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HUMAN RIGHTS COUNCIL

Sixth session

SUMMARY RECORD OF THE 2nd ORGANIZATIONAL MEETING

Held at the Palais des Nations, Geneva,
on Monday, 26 November 2007, at 10 a.m.

President: Mr. COSTEA (Romania)

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The meeting was called to order at 10.10 a.m.

ORGANIZATIONAL AND PROCEDURAL MATTERS (agenda item 1) (continued)

1. The PRESIDENT invited comments on the revised draft programme of work for the Council's resumed sixth session, which would be held from 10 to 14 December 2007. The draft programme of work had also been posted on the Human Rights Council Extranet page. It had been planned that the Council should proceed with the drawing of lots to select the groups of three rapporteurs (troikas) for the universal periodic review mechanism. However, he had received a letter from Egypt on behalf of the Group of African States, requesting a postponement of the selection procedure. The Bureau had examined the request and had decided to postpone the drawing of lots. Consultations would be held with the Group of African States concerning the issues raised in the letter. Since he had received the letter only at the end of the previous working day, he requested that communications of a similar nature should be submitted in good time.
2. Mr. FERNÁNDEZ (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that the opening of the Council's resumed sixth session would coincide with Human Rights Day and with the sixtieth anniversary of the Universal Declaration of Human Rights. The entire United Nations system, with the Office of the High Commissioner acting as lead agency, would be involved in the commemoration activities.
3. The PRESIDENT said that the report requested in Human Rights Council decision 4/104 on enhancement of international cooperation in the field of human rights would be considered at the Council's session in March 2008. The presentation of the report of the Special Rapporteur on adequate housing had been postponed to the March 2008 session.
4. Mr. SHOUKRY (Egypt), speaking on behalf of the Group of African States, said that the Group of African States fully supported the faithful implementation of the institution-building package contained in Human Rights Council resolutions 5/1 and 5/2, and was committed to working with other groups in order to ensure the effective launch of the universal periodic review process and the successful conduct of the review, rationalization and improvement of mandates.
5. With regard to the draft programme of work, the Group of African States was looking forward to receiving the President's proposals on how best to refine the methodology employed in the context of the review, rationalization and improvement of mandates. His understanding of the expression "related debates" contained in the draft programme of work was that it applied only to the situations explicitly mentioned therein, namely follow-up to the Council's previous resolutions on Myanmar and the Sudan.
6. He asked for confirmation that the rapporteurs scheduled to present annual reports at the Council's resumed sixth session would not be presenting further reports at the Council's sessions in March and June 2008, unless they received further instructions from the Council.
7. The Group of African States wished to reiterate its position that, in accordance with the established rules, it would not be in a position to consider any reports submitted to a given session of the Council less than two weeks before its starting date.

8. Mr. KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), commended the Third Committee's adoption of the institution-building package as contained in the report of the Human Rights Council (A/62/53), for endorsement by the General Assembly. He hoped that any differences of opinion would be put aside in order to enable the Council to continue to promote and protect human rights.
9. OIC welcomed the President's initiative regarding the streamlining of the relationship between the Council and the Office of the High Commissioner, and it assured the President of its constructive engagement in that process.
10. With regard to the universal periodic review mechanism, he said that he hoped that the troika selection process would be completed shortly. There was an urgent need to clarify the role of the troikas which, in accordance with Council resolution 5/1, would be formed to "facilitate each review, including the preparation of the report of the working group" and could "collate issues or questions to be transmitted to the State under review to facilitate its preparation and focus the interactive dialogue". The possible role of facilitation would be limited to the collation of the issues or questions to be transmitted to the State concerned. The role of the troikas in preparing the report would be restricted to reflecting the discussions held in the working group in a fair and transparent manner. Concerns relating to the road map for the review process and the actual conduct of the review also needed to be addressed.
11. OIC urged the sponsoring States to take into account the guidelines for the review, rationalization and improvement of special procedures mandates contained in Council resolution 5/1.
12. He welcomed the plans for observing the sixtieth anniversary of the Universal Declaration of Human Rights.
13. The Council should endeavour to ensure that the reports to be considered at the resumed sixth session were available on time and in all working languages, and to avoid late additions or amendments to the programme of work in order to enable smaller missions to manage their multiple responsibilities.
14. Mr. JAZAÏRY (Observer for Algeria) said that the Council needed to give in-depth consideration to clarifying the manner in which each group of three rapporteurs (troika) would fulfil its mission. His delegation was concerned at the preoccupation with deadlines, which appeared to be set by the Council's secretariat; in his opinion, deadlines should be set by the Bureau and not by the secretariat.
15. With regard to the selection of troikas, he said that rapporteurs should not be assigned to report on matters pertaining to their own States, since that would constitute a clear conflict of interest. He hoped that the Council would have another opportunity to discuss the time frame within which member States could accept or refuse an expert under the universal periodic review mechanism, and in which a rapporteur could request to be excused from participation in a specific review process. It was also important to discuss the format of the reports to be presented by the group of rapporteurs, and to clarify the status of documents accompanying national reports. Any documents presented by the secretariat should be considered as background information for the rapporteurs.

16. It was important to stress the inter-State dimension of the review exercise. The initiative taken by the secretariat to invite international non-governmental organizations (NGOs) to submit information on the countries to be reviewed should in no way contradict the inter-State aspect of the proceedings. The invitation of international NGOs might appear to underestimate the contribution of local NGOs in the preparation of national reports of States under review. Since a great deal of emphasis had been placed on the need for national reports to include contributions from all sectors of civil society represented by NGOs, he did not understand why international NGOs should be requested to issue parallel reports.

17. He noted that the item entitled “Human rights situations that require the Council’s attention”, which had already been considered during the first part of the Council’s sixth session, was scheduled for discussion at the resumed sixth session. That was the first time that an item would be discussed twice during the same session, and he hoped that such a practice would not constitute a precedent.

18. The procedure for the submission of reports of special procedures mandate-holders to the Council required further clarification. It seemed that the presentation of reports by mandate-holders would be distributed over at least three sessions each year, and that additional reports of special rapporteurs would be presented only at the specific request of the Council.

19. With regard to the review, rationalization and improvement of mandates, he reiterated that his delegation counted on the commitment made by the President to provide an opportunity for the Council to hold pre-session discussions on that exercise. Previously, mandates had not been formulated in a sufficiently clear manner to permit a full understanding of their mission. It was therefore very important to specify the terms of reference of each mandate-holder, outside the framework of the Council’s sessions. The Council should consider holding informal consultations in order to clarify those points.

20. He questioned the logic of having special rapporteurs present their reports to the Third Committee before those reports were finalized and presented and discussed in the Council.

21. Mr. KE Yousheng (China), speaking on behalf of the Group of Asian States, requested clarification on the topics to be discussed during the general debate on 11 December 2007. He hoped that the reports examined during the current session would be posted promptly on the Council’s Extranet website in all languages.

22. He commended the work that had been conducted to establish the modalities for selecting rapporteurs for the universal periodic review process, even though certain technical issues had yet to be finalized. His delegation welcomed the decision to postpone the drawing of lots. Consultation with all members would help to resolve remaining ambiguities and provide a solid foundation for the smooth implementation of the universal periodic review mechanism.

23. Ms. MTSHALI (South Africa) said that, while the institution-building package provided a framework within which to conduct the universal periodic review process, a number of issues still needed to be clarified. First, it was necessary for the Council to determine how the Working Group on the universal periodic review would conduct its work. Secondly, the sources from which the rapporteurs were expected to collate their issues and questions were still unclear. The

Council should clarify whether rapporteurs would be approaching States, civil society and other relevant stakeholders to collate such issues or questions, or whether they would be collating questions and issues from the summaries compiled by OHCHR. Thirdly, it was important to establish the level of representation of the members of the troika. She wished to know whether rapporteurs would be limited to ambassadors or deputy ambassadors based in Geneva, or if they would be officials, independent experts, members of civil society or academia, or political leaders of a given country. Fourthly, the institution-building package provided that the summary to be compiled by the Office of the High Commissioner should conform to the structure of the general guidelines. Her delegation did not share the view that those guidelines were binding only on the treaty-monitoring bodies and NGOs, and not on OHCHR.

24. South Africa was convinced that the universal periodic review would enhance the credibility of the Human Rights Council. If applied in a uniform and non-selective manner, the universal periodic review would contribute to the sharing of best practices among States and would ensure respect for, and the promotion, protection and fulfilment of, all human rights throughout the world.

25. Mr. LOULICHKI (Observer for Morocco) said that there was broad agreement on the importance of the universal periodic review mechanism, and on the need to ensure optimum conditions for its smooth implementation. Member States were not as adequately equipped to shed light on the scope of the work of the group of rapporteurs as they were with respect to other aspects of the package. The secretariat had done an important job in bringing the Council closer to consensus on the implementation of the formula, and he agreed with the President that it would be useful to hold consultations on other organizational aspects, modalities of work and the procedure for drawing lots. The selection process required a certain degree of sensitivity that had to be taken into account in order to ensure the credibility of the universal periodic review process.

26. Mr. DIXON (United Kingdom), speaking on behalf of the Group of Western and Other States, said that he had looked forward to the selection of the group of rapporteurs, particularly in view of the extensive consultations, briefings and negotiations that had been held. He therefore hoped that the postponement of the selection process would be brief.

27. As one of the first members of the Council to be reviewed, the United Kingdom considered that the representatives of Pakistan and South Africa had raised reasonable and valid questions; in fact, they were similar to the questions raised by relevant departments in the United Kingdom. He was convinced that outstanding issues could be resolved swiftly, particularly if the Council sought guidance in the institution-building package. He hoped that collective action would soon be taken to put the agreements on institution-building into practice; in particular, it was necessary to reach agreement on the composition of the troika as soon as possible.

28. Mr. KAUFMANN (Canada) commended the planned activities to observe the sixtieth anniversary of the Universal Declaration of Human Rights. In the interest of saving time, when the anniversary was discussed at the Council's resumed sixth session, statements should be limited to the regional groups.

29. He hoped that the selection of the troikas would take place as soon as possible. His delegation did not believe that the selection process should be linked to the role of the group of rapporteurs, which had been sufficiently outlined in the institution-building package. However, it might be useful to establish a time frame for the various steps in the process, in order to ensure clarity, transparency and consistency in the work of the troikas. Such a time frame could include staggered deadlines for the issuing of summaries by OHCHR, the submission of questions and issues by stakeholders, and State input, well enough in advance of the meeting of the Working Group on the universal periodic review to allow for their consideration by States.

30. Mr. QUEIRÓS (Observer for Portugal) said that his delegation was concerned at the decision to postpone the selection of the troikas. If, as the President had said, the main technical problems had been solved, there seemed little point in deferring the procedure. He hoped the selection process would take place as soon as possible - and, in any case, before the beginning of the Council's resumed sixth session - in order to enable delegations to plan accordingly.

31. Mr. BOICHENKO (Russian Federation) said that the Council had taken a wise decision to postpone the selection of the troikas in order to accommodate the concerns expressed by the Group of African States. A number of important questions concerning the functioning of the troikas remained to be clarified, and the Council still had to reach agreement on how the universal periodic review process would function. The first meeting on the universal periodic review should take place in accordance with the timetable established by the Council, and discussions on the functions of the troikas and their tasks and responsibilities should not be delayed. The Council should also determine, as soon as possible, the setting in which the universal periodic review would be conducted.

32. Mr. NEYRA SÁNCHEZ (Peru) said that Peru was prepared to be reviewed by any country selected to form part of the relevant troika. His delegation was concerned that the focus on the precise interpretation of every phrase in the institution-building package could hinder the selection process. Moreover, if the role of the rapporteur was to be limited to the collation of documents, his delegation wondered whether it would be worthwhile to send a human rights expert all the way from Peru.

33. Ms. BERSET KOHEN (Switzerland) said that Switzerland had notified the Office of the High Commissioner that it was prepared to be reviewed by whichever three States were drawn by lot and would not exercise its right to request the substitution of one of the rapporteurs. Switzerland was also prepared to participate in any troika for which it was selected.

34. While the institution-building package was not perfect, it provided an agreed basis for implementation of the review mechanism and should not be renegotiated. However, it might be desirable to hold informal consultations in order to clarify the functioning of the Working Group on the universal periodic review.

35. Mr. VIEIRA KOMNISKI (Brazil) said that his delegation was prepared to be reviewed by any countries that might be appointed to the relevant troika.

36. Speaking on behalf of the Group of Latin American and Caribbean States, he said that the institution-building package guaranteed that the review mechanism, which was conceived as a cooperative mechanism, would be open to all stakeholders.
37. Ms. GÓMEZ OLIVER (Mexico) said that the selection of troikas should not be contingent on the outcome of the consultations to be held by the President. The consultations should be open to all and should be aimed at dispelling delegations' concerns about the role of the troikas. The basis for the troikas' work was set out in the institution-building package.
38. Mr. ARTUCIO RODRÍGUEZ (Uruguay) said that, as a matter of principle, Uruguay would not seek to be excused from participation in any review procedure or exercise its right to request the substitution of a rapporteur. It was for each State to determine its own level of representation in a troika.
39. Mr. ROSALES (Observer for Argentina) said that, when selecting troikas, the Council should adhere to the provisions of its resolution 5/1.
40. Mr. FUJISAKI (Japan) said that, while his delegation understood the reasons for the Council's postponement of the selection procedure, it stressed that the review process should begin as planned, in April 2008.
41. Mr. MAHAWAR (India) said that his delegation looked forward to the Council's discussions with a view to reaching a common understanding of the rules governing the troikas as defined in the institution-building package.
42. Mr. RAHMAN (Bangladesh) said that a number of ambiguities in the troika selection process required clarification. In resolving those ambiguities, the Council should proceed on the basis of a common understanding of the institution-building package.
43. Mr. LEE Sung-Joo (Republic of Korea) said that the postponement of the selection procedure should be as short as possible. The effectiveness of the interactive dialogue would depend on the ability of the rapporteurs and the President to manage the time available and focus the discussions on the main issues of concern in the country being reviewed. His delegation believed that, if the troikas were not given a leading role in the interactive dialogue, the process could degenerate into political statements or unstructured question-and-answer sessions. While the role of the troikas could be defined at a later stage on the basis of the institution-building package, a set of minimum standards should be established on the role of the troikas in ensuring the universality of the universal periodic review.
44. The review of mandates had begun successfully, and should continue in the same manner. The Council should endeavour to comply with the deadline that had been set for the completion of the review of all mandates, namely by March 2008.
45. Mr. ÜZÜMCÜ (Observer for Turkey) said that the Third Committee's adoption of the Council's report (A/62/53) raised questions of duplication and hierarchy, and it was probably necessary to address the relationship between the Council and the Third Committee.

46. While requests to clarify some parts of the institution-building package were legitimate, they should not result in the renegotiation of the agreed texts. The Council must act on the assumption that practice and experience would lead to a better system.
47. The review, rationalization and improvement of mandates should continue as planned. The Council should take account of the fact that all mandates had their own history and that special procedures did not constitute a system per se; a systemic approach to the review of each mandate might therefore not be appropriate.
48. With regard to the observance of the sixtieth anniversary of the Universal Declaration of Human Rights, his delegation welcomed the drafting of a thematic report on the global implementation of the rights contained in the Universal Declaration. The thematic report would constitute a valuable stocktaking exercise for evaluating progress in the implementation of basic human rights around the world.
49. Mr. VELLANO (Italy) said that it would not be possible to agree on each minor detail of the universal periodic review process before it began. Many of the legitimate questions and concerns that had been raised could be addressed through good faith, dialogue and pragmatism during the initial phase of the process. He therefore hoped that the postponement of the selection process would be brief, and that the consultations between the President, the regional groups and other interested parties would yield positive results.
50. Mr. ARYENE (Ghana) said that, while his delegation shared the view that the postponement of the selection process should be as short as possible, it believed that the Council must reach agreement on the role of the troikas. Different interpretations of the scope and nature of the role of the troikas by different countries would impair the universal periodic review process, and would be damaging to the Human Rights Council itself.
51. Mr. ZELEKE (Observer for Ethiopia) said that his delegation welcomed the decision to postpone the selection of the troikas. The Group of African States did not wish to renegotiate the institution-building texts, but rather to clarify certain issues through an appropriate process. Emphasis should be placed on the importance of future consultations, rather than meeting artificially imposed deadlines. He asked whether the institution-building package set a deadline for the selection of the troikas. He wondered why the need to select the troikas was so urgent, when the role of the rapporteurs would be limited to summarizing documents that would be distributed a few weeks before the universal periodic review was undertaken.
52. Ms. MARTÍN GALLEGOS (Nicaragua) said that, while her delegation accepted the decision to postpone the selection of rapporteurs, it hoped the process would be completed as soon as possible. Inclusive and open consultations could deal with the selection process and any other questions that required clarification. With regard to the level of representation in the troikas, she said that States should be able to nominate whomever they chose.
53. The PRESIDENT said that the Council was still in a period of transition and still required fine-tuning. In some cases, reports of special procedures had been included in the review process; some of those reports were annual and some were periodic. No one wished to force reports, programmes or timetables on the Council. The deadlines that had been mentioned were

the Council's own deadlines, which it had set at previous sessions. The Council would have a heavy schedule during the first six months of 2008, and must therefore carefully plan the use of its resources. The forthcoming sessions in March and June 2008 would be full sessions, rather than resumed sessions.

54. He commended the Council's determination that the institution-building package should remain unchanged. The universal periodic review process was unique and would evolve as it operated: aspects that were not sufficiently effective could be amended. The Council must adhere to the provisions of the institution-building package and apply a balanced, transparent and open approach.

The meeting rose at 12.20 p.m.