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HUMAN RIGHTS COUNCIL

Third session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 4 December 2006, at 3 p.m.

President: Mr. DE ALBA (Mexico)

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The meeting was called to order at 3.10 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL” (agenda item 2) (continued)

(b) REVIEW AND INSTITUTION-BUILDING (continued)

1. Ms. GROSS (UN Watch) said that the Council should create a system that fairly subjected every United Nations Member State to a careful review of its human rights record. Such a review should be based on a wide range of objective and reliable information from a variety of sources, allow NGO participation and lead to concrete conclusions and recommendations that could be effectively followed up.
2. She expressed concern at some elements under consideration by the Open-ended Intergovernmental Working Group on the Universal Periodic Review Mechanism. In particular, she hoped that the idea that developed countries should be reviewed more often than developing countries would not be adopted. Varying the substance of the review based on a country's level of development and religious and cultural specificities would undermine the review's fairness and universality.
3. She questioned whether the review mechanism could be developed in time for a review of current Council members serving one-year mandates.
4. Mr. GILLIOZ (Human Rights Watch) said that, in order to conduct an effective universal periodic review, the Human Rights Council would need to appoint an expert or group of experts to prepare the relevant documents. For each review, the Bureau of the Council should appoint an expert from a roster prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to assist in reviewing materials compiled by OHCHR, drawing up a list of key issues, preparing written questions for the country involved, and drafting the concluding statement.
5. During the review process, the conclusions and recommendations of the treaty bodies and special procedures should be taken into consideration. The basis of the review should include customary international law. Each review should last at least three hours, and States should be reviewed every three years. The review should initially be conducted in separate committees or working groups, with at least three members from each regional group.
6. NGOs, including national NGOs without consultative status, should be able to participate effectively in the review process. The rapporteur for the review session should prepare the initial draft of the concluding statement of the review, including conclusions and recommendations. The Council's agenda should include a standing item on follow-up of universal periodic review outcomes.
7. Mr. BARNES (Indian Council of South America) asked how the universal periodic review would apply to States that were reluctant to ratify and implement human rights treaties. Given the complexity of the conclusions and recommendations prepared by the treaty bodies, it

might be difficult to ascertain whether a review duplicated the work of other mechanisms. Moreover, some States might refuse to implement recommendations of the review, which would render the process ineffective.

8. The power relations between States threatened to distort the conduct of reviews. Some States might try to avoid scrutiny by requesting a light review procedure, or claiming that their constitutions afforded sufficient guarantees for human rights. Some States sought to justify human rights violations for reasons of national security. There was also the risk that States would agree not to raise specific issues. Those potential pitfalls should be addressed.

9. Ms. CECCHETTI (International Save the Children Alliance), speaking on behalf of Defence for Children International, the Human Rights First Society Saudi Arabia, the International Alliance of Women, the International Federation Terre des Hommes, the NGO Group for the Convention on the Rights of the Child, SOS-Kinderdorf International, the Women's World Summit Foundation and the World Organization Against Torture, said that the objectives of the universal periodic review mechanism should include promoting and protecting human rights in general and the rights of the child in particular. The same standards should apply to all countries and the universal periodic review should be objective, reliable and transparent. The standards used as the basis for the review should be drawn from treaty bodies, special procedures and international human rights instruments, including the Convention on the Rights of the Child and its optional protocols.

10. Countries under review should be sent a standard questionnaire with a section on children's rights. NGOs, national human rights institutions, the United Nations Children's Fund (UNICEF), children and children's organizations should be able to provide information and participate fully in the review. The information sources for the review should include the concluding observations of the Committee on the Rights of the Child, reports of special procedures and relevant country resolutions by United Nations bodies. OHCHR could support the review process by providing a yearly compilation of violations of children's rights.

11. The review process should take place outside the Council's regular sessions, and the outcome should be discussed during a plenary session. Each country should be reviewed every three to five years and the same periodicity should apply to all countries. Following the review, the Council should adopt recommendations that were action-oriented and time-bound. When necessary, a country should be required to report back on the implementation of those recommendations.

12. Ms. AHMADI (International Federation of Human Rights Leagues), speaking on behalf of Amnesty International, the Baha'i International Community, Franciscans International, Human Rights Watch and the World Organization Against Torture, said that an effective review required the involvement of independent experts, who should also have an appropriate role in the interactive dialogue and the follow-up. For each State, the review should be based on a common standard for review, including the Universal Declaration of Human Rights and other international human rights obligations or specific commitments. National law should not be a basis for the review. The review process should include the compilation and analysis of objective and reliable information, interactive dialogue, conclusions, recommendations and follow-up. The review must result in a comprehensive outcome, which could include a broad range of measures to encourage, assist or require the State concerned to fulfil its human rights

commitments. Such measures could include action proposed by the country under review, follow-up on special procedures and treaty bodies' recommendations, capacity-building and technical assistance, appointment of a country rapporteur, or recommendations to the General Assembly or to the Security Council. National NGOs without consultative status should be able to participate effectively in the review process. Provisions for follow-up must ensure action to implement recommendations and decisions taken in the review within a specific time frame.

13. The universal periodic review should not be the only means of assessing a country's human rights situation. Other options included discussion and decision in regular and special sessions, and the complaint procedure that resulted from the review of mechanisms.

14. Ms. PONCINI (International Federation of University Women) said that the universal periodic review process should guarantee impartial and equal treatment of women and men of all ages and status. Gender equality should be a standing item on the Council's agenda, and the gender perspective should be integrated into all review mechanisms. International principles, treaties and conventions should be the basis of analyses. OHCHR and the special procedures should review existing gender-disaggregated data from national and international institutions that measured gender gaps. Local NGOs and individuals should be allowed to validate allegations of gender-based violations. The review should consider national efforts to redress gender imbalances. The Council should establish a synergetic relationship with the proposed new United Nations body on gender equality.

15. Ms. CARMEN (International Indian Treaty Council), speaking also on behalf of the International Organization of Indigenous Resource Development, said that the Council should include the human rights situation of indigenous peoples in each country as a distinct, ongoing point of consideration in the periodic review process. She questioned the real commitment of several members of the Council to the rights of indigenous peoples in their own countries and around the world. Such members included States whose human rights records, compliance with international human rights standards and national policies and practices had been called into question by the treaty bodies, the special procedures, United Nations experts and NGOs.

16. The periodic review process should include a mechanism that enabled indigenous and other peoples and NGOs to be directly involved in that process.

17. Canada should be among the first States to undergo a periodic review. The International Organization of Indigenous Resource Development and the International Indian Treaty Council had members and affiliates that were indigenous First Nations in Canada. Her delegation looked forward to participating in that review as well as in periodic reviews of other States.

18. Mr. KHAN (Interfaith International) said that, in the past, NGOs had been criticized by some States for "naming and shaming". NGOs were now being asked to enter into dialogue with States and cooperate with States that they accused in order to improve human rights protection. That new approach could benefit both States and civil society. He hoped that NGOs would be allowed to participate fully in universal periodic reviews. Interfaith International had received much information from civil society on the four South Asian States that would be reviewed over the next few years; such information could serve as a valuable input to the review process.

19. Ms. GARRIDO (International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights), speaking also on behalf of the German Institute for Human Rights, said that national human rights institutions would welcome an inclusive review process. The period between reviews should be long enough to allow the State under review and other institutions to participate. The universal periodic review process should be open and transparent. National human rights institutions were in a unique position to provide reliable information and to assist with follow-up.

20. Mr. LOULICHKI (Morocco), Facilitator of the Open-ended Intergovernmental Working Group on the Universal Periodic Review Mechanism, thanked the members of the Working Group for their commitment and flexibility. He also thanked the secretariat for its assistance to the Working Group.

21. He drew attention to an informal document containing preliminary conclusions on the issues discussed by the Working Group. With regard to the basis for universal periodic review, he said that the reference to “human rights instruments to which a State is party” should be taken to include the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. The proposal in the informal document that the review should “not add more reporting obligations on States” was not an attempt to undermine the role of States in the review process, but to prevent States from being overburdened. The proposal that the universal periodic review should be “among a number of tools at the disposal of the Human Rights Council” meant that universal periodic review should not be the only means of assessing the human rights situation in a particular State.

22. There should be a structured debate on the range of stakeholders to be included in the universal periodic review process.

The meeting rose at 3.50 p.m.