



General Assembly

Distr.
GENERAL

A/HRC/3/SR.14
21 December 2006

Original: ENGLISH

HUMAN RIGHTS COUNCIL

Third session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 8 December 2006, at 3 p.m.

President: Mr. DE ALBA (Mexico)

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CLOSURE OF THE SESSION

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The meeting was called to order at 3.20 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF
15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL” (agenda item 2) (continued)
(A/HRC/3/L.3, L.7 and L.9)

Draft decision on 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 (A/HRC/3/L.3)

1. Mr. JAZAÏRY (Algeria), speaking on behalf of the Group of African States, said that concerns had been raised about an overlap of functions between the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, and the proposed Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards. The Group of African States had agreed to an amendment stating that the Ad Hoc Committee should have regard to the recommendations of the Working Group, and should not meet until the Working Group had completed its tasks.
2. In paragraph (b), after “10 working days”, the words “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 elaboration of complementary standards;” should replace the remainder of the paragraph.
3. The PRESIDENT said that the amendments to draft decision A/HRC/3/L.3 (A/HRC/3/L.9) proposed by Finland on behalf of the European Union had been withdrawn. A vote would be taken on draft decision A/HRC/3/L.3 as orally revised. The draft decision had programme budget implications.
4. Ms. MATTILA (Finland), speaking on behalf of the European Union member States that were members of the Council and the acceding country Romania in explanation of vote before the voting, said that there should be a consensus on the follow-up to the Durban Declaration and Programme of Action. Many follow-up mechanisms had already been established. The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action had nominated five experts to identify gaps in existing instruments to combat racism. It would be premature to establish a body to draft complementary standards before the experts’ report was available. In particular, the specific mention of a new standard on incitement to racial and religious hatred would prejudice the experts’ conclusions. The European Union requested a vote on the draft decision.
5. Mr. CHANDER (India), speaking in explanation of vote before the voting, said that India had been at the forefront of efforts to combat racism and to follow up on the Durban Declaration and Programme of Action. While it would have been preferable to maintain a consensus on the complementary standards that had been established by the Intergovernmental Working Group, his delegation would vote in favour of the draft decision.

6. At the request of the representative of Finland, a recorded vote was taken on draft decision A/HRC/3/L.3, as orally revised.

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, Cameroon, China, Cuba, Ecuador, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

Against: Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Ukraine.

7. Draft decision A/HRC/3/L.3, as orally revised, was adopted by 33 votes to 12, with 1 abstention.

8. Mr. CERDA (Argentina) said that his delegation had voted in favour of the decision in order to support the implementation of the Durban Declaration and Programme of Action. Before deciding on further action, the Council and the Intergovernmental Working Group should take into account the group of experts' recommendations on complementary standards.

9. Mr. MINAMI (Japan) said that his delegation had voted against the decision because the establishment of the Ad Hoc Committee would prejudge the conclusions of the group of experts of the Intergovernmental Working Group.

10. Mr. VIGNY (Switzerland) said that his delegation had voted against the decision because the specific mention of incitement to racial and religious hatred prejudged the conclusions of the group of experts. It was premature to set up the Ad Hoc Committee.

11. Ms. BERAUN ESCUDERO (Peru) said that her delegation had voted in favour of the decision because it would help to combat racism. She welcomed the initiative to draft complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination and supported the work of the Intergovernmental Working Group.

Draft decision on conference facilities and financial support for the Human Rights Council (A/HRC/3/L.7)

12. The PRESIDENT, introducing the draft decision, drew attention to a number of agreed amendments. In the second preambular paragraph, after the second occurrence of the words "importance of", the words "the provision of" should be inserted. In the fourth preambular paragraph, the words "including for the holding of special sessions and implementing the decisions emanating therefrom" should be deleted. In paragraph 2 (a), the words "including interpretation," should be inserted after "conference services,". In the same paragraph, the word "intersessional" should be deleted. The remainder of the draft decision would read as follows:

“(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.”

13. The draft decision related only to matters that had not been addressed by the General Assembly.

14. Mr. TISTOUNET (Secretary of the Council) said that the Council's budget, as set out in the programme budget implications of General Assembly resolution 60/251, covered interpretation and summary records for all regular and special sessions. The draft decision provided for conference services for certain meetings not covered by General Assembly resolution 60/251, including lunchtime meetings of the kind previously held by the Commission on Human Rights, meetings held after 6 p.m. or at weekends, and organizational or informal meetings in addition to the regular or special sessions. Under the existing budget, it was not possible to guarantee interpretation for informal meetings.

15. There were no particular difficulties in funding the working groups that had been established by the Commission on Human Rights or the Human Rights Council by resolutions that allowed for programme budget implications.

16. The PRESIDENT said that the draft decision would not cover interpretation services for informal meetings.

17. Mr. LA Yifan (China) said that the Bureau should assist the Human Rights Council in devising cost-saving measures. Reducing the number of meetings would cut costs and facilitate the participation of small and medium-sized countries. Any increase in the Council's budget must not affect funding for other areas such as poverty reduction and economic development. His delegation was in favour of the draft decision.

18. Draft decision A/HRC/3/L.7 was adopted without a vote.

19. Mr. MEYER (Canada) said that, as a bilingual country, Canada was committed to multilingualism within the United Nations. The Council should refrain from reopening the debate on important management reforms that had imposed necessary fiscal discipline on United Nations bodies, such as the prohibition of night meetings by subsidiary bodies. Canada was not in favour of separate contingency funds controlled by the subsidiary bodies, nor did it believe that the resource needs of the Council should be met at the expense of the Office of the United Nations High Commissioner for Human Rights (OHCHR). He hoped that the secretariat would submit cost-effective options, including ceilings on the number of meetings, for consideration by the Fifth Committee of the General Assembly, where all budgetary decisions would be taken by consensus.

20. Ms. MATTILA (Finland), speaking on behalf of the European Union, said that the European Union fully endorsed the need to ensure adequate financing of conference services for the Council's meetings, since that would guarantee that multilingualism within the United Nations was fully respected. Adequate funding from the regular budget should be available to finance unforeseen and extraordinary expenses arising from the implementation of the Council's decisions.
21. Mr. LUKIYANTSEV (Russian Federation) said that all the issues referred to in the decision that had just been adopted by the Council had previously been addressed in General Assembly resolutions relating to the proper functioning of subsidiary bodies.
22. Mr. JAZAÏRY (Algeria), speaking on behalf of the Group of African States, said that the Council should reduce the number of its meetings, without diminishing its ability to pursue its mandate. That would enable the Council to economize on both financial and human resources.
23. Mr. TICHENOR (Observer for the United States of America) said that his Government continued to be concerned about the human suffering on both sides of the border between Lebanon and Israel in the summer of 2006. Faced with the tragic results of the conflict in Lebanon that had been precipitated by the egregious cross-border attacks by Hezbollah, the Human Rights Council had reacted in August with a one-sided and unfair resolution aimed only at Israel. The Council had compounded its actions by establishing a commission of inquiry to investigate only Israel's use of force. Moreover, the commission's report was one-sided and flawed, although it did contain a few recommendations that applied to Hezbollah.
24. By condemning only Israel and discouraging an examination of the actions of Hezbollah, the Council was rewarding an armed non-State actor, which was attempting to bring down the democratically elected Lebanese Government, for engaging in repeated armed attacks against a State Member of the United Nations. Hezbollah had attacked civilians and had conducted its operations in Lebanon by putting civilian lives at risk in order to insulate its forces from attack.
25. The United States remained a strong supporter of Lebanon's democratically elected Government and was committed to helping the Lebanese people to rebuild. He urged the Council to assume its responsibility for considering all sides of a situation and to act constructively in accordance with its mandate to promote and protect human rights in order to end the suffering on both sides and advance the cause of peace.
26. Mr. LARENAS (Ecuador) said that the Council's adoption of the draft Declaration on the Rights of Indigenous Peoples at its first session had been a major accomplishment. Although the General Assembly had decided to defer consideration of the Declaration, he hoped that the debate on the text of the draft Declaration would not be reopened and that the rights on which the Declaration was based would not be called into question. It was up to the Council to send an unambiguous message to the international community and to the relevant United Nations bodies at Headquarters concerning the importance of the draft Declaration to the cause of human rights, which was central to the Council's mandate.

27. Mr. TIRMIZI (Pakistan), speaking on behalf of the Organization of the Islamic Conference, welcomed the prompt establishment of the high-level fact-finding mission to Beit Hanoun and the appointment of Reverend Desmond Tutu and Ms. Christine Chinkin as members of that mission.

28. Ms. AJAMAY (Observer for Norway) said that, while her delegation regretted the General Assembly's decision to defer consideration of the draft Declaration on the Rights of Indigenous Peoples, it welcomed the Assembly's commitment to take action on the Declaration before the end of its sixty-first session. Her delegation called on all Member States to support the adoption of the Declaration by the General Assembly.

29. Mr. MONTES (Mexico) said that the Human Rights Council's adoption of the draft Declaration on the Rights of Indigenous Peoples was an important step towards redressing the historical debt owed to indigenous peoples and ending the suffering to which they had been subjected for centuries. Indigenous peoples were concerned at the decision to defer consideration of the draft Declaration, since that would also delay recognition of their fundamental rights. He therefore urged the Council to call on the General Assembly to adopt the draft Declaration on the Rights of Indigenous Peoples as it had been adopted by the Council, since any amendment to the Declaration would undermine the international community's efforts to give full recognition to the rights of indigenous peoples.

30. Mr. CHOCANO (Peru) said that the decision of the Third Committee to defer consideration of the draft Declaration on the Rights of Indigenous Peoples constituted a serious setback to the cause of indigenous peoples, human rights and the reform of the United Nations system. Peru remained committed to the draft Declaration and would take part in any consultations that were necessary to ensure its adoption by the General Assembly at its current session.

31. Ms. OVERVAD (Denmark) said that her delegation was disappointed that the Third Committee had not adopted the draft Declaration on the Rights of Indigenous Peoples but had decided to defer consideration of the draft. Issues relating to indigenous peoples were an important aspect of the Council's work and she looked forward to the General Assembly's adoption of the draft Declaration before the end of its current session.

32. Mr. MARTÍNEZ ALVARADO (Guatemala) said that Guatemala was committed to the rights of indigenous peoples both nationally and internationally and would continue its efforts to ensure that the draft Declaration was adopted by the General Assembly.

33. Mr. BURAYZAT (Jordan) said that his delegation had abstained in the vote on the draft Declaration on the Rights of Indigenous Peoples. He would nevertheless inform his Government of the comments made by Council members concerning the Declaration.

34. Ms. ESCOBAR (Spain) said that her delegation supported the adoption of the draft Declaration on the Rights of Indigenous Peoples by the General Assembly as soon as possible.

35. Mr. VIGNY (Switzerland) said that the draft Declaration should be adopted by the General Assembly in the form in which it had been adopted by the overwhelming majority of members of the Human Rights Council.

REPORT TO THE GENERAL ASSEMBLY ON THE THIRD SESSION OF THE COUNCIL
(agenda item 3) (A/HRC/3/L.10)

36. Mr. BURAYZAT (Jordan), Rapporteur, said that the report to the General Assembly would include an addendum containing the decisions adopted by the Council earlier in the day. The Council had held substantive discussions on the report submitted by the United Nations High Commissioner for Human Rights on the work of her Office since the second session. It had also heard a report from the Secretary-General's Special Adviser on the Prevention of Genocide. Some progress had been made in the discussion of the peer review mechanism, mechanisms for the provision of expert advice, the special procedures and the complaints procedures. The Council had established a working group to consider methods of work, rules of procedure and the agenda. It had followed up on its previous decisions relating to the International Convention for the Protection of All Persons from Enforced Disappearance and the draft Declaration on the Rights of Indigenous Peoples. The Council had also discussed the human rights situations in Lebanon and Palestine. The structure of the draft report was based on the agenda and programme of work for the session, and would not serve as a precedent for future reports on the sessions of the Council. The substance of the debates could be found in the official summary records, and audio and video recordings of the proceedings were available on the Internet and Extranet.

37. Mr. HUSÁK (Czech Republic) said that the reference in paragraph 27 of the draft report to "an update on the progress made during the first session" should be replaced by "preliminary conclusions".

38. Mr. VIGNY (Switzerland) said that, in paragraph 30 of the draft report, "presented an update on the progress made" should be amended to read "presented, in his personal capacity, preliminary conclusions on the progress made".

39. Mr. LOULICHKI (Morocco) said that his delegation supported the proposal made by the representative of the Czech Republic. The preliminary conclusions in question had been arrived at by the facilitators in their personal capacities and did not reflect the views of the Council as a whole. He called for the rewording of paragraph 24 in terms similar to those advocated by the other facilitators.

40. The PRESIDENT said that in the next few days the Rapporteur would work with the secretariat to finalize the draft report. He invited delegations to submit their corrections and comments to the Rapporteur.

41. If he heard no objection, he would take it that the Council wished to adopt the draft report ad referendum.

42. It was so decided.

CLOSURE OF THE SESSION

43. The PRESIDENT said that, at its third session, the Council had succeeded in building its institutional framework and had also discussed a number of substantive matters. The

High Commissioner for Human Rights had presented a report that had drawn the Council's attention to extremely serious human rights issues. The Special Adviser on the Prevention of Genocide had taken part in the session and had held a constructive dialogue with the Council.

44. The four vice-presidents had made special efforts to facilitate the activities of the Working Group on the universal periodic review mechanism and the Working Group on the review of mandates. The documents produced by those working groups would be translated and distributed at least two weeks before their consideration by the Council at its next regular session.

45. The next phase of institution-building would require greater predictability and transparency. In that connection, he stressed the importance of ensuring that all delegations were able to participate fully in the work of the Council. In particular, interpretation services should be available whenever possible for consultations. It was also important to prepare the Council's calendar for the coming year, as well as its programme of work for each session.

46. He was very disappointed that the Third Committee had decided not to adopt the draft Declaration on the Rights of Indigenous Peoples, and expressed the hope that that decision would be reversed. Together with interested delegations, he would make every effort to ensure that the draft Declaration was adopted by the General Assembly.

47. He declared the third session of the Human Rights Council closed.

The meeting rose at 4.55 p.m.