



## General Assembly

Distr.  
GENERAL

A/HRC/6/SR.34  
17 January 2008

Original: ENGLISH

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### HUMAN RIGHTS COUNCIL

Sixth session

#### SUMMARY RECORD OF THE 34th MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 14 December 2007, at 10 a.m.

President: Mr. COSTEA (Romania)

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GE.07-15358 (E) 211207 170108

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

PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT (agenda item 3) (continued) (A/HRC/6/L.15/Rev.1, L.36/Rev.1, L.37, L.41, L.43-44, L.46 and L.49)

Review, rationalization and improvement of mandates (continued)

1. The PRESIDENT invited the Council to resume consideration of the mandate of the Special Rapporteur on the situation of human rights in the Sudan.
2. Mr. GODET (Switzerland) said that the Commission on Human Rights, followed by the Human Rights Council, had been examining the situation of human rights in the Sudan since 1993. Unfortunately, the follow-up by the Sudanese authorities to the international community's recommendations had been unsatisfactory. The situation in the Sudan was characterized by a lack of fundamental freedoms, persistent human rights violations and devastating poverty. It was regrettable that the Government had nominated as head of a commission to investigate the human rights situation in Darfur a person who had been indicted by the International Criminal Court. The situation in the Sudan continued to warrant the Council's full attention. The Special Rapporteur had a momentous task and the mandate should be renewed.
3. Mr. GRINIUS (Canada) said that the difficult human rights situation in the Sudan should remain on the Council's agenda. His delegation firmly supported the renewal of the mandate of the Special Rapporteur, which played a crucial role in the promotion of human rights in the Sudan, had facilitated dialogue between the Council and the Sudanese Government, and had provided useful technical assistance.
4. In her most recent report, the Special Rapporteur had referred to persisting obstacles to the enjoyment of human rights in the Sudan, including the continuing flagrant human rights violations in Darfur by all parties to the conflict. She had also drawn attention to problems such as intertribal clashes, the lack of access to justice, impunity, and the slow implementation of the Comprehensive Peace Agreement, which hindered the establishment of key national institutions. The delay in the implementation of the Agreement posed a serious threat to the humanitarian and security situation and the protection of human rights.
5. Despite the gravity of the situation in Darfur, the international community must not lose sight of potential sources of conflict and continuing human rights violations elsewhere in the Sudan. He urged the Sudanese authorities to cooperate with the Special Rapporteur and called on all Council members to support the extension of the mandate.
6. Mr. FERNÁNDEZ PALACIOS (Cuba) said that the conflict in Darfur and the resulting human rights challenges were rooted in the country's colonial history, the artificial post-colonial division of Africa and the structural poverty resulting from centuries of exploitation and plundering to further the economic and geopolitical interests of the colonizers. The complex situation in Darfur could not be solved overnight or by outsiders; the views of the Sudanese Government must be taken into account.

7. The group of experts established pursuant to Human Rights Council resolution 4/8 had expressed appreciation to the Government of the Sudan for its ongoing cooperation, its efforts to implement the group's recommendations and its willingness to engage in open and constructive dialogue. Those developments showed once again that any measures decided by the Council could only bear fruit if the Sudanese Government accepted and participated fully in their implementation. His delegation endorsed the views expressed on behalf of the Group of African States and would support any initiative that sought to enhance dialogue, cooperation and support for the people affected by the situation in Darfur.

8. Ms. KANKASA (Zambia) said that her delegation had noted the persisting human rights challenges in the Sudan and Darfur with grave concern. She urged the Sudanese Government to conduct programmes and activities to implement the recommendations made by the group of experts and the Special Rapporteur. The international community must continue to assist the Sudan in those efforts and the mandate of the Special Rapporteur should be renewed.

9. Mr. BOICHENKO (Russian Federation) said that the Russian delegation had always attached great importance to settling human rights issues within the framework of country mechanisms. Countries under the scrutiny of such mechanisms should participate fully in the adoption of any decisions in their regard. All such decisions should be adopted by consensus.

10. The Special Rapporteur had been successful in facilitating dialogue, had cooperated actively with the African Union in the establishment of United Nations offices in the Sudan, and had placed particular emphasis on the grave situation in Darfur. The reports of the Special Rapporteur should pay more attention to positive developments and relevant information provided by the Government of the Sudan.

11. It was regrettable that the Special Rapporteur had been unable to attend the present meeting and engage in dialogue on her mandate. His delegation would be interested to learn of her response to the questions raised by the Group of African States, in particular with regard to the way in which she envisaged linking her mandate to the needs of the Sudan with a view to improving the human rights situation. International and regional actors should increase their support for the work of the Special Rapporteur.

12. Mr. BAAH-DUODU (Ghana) said that special procedures were an important aspect of the Council's mandate. His delegation therefore welcomed the consensual outcome of the deliberations under the present agenda item and supported the extension of the Special Rapporteur's mandate.

13. Mr. TIERNEY (Observer for Ireland) said that his delegation associated itself with the statement made by the representative of Portugal on behalf of the European Union. The Special Rapporteur's auditing function could serve as a confidence-building measure for the implementation of the Comprehensive Peace Agreement. The potential of the Agreement, which could make a real difference to the human rights situation in southern Sudan, had not been exploited properly and the extension of the Special Rapporteur's mandate could help secure progress.

14. The Government of the Sudan should do more to tackle impunity. It was unacceptable that an individual who had been indicted by the International Criminal Court continued to serve as a member of the Government and had now been entrusted with new responsibilities relating to the African Union-United Nations Hybrid Operation in Darfur. The prosecution of perpetrators of human rights violations and cooperation with the International Criminal Court were real benchmarks for progress.

15. The Council must not ignore the suffering of the people in Darfur. The value of its work would be measured against tangible improvements on the ground, which would require a commitment to reinvigorate the Darfur Peace Agreement and implement the recommendations of the group of experts. Those measures could build confidence in the quest for wider peace and must be pursued further. The selfless work of more than 12,000 humanitarian workers in Darfur should be a source of inspiration to the Council.

16. Mr. TICHENOR (Observer for the United States of America) said that the Council must remain resolved to end the suffering and violence in Darfur. Country-specific mandates played a critical role in calling attention to and addressing human rights situations throughout the world. Given the extent and severity of human rights violations in the Sudan, including killings, displacement, violence, lawlessness and obstruction of access to humanitarian assistance, the Council must act.

17. The Special Rapporteur had played an important role in monitoring and raising awareness about human rights issues in the Sudan and in promoting peace and human rights in southern Sudan, while the group of experts on Darfur had helped foster the implementation of human rights recommendations in the region. The Council must renew the mandate of the Special Rapporteur. Failure to do so would call into question its very existence as a body set up to promote universal respect for the protection of all human rights and fundamental freedoms for all.

18. Mr. HEINES (Observer for Norway) said that the grave human rights situation in the Sudan had been high on the United Nations human rights agenda for over a decade. Since the signing of the Comprehensive Peace Agreement in 2005, there had been many positive developments. The Agreement contained clear provisions for improving the human rights situation and the Sudanese authorities had adopted several relevant laws and provisions. The press and other media had benefited from a process of gradual liberalization, and restrictions on political activity and preparations for national multiparty elections had been eased. The Special Rapporteur could play a key role, in cooperation with the Sudanese Government, the Government of southern Sudan and relevant United Nations bodies, in intensifying those positive efforts.

19. The situation in Darfur, on the other hand, continued to be a cause for grave concern. The signing of the peace agreements concerning Darfur and eastern Sudan were important positive developments, but more must be done to improve the human rights situation in those regions. The Special Rapporteur could play an important and positive monitoring and advisory role in that regard and facilitate cooperation and dialogue between the Sudanese Government and relevant United Nations agencies and bodies. His delegation therefore strongly supported the extension of the mandate.

20. Mr. DAHLGREN (Observer for Sweden) said that his delegation aligned itself with the statement made by Portugal on behalf of the European Union. He invited the Special Rapporteur to assess developments in addressing impunity since the submission of her report, and to identify the main human rights issues in eastern Sudan that would continue to require the attention of her mandate and the Government of the Sudan. He asked what judicial measures, if any, the Sudanese authorities had taken in response to the reported excessive use of violence against demonstrators and arbitrary arrests in connection with the construction of the dams in the Merowe and Kajbar areas of northern Sudan. He enquired whether the Special Rapporteur could bring pressure to bear in that regard. The Special Rapporteur should also indicate what measures she deemed most effective to address the frequent violations of women's rights in the Sudan and explain how her mandate interacted with other relevant thematic mandates of the Council.

21. Mr. ROSALES (Observer for Argentina) said that, in her most recent report to the United Nations General Assembly, the Special Rapporteur had described the slow progress in the implementation of the Comprehensive Peace Agreement, the lack of reforms, the persistent human rights violations undermining the consolidation of peace in the Sudan, a general increase in violence in Darfur, and growing obstacles to the enjoyment of certain civil and political rights.

22. The High-Level Mission on the situation of human rights in Darfur, for its part, had made a number of recommendations to the Human Rights Council, the Government of the Sudan, the armed rebel movements and the international community. It had called on the United Nations General Assembly to request the compilation of a list of foreign companies whose activities had an adverse impact on the human rights situation in Darfur. In that context, his delegation firmly supported the continuation of the mandate of the Special Rapporteur, which should help put an end to the grave situation in the Sudan.

23. Mr. BESSEDIK (Observer for Algeria) said that the special procedures of the Human Rights Council should not be imposed on countries and their work should be based on respect for the sovereignty of the States concerned. The Government of the Sudan had cooperated with the Human Rights Council and its predecessor, the Commission on Human Rights. The security and human rights situation in Darfur had improved considerably and over 400,000 displaced persons had returned home.

24. The Special Rapporteur placed insufficient emphasis on the economic, social and cultural aspects of her mandate and the international community failed to take account of the real needs of the Sudan. Any selectivity in regard to human rights protection must be strictly avoided. The international community, especially donor countries, must provide financial and technical assistance in order to support the Sudan in its efforts to address the situation. He wondered how the Special Rapporteur reconciled the responsibilities of mandate with her presidency of the group of experts on Darfur, given the potential overlap and conflicting interests of the two mechanisms.

25. Mr. CHERIF (Observer for Tunisia) acknowledged the positive developments in the Sudan and the willingness of the authorities to cooperate and work for progress. Improvements in the socio-economic situation in the Sudan would greatly enhance the enjoyment of human rights in that country.

26. Mr. BERZINJI (Observer for Iraq) said that stability in Arab countries and elsewhere was the best guarantee of respect for human rights. Iraq supported all endeavours aimed at promoting reconciliation and in that context welcomed the signing by the Sudan of three peace agreements covering southern and eastern Sudan and Darfur. It also welcomed the ongoing cooperation between the Human Rights Council and the Sudan.

27. Mr. LOULICHKI (Observer for Morocco) expressed disappointment at the fact that the Special Rapporteur on the situation of human rights in the Sudan was not in attendance at the current meeting on the rationalization of her mandate. The final report on the situation of human rights in Darfur prepared by the group of experts mandated by the Human Rights Council in its resolution 4/8 (A/HRC/6/19) provided a positive account of the cooperation of the Sudanese Government with the group. Morocco was convinced that the Sudanese authorities were eager to intensify their cooperation with the Council and to surmount the difficulties that were currently impeding progress. The Sudanese delegation to the current session had shown considerable flexibility regarding the adoption by the Council of a resolution renewing the Special Rapporteur's mandate.

28. Ms. ROSE (Canadian Human Rights Commission), speaking also on behalf of the National Consultative Commission of France, the German Institute for Human Rights, the National Human Rights Commission of Algeria, the Kenya National Human Rights Commission and the National Commission for Human Rights of Rwanda, urged Council members to redouble their efforts to ensure that the conscience of mankind was never again outraged by acts that the international community had the power to prevent. The rights and dignity of the people of Darfur and their very existence had been violated and continued to be threatened in a widespread pattern of impunity.

29. The national human rights commissions on behalf of which she spoke therefore strongly supported the proposal to renew the Special Rapporteur's mandate and encouraged Council members to ensure that she could play a leadership role, in cooperation with the Sudanese Government, in identifying instruments that could transform the human rights situation in the Sudan, including options for ensuring that all Sudanese people had access to an independent and effective national human rights institution established in accordance with the Paris Principles. The Special Rapporteur should also work closely with other Council mandate-holders, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the group of experts with a view to addressing human rights challenges in a coordinated and comprehensive way.

30. Mr. SULEIMAN (International Federation for Human Rights), speaking also on behalf of the Sudan Organization against Torture, urged the Council to maintain and support the Special Rapporteur's mandate. The Special Rapporteur had rightly drawn attention to the slow implementation of the peace agreement that had ended the war in southern Sudan and of the Interim National Constitution. Legislative reform was seriously behind schedule and laws were still being applied that condoned systematic interference with freedom of expression and the activities of human rights defenders. As the security forces continued to be protected by immunity laws, practices such as arbitrary detention and torture were also common. The Special Rapporteur's mandate would give a voice to the Sudanese people, maintain an active debate on human rights issues and support the Government in respecting its human rights obligations.

31. The vast majority of the expert group's recommendations on Darfur had not been implemented and millions of people were still in need of protection. The Council should call on the Government of the Sudan to continue cooperating with the Special Rapporteur and the international community with a view to ending human rights violations in Darfur, and to comply with its constitutional and international human rights obligations.

32. Mr. FRANKENSTEIN (United Nations Watch) said that people around the world would find it difficult to understand why so many member States of the highest United Nations human rights body were trying to end scrutiny of the Sudan's atrocities in Darfur despite reports of continuing gross abuses by the group of experts on Darfur and the Special Rapporteur on the situation of human rights in the Sudan. The group of experts had found that the Sudan was failing to implement recommendations and called on the authorities to cease acts of violence against civilians, women, children, the elderly, persons with disabilities and internally displaced persons.

33. He failed to understand why the representative of Egypt, speaking on behalf of the Group of African States, had claimed that the situation in Darfur was improving and called for the dismissal of some or all of the experts. The representative of Algeria had urged the Council to terminate the work of the group of experts. Although the Council had been established to strengthen human rights scrutiny, it had eliminated the mandates of the experts on Cuba and Belarus and some of its members were seeking to do away with other mandates. His organization urged the Council not to let down the victims of Darfur.

34. Mr. ORBAN (Amnesty International) noted that the Commission on Human Rights had terminated the mandate of the Special Rapporteur on the situation of human rights in the Sudan in 2003 although the mandate-holder had been issuing warnings about the deteriorating situation in Darfur since 2001. The mandate had rapidly been restored owing to the seriousness of the human rights situation.

35. The Council was now giving attention to Darfur but independent observers continued to receive credible reports of serious human rights violations in other regions of the Sudan, including arbitrary arrests, prolonged incommunicado detention and torture. The right to freedom of expression was also frequently violated. The High Commissioner had drawn the Council's attention a few days previously to the grave violations of international human rights and humanitarian law that continued to be committed with impunity. It was therefore regrettable that the mandate of the group of experts would not be renewed. He hoped that the Special Rapporteur would be given the support she required to ensure that the Government fulfilled its many outstanding commitments to the group of experts and the Council.

36. Mr. GILLIOZ (Human Rights Watch) said that while the atrocities in Darfur had become a global concern, serious abuses of human rights persisted in other parts of the Sudan. Continuing scrutiny from the Special Rapporteur was essential to address such patterns of abuse. According to the Special Rapporteur, some progress had been made in terms of Government policies and statements but they had yet to be translated into improvements on the ground.

37. A fragile peace had been established in eastern Sudan, but the victims of earlier atrocities, such as the massacre at Port Sudan in January 2005, had yet to receive justice. In southern Sudan and transitional areas, there were allegations of ill-treatment and torture by the

Sudan People's Liberation Army (SPLA) and of police misconduct and arbitrary and prolonged detention. Women's rights were frequently violated throughout the country. Women were forced into early marriage, placed in detention for adultery or non-payment of dowry, and subjected to female genital mutilation and other forms of sexual or gender-based violence.

38. It was a time of great opportunity in the Sudan. The Government had issued policy statements on human rights, including a declaration on violence against women, and the peace agreements concerning southern and eastern Sudan provided enormous potential for democratic transformation and for reform of the police and judicial system. However, it was also a time of great risk if those policies and agreements were not translated into action. The Special Rapporteur could issue an early warning in that regard and it was therefore vitally important to extend her mandate.

39. Mr. SMITH (Cairo Institute for Human Rights Studies) said that a decision to subsume the mandate of the expert group on Darfur under that of the Special Rapporteur on the situation of human rights in the Sudan would send the wrong message to millions of destitute internally displaced persons and victims of violence in Darfur and would undermine the legitimacy of the Council. The duties of a country-specific Special Rapporteur should not include the mobilization of international technical and financial support for the country under review, since that would create a system of patronage and adversely affect the original purpose of country mandates, which was to address urgent human rights situations through objective monitoring and consultations. The merging of the two mandates would also embolden the Sudanese Government in its efforts to secure domestic and international impunity for war crimes and crimes against humanity committed in its territory.

40. Mr. EL GHEABI (Sudan Council of Voluntary Agencies) expressed support for the renewal of the mandate of the Special Rapporteur although she had received information from sources that had a covert agenda.

41. He urged the Sudanese Government and the security forces to refrain from shutting down newspapers in the absence of judicial authorization.

42. The Special Rapporteur had failed to condemn repeated violations of human rights in areas dominated by armed groups in Darfur, as a result of which education and economic development had ground to a halt, or the violations perpetrated in southern Sudan. She had also failed to mention the abduction of children from Darfur on the pretext that the incident had occurred following the submission of her report. On the other hand, she had mentioned the release of a prisoner that had occurred only two weeks before the current session of the Council.

43. He urged the Special Rapporteur to focus on supporting civil society institutions and human rights organizations operating in the Sudan so that they could take advantage of her expertise. He assured the Council and the Special Rapporteur that patient and persistent contacts with the Government and armed groups would eventually yield positive results.

44. Mr. ELMANA (African-American Society for Humanitarian Aid and Development) said that the Special Rapporteur's report clearly indicated that the Sudan was willing to cooperate with her. However, the international community's financial and technical assistance was required to implement her recommendations, given the complexity of the circumstances on the ground,



with more than 24 armed groups actively destabilizing the situation. He trusted that with such assistance, the human rights and humanitarian organizations that were operating in the country with limited means would successfully achieve their human rights objectives and help to restore peace and security. The Council should also provide training for Sudanese human rights activists so that they could spread a human rights culture.

45. It was important for the Council to seek information on the Sudan only from reliable sources and the Special Rapporteur should be careful to show respect for the country's culture and the Islamic sharia.

46. Mr. SHOUKRY (Egypt), speaking on behalf of the Group of African States, expressed the Group's appreciation of the Special Rapporteur's work and encouraged her to continue with her endeavours to enhance the protection and promotion of human rights in the Sudan in cooperation with the Government, the Council and the international community.

47. The Group of African States considered that the process of review, rationalization and improvement had not adequately focused on the specific nature and functioning of the mandate. Instead, representatives had reiterated their positions on the situation in the Sudan. The Group realized that the development of a well-defined process of assessment was a work in progress and it looked forward to continuing that work in due course. It was surprised, however, that the Special Rapporteur had not come to the current meeting in order to comment on the process and reply to the questions raised during the session. The Group urged her to show greater commitment and to engage with the Council and concerned States in fulfilling her mandate.

48. Although the Group of African States considered that the Council's assessment of the mandate was incomplete, it would assume, in view of the sensitivity of the matter and in the light of the consensus achieved on the two draft resolutions concerning the Sudan, that the review had been completed, albeit only in theory. However, it expected to return to the matter at an appropriate time in the future, since the review, rationalization and improvement process was an ongoing exercise.

The meeting was suspended at 11.20 a.m. and resumed at 11.35 a.m.

Draft resolution on the elaboration 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/Rev.1)

49. Mr. FLORÊNCIO (Brazil), introducing the draft resolution, said that, by adopting it, the Council would show that it had the capacity to act in the same spirit of inclusiveness that had inspired the Universal Declaration of Human Rights.

50. Mr. WARD (Office of the United Nations High Commissioner for Human Rights) said that the programme budget implications of the draft resolution had been circulated during the first part of the sixth session. The total amount required to cover conference services and secretariat support was US\$ 211,600.

51. The PRESIDENT announced that there were eight additional sponsors of the draft resolution.

52. Mr. LOGAR (Slovenia), speaking on behalf of the European Union, said that the term “voluntary goals” should be understood to mean commitments to promote the realization of the Universal Declaration of Human Rights and existing human rights obligations; it did not represent a way of weakening, delaying or diluting those obligations and commitments. At the same time, the attainment of such goals should not be considered a precondition to the implementation of the Universal Declaration or an instrument for imposing new human rights standards.

53. The process leading to the elaboration of the goals required input not only from governments but also from the United Nations system, independent experts and representatives of civil society. It was therefore necessary to define clearly the various phases that would constitute the process and a conceptual framework for its outcome. In view of the importance of the draft resolution, the European Union was grateful that the sponsors had included the provision that the process of elaborating the voluntary goals would be pursued on a consensual basis. Such an open and constructive approach had enabled the European Union to support the adoption of the draft resolution by consensus.

54. Mr. PINO ÁLVAREZ (Cuba) said that his delegation would join the consensus on the draft resolution, on the understanding that the realization of the purposes stated would involve a broad and inclusive process, with emphasis on the promotion and protection of all human rights for all. The Universal Declaration of Human Rights was a fundamental document, but it was incomplete; it contained no reference to the right to development, the right of peoples to self-determination, the right to peace and solidarity and the right to live in a healthy environment, among others. The process should also commemorate the fifteenth anniversary of the adoption of the Vienna Declaration and Programme of Action, which had recognized the universal and indivisible nature of all human rights.

55. Draft resolution A/HRC/6/L.36/Rev.1 was adopted.

Draft Decision on the Alliance of Civilizations (A/HRC/6/L.37)

56. Mr. ÜZÜMCÜ (Observer for Turkey), introducing the draft decision, recalled that the Alliance of Civilizations project had been launched in 2004 by the Governments of Spain and Turkey under the auspices of the Secretary-General with a view to facilitating contacts and dialogue between different cultures and groups of countries. In April 2007, the former President of Portugal, Mr. Jorge Sampaio, had been appointed High Representative for the Alliance of Civilizations by the Secretary-General. Under his guidance, the Alliance would work in partnership with States, international and regional organizations, civil society groups and the private sector to promote cross-cultural relations. The implementation plan of the Alliance contained elements of direct interest to the work of the Council, including youth, education, media and migration.

57. Mr. MARCH (Observer for Spain) said that the High Representative, as the figurehead of the Alliance of Civilizations, would assist the Secretary-General in facilitating dialogue to promote mutual awareness among cultures and civilizations through contacts with States and multilateral institutions, civil society, the academic world and the media. The main event of the year for the Alliance would be its first Forum, to be held in Madrid in January 2008, which would focus on education and youth.

58. Ms. JANJUA (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), said that differences within and between societies, cultures and religions should never be a cause for confrontation between States. On the contrary, diversity must be respected and protected, so that all human beings could realize their hopes and aspirations. In that spirit, OIC attached great importance to the Alliance of Civilizations, an initiative in which Turkey, itself a member of OIC, played a major part. Other OIC members had been responsible for similar initiatives, such as the Dialogue among Civilizations and the Strategy of Enlightened Moderation. OIC member States would extend all possible assistance to international efforts aimed at easing dangerous tensions and promoting international peace.

59. Draft decision A/HRC/6/L.37 was adopted.

Draft resolution on adequate housing as a component of the right to an adequate standard of living (A/HRC/6/L.41)

60. Ms. SIEFKER-EBERLE (Germany), introducing the draft resolution, said that it called for the extension of the mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, for a period of three years. The draft was based on previous resolutions relating to the mandate, including in particular Commission on Human Rights resolution 2005/25, which had focused on the issue of women's equal ownership of and control over land and property. The two initiatives had been combined in response to the call for the rationalization of mandates.

61. She drew attention to two revisions: in paragraph 1 the word "Welcomes" should be replaced by "Acknowledges" and in paragraph 2 the word "Appreciates" should be replaced by "Acknowledges also".

62. The PRESIDENT announced that there were eight additional sponsors of the draft resolution.

63. Draft resolution A/HRC/6/L.41, as orally revised, was adopted.

Draft resolution on the protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/6/L.43)

64. Mr. DE ALBA (Mexico), introducing the draft resolution, said that, in view of the importance of supporting human rights while countering terrorism, the mandate of the Special Rapporteur should be extended for three years. The draft resolution, which was based on Commission on Human Rights resolution 2005/80 but duly reflected achievements since that time, was the product of extensive consultations in which all delegations had been able to participate. The draft addressed the fundamental elements of the mandate; the tasks of the Special Rapporteur and UNHCR would be addressed in a subsequent draft resolution.

65. The PRESIDENT said that there were 32 additional sponsors of the draft resolution.

66. Draft resolution A/HRC/6/L.43 was adopted.

Draft resolution on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/HRC/6/L.44)

67. Mr. FLORENCIO (Brazil), introducing the draft resolution, said that the right to health was essential to the promotion of the interdependence, indivisibility and universality of all human rights. For millions of people throughout the world, particularly those living in poverty, the full enjoyment of the right to the highest attainable standard of health remained a distant goal. His delegation had conducted wide-ranging consultations on the draft resolution which had received broad cross-regional support from both member and observer States and civil society.

68. The PRESIDENT announced that there were 11 additional sponsors of the draft resolution. The programme budget implications had been circulated to all members.

69. Draft resolution A/HRC/6/L.44 was adopted.

**FOLLOW-UP TO AND IMPLEMENTATION OF THE VIENNA DECLARATION AND PROGRAMME OF ACTION (agenda item 8) (continued)**

Draft resolution on integrating the human rights of women throughout the United Nations system (A/HRC/6/L.32/Rev.1)

70. Mr. MARTABIT (Observer for Chile), introducing the draft resolution, said that it followed on from a similar resolution regularly adopted over a period of more than 10 years by the former Commission on Human Rights. In that sense, it was consistent with the General Assembly's recognition of the work undertaken by the Commission and the need to preserve and build on its achievements. The Human Rights Council had been created as a subsidiary organ of the General Assembly, equal in rank with the Economic and Social Council, precisely so as to enable it to meet that need.

71. The content of the draft resolution was intended to fulfil the explicit mandate given to the Human Rights Council by the General Assembly to promote the full implementation of human rights obligations undertaken by States and follow-up to the goals and commitments related to the promotion and protection of human rights emanating from United Nations conferences and summits, which included the Beijing Declaration and Platform for Action.

72. In paragraph 6 of the draft resolution, the word "Welcomes" had been replaced by "Takes note of".

73. The PRESIDENT announced that there were 22 additional sponsors of the draft resolution. There were no programme budget implications.

74. Mr. MONTWEDI (South Africa) said that, since the advent of democracy in 1994, South Africa had placed the promotion, protection and fulfilment of the rights of women, as well as the political, social and economic empowerment and advancement of women, at the top of its national agenda.

75. However, the draft resolution raised some serious concerns for South Africa. It purported to give the Council mandates and powers it clearly did not possess and impinged on the well-established mandates of other United Nations bodies and institutions.

76. If there was a vote on the draft resolution, South Africa would have to vote against a number of specific paragraphs, including those containing references to Security Council resolution 1325 (2000); the International Conference on Population and Development; the World Summit for Social Development; and the Commission on the Status of Women and its New York-based support system. South Africa also had concerns regarding paragraphs that seemed to give the Human Rights Council a mandate to integrate gender mainstreaming and a gender perspective throughout the United Nations system, an approach that was unhelpful and clearly contradicted the Council's mandate.

77. If the resolution was adopted by consensus, South Africa would reserve its position on specific paragraphs.

78. Ms. JANJUA (Pakistan), speaking on behalf of the Organization of the Islamic Conference, said that the mainstreaming of women's rights in the United Nations system was a task to be undertaken by the Economic and Social Council, the Division for the Advancement of Women and the Office of the Special Adviser on Gender Issues. The draft resolution would provide guidance to the Council on integrating the human rights of women in its work and to the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the work of its Women's Human Rights and Gender Unit. The Council should take the comments made by the representative of South Africa into account.

79. Mr. MALGUINOV (Russian Federation) said that his delegation agreed with the comments made by South Africa and by Pakistan on behalf of OIC. Certain provisions of the draft resolution weakened the mandate of the Human Rights Council or were incompatible with other mandates within the United Nations system. The Russian Federation would join the consensus but reserved the right to return at a later date to specific provisions of the draft resolution in order to bring them into line with existing mechanisms.

80. Mr. MAHAWAR (India) said that the scope of the draft resolution should have been confined to the issue of the integration of the human rights of women throughout the United Nations system. Integration of a gender perspective throughout the United Nations system went beyond the mandate of the Human Rights Council. Furthermore, the ninth preambular paragraph noted with appreciation certain reports that had not even been presented to the Council. The text did not fully address his delegation's concerns; India would nevertheless join the consensus because of its traditional support for initiatives in that field.

81. Mr. SHALABY (Egypt) said that Egypt had consistently expressed serious reservations regarding the scope and content of the draft resolution. In addition to the issues mentioned by the delegations of South Africa and India, Egypt had specific concerns about the reference to the OHCHR Women's Human Rights and Gender Unit, given that the Council had not been officially briefed on the Unit's work. His delegation would nevertheless join the consensus on the understanding that it intended to return to some of the issues raised.

82. Draft resolution A/HRC/6/L.32/Rev.1, as orally revised, was adopted.

TECHNICAL ASSISTANCE AND CAPACITY-BUILDING (agenda item 10) (continued)

Draft resolution on advisory services and technical assistance for Liberia (A/HRC/6/L.45)

83. Mr. PEREIRA MARQUES (Observer for Portugal), introducing the draft resolution on behalf of the European Union, said that the Government of Liberia wished the mandate of the Independent Expert on the situation of human rights in Liberia to be renewed. There was a continued need for the Human Rights Council to support the Government of Liberia in improving the situation of human rights in that country.

84. The first preambular paragraph of that draft resolution had been revised to read “Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights, and in accordance with their respective obligations under the international covenants on human rights and other applicable human rights instruments”; and paragraph 5 had been revised to read “Invites the Independent Expert to assist the Government of Liberia to identify opportunities to maximize the flow of technical assistance.”

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

86. Mr. SHOUKRY (Egypt), speaking on behalf of the Group of African States, said that dialogue and cooperation were the best possible means of addressing human rights issues; indeed they were the only means of attaining success. The Group of African States had always emphasized the need to respect the views of the concerned country. With those two concerns in mind, the Group of African States had decided not to oppose renewal of the mandate of the Independent Expert.

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

The meeting rose at 12.45 p.m.