph (f) of the third preambular paragraph of the draft resolution establishing the code of conduct (A/HRC/5/L.3/Rev.1), the "enforcement" wing of the human rights institutional framework, as had been reaffirmed by the delegation of Argentina on behalf of 57 delegations at the meeting the previous day, and as had been stated by Action Canada for Population and Development on behalf of several NGOs.

34. **Mr. Barnes** (Indian Council of South America) said that the Council's agenda item on the rights of peoples fully reflected the principles of the Charter of the United Nations and international law and, inter alia, General Assembly resolution 62/150. The same could

be said of the right to development, cited in the first article common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as in other relevant international instruments. He thanked the delegations, including Cuba, and the indigenous organizations and NGOs who had helped in the drafting, at the sixth session, of a more robust text that included provisions to allow the Working Group on Indigenous Populations and the Working Group on Minorities to continue their work and thus, in his opinion, to improve their working methods. Finally, he expressed concern about the strict limits imposed on the Council's Advisory Committee and the hope that the Committee would be given the intellectual liberty it needed to involve NGOs in its work.

35. **Mr. Littlechild** (International Organization of Indigenous Resources Development) said that the consensus that had made it possible to adopt the institution-building text was not only extremely important for the image of the Council and its legitimacy to protect and promote the rights of all, but was also a philosophical principle with which indigenous peoples were familiar. However, he was concerned that indigenous peoples were not included either on the agenda or in the programme of work contained in the text, which merely paved the way for a decision to set up an expert body to address issues relating to indigenous peoples. His organization was looking forward to discussing the matter with States in preparation for the next session of the Council, to ensure that indigenous peoples could rely on the Council to make the best use of the tools it had created over the past year to protect their dignity, and that justice was finally done to the principles underlying multilateralism and human rights, thus proving that States could work with other bodies to make the world a welcoming place for current and future generations.

36. **Mr. Neuer** (UN Watch) asked whether it was appropriate to celebrate the package of new procedures that had just been agreed upon. The answer was not obvious: although many were celebrating, the package that had just been adopted abolished the mandate of the Special Rapporteur who had presented a report on human rights violations in Cuba and her counterpart for Belarus. That decision had been welcomed by the representative of Cuba, the Cuban media and the Government of Belarus, not to mention other countries opposed to the examination of their own practices. If he was to believe the threats made by a majority of States, the mandates of many of the remaining experts would disappear during the next review procedure. The new restrictions on the independence of human rights experts, on the introduction of new country-specific resolutions and on the appointment of experts had been accepted without protest, and promises had been broken: the expert system was to have been strengthened but had instead been dismantled or limited. Moreover, the claims contained in a document issued in March 2006 by the Department of Public Information outlining the main differences between the Commission and the Council, that there would not be an agenda item singling out Israel and that the slate would be wiped clean, had proved groundless. The new agenda, far from being a clean slate, was marked by selectivity in the standing accusation levelled at a specific member State. While he hoped that the Council would achieve the best possible results and recognized that there were some positive points in the package, he could not pretend, like many, that there had been no backsliding. Nor, given the positions adopted by the majority of members, was there any obvious solution to that predicament.

37. **Mr. Sidoti** (International Service for Human Rights) said that, while the adoption of the President's text was a major step forward, it was nevertheless the minimum required to give the Council the credibility it needed to become a mechanism for the promotion and protection of human rights worthy of the name. The organizations that he represented were satisfied with the various references to NGOs' participation and emphasized the need to interpret and enforce those provisions in keeping with the spirit and letter of paragraph 11 of General Assembly resolution 60/251, so that NGOs could make the best possible contribution to the Council's work. They were eager to participate in the universal periodic

review and, in the absence of independent experts in a position to provide assistance, encouraged States to nominate experts to represent them in the Working Group on the Universal Periodic Review. The President's text provided that the "technical and objective" eligibility requirements for special procedures mandate holders would be determined by the Council, and that "other relevant requirements" for each mandate would be determined by the consultative group. His organization looked forward to seeing the two sets of criteria posted on the website of the High Commissioner for Human Rights and widely disseminated. Only those candidates who met all the eligibility criteria, both general and specific, should be included on the list of recommendations submitted to the President. Finally, his organization considered that the code of conduct should be interpreted in the light of the preamble and operative paragraphs of the resolution establishing it, which should include the full text when published.

38. **Mr. Fattorini** (Movement against Racism and for Friendship among Peoples), speaking on behalf of 3 other NGOs, said that, despite the hopes raised by the universal periodic review mechanism, it raised some concerns, including those voiced by some 60 NGOs about the treatment of information provided by NGOs. He hoped that the specific reference to Economic and Social Council resolution 1996/31 in the principles governing the review would ensure that the review was published in full within the deadlines set by that resolution. Another reason for concern was the restricted membership of the Advisory Committee, which would limit its representativeness and working capacity, not to mention that it would have no freedom of initiative. With regard to the agenda, his organization regretted that the right to development had been subsumed in what appeared to be a very wide-ranging item and that there was no item specifically devoted to the fundamental rights of women. Moreover, there was not the slightest reference to the right of self-determination, even though it was enshrined in the first Article of the Charter of the United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. That omission was contrary to General Assembly resolution 61/150, in which the Council was requested to continue to pay particular attention to violations of that right. Finally, he expressed surprise that the code of conduct for mandate holders had been adopted. He hoped that, together with the manual of special procedures, it would reinforce both the trust between States and mandate holders and the legitimacy of the latter.

39. **Mr. Juepiy** (Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples) said he was concerned that the participation of NGOs was only mentioned in the first section of the text adopted, on the universal periodic review mechanism. He hoped that, with the Council's support, NGOs would be able to play an effective, realistic and pragmatic role in certain important decisions on the activities of the Bureau, as suggested by the Observer for Algeria, in some instances with the support of the representative of Switzerland.

40. **Mr. de Alba** (Mexico) said that his delegation would provide all the support necessary to help ensure the success of the mandate of the new President of the Council. He recalled that the General Assembly, in its resolution 60/251 establishing the Council, had requested that the foundations for the promotion and protection of human rights should be laid within one year. He stressed that cooperation, trust and constructive dialogue had been the basis for that resolution. The Council had before it an agreement that was especially significant as it was the result of a process based on the widest-ever participation in the field of human rights, and perhaps even in the entire multilateral framework. He welcomed the approval of such an important document by consensus, a fact that should be duly recognized. He commended the work accomplished by everyone and paid special tribute to the six facilitators who had helped the President in his efforts and, of course, to the main negotiators from each group. The Council had successfully designed a universal periodic review mechanism that would evaluate all countries on an equal footing with regard to

long-standing human rights problems. The mechanism would ensure fair treatment of all States and the Council had preserved what Mr. Kofi Annan, then Secretary-General, had described as the “crown jewels”. The special procedures system would be strengthened and it would be possible, at the same time, to improve and reinforce the system of protection. His Government would cooperate fully with the Council to ensure its proper functioning. There was no doubt that the general agenda adopted would enable the Council to address comprehensively all the issues falling within its mandate, so that the Council would be a forum for dialogue and action in the field of human rights. Support from the Advisory Committee would be invaluable in helping the Council make progress in enforcing those rights, developing new standards and initiating new studies. The interaction between the Council and civil society and other partners was an important aspect of its work that deserved to be highlighted, especially as the quality of that cooperation had clearly improved a great deal and was moving towards a true partnership. Finally, he emphasized that it was important for the Council to retain some flexibility and allow for innovation in its working methods.

The meeting was suspended at 12.20 p.m. and resumed at 12.30 p.m.

41. **The President** invited the Council to consider the draft decisions and resolutions submitted under agenda item 2. He informed the Council that, at the request of the sponsors, consideration of the draft decisions and resolution contained in A/HRC/2/L.19, HRC/2/L.30 and A/HRC/4/L.3 had been postponed until September 2007, and invited members to consider the draft resolution entitled “Report of the United Nations High Commissioner for Human Rights on the follow-up to the report of the Commission of Inquiry on Lebanon” (A/HRC/5/L.4).

Draft resolution A/HRC/5/L.4

42. **Ms. Janjua** (Pakistan), introducing draft resolution A/HRC/5/L.4 on behalf of the Organization of the Islamic Conference and the Group of Arab States, recalled that the Council, in its resolution S-2/1, had established a commission of inquiry to report on “the grave situation of human rights in Lebanon caused by Israeli military operations”. Under the draft resolution, the Council would take note with satisfaction of the report prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to resolution S-2/1. The draft resolution requested the High Commissioner to extend support to the activities and programmes of the Government of Lebanon, in particular those consistent with her report. She hoped that the draft resolution would be adopted by consensus. Finally, she pointed out that the word “factual” appeared by mistake in the last paragraph of the preamble and should be deleted.

43. **The President** said that no other delegation had sponsored the draft resolution, which had no programme budget implications. He invited delegations to make general comments.

44. **Ms. Siefker-Eberle** (Germany), speaking on behalf of the European Union, reiterated the latter’s willingness to assist and support the democratically elected Government of Lebanon in its efforts to rebuild the country and ensure stability and democracy. The European Union considered it particularly important to integrate human rights in that process in order to secure its viability. It therefore welcomed the cooperation on human rights between Lebanon and the Office of the United Nations High Commissioner for Human Rights in the humanitarian and reconstruction work undertaken in the country. It supported the future involvement of the Office in such activities where necessary and appropriate. That was why, despite its concern about the limits of the resolution adopted at the end of the second special session, the European Union supported the draft resolution, which called for further cooperation.

45. *Draft resolution A/HRC/5/L.4, as orally revised, was adopted without a vote.*

Draft resolution A/HRC/5/L.5

46. **The President** invited the Council to consider the draft resolution “Human rights situation in the Occupied Palestinian Territory: follow-up to Human Rights Council resolutions S-1/1 and S-3/1” (A/HRC/5/L.5).

47. **Ms. Janjua** (Pakistan), introducing draft resolution A/HRC/5/L.5 on behalf of the Organization of the Islamic Conference and the Group of Arab States, recalled that the high-level fact-finding mission established by resolution S-3/1 had not been authorized to visit Beit Hanoun. Nevertheless, Archbishop Desmond Tutu and Ms. Christine Chinkin had made recommendations and submitted them to the Council at its fifth session for consideration and implementation. She also recalled that the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, who was to have led the urgent fact-finding mission pursuant to resolution S-1/1, had also been unable to carry out his mission owing to the hostility shown by Israel. Under draft resolution A/HRC/5/L.5, the President of the Council and the High Commissioner for Human Rights would be asked to report on the implementation of the two resolutions. The common goal of Council members was to ensure that Council decisions were executed, whether they had been adopted by vote or by consensus. She hoped that the draft resolution would be adopted without a vote, like the one presented at the previous session.

48. **The President** said that one other delegation had become a sponsor of the draft resolution, which had programme budget implications. He gave the floor to the countries concerned.

49. **Mr. Levanon** (Observer for Israel) said that the draft resolution before the Council was biased and that Israel had been singled out for the tenth time in a year. It was absurd to submit the draft resolution when the Special Rapporteur himself considered that the issue had been effectively dealt with and the mission was now obsolete. Despite that, the authors of the text clung to their obsession, continuing to submit one draft resolution after another against Israel. It had been clear from the outset that their main objective was not to investigate the events in Gaza, but to provide the Council with another tool to criticize Israel. The difference between the draft resolution and the situation on the ground was striking. People held in captivity were being summarily executed, international law was being violated and the Council remained silent. Those facts would never be the subject of a report by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, as they did not fall within his mandate. The drafting of new resolutions of that type would not help to improve the situation in the Middle East, but would only spread a biased and distorted picture that undermined the cause of peace.

50. **Mr. Abu-Koash** (Observer for Palestine) said that the draft resolution under consideration was identical to resolution 4/2 of 27 March 2007, adopted without a vote by the Council at its previous session. The draft contained a clear and fundamental message about the work of the Council, namely, that its resolutions and decisions must be respected and implemented, and that they must all be examined with the same care and non-selectivity, even if the perpetrator of the violations was Israel. According to Israel, the whole world was wrong, apart from Israel, an occupying Power that persistently violated international law. Council resolutions S-1/1 and S-3/1 did not only concern the missions obstructed by Israel: they also called for the immediate protection of Palestinian civilians and the release of Palestinian parliamentarians and mayors arrested by the Israeli army of occupation. However, Israel continued to kill, destroy and arrest people, even though 10,000 Palestinians were already held in Israeli concentration camps. The inconceivable idea of Jews holding Palestinians behind barbed wire and a wall shattered the old cliché of anti-Semitism used by Israel to silence those who dared to speak out against its policy of

occupation, apartheid and humiliation of the Palestinian people. He called for the draft resolution to be adopted without a vote.

51. *Draft resolution A/HRC/5/L.5 was adopted without a vote.*

52. **The President** invited those Council members who so wished to explain their position after the adoption of the draft resolution.

53. **Mr. Cormier** (Canada) said that he supported the principle that there should be thorough follow-up to Council decisions and that cooperation with the Council and its mechanisms should be encouraged. The Council was responsible for dealing with different situations in a fair and balanced way, taking into account the actions of all parties. It would have been easier for his delegation to support the texts adopted by the Council at its first and third special sessions if they had been more neutral and objective. The Council's original decisions were flawed, as they did not reflect the situation in question accurately and objectively. That was why his delegation could not support the follow-up to those texts and dissociated itself from the Council's decision.

54. **Ms. Siefker-Eberle** (Germany), speaking on behalf of the European Union, called again for all parties to put a stop to all acts of violence and all actions contrary to international law. The security of civilians must remain a priority, and the European Union condemned all attacks that resulted in the deaths of civilians from either side. The European Union had not been in a position to support resolutions S-1/1 and S-3/1 establishing fact-finding missions, as they were unbalanced, did not reflect all the relevant aspects of the situation and did not require both parties to put an end to the violence. However, it recognized that it was essential for all States to cooperate fully with the mechanisms of the Council, because only then would it be able to carry out its mission to ensure the promotion, protection and implementation of human rights. That was why the members of the European Union who were members of the Council had decided to agree to the adoption of the draft resolution without a vote.

Draft resolution A/HRC/5/L.6

55. **The President** invited the Council to consider the draft resolution entitled "Follow-up to resolution 4/8 of 30 March 2007 adopted by the Human Rights Council at its fourth session entitled 'Follow-up to decision S-4/101 of 13 December 2006 adopted by the Human Rights Council at its fourth special session entitled "Situation of human rights in Darfur" ' " (A/HRC/5/L.6).

56. **Mr. Steiner** (Germany), introducing draft resolution A/HRC/5/L.6 on behalf of the European Union, said that the crisis continued in Darfur and the European Union remained deeply concerned about the persistent violations of human rights and international humanitarian law taking place there, particularly violence against women and children and the resumption of air strikes. The group of experts convened pursuant to the Council resolution 4/8 could make a substantial contribution to improving respect for human rights in Darfur. Hence the European Union and the Group of African States had taken the initiative to introduce the draft resolution together. The text sought to extend the mandate of the group of experts for six months and asked the group to report to the Council. He hoped that, like the previous draft resolutions, it would be adopted without a vote and that it would enable the Council to reinforce human rights protection in Darfur.

57. **Mr. Shoukry** (Egypt), introducing draft resolution A/HRC/5/L.6 on behalf of the Group of African States, said that he hoped it would be adopted by consensus. The draft was in line with the general agreement reached by the Council at its fourth session, which had opened the way for a new, constructive approach to protecting the rights of the Sudanese people in Darfur and helping the Sudanese Government to cope with the political and humanitarian challenges it faced. By highlighting the needs of the Sudanese

Government and its capacity-building efforts in the field of human rights, the Council was fulfilling its mandate in that it was addressing the humanitarian needs of the people of Darfur. The Group of African States welcomed the spirit of cooperation that had characterized the relationship between the Sudanese Government and the group of experts mandated by Council resolution 4/8. It also welcomed the commitment and political will shown by the Sudanese Government in its cooperation with the Council and its mechanisms.

58. **Mr. Mohamed Kheir** (Observer for the Sudan), speaking as the observer for the country concerned, said that by accepting for the third time a consensual text, the Sudan was demonstrating its confidence in the new Council and recognizing the need to respect and promote human rights, which were necessary to establish democracy, peace and the rule of law. He thanked the members of the group of experts for the objective dialogue held with his delegation. The Sudan was committed to meeting its obligations under Council resolution 4/8 and called on the international community to provide the necessary technical support to facilitate the implementation of the resolution. Only a political solution could resolve the crisis in Darfur, and the implementation of the relevant resolutions should contribute to that solution, in addition to the recent agreement concluded by his Government on the establishment of a hybrid force of the African Union and the United Nations in order to ensure that the search for a solution took place in a safe climate. His country was currently experiencing strong economic development, but that could only be maintained and could only benefit the people of the Sudan if peace was established throughout the country against a backdrop of democracy and the promotion and protection of human rights. His Government was committed to that objective and hoped to attain it in the near future. He reiterated his appeal to the international community for help in implementing the recommendations in a spirit of cooperation.

59. *Draft resolution A/HRC/5/L.6 was adopted without a vote.*

60. **Mr. Cormier** (Canada) welcomed the adoption by consensus of draft resolution A/HRC/5/L.6, in which the Council welcomed the report on Darfur by the group of experts and requested it to continue its work for six months. The Council should remain seized of the humanitarian and human rights situation in the Sudan, which was a source of deep concern to his delegation. He welcomed the willingness of the Sudanese Government to cooperate with the group of experts. He urged the Government to act without delay on the recommendations it had agreed to put into action, to pursue the dialogue with the group of experts and to honour its commitments regarding the protection of human rights, in accordance with its obligations under international law. The Council's success would be measured only by real improvements in the human rights situation in Darfur.

The meeting rose at 1.10 p.m.