



General Assembly

Distr.
LIMITED

A/HRC/3/L.11
8 December 2006

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Third session
Agenda item 3
29 November-8 December 2006

REPORT TO THE GENERAL ASSEMBLY ON THE THIRD SESSION OF THE HUMAN RIGHTS COUNCIL

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Draft report of the Council*

* Document A/HRC/3/L.10 contains the chapters of the report relating to the organization of the session and the items on the agenda.

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II. Resolutions and decisions adopted by the Human Rights Council at its third session

A. Resolutions

3/1. Human rights situation in the Occupied Palestinian Territory: follow-up to Human Rights Council resolution S-1/1

The Human Rights Council,

Recalling its resolution S-1/1 of 6 July 2006,

Noting with regret that the resolution has not been implemented to date,

1. *Calls* for the speedy implementation of its resolution S-1/1, including the dispatching of the urgent fact-finding mission;
2. *Requests* the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to report to the Council on the implementation of the present resolution at its next session.

*13th meeting
8 December 2006*

[Adopted by a recorded vote of 34 to 1,
with 12 abstentions. See chap. IV.]

3/2. Preparations for the Durban Review Conference

The Human Rights Council,

Underlining General Assembly resolution 52/111 of 12 December 1997 in which the Assembly decided to convene the Third World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was held at Durban from 31 August to 8 September 2001,

Recalling General Assembly resolution 57/195 of 18 December 2002, in which the Assembly outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the erstwhile Commission on Human Rights whose mandate and responsibilities now devolve in the Human Rights Council,

Recalling General Assembly resolution 58/160 of 22 December 2003 in which the Assembly decided to close the Third United Nations Decade to combat racism and racial discrimination, and placed emphasis on the concrete implementation of the Durban Declaration and Programme of Action as a solid foundation for a broad-based consensus for further actions and initiatives towards the total elimination of the scourge of racism,

Underlining that 2006 marks 60 years of the United Nations action against racism, including three United Nations decades against racism whose programmes of action have largely not been achieved, as well as five years since the Durban Conference of 2001,

Saluting the laudable efforts of the Caribbean Community to keep the Durban spirit alive and foremost in the conscience of the international community and, in this regard, welcoming the historic unanimous decision of the General Assembly on 28 November 2006 by which the Assembly declared 26 March 2007 as a day for the worldwide commemoration of the two hundredth anniversary of the abolition of the trans-Atlantic slave trade,

Recalling the resolution of the Third Committee of the General Assembly (A/C.3/61/L.53/Rev.1), as orally amended, adopted on 22 November 2006 by which the Third Committee recommended that the Assembly convene the Durban Review Conference in 2009,

Recalling also that by the same resolution the Human Rights Council is requested to undertake preparations for this event and to formulate by 2007 a concrete plan for the 2009 Durban Review Conference,

Recalling further that by the same resolution the Council is requested to regularly provide the General Assembly with updates and progress reports towards this event starting in 2007,

1. *Decides* that the Human Rights Council will act as the Preparatory Committee for the Durban Review Conference which shall be open to the participation of all Member States of the United Nations and members of the specialized agencies and also to the participation of observers in accordance with the established practice of the General Assembly;

2. *Decides also* that the Preparatory Committee shall hold an organizational session of one week in May 2007, at the level of personal representatives of the Heads of State or Government or other appropriate high-level representatives designated for this purpose by Governments and two substantive sessions of 10 working days each during 2007 and 2008 in Geneva;

3. *Decides further* that the Preparatory Committee, at its organizational sessions, shall elect, on the basis of equitable geographical representation, a bureau for the Preparatory Committee and that, at the same session, the Preparatory Committee shall decide on all the relevant modalities for the Conference in accordance with established practice of the General Assembly, including deciding on the objectives of the Review Conference, the level at which the Review Conference shall be convened, regional preparatory initiatives, date and venue;

4. *Requests* Governments, the specialized agencies of the United Nations system and relevant United Nations bodies, regional organizations, governmental and non-governmental organizations, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief, the Five Independent Eminent Experts to follow up on the Implementation of the Durban Declaration and Programme of Action, the Five Experts on Complementary Standards, the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and other relevant human rights mechanisms to assist the Preparatory Committee by undertaking review and submitting recommendations, through the Office of the High Commissioner for Human Rights, as contributions to the outcome of the Review Conference;

5. *Reaffirms* that the Durban Review Conference will be undertaken on the basis of and with full respect for the Durban Declaration and Programme of Action and that there will be no renegotiation of the existing agreements contained therein;

6. *Decides* that the review will concentrate on the implementation of the Durban Declaration and Programme of Action, including further actions, initiatives and practical solutions for combating all the contemporary scourges of racism;

7. *Decides also* to retain this priority issue on its programme of work and to report on progress regularly to the General Assembly.

13th meeting

8 December 2006

[Adopted by a recorded vote of 34 to 12,
with 1 abstention. See chap. IV.]

3/3. Report of the Commission of Inquiry on Lebanon

The Human Rights Council,

Recalling its resolution S-2/1 of 11 August 2006 on “The grave situation of human rights in Lebanon caused by Israeli military operations”,

Having considered the report of the Commission of Inquiry on Lebanon (A/HRC/3/2),

1. *Takes note with appreciation* of the report of the Commission of Inquiry on Lebanon (A/HRC/3/2);

2. *Requests* the United Nations High Commissioner for Human Rights to consult with the Government of Lebanon on the report and its findings and on the relevant recommendations contained therein and to report to the Council at its fourth session.

13th meeting

8 December 2006

[Adopted without a vote. See chap. IV.]

3/4. Implementation of General Assembly resolution 60/251: agenda, annual programme of work, methods of work and rules of procedure of the Human Rights Council

The Human Rights Council,

Recalling its decisions 1/103, 1/104 and 1/105 of 30 June 2006,

Underlining the importance of a comprehensive implementation of General Assembly resolution 60/251 of 15 March 2006,

Taking into account the debate held during its third session on these issues,

1. *Decides* to establish an open-ended intergovernmental, intersessional working group to formulate concrete recommendations on its agenda, its annual programme of work, its methods of work as well as its rules of procedure in accordance with General Assembly resolution 60/251, and to undertake transparent, well-scheduled and inclusive consultations, with the participation of all stakeholders;
2. *Decides also* that the working group shall have at its disposal 10 days of fully serviced meetings, half of them to be scheduled before the fourth session of the Human Rights Council and half of them before its fifth session, which shall allow sufficient time and flexibility for the fulfilment of its mandate;
3. *Requests* the President of the Council to chair the working group, with the assistance, if necessary, of one or more facilitators;
4. *Requests also* the Office of the United Nations High Commissioner for Human Rights to provide the working group with any background information it may require on these issues;
5. *Requests further* the working group to report to the Council at its fourth session on progress made thereon.

*13th meeting
8 December 2006*

[Adopted without a vote. See chap. IV.]

B. Decisions

3/101. Postponement of the consideration of the draft decision on the rights of indigenous peoples

At its 13th meeting, on 8 December 2006, the Human Rights Council decided, without a vote, to defer to its next session the consideration of the draft decision entitled “The rights of indigenous peoples” contained in document A/HRC/2/L.43.

[See chap. III.]

3/102. Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region

At its 13th meeting, on 8 December 2006, the Human Rights Council, recalling resolution 2005/71 of 20 April 2005 of the Commission on Human Rights, decided, without a vote, to convene the next session of the Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region in 2007, preferably in the first half of that year.

[See chap. IV.]

3/103. Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action

At its 14th meeting, on 8 December 2006, the Human Rights Council, recalling its resolution 1/5 of 30 June 2006, all resolutions of the General Assembly and of the Commission on Human Rights, in particular Assembly resolutions 57/195 of 18 December 2002 and 60/144 of 16 December 2005 and the resolution of the Third Committee of the General Assembly (A/C.3/61/L.53/Rev.1) adopted on 22 November 2006 as well as Commission resolution 2002/68 of 25 April 2002, on the subject, decided by a recorded vote of 33 to 12 with 1 abstention:

(a) To heed the decision and instruction of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance by establishing an Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, with the mandate to elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of All Forms of Racial Discrimination, filling the existing gaps in the Convention and also providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred;

(b) To recommend that the Ad Hoc Committee shall convene annual sessions of 10 working days to draw up the requisite legal instruments and hold its first session before the end of 2007 subject to the Working Group having completed its task on complementary standards by that date, and to report regularly to the Council on progress in the actual process of the elaboration of complementary standards;

(c) To welcome the recent appointment of the Five Experts on Complementary Standards by the High Commissioner for Human Rights with the mandate to produce a base document outlining the substantive gaps in the International Convention on the Elimination of All Forms of Racial Discrimination and make concrete recommendations on the means and avenues to bridge these gaps;

(d) To request the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to invite the Five Experts to the first part of its fifth session, with the view of having a preliminary exchange of views and vision on complementary standards as a provisional measure pending the completion of their report;

(e) To request the Five Experts to finalize their report before the end of June 2007 for submission to the Office of the High Commissioner for Human Rights, and also to request the latter to ensure immediate circulation of the report of the experts, in all official languages, to all Governments and all other relevant partners and stakeholders in order to allow all these institutions adequate opportunity and time to study the recommendations contained therein;

(f) To recommend that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action convene the second part of its fifth session in September 2007 and that this session mark the conclusion and closure of the Working Group's debates and deliberations on the question of complementary standards;

(g) To invite, in the above context, the Chairperson of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to transmit the report of the Five Experts to the Ad Hoc Committee through the Human Rights Council;

(h) To request that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action continue its important work of ensuring the effective implementation of the Durban Declaration and Programme of Action as mandated by Commission on Human Rights resolution 2002/68 of 25 April 2002 by focusing on other critical segments of the Durban Declaration and Programme of Action that require immediate attention;

(i) To request that the Ad Hoc Committee convene its first session before the end of 2007 and use all the documents presented to it as background material for commencing its process of elaborating complementary standards, and that one of its main priorities be to ensure that the draft instrument(s) is/are produced for negotiations;

(j) To request that the High Commissioner give visibility and a high profile to the Anti-Discrimination Unit within her Office and provide it with all the necessary and additional resources to ensure its effectiveness, particularly in view of the current challenges of racial and religious discrimination, so that the Unit ensures that the High Commissioner makes a positive contribution and plays a leadership role in the global efforts to combat all the resurgent scourges of racism;

(k) To retain this priority issue on its programme of work and to review progress at its fourth session.

[See chap. IV.]

**3/104. Conference facilities and financial support
for the Human Rights Council**

At its 14th meeting, on 8 December 2006, the Human Rights Council decided, without a vote, to adopt the following text:

“Recalling General Assembly resolution 60/251 of 15 March 2006 in which the Assembly decided, *inter alia*, that the Council shall meet regularly throughout the year and schedule no fewer than three sessions per year, including a main session, for a total duration of no less than 10 weeks, and shall be able to hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council,

“Reaffirming the importance of the respect and the promotion of multilingualism within the United Nations and in particular the importance of the provision of appropriate interpretation and translation services,

“Taking into account the Council’s heavy schedule of work and the difficulties encountered in obtaining the necessary conference services, particularly during its first, institution-building year,

“Taking also into account the need to ensure the necessary financial resources to implement its decisions,

“1. Reaffirms the need to ensure the necessary Secretariat support and financial resources for the Council in order to fully discharge its mandate as stipulated in General Assembly resolution 60/251;

“2. Requests the Secretary-General to report to the sixty-first session of the General Assembly at the earliest possible date on ways and means to guarantee the provision of:

“(a) Conference services, including interpretation, particularly for the holding of special sessions, additional meetings during regular sessions and organizational meetings;

“(b) Webcast transmission on a regular basis for all the sessions of the Human Rights Council;

“(c) Translation of documentation in all official United Nations languages in a timely manner;

“(d) Adequate funding to provide timely financing for unforeseen extraordinary expenses arising in the implementation of the decisions of the Council, involving inter alia fact-finding missions and special commissions as well as the necessary support from the Secretariat.”
