

Developments at the Human Rights Council since June 2007

After the fifth session of the Human Rights Council in June 2007, the Council undertook to implement its institution-building resolutions 5/1 and 5/2. In addition, several new mechanisms were created, and important intergovernmental processes began.

Review of mandates:

The reviews commenced at the sixth session in September, and continued at the resumed sixth session, seventh and eighth sessions of the Council. Some reviews remain to be conducted at the ninth session of the Council. At the sixth session in September and at the resumed session in December, the President offered some general guidance on the conduct of the review, rationalization and improvement (RRI) of mandates, particularly emphasizing that the RRI should be Member-State driven with the main sponsor(s) of the mandate leading the discussion. In September 2007, the Coordination Committee circulated a guidance note to all mandate holders on the review process.

As of May 2008, all thematic mandates, which have been reviewed, have been extended. Some new thematic mandates have also been established, namely on contemporary forms of slavery and access to safe drinking water and sanitation. Most country mandates have also been extended, with the exception of the Democratic Republic of the Congo. (The mandates on Belarus and Cuba were discontinued in June 2007). Some mandates, which were previously appointed by the Secretary-General, are now appointed by the Human Rights Council instead--namely the mandate on human rights defenders and on the human rights situation in Somalia. A list of all reviewed mandates and resulting resolutions is attached.

Selection of mandate holders

Resolution 5/1 laid out a new selection procedure for special procedures mandate holders and in the past year, the Council has implemented the requirements of resolution 5/1 for choosing new mandate holders. At the sixth session of the Council in September, the Council adopted criteria for the selection of mandate holders. In particular, the following technical and objective requirements were outlined:

1. Qualifications: relevant educational qualifications or equivalent professional experience in the field of human rights. Good communication skills in one of the UN languages.
2. Relevant expertise: knowledge of international human rights instruments, norms and principles; as well as knowledge of institutional mandates related to the United Nations or other international or regional organizations work in the area of human rights; proven work experience in the field of human rights.
3. Established competence: nationally, regionally or internationally recognized competence related to human rights.
4. Flexibility/readiness and availability of time to perform effectively the functions of the mandate and to respond to its requirements, including attending Human Rights Council sessions.

A Public List was established for the nomination of candidates as special procedures mandate holders and a list of vacancies was publicized. OHCHR prepared a

standardized form on the basis of the above criteria in order to facilitate the selection of relevant candidates from the Public List. The Consultative Group was formed and is comprised of one member nominated by each regional group. The members until June 2008 are the Ambassadors of Algeria, Chile, Pakistan, the Russian Federation and Switzerland, serving in their personal capacities. The Consultative Group began its work after the conclusion of the resumed sixth session and submitted a list of proposed candidates to the President ahead of the seventh session of the Council. The President undertook further consultations with relevant stakeholders, and on 26 March 2008, the Council approved the appointments of 16 new mandate holders for 14 mandates. These mandate holders took up their functions on 1 May 2008. A list of all mandate holders, including newly appointed ones, is attached.

A second list of vacancies and call for applicants was announced after the seventh session. The Consultative Group again considered candidates on the Public List and will make recommendations to the President for the appointment of seven new mandate holders at the eighth session of the Human Rights Council in June 2008.

Universal Periodic Review

The first session of the UPR was held from 7-18 April 2008, during which 16 countries were reviewed. Another 16 countries were reviewed at the second session of the UPR, held from 5-16 May 2008. The Human Rights Council will consider the reports from these reviews at its eighth session in June 2008.

Special procedures recommendations and other information were included in the compilation reports prepared by OHCHR, which were referred to by countries during the interactive dialogue with the States under review. Some recommendations were included in the reports of the WG sessions.

Advisory Committee

Resolution 5/1 established the Advisory Committee as a “think tank” of the Council, to provide expertise to the Council in the manner and form requested by the Council, focusing mainly on studies and research-based advice. It replaces the former Sub-Commission on the Promotion and Protection of Human Rights.

At its seventh session, the Council elected the 18 members of its Advisory Committee, including two outgoing special procedures mandate holders, Mr. Jean Ziegler, and Mr. Bernards A. Mudho. The Advisory Committee’s first session is scheduled for 4-15 August 2008.

Complaint Procedure

The new Complaint Procedure, replacing the 1503 procedure, has been established according to the parameters of Resolution 5/1, with a view to address consistent patterns of gross and reliably attested violations of human rights. A new feature of the procedure is enhanced information to complainants on the status of their case.

Special Sessions

Between June 2007 and April 2008, the Human Rights Council has held two special sessions. The fifth special session on the human rights situation in Myanmar, held in October 2007, adopted a resolution condemning human rights violations there and requesting the Special Rapporteur on the situation of human rights in Myanmar to

monitor and assess human rights in Myanmar, including by urgently seeking to visit the country. The Special Rapporteur subsequently carried out a visit to Myanmar, and reported back to the Council.

The sixth special session, held in January 2008, on human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including in occupied Gaza and the West Bank town of Nablus, resulted in a resolution calling for protection of Palestinian civilians and respect for human rights. It requests that the High Commissioner report back to the Council on progress made in implementing the resolution.

On 8 May 2008, a request was submitted by Cuba and signed 41 Member States of the Council, to hold a special session on “the negative impact on the realization of the right to food of the worsening of the world food crisis, caused inter alia by the soaring food prices. This special session is scheduled to take place on 23 May 2008.

Group of Experts on Darfur

The Group of Experts on Darfur was established in March 2007 by the Human Rights Council to ensure the effective follow-up and to foster the implementation of resolutions and recommendations on Darfur, as adopted by the Human Rights Council, the Commission on Human Rights and other United Nations human rights institutions, as well as to promote the implementation of relevant recommendations of other United Nations human rights mechanisms. In December 2007, the Group presented its final report to the sixth session of the Human Rights Council. The Human Rights Council, in resolution 6/35, welcomed the report of the Group and urged the Government of Sudan to thoroughly investigate “all allegations of human rights and international humanitarian law violations, promptly bringing to justice the perpetrators of those violations.” In the same resolution, the Council “[i]nvites relevant United Nations bodies and agencies, including the Office of the United Nations High Commissioner for Human Rights, to continue providing support and technical assistance to the Sudan for the implementation of the recommendations of the Group of Experts and calls upon donors to continue providing financial and technical assistance and required equipment in this regard.”

Forum on Minority Issues

In September 2007, the Council adopted resolution 6/15, which establishes a forum on minority issues “to provide a platform for promoting dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities, which shall provide thematic contributions and expertise to the work of the independent expert on minority issues.” The Forum is a subsidiary body to the Council. The first meeting of the Forum is scheduled to be held from 4 to 5 September 2008.

Expert Mechanism on the Rights of Indigenous Peoples

In December 2007, the Council decided to establish an expert body on the rights of indigenous peoples, which is a subsidiary mechanism to the Council. The expert mechanism shall consist of five members, who will be selected according to the same selection procedure as for special procedures mandate holders. These vacancies were announced in advance of the eighth session of the Council, to be appointed during that

session. The first session of the expert mechanism will take place from 1 to 3 October 2008.

Social Forum

In September 2007, the Council, by way of resolution 6/13, decided to preserve the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including grass-roots organizations. The Social Forum is scheduled to meet from 1 to 3 September 2008.

Durban Review Conference

In 2006, the UN General Assembly decided to convene a review conference in 2009 to assess the implementation of the Durban Declaration and Program of Action (A/RES/61/149). The Human Rights Council was requested to undertake preparations and decided to constitute itself into the Preparatory Committee (PrepCom) for the Conference (HRC Resolution 3/2 of 2006). The PrepCom, which has 20 Member States in its Bureau, held its first organizational session in August 2007, when it took key decisions including on the rules of procedure, sources of funding for the review conference, accreditation of NGOs, objectives of the conference, and the organization of regional preparatory conferences.

The PrepCom also decided to create an Open-Ended Intergovernmental Working Group to review additional written contributions to the outcome of the Review Conference presented by Governments, the specialized agencies of the United Nations system and relevant United Nations bodies, regional organizations, national human rights institutions, non-governmental organizations, and relevant human rights mechanisms including special procedures. The Working Group was established at the first substantive session of the PrepCom, held from 21 April to 2 May 2008. It has now begun its work of collecting the information that will be included in the draft outcome document. Special procedures mandate holders received a questionnaire requesting input for the first substantive session of the PrepCom and their inputs are still welcome for consideration at future sessions of the Intergovernmental Working Group and the next session of the PrepCom. A questionnaire has also been circulated to governments soliciting their input on the progress they have made since the 2001 Durban Conference in the combat against racism, racial discrimination, xenophobia and related intolerance. It is expected that the Review Conference will take place in the first half of 2009, with its venue, date and other details to be decided at the end of May by the PrepCom.

Regional preparatory conferences are scheduled to take place between May and September 2008. The venues of the regional conferences have not yet been decided except for the one for Latin America and the Caribbean to take place in Brazil in June 2008.

The PrepCom during its first substantive session decided that the outcome document of the Durban Review Conference will consist of a declaratory part and an action-oriented part containing further actions and initiatives. The document will be based on contributions submitted by all relevant stakeholders and the outcomes of the preparatory meetings and activities at the international, regional and national levels, and shall be drawn up in accordance with the following structure: (1) review of progress and assessment of implementation of the Durban Declaration and

Programme of Action by all stakeholders; (2) assessment of the effectiveness of the existing Durban follow-up mechanisms and other United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them; (3) promotion of the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as well as consideration of the recommendations of its Committee; (4) identification and sharing of best practices; and (5) identification of further concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance, in order to foster the implementation of the DDPA and to address challenges and impediments.

The second substantive session of the PrepCom will be held in the second half of 2008 to consider the draft outcome of the review conference in depth in view of the activities that will have taken place at the regional level and the contributions that will have been made through the work of the intersessional working group.

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