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IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”

Progress report of the Office of the United Nations High Commissioner for Human Rights on the Implementation of relevant recommendations of the fourth session of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action*

Note by the Secretariat

1. The Human Rights Council, in its decision 2/102 of 6 October 2006, requested the Secretary-General and the High Commissioner for Human Rights to “continue with the fulfilment of their activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies”. On the current matter of the Progress report of the Office of the United Nations High Commissioner for Human Rights on the implementation of relevant recommendations of the fourth session of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, this comprehensive annual report (E/CN.4/2006/15) was submitted to the sixty-second session of the Commission on Human Rights pursuant to its resolution 2005/64. The information in the report remains relevant.

* This note has been submitted late in order to cover the first meeting of the experts selected to conduct the study on complementary international standards.

2. This report presents the Human Rights Council with information on the Office of the High Commissioner for Human Rights' implementation of the recommendation of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action with regards to the selection of the five highly qualified experts to produce recommendations on how to bridge the gaps in international instruments.
3. Resolution 2005/64 also called upon the Office of the High Commissioner to implement all the relevant recommendations of the third session of the Intergovernmental Working Group and to submit a progress report in this regard to the Commission at its sixty-second session.
4. Since the adoption of Commission on Human Rights resolution 2005/64, the Intergovernmental Working Group held its fourth session in Geneva from 16 to 27 January 2006 and submitted the report on that session to the Commission on Human Rights (E/CN.4/2006/18).
5. The main conclusion of the fourth session of the Intergovernmental Working Group was that the nature and scope of the gaps in international instruments to combat racism, racial discrimination, xenophobia and related intolerance and their implementation need to be clearly defined. This clarity would then allow for the assessment of the most appropriate means to bridge both procedural and substantive gaps. In this regard, the Intergovernmental Working Group recommended that:
 - (a) The Committee on the Elimination of Racial Discrimination (CERD) should conduct a further study on possible measures to strengthen the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and undertake the development of additional recommendations or update its monitoring procedures as appropriate;
 - (b) The Office of the High Commissioner for Human Rights, in consultation with the regional groups, should select five highly qualified experts to produce concrete recommendations on how to bridge the aforementioned gaps in the international instruments and in their implementation. In carrying out their mandate, the experts would consult with the human rights treaty bodies, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and other relevant mandate-holders. In this regard, the experts will address, but are not limited to, the areas identified in the conclusions of the Chair of the high-level seminar that took place during the fourth session of the Intergovernmental Working Group. Similarly, the experts' work could include, but is not limited to, drafting a new protocol to the International Convention on the Elimination of All Forms of Racial Discrimination and/or adopting new instruments, such as conventions or declarations;
 - (c) Both the CERD study and the report of the experts should be presented to the fifth session of the Intergovernmental Working Group for its consideration.
6. The Council, in its resolution 1/5 of 30 June 2006, extended the mandate of the Intergovernmental Working Group for a further period of three years and endorsed the above recommendations.

7. In light of the above, and Council decision 2/102 of 6 October 2006, the Office of the High Commissioner has, following consultations with the regional groups, selected the following experts:

- Ms. Jenny Goldschmidt (Western European and other States);
- Ms. Dimitrina Petrova (Eastern European States);
- Mr. Syafi'i Anwar (Asian States);
- Mr. Tiyanjana Maluwa (African States);
- Mr. Waldo Luis Villalpando (Latin American and Caribbean States).

8. The experts held their first meeting on 22 and 23 January 2007. They discussed their method of work and agreed on the distribution of the tasks they will need to undertake to implement their mandate.

9. The experts will hold two additional meetings, the second from 10 to 13 April 2007 and the third from 21 to 25 May 2007, in order to complete their study before the end of June 2007. This deadline is in accordance with Council decision 3/103 of 8 December 2006, in which the Council requests that the experts finalize their report “for submission to the Office of the High Commissioner for Human Rights, and also [requests] 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”.

10. The Intergovernmental Working Group will hold the first part of its fifth session in March 2007, and the experts will attend this first part of the session.
