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## Human Rights Council, 6<sup>th</sup> Session, part II, December 10-14, 2007, Geneva

*Theodor Rathgeber, Forum Human Rights Germany*

**The UN Human Rights Council (HRC) concluded the second part of its 6<sup>th</sup> Session** from December 10-14, 2007. The HRC continued with institution-building issues (WG on Indigenous Peoples), the review of Special Procedures mandates, listened to reports from mandate holders on (Special Procedures) on the situation of human rights and fundamental freedoms of indigenous peoples (Rodolfo Stavenhagen), and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (Martin Scheinin). The Program of Work included the final report by the United Nations Experts Group on Darfur and the report of the Special Rapporteur on the situation of human rights in Myanmar.

### **Review of Mandates of Special Procedures**

Like during the first part of Session 6, Pakistan on behalf of the Organisation on Islamic Conference (OIC) commented that the HRC did not make progress in establishing detailed modalities for the conduct of reviews, being seconded by Cuba on behalf of the Non-aligned Movement (NAM) and Egypt on behalf of the African Group. Despite these reservations, the HRC reviewed the mandates of several Special Procedures and decided by consensus to extend the mandates of:

\* Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (extended by 3 years); \* Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (extended by 3 years); \* Representative of the Secretary General on the human rights of internally displaced persons (extended by 3 years); \* Special Rapporteur on protection of

human rights while countering terrorism (extended by 3 years); \* Independent Expert on technical cooperation and advisory services in Liberia (extended by 1 year); \* Special Rapporteur on technical cooperation and advisory services in Sudan (extended by 1 year). The only mandate which was extended by a vote was related to Elimination of all forms of intolerance and discrimination based on religion or belief. The resolution was opposed particularly by Muslim countries arguing that stereotyping of Islam, the relation to the national law (which would include Sharia) were not included into or sufficiently considered in the text as well as the conversion of religion was mentioned as a right to freely practice religion. The resolution was finally passed after a vote of 29 in favour and with 18 abstentions (extended by 3 years). Among the positive votes were Angola, Ghana, Madagascar, Mauritius and Zambia.

### **Code of Conduct**

Pakistan underlined that the Code of Conduct (CoC) has been accepted by the UN General Assembly (UN-GA) as a rule for the mandate holders of Special Procedures. Cuba on behalf of the NAM commented that the mandate holders are still negligent with the CoC and demanded a true and complete implementation.

### **Institution-building: Working Group on the Rights of Indigenous Peoples**

The HRC terminated the mandate of the Working Group on Indigenous Populations in September 2007 and decided to check whether a new mechanism on indigenous issues would be needed. The HRC agreed to create a new Expert Mechanism on the Rights of Indigenous

Peoples consisting of five independent experts; recommending the inclusion of indigenous member experts. The Expert Mechanism should provide advice for implementing remedies for human rights abuses, coordinate efforts to defend indigenous peoples' rights among various UN bodies, experts, agencies and treaty monitoring bodies, and transmit proposals from indigenous groups for implementing the Declaration on the Rights of Indigenous Peoples. The participation is open to states, UN agencies, NGOs and indigenous peoples' organisations.

### **Other Resolutions**

In addition to the extension of mandates of Special Procedures, other resolutions were decided by consensus: \* on voluntary goals of States in relation to the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights; \* on the Alliance of Civilisations; \* on integrating the human rights of women throughout the United Nations system. It dedicates at least a full day annually to discuss the human rights of women and to hold an annual discussion of the integration of a gender perspective throughout the Council's work.

### **Follow-up to the Special Session on Darfur**

In December, the Special Rapporteur on the situation of human rights in the Sudan, Simar Samar, presented the final report of the Experts Group. The Group was satisfied with the Government's cooperation but many recommendations had not been implemented or addressed at all, and no actions taken so far had alleviated measurably the human rights situation in Darfur. One resolution addressed the mandate of the Special Rapporteur, which has been extended for one year enlarging the scope of the mandate which includes now the follow-up to the recommendations of the Expert Group. The second resolution on the Experts Group on Darfur finally terminated this mandate welcoming the work of the experts.

### **Follow-up to the Special Session on Myanmar**

Presenting his report in December, Paulo Sergio Pinheiro noted that his five-day trip could not be considered a full-fledged mission. He revealed that the government forces of Myanmar used excessive, disproportionate, and lethal force against civilians, did not implement any recommendation of the Resolution from the Special Session, did not show any signs of ensuring human rights and fundamental freedoms, and obscured the real number of deaths. Paulo Sergio Pinheiro urged the government of Myanmar to release anyone still detained, grant amnesty to those sentenced or awaiting trial, and called for an independent investigation into the killings. The delegate of

Myanmar identified the report as intrusive and violating national sovereignty. The Council adopted by consensus a resolution expressing deep concern regarding the report's findings, requested that the Special Rapporteur should conduct a follow-up mission to Myanmar in order to monitor the implementation of the present resolution and previous recommendations.

### **Further Concerns**

The debate on the universality of the Human Rights continued as Pakistan on behalf of the OIC announced to develop a culturally adapted version of the human rights in accordance with the OIC's Cairo Declaration on Human Rights (i.e. the Sharia becoming a major reference point for human rights) and to develop appropriate institutions for its promotion. The human rights crisis in Sri Lanka received only marginal attention. The assault on the rule of law in Pakistan was scarcely mentioned. In terms of positive developments, Louise Arbour mentioned the inauguration of a regional office of OHCHR in Senegal for the region of West Africa, the moratorium on the death penalty in Rwanda and Gabon, as well as the intention of the ASEAN members to develop a human rights mechanism.

### **Universal Periodic Review (UPR)**

Two side events dealt with the UPR procedure. At one opportunity, the Ambassador of Morocco stressed that UPR will be essential for the credibility of the HRC while nobody should raise too ambitious hopes. At a second opportunity, ambassadors of four countries presented their views on good practice for the UPR; Brazil, Morocco, the Philippines and Switzerland.

### **Sixth Special Session on Israel / Gaza**

Requested by Syria on behalf of the Group of Arab States and Pakistan on behalf of OIC, a further Special Session was conducted on January 23 and 24, 2008. The Special Session was boycotted by Israel and USA. The Resolution was passed by a vote with 30 Yes, one No (Canada) and 15 abstentions (e.g. all EU members of HRC).

### **Time schedule for 2008**

03-28 March, 7<sup>th</sup> Session of HRC  
 02-14 June, 8<sup>th</sup> Session of HRC  
 08-26 September, 9<sup>th</sup> Session of HRC  
 07-18 April, 1<sup>st</sup> Round on UPR  
 05-16 May, 2<sup>nd</sup> Round on UPR  
 01-12 December, 3<sup>rd</sup> Round on UPR

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