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SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 28 September 2007, at 10 a.m.

President: Mr. COSTEA (Romania)

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The meeting was called to order at 10.20 a.m.

ORGANIZATIONAL AND PROCEDURAL MATTERS (agenda item 1) (continued)

Draft resolution on the elimination of all forms of intolerance and of discrimination based on religion or belief (A/HRC/6/L.15)

1. The PRESIDENT said that, at the request of the sponsors, the Council's consideration of draft resolution A/HRC/6/L.15 would be deferred.

Draft resolution on technical cooperation and advisory services in the Democratic Republic of the Congo (A/HRC/6/L.19)

2. The PRESIDENT said that, following a request from the sponsors, draft resolution A/HRC/6/L.19 would be deferred until the Council's seventh session.

Draft decision on the mandate of the Special Rapporteur on the situation of human rights in the Sudan (A/HRC/6/L.20)

3. Draft decision A/HRC/6/L.20 was adopted.

Draft statement by the President of the Human Rights Council on the situation of human rights in Haiti (A/HRC/6/L.28)

4. The PRESIDENT said that the programme budget implications of the draft statement had been circulated to all members of the Council.

5. The draft statement contained in document A/HRC/6/L.28 was adopted.

Draft resolution on arbitrary detention (A/HRC/6/L.30)

6. Mr. MATTÉI (France), introducing the draft resolution, drew attention to the amendments that had been circulated to all members. The purpose of the amendment to the fifth preambular paragraph was to recall Council resolutions 5/1 and 5/2 and to specify that mandate-holders must accomplish their tasks in accordance with those resolutions and their annexes. The amendment to paragraph 1 (e) was of a technical nature and did not change the meaning of the text. In paragraph 9 of the English version, the word "request" should read "requests".

7. The PRESIDENT said that there were 15 additional sponsors to the draft resolution. The programme budget implications of the draft resolution had been circulated to all members.

8. Draft resolution A/HRC/6/L.30, as orally revised, was adopted.

Draft resolution on advisory services and technical assistance for Burundi
(A/HRC/6/L.29/Rev.1)

9. Mr. MAHWERA (Observer for Burundi), introducing the draft resolution, said that the following preambular paragraph should be inserted after the second preambular paragraph:

“Recalling resolution 5/1 ‘Institution-building of the United Nations Human Rights Council’ and 5/2 ‘Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council’ of 18 June 2007 and recognizing that mandate-holders must perform their functions in accordance with these resolutions and their annexes,”

10. The PRESIDENT said that there were two additional sponsors to the draft resolution. The programme budget implications of the draft resolution had been circulated to all members.

11. Draft resolution A/HRC/6/L.29/Rev.1, as orally revised, was adopted.

Draft resolution on human rights and indigenous peoples: mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/L.26)

12. Mr. MARTÍNEZ ALVARADO (Guatemala), introducing the draft resolution, said that the purpose of the draft resolution was to renew the Special Rapporteur’s mandate and to strengthen it by establishing clear functions that took account of recent developments and situations on the ground. The draft resolution was fully consistent with the strengthening of the special procedures system under Council resolution 5/1. In the interests of consensus, his delegation had agreed to replace the second preambular paragraph with the following text:

“Recalling the resolutions 5/1 ‘Institution-building of the United Nations Human Rights Council’ and 5/2 ‘Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council’ of 18 June 2007 and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and their annexes.”

In addition, the words “where appropriate” had been added at the end of paragraph 1 (g).

13. The PRESIDENT announced that there were nine additional sponsors of the draft resolution. The programme budget implications of the draft resolution had been circulated to all members.

14. Mr. VASSYLENKO (Ukraine) said that his delegation wished to draw attention to the absence of consensus on the United Nations Declaration on the Rights of Indigenous Peoples. A number of important provisions of the Declaration were unclear. Article 3 of the Declaration must be interpreted and applied in the context of the relevant provisions of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the Vienna Declaration and Programme of Action.

15. Mr. CORMIER (Canada) said that, since his delegation had voted against the recent adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the

General Assembly, the Declaration had no legal effect in Canada, and its provisions did not constitute customary international law. The inclusion of the words “where appropriate” in paragraph 1 (g) meant that the Special Rapporteur had no mandate to promote the Declaration in States that had voted against the Declaration.

16. Mr. MALGINOV (Russian Federation) said that his delegation recognized the importance of the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples. The Russian Federation had explained its position on the United Nations Declaration on the Rights of Indigenous Peoples when that instrument had been adopted by the General Assembly.

17. Ms. NAVARRO LLANOS (Bolivia) said that the revision to operative paragraph 1 (g) diminished the important rights obtained by the recent adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

18. Mr. FLORENCIO (Brazil) said that his delegation wished to reiterate its full support for the United Nations Declaration on the Rights of Indigenous Peoples.

19. Draft resolution A/HRC/6/L.26, as orally revised, was adopted.

PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL,
ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO
DEVELOPMENT (agenda item 3) (continued)

Draft resolution on promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity (A/HRC/6/L.3/Rev.1)

20. Mr. PINO ÁLVAREZ (Cuba), introducing the draft resolution, said that, in the second preambular paragraph, the word “reaffirming” should be replaced by “recalling”. In paragraphs 4 and 5, the words “on the promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity” should be replaced by the phrase “in the field of cultural rights”. In paragraph 5, the words “at its eighth session (to be held in June 2008)”, and in paragraph 7, the words “at its eighth session” should be replaced by “in accordance with its annual programme of work”.

21. The PRESIDENT said that the draft resolution did not have any programme budget implications.

22. Mr. LOGAR (Slovenia), speaking on behalf of the States members of the European Union that were members of the Council, said that the resolution’s focus on the issue of cultural diversity could undermine the principle of universality of human rights. The European Union was concerned at the planned establishment of a thematic procedure on cultural rights. Moreover, it was inappropriate that a Council resolution should refer to the Tehran Declaration and Programme of Action on Human Rights and Cultural Diversity, adopted at the Ministerial Meeting of the Non-Aligned Movement. The outcome of that Declaration had no bearing on States that were not members of the Movement of Non-Aligned States. The accusations made against industrialized countries and against Israel in that Declaration were absolutely unacceptable.

23. Despite its concerns, the European Union did not oppose the draft resolution as a whole. He appreciated the sponsors' efforts to streamline the text and to accommodate some of the European Union's most pressing concerns. The European Union would therefore join the consensus on the adoption of the draft resolution.

24. Draft resolution A/HRC/6/L.3/Rev.1, as orally revised, was adopted.

25. Mr. MINAMI (Japan) said that the objectives of the resolution were the same as those of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions adopted in 2005 by United Nations Educational, Scientific and Cultural Organization (UNESCO) and would be better discussed within UNESCO. His delegation disassociated itself from the consensus by which the draft resolution had been adopted. His delegation would therefore vote against the draft resolution.

Draft resolution on human rights and unilateral coercive measures (A/HRC/6/L.7)

26. Mr. LA ROSA DOMÍNGUEZ (Cuba), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, said that, in paragraph 13 (b), the words "at its ninth session" should be replaced by the words "as appropriate, in accordance with the annual programme of work". In paragraph 14, the words "at its ninth session" should be replaced by "in accordance with the annual programme of work".

27. The PRESIDENT said that there was one additional sponsor. The draft resolution did not have any programme budget implications.

28. Mr. CORMIER (Canada), speaking in explanation of vote before the voting, said that the draft resolution failed to establish a clear distinction between unilateral coercive measures, such as economic sanctions, non-economic sanctions and embargos, which were acceptable under international law, and extraterritorial measures, which were contrary to international law.

29. At the request of the representative of Canada, a recorded vote was taken on the draft resolution.

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

Against: Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Romania, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Republic of Korea, Ukraine.

30. Draft resolution A/HRC/6/L.7 was adopted by 34 votes to 11, with 2 abstentions.

Draft resolution on human rights and equitable access to safe drinking water and sanitation (A/HRC/6/L.13/Rev.1)

31. Mr. SCHWEPPE (Germany), introducing the draft resolution, said that the question of the recognition and realization of the right to safe drinking water and sanitation was of fundamental and increasing political and practical relevance. He hoped that the draft resolution would be adopted by consensus.

32. The PRESIDENT said that there were four additional sponsors to the draft resolution. The draft resolution had no programme budget implications.

33. Draft resolution A/HRC/6/L.13/Rev.1 was adopted.

Draft decision on prevention of genocide (A/HRC/6/L.14)

34. Mr. MNATSAKANIAN (Observer for Armenia), introducing the draft decision, said that the United Nations system bore special responsibility for ensuring effective and continued engagements and consolidated interactions with the Special Adviser on the Prevention of Genocide. He therefore advocated continued efforts to promote contacts between the Special Adviser and the Council, and welcomed the decision of the Secretary-General to retain the mandate of the Special Adviser. The draft decision invited the Special Adviser to address the Council at its seventh session.

35. The PRESIDENT said that there were 19 additional sponsors to the draft decision. The draft decision had no programme budget implications.

36. Draft decision A/HRC/6/L.14 was adopted.

Draft President's statement on the twentieth anniversary of the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/HRC/6/L.22)

37. The PRESIDENT said that the draft statement had no programme budget implications.

38. The draft statement contained in document A/HRC/6/L.22 was adopted.

Draft resolution on development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights (A/HRC/6/L.25)

39. Mr. VELLANO (Italy), introducing the draft resolution, said that, since the launching of the World Public Information Campaign on Human Rights, a number of significant steps and initiatives had been undertaken. In accordance with its mandate, the Council should endeavour to broaden public information activities in the field of human rights. The purpose of the draft resolution was to draw the international community's attention to the need to advance human rights through the promotion of human rights at the national level.

40. The PRESIDENT said that there were 12 additional sponsors to the draft resolution. The draft resolution had no programme budget implications.

41. Draft resolution A/HRC/6/L.25 was adopted.

Draft resolution on a United Nations declaration on human rights education and training (A/HRC/6/L.31)

42. Mr. LOULICHKI (Observer for Morocco), introducing the draft resolution, said that the draft had been revised to take account of existing relevant instruments. In paragraph 2, reference had been added to the elements of a draft declaration on human rights education and training to be included in an interim report. He drew the Council's attention to the Arabic version of the resolution, which would be revised so that "education" and "training" were properly translated. The draft resolution responded to the need, expressed on many occasions by all stakeholders in the Council, to combine the themes of human rights education and training in one instrument.

43. Mr. GODET (Switzerland), also introducing the draft resolution, said that, in preparing a draft declaration on human rights education and training, the Advisory Committee would have to consult all States and regional and international organizations concerned, the Office of the United Nations High Commissioner for Human Rights (OHCHR), national human rights institutions and civil society organizations. The relevant international instruments would also be taken into account. An interim report containing the elements of a draft declaration would be prepared for submission to the Council. In view of the broad support for the draft resolution from the regional groups, he called on the Council to adopt it without a vote.

44. The PRESIDENT said that there were two additional sponsors to the draft resolution. The draft resolution had no programme budget implications.

45. Draft resolution A/HRC/6/L.31, as orally revised, was adopted.

Draft resolution on protection of cultural heritage as an important component of the promotion and protection of cultural rights (A/HRC/6/L.33)

46. Mr. MNATSAKIANIAN (Observer for Armenia), introducing the draft resolution, said that the protection of cultural heritage promoted respect between peoples, nations and cultures and was indispensable to peace and security at the local, national and international levels. The protection of cultural heritage might also prevent such serious human rights violations as incitement to racial or religious hatred.

47. In the eighth preambular paragraph, the word "may" should be inserted after the words "cultural heritage" and the word "violates" should be replaced by "violate"; at the end of the sentence, the words "the principles of humanity and the dictates of public conscience" should be deleted. In paragraph 5, the word "intentional" before the word "failure" should be deleted, and the word "intentional" before the word "destruction" should be replaced by "such". Paragraph 6 should be deleted, and the subsequent paragraphs renumbered accordingly. In original paragraph 11, the phrase "to solicit comments from them on the steps they have taken to promote and implement the present resolution, and to report to the Council at the ninth session of the

Human Rights Council” should be deleted. A new paragraph 11 should be added, which would read: “Decides to remain seized of this issue and to consider further actions in order to implement the present resolution.”

48. The PRESIDENT said that there were five additional sponsors to the draft resolution. The draft resolution had no programme budget implications.

49. Mr. LOGAR (Slovenia), speaking on behalf of the member States of the European Union that were members of the Council, said that, while the European Union recognized that the protection of cultural heritage was an important component of the promotion and protection of cultural rights, the linkage established in the draft resolution between the protection of cultural heritage and human rights was not sufficiently clear. The issues addressed in the draft resolution could best be dealt with by other bodies, such as UNESCO or the International Committee of the Red Cross. The draft resolution was part of an undesirable proliferation of initiatives that had little connection with the Council’s mandate and did not contribute to advancing the cause of human rights. Despite those problems, and in view of the sponsors’ willingness to accommodate some of its most pressing concerns, the European Union would not oppose the adoption of the draft resolution, on the understanding that the issue should not be brought before the Council in future sessions.

50. Mr. AMIRBAYOV (Azerbaijan) said that while his delegation supported the general spirit of the draft resolution, the link between the protection of cultural heritage and human rights in the draft resolution was not sufficiently clear, and the issue should be dealt with in other forums, such as UNESCO. In that context, he reiterated his opposition to the unnecessary and counterproductive politicization of the work of the Council, as well as to the hostile and artificial competition of initiatives. Although the main sponsor had accommodated some of the most pressing concerns, he still had certain difficulties with some parts of the draft. For example, the overuse of the term “intentional” for the destruction of heritage throughout the text did not correspond to the rules of human rights law. In spite of those problems and because of its declared commitment to the spirit of compromise and consensus, his delegation would not oppose the adoption of the draft resolution without a vote, on the understanding that the issue of cultural heritage would not be brought before the Council in the future.

51. Mr. ROSHDY (Egypt) said that the conditions imposed by the representative of the European Union member States that were members of the Council were unacceptable. His delegation reasserted the right of every representative to submit any initiative to the Council.

52. Draft resolution A/HRC/6/L.33, as orally revised, was adopted.

Draft resolution A/HRC/6/L.36 on the creation of a working group to elaborate a set of human rights voluntary goals to be launched on the occasion of the celebration of the sixtieth anniversary of the Universal Declaration of Human Rights (A/HRC/6/L.36)

53. The PRESIDENT said that, at the request of the sponsors, the Council’s consideration of draft resolution A/HRC/6/L.36 would be deferred until the second part of the sixth session.

HUMAN RIGHTS BODIES AND MECHANISMS (agenda item 5) (continued)Draft resolution on the Social Forum (A/HRC/6/L.17/Rev.1)

54. Mr. GALA LÓPEZ (Cuba), introducing the draft resolution, said that the draft resolution contained a request for the Social Forum to be held in Geneva in 2008. The Forum should focus on such questions as the eradication of poverty in the context of human rights, and the social dimension of the globalization process.

55. The PRESIDENT announced that there were two additional sponsors to the draft resolution. The programme budget implications of the draft resolution had been circulated to all members of the Council.

56. Mr. LOGAR (Slovenia), speaking on behalf of the States members of the European Union that were members of the Council, said that, in view of the Council's heavy workload and the fact that there were issues on the agenda that could be merged, the European Union considered that two days would be sufficient for the Social Forum. The establishment of the Social Forum should not prejudice the results of the ongoing process of the review of mandates. The European Union believed that a broader reference to the relevant Human Rights Council thematic procedures mandate-holders would have been more appropriate. Given the importance of the matter, the European Union would not oppose the draft resolution.

57. Draft resolution A/HRC/6/L.17/Rev.1 was adopted.

Draft resolution on a Special Rapporteur on contemporary forms of slavery (A/HRC/6/L.23/Rev.1)

58. Mr. THORNE (United Kingdom), introducing the draft resolution, said that the purpose of the draft resolution was to establish a new Special Rapporteur to replace the former Working Group on Contemporary Forms of Slavery of the Sub-Commission on the Promotion and Protection of Human Rights. The new mandate would help eliminate modern forms of slavery and slavery-like practices wherever they occurred.

59. The ninth preambular paragraph of the draft resolution should read:

“Recalling Human Rights Council resolution 5/1 ‘Institution-building of the United Nations Human Rights Council’ and its annex, which stated that the Council would decide at its sixth session on the most appropriate mechanisms to continue the work of the Working Groups on Indigenous Populations, Contemporary Forms of Slavery, Minorities, as well as Human Rights Council resolution 5/2 ‘Code of Conduct for Special Procedures Mandate-Holders of the Human Rights Council of 18 June 2007 and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and their annexes.”

60. Paragraph 3 (c) should be deleted since it contained the same wording as paragraph 2 (a).

61. The PRESIDENT announced that there were nine additional sponsors to the draft resolution. The programme budget implications of the draft resolution had been circulated to all members.

62. Mr. SHALABY (Egypt) said that the reference to forced prostitution that had been introduced fell short of his delegation's expectations. The human rights dimensions of prostitution had figured prominently on the agenda of the Working Group on Contemporary Forms of Slavery, and it was important to provide a legal and technical definition of the issue before the new mechanism began operation. In a spirit of consensus his delegation would not oppose the draft resolution.

63. Mr. TAVARES (Indonesia) said that, while his delegation was in favour of establishing a Special Rapporteur on contemporary forms of slavery to replace the Working Group on Contemporary Forms of Slavery, it considered that the new Special Rapporteur should cooperate with other special procedures in order to avoid duplication of efforts. In fulfilling his mandate, the Special Rapporteur would not only help to promote international cooperation to combat contemporary forms of slavery but would also encourage States to ratify related instruments, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

64. Draft resolution A/HRC/6/L.23/Rev.1, as orally revised, was adopted.

Draft resolution on a forum on minority issues (A/HRC/6/L.34)

65. Mr. PETRITSCH (Observer for Austria), introducing the draft resolution, said that facilitation of dialogue among all stakeholders had been at the heart of the mandate of the Working Group on Minorities of the Sub-Commission for the Promotion and Protection of Human Rights, and it was imperative to provide a similar platform for dialogue and to build on the positive aspects of the work of the Working Group.

66. In the eleventh preambular paragraph, the word "relevant" should be inserted before the word "stakeholders". A new preambular paragraph should be inserted after the eleventh preambular paragraph:

“Emphasizing also the importance of national processes aimed at promoting and strengthening dialogue between all relevant stakeholders on issues relating to the rights of persons belonging to national, or ethnic, religious and linguistic minorities with a view to ensure the realization of their rights without discrimination and to help build stable societies;”.

The twelfth preambular paragraph should be deleted.

67. In paragraph 1, the words “with the aim of contributing to dialogue and the promotion of inclusive and stable societies at national level” should be deleted.

68. In paragraph 2, the words “and other relevant national bodies, academics and experts on minority issues” should be inserted after “national human rights institutions”. After the words “non-governmental organizations”, the following text should be inserted:

“in consultative status with the Economic and Social Council; the Forum shall also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, based on arrangements, including Economic and Social Council resolution 1996/31, and practices

observed by the Commission on Human Rights, through an open and transparent accreditation procedure in accordance with the rules of procedure of the Human Rights Council, which shall provide for the timely information on participation and consultations with States concerned;”.

The last part of the paragraph, starting with “as well as academics and experts on minority issues”, should be deleted.

69. In paragraph 3, the words “with the possibility to extend by one more day for organizational matters” should be deleted. A new paragraph 3 bis should be added, which would read: “Requests the President of the Human Rights Council to appoint for each session, on the basis of regional rotation and in consultation with regional groups, a chairperson of the Forum among experts on minority issues nominated by members and observers of the Council; the Chairperson, serving in his/her personal capacity, shall be responsible for the preparation of a summary of the discussion of the Forum to be made available to all participants of the Forum;”.

70. In paragraph 4, the words “convene the Forum and guide its work, including by identifying annual thematic subjects for discussion and consultation with the Forum,” and the words “a summary of the annual discussions”, should be deleted. In the first line of paragraph 4, the words “guide the work of the Forum and prepare its annual meetings” should be inserted after the word “shall”; in the third line, the words “thematic recommendations” should be inserted after the word “report”.

71. In paragraph 6, the words “in a transparent manner” should be inserted after “to facilitate”, and the words “and equitable” should be inserted after the words “broadest possible”.

72. Mr. GALA LÓPEZ (Cuba), referring to paragraph 7 of the draft resolution, said that his delegation was concerned at the use of the phrase “within existing resources of the United Nations”, which should not set a precedent. Political initiatives agreed by States in the Council or similar bodies should not be subject to budgetary considerations, which were the sole competence of the Fifth Committee of the General Assembly.

73. The PRESIDENT announced that there were seven additional sponsors to the draft resolution. The programme budget implications of the draft resolution had been circulated to all members.

74. Draft resolution A/HRC/6/L.34, as orally revised, was adopted.

Draft resolution on an informal meeting to discuss the most appropriate mechanisms to continue the work of the Working Group on Indigenous Populations (A/HRC/6/L.35)

75. Ms. NAVARRO LLANOS (Bolivia), introducing the draft resolution, said that the purpose of the draft resolution was to make it possible to complete discussions on an improved mechanism, in order to enable the Council to take a decision on the matter at its resumed sixth session in December 2007. In the operative paragraph, the words “for a day and a half” should be inserted after the word “Geneva”, and the words “exchange views on” should be replaced by the words “further discuss”.

76. The PRESIDENT announced that there were two additional sponsors to the draft resolution. The programme budget implications of the draft resolution had been circulated to all members.

77. Draft resolution A/HRC/6/L.35, as orally revised, was adopted.

78. Mr. LOGAR (Slovenia), speaking on behalf of the States members of the European Union that were members of the Council, said that the Code of Conduct for Special Procedures Mandate-Holders was binding in itself and there was neither a need nor a “legal” obligation, as had been suggested by the representative of Egypt at a previous meeting, to include a reference to the Code of Conduct in resolutions pertaining to the mandates.

79. Mr. ROSHDY (Egypt) said that the representative of Slovenia had slightly misrepresented the remarks made earlier by the Egyptian delegation. His delegation had said that the Code of Conduct should be mentioned in all resolutions on mandates, and not that the Code would not be legally binding without such a reference.

UNIVERSAL PERIODIC REVIEW (continued)

Draft resolution on the establishment of funds for the universal periodic review mechanism of the Human Rights Council (A/HRC/6/L.12/Rev.1)

80. Mr. SHALABY (Egypt), introducing the draft resolution on behalf of the Group of African States, said that in order for the universal periodic review mechanism to be launched successfully, with the full and effective participation of all countries, the Secretary-General should expeditiously establish both a universal periodic review voluntary trust fund to facilitate such participation and a new voluntary fund for financial and technical assistance. The Group of African States urged all member States, observers and other stakeholders to contribute to and support the two funds, and called on OHCHR to take the necessary measures for their expeditious establishment. He hoped that the draft resolution would be supported by all member States.

81. The PRESIDENT announced that there were 11 additional sponsors to the draft resolution. The draft resolution had no programme budget implications.

82. Draft resolution A/HRC/6/L.12/Rev.1 was adopted.

HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER OCCUPIED ARAB TERRITORIES (continued)

Draft resolution on the human rights situation in the Occupied Palestinian Territory: follow-up to Human Rights Council resolutions S-1/1 and S-3/1 (A/HRC/6/L.2)

83. Mr. KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference and the Group of Arab States, said that the two fact-finding missions mandated under Council resolutions S-1/1 and S-3/1 had been unable to carry out their assigned tasks owing to difficulties in gaining access to the Occupied Palestinian Territory. The draft resolution requested the President of the Council and the High Commissioner for Human Rights to report to the Council at its next session on compliance by the occupying Power with the two resolutions. He hoped that the draft resolution would be adopted by consensus.

84. The PRESIDENT announced that there were three additional sponsors to the draft resolution. The programme budget implications of the draft resolution had been circulated to all members.

85. Mr. ROSHDY (Egypt) said the Council's adoption of the draft resolution would be a vote of confidence for the Council's integrity and credibility. The Council needed to send a strong signal to the Government of Israel that it would not tolerate the grave human rights violations that Israel was committing in Palestine.

86. Mr. LOGAR (Slovenia), speaking on behalf of the States members of the European Union that were members of the Council, said that the European Union had not supported Council resolutions S-1/1 and S-3/1 because they did not call on both parties to halt the violence. However, it was of vital importance that all States should cooperate fully with the Council. For that reason, the members of the European Union would not oppose the draft resolution.

87. Mr. ABU-KOASH (Observer for Palestine) said that, in the past few days, Israeli forces had killed 12 Palestinians and injured several others in a new attack on the occupied Gaza Strip, including Beit Hanoun. Council resolutions S-1/1 and S-3/1 had been ignored by Israel, which was the only State that did not agree that Council resolutions should be respected and implemented. He urged the Council to adopt the draft resolution without a vote.

88. Draft resolution A/HRC/6/L.2 was adopted.

Draft resolution on religious and cultural rights in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/6/L.4)

89. Mr. KHAN (Pakistan), introducing the draft resolution on behalf of the Organization of the Islamic Conference and the Group of Arab States, said that the Israeli actions were undermining the sanctity and inviolability of religious sites in Occupied East Jerusalem. The draft resolution called on Israel to allow Palestinian worshippers unfettered access to their religious sites. While the restrictions on access to holy sites affected not only Muslims but adherents of all other religions, in the current month of Ramadan, the denial of access to such sites was being felt most acutely by Muslims. The Council should adopt the draft resolution unanimously.

90. The PRESIDENT announced that there were two additional sponsors. The draft resolution had no programme budget implications.

91. Mr. LOGAR (Slovenia), speaking on behalf of the States members of the European Union that were members of the Council, called on all States to refrain from taking any measures that might hinder the full exercise of the right to freedom of religion by obstructing access of worshippers to holy sites. Such measures should not be discriminatory and should be motivated by the need to protect public safety or public order or the fundamental rights and freedoms of others. The draft resolution did not accurately reflect the provisions of human rights law that allowed, in specific circumstances, limitations on the rights in question. Since the draft resolution ignored that fact as well as some aspects of the concrete security situation on the ground its language and demands were somewhat unbalanced and excessive. Moreover, the Council's adoption of the draft resolution might have a negative effect on the ongoing discussions in UNESCO concerning the Al-Aqsa Mosque. The European Union urged all parties

to continue to hold an open and effective dialogue on the question with a view to achieving a satisfactory consensus outcome in the appropriate United Nations forum. For those reasons, the European Union called for a vote on the draft resolution and would abstain in the vote.

92. Mr. ABU-KOASH (Observer for Palestine) said that in the current holy month of Ramadan, Palestinian worshippers wished to pray in the Al-Aqsa Mosque, the third holiest shrine for Muslims. Israel had closed off the Occupied Palestinian Territory because of the Jewish holidays, blocking the access of Palestinian worshippers outside occupied Jerusalem. It was normal practice for Israel to prevent and limit access to Muslim and Christian holy sites in Palestine, particularly in Jerusalem and Bethlehem, during Muslim and Christian holy days.

93. At the request of the representative of Slovenia, a recorded vote was taken on draft resolution A/HRC/6/L.4.

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

Against: Canada.

Abstaining: Bosnia and Herzegovina, Cameroon, France, Germany, Guatemala, Italy, Japan, Madagascar, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

94. Draft resolution A/HRC/6/L.4 was adopted by 31 votes to 1, with 15 abstentions.

95. Mr. GRINIUS (Canada) said that Canada supported the principle that there should be substantive follow-up to the Council's decisions. His delegation would have supported the resolutions adopted at the Council's first and third special sessions if they had been more even-handed and objective. Canada was a staunch supporter of the right to freedom of religion, and agreed that Israel's periodic restrictions on the access of Palestinian worshippers to holy sites should be consistent with international humanitarian and human rights law. However, the resolution that had just been adopted failed to acknowledge that, in some instances, limits on religious practices and access to religious sites could be adopted for security reasons. Canada had therefore voted against the draft resolution.

96. Ms. OLIVERA WEST (Mexico) said that her delegation had voted in favour of the draft resolution because Mexico believed that all persons should have free access to their places of worship, as well as freedom of movement. Walls between peoples were a tangible manifestation of the intolerance that sometimes occurred in the course of history; they were useless, since they ended up being torn down by inevitable exchanges among people. New walls would fall, but the psychological wounds inflicted by their construction would leave invisible walls of mistrust.

The meeting rose at 12.55 p.m.