



Inaugural Session of the United Nations Human Rights Council

Geneva 19 to 30 June 2006

July 2006

The Opening Ceremony

On June 19th 2006 the first session of a new body of the United Nations (UN) was held. In the presence of Secretary-General Kofi Annan, Jan Eliasson, President of the 60th session of the General Assembly and Louise Arbour, High Commissioner for Human Rights, the inaugural session of the United Nations Human Rights Council (HRC) was ceremonially opened. Over 100 Heads of State and Ministers were speaking at the High Level Segment at the beginning of the session, conveying their best wishes and expressing their vision for the future work of the Council.

As its President the HRC elected H.E. Luis Alfonso de Alba, Ambassador of Mexico. He is assisted by four Vice-Presidents representing the other regions. Currently those are: Czech Republic (Eastern Europe); Morocco (Africa); Switzerland (Western and Others); Jordan (Asia). The Human Rights Council replaces the Commission on Human Rights which had come under criticism for its excessive politicization, double standards and ineffectiveness in addressing human rights violations.

Shortcomings of the Commission

In recent years the situation within the Commission had continually deteriorated. The work on pressing human rights issues had factually stalled and political consensus could not be found anymore. Countries were using the membership in the Commission to avoid criticism on their own human rights violations, and on the other hand engaged in defamation of political opponents – the so-called naming and shaming.

The regional groups formed consolidated voting blocks on most resolutions, protecting their members from criticism. The development came to a point where the Secretary-General saw the integrity of the UN threatened as the “credibility deficit” of the Commission would cast “a shadow on the reputation of the United Nations system as a whole.”¹ A process of change was initiated, led by Jan Eliasson, President of the General Assembly (GA), whose aim was to overhaul the UN’s Human Rights system. After lengthy debates and many changes on Eliasson’s original draft, on 15 March 2006 the GA adopted a resolution by a great majority, creating the Human Rights Council.²

What is new about the Human Rights Council?

When establishing the new Council, many countries called for a more effective and credible body. While some used the transition phase to table proposals that would have weakened the Council even in relation to the Commission, most countries engaged in a constructive dialogue. The two main positions were a) to have a very inclusive HRC with large membership and b) to have a small HRC with members who were outstanding in their performance on human rights. While transparency and democratic legitimation called for the first option, the advantage of the second option was its theoretical ability to react quickly to occurring human rights violations and

¹ Secretary-General’s 2005 Report “In larger Freedom”, A/59/2005, para. 182.

² Resolution A/Res60/251 was adopted with 170 countries in favour, 4 against (Israel, Marshall Islands, Palau, United States), 3 abstentions (Belarus, Iran, Venezuela).

advance human rights issues with one strong and unified voice.

The compromise that had been found, established the Council incorporating the following new features:

- Individual and direct votes on all candidates by secret ballot
- Election of the candidates by simple majority of GA membership
- Ability for the GA to suspend membership rights and privileges
- Universal review mechanism and commitment of members to undergo peer review in their term of membership
- At least three meetings throughout the year for at least ten weeks total
- Enhanced ability to meet in special sessions to address pressing situations (special sessions can be held upon the request of one Council Member with the support of one third of the membership)
- Term limits for membership (no more than two consecutive terms of three years)
- New commitment to capacity-building and technical assistance
- Slightly smaller membership (47) with equitable geographic distribution reflecting current GA membership
- Explicit language emphasizing cooperation, dialogue, and non-selectivity³

Creating the HRC as a direct subsidiary of the GA (with the option of becoming a principal organ in five years) also elevates its status compared to the Commission which was a subsidiary of ECOSOC.⁴

Highlights of the First Session

The first session focused foremost on organizational and procedural matters. Yet, the Office of the High Commissioner for Human Rights evaluated the session as striking a good "balance between advancing essential procedural requirements and addressing substantive human rights issues." After the High Level Segment, which already took nearly one of the two weeks of the inaugural session, the following issues were addressed:⁵

- Enforced Disappearances • Indigenous Rights • Universal Periodic Review • Urgent Human Rights Issues • Preventing Torture • Economic Social and Cultural Rights • Combating Racism and

Discrimination • Hostage-taking • Review of mandates and mechanisms of the previous Commission.

While there was concern before the session that the HRC would not deal with the pending standard setting issues, the Convention Enforced Disappearances was tabled and adopted by consensus and acclamation. The Declaration on Indigenous Rights was also adopted, but only by a smaller majority of 30 in favour (incl. Germany) versus 2 against (Canada, Russia) and 12 abstaining (mostly African countries). In the discussion on the Right to Development Germany left its reluctant role acting for the first time as co-sponsor (along with China) of the resolution tabled by Malaysia. This case shows that a topic that had experienced block voting and political polarization can be dealt with constructively by the new Council.

The Universal Periodic Review, maybe the most important new mechanism within the HRC, as it addresses the often-heard accuses of double-standards by reviewing every country, will be elaborated by a Working Group which was established by the HRC - also by consensus. Participation of civil society in the new Council is supposed to be stronger than in the Commission. For the first time NGOs were permitted to speak at (the end of) the High Level Segment. Yet, the inaugural session had only very limited time available for NGO statements. It was emphasized that this should not set precedence for further NGO involvement but was due to the exceptional circumstances.

The Way Ahead

The proposed dates for the next sessions are: 18 September to 6 October; 27 November to 8 December; 12 March to 6 April 2007. Within this first year the Council will have to review all the Special Procedure (SP) mandates and come up with a design for the Universal Periodic Review. The HRC decided to hear the pending SP reports at its September session and the new reports in March 2007. The substantial issues laid out above as well as continuing and upcoming country situations will have to be taken into account.⁶

Friedrich-Ebert-Foundation, Geneva Office, Felix Kirchmeier, Program Officer (Human Rights), fes.geneva@econophone.ch, 12 July 2006.

³ For a complete listing please go to:

<http://www.un.org/reform/hr-council.html>.

⁴ For an in depth study of the transition from Commission to Council please consult the FES / ISHR publication on <http://www.ishr.ch/handbook>.

⁵ For a listing of outcomes on the issues see: <http://www.ohchr.org/english/press/hrc/HRCOutcomeFINAL.pdf>

⁶ Concerning the situation in the occupied Palestine territories, the HRC decided to convene a special session on 5 July 2006.