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**UNITED NATIONS, HUMAN RIGHTS,
FREEDOM OF RELIGION OR BELIEF**

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Separation of Religion or Belief and State

HUMAN RIGHTS NEWS – LACK OF PROGRESS ON KEY ISSUES

**From: International Service for
Human Rights: Council review:
lack of progress on key issues**



The International Service for Human Rights (ISHR) is an international non-governmental organisation based in Geneva, at the heart of the United Nations human rights system, with a small branch office in New York.

Last Updated on Thursday, 10 February 2011:

On 7 February 2011, the Human Rights Council (the Council) held the first meeting of the second session of the Working Group established to review its work and functioning. Further meetings are planned for 17-18 and 23-24 February. The discussion during the first meeting was disappointing, with most States choosing to reiterate their well-known positions expressed since the first session of the Working Group (held in October 2010) and during the intersessional informal process. The President of the Council now has the challenging task of bridging the significant gap between opposing views held by States.

The most striking element of the debate was the concerted position of a block of States including Egypt (on behalf of the NAM), Nigeria (on behalf of the African Group), and Pakistan (on behalf of the OIC). These States refused to engage in a meaningful manner on proposals that would move the Council beyond the status quo and potentially remedy the body's current inability to address urgent and chronic situations of human rights violations in a non-selective manner. In an attempt to identify a basis for further negotiations on this issue, the Ambassador of Brazil - in charge of the facilitation of a cluster of issues on methods of work - had suggested a new mechanism to initiate discussion of situations. Despite support by States from several regions, including some members of NAM (Chile and Peru), NAM's vocal leadership rejected the proposal outright.

On the other hand, several States stressed that failure of the Council to improve its methods to address concrete situations of human rights violations would delegitimise the entire process of review. The Ambassador of Germany most eloquently addressed this. In an obvious reference to ongoing protests in Egypt, he highlighted that it was not surprising to see people take to the streets in frustration at their governments, if some States show little ambition when given the

opportunity to improve the Council's response to chronic human rights violations. There was also increased opposition to the – seemingly procedural - idea of holding only two Council sessions per year, unless new mechanisms to address situations of violations were also agreed on (Austria, Canada, Denmark, Ireland, Norway, Spain, Switzerland, the UK, and the US).

The meeting lasted longer than the planned six hours, with States addressing in detail all areas of the compilation of proposals presented by the five facilitators. However, with some States expressing opposition to using the compilation as a basis for negotiations, there was no significant movement forwards from those proposals. Highlights included:

Special procedures

Nigeria (on behalf of the African Group), Indonesia (on behalf of the ASEAN), Bangladesh, Cuba, Thailand, Nepal, Iran, Myanmar, and China stressed that special procedures should carry out their work in strict compliance with their mandates. In addition, the African Group, supported Algeria's proposal to establish an independent legal committee to review compliance by the special procedures with their mandates and code of conduct. This proposal was also supported by Iran, China, Myanmar, Palestine, Pakistan (on behalf of the OIC), and Yemen. Argentina, Australia, Canada, and Switzerland explicitly opposed the idea of a legal committee.

- The UK argued that the main obstacle to the effectiveness of the special procedures mechanism was the lack of cooperation from States, and that the review should address this issue. This position was also shared by Canada and the Czech Republic.

UPR

Members of NAM, OIC, and ASEAN reiterated their position that mid-term reporting should remain strictly voluntary in nature, further stating that only those recommendations accepted by states during the first cycle should be subject to follow-up in subsequent cycles.

- The Russian Federation stressed that the UPR should not place an additional burden on States, claiming that mid-term reporting should not even be 'encouraged'.
- Canada asserted that all States should provide their views on every recommendation, and that any recommendation that has not been rejected with a clear justification should be understood as accepted by the State under review.

Capacity of the Council to address situations

Egypt (on behalf of NAM), Pakistan (on behalf of the OIC), Cuba, Israel, Saudi Arabia, and Thailand claimed that there was no need for additional mechanisms to deal with emergency situations and rejected the proposal for a 'trigger mechanism' presented by the Brazilian Ambassador. These States argued that urgent situations could be dealt with on a case by case basis within the regular programme of work by holding 'special sittings' within sessions. At the same time, several States argued against aligning the rules for 'special sittings' with those of special sessions, as suggested by the facilitators.

- On the contrary, Hungary (on behalf of the EU), Canada, the Czech Republic, Denmark, the Netherlands, Slovenia, and the US were in favour of finding new ways of enhancing the Council's response to emergency situations, including looking at how best to use tools such as informal briefings, panels and mini-sessions.

Programme of work

There was increased support for the idea of continuing to hold three Council sessions per year instead of the two proposed by the facilitator, with the proposal enjoying the vocal support of Austria, Canada, Denmark, Ireland, Norway, Spain, Switzerland, the UK, and the US. Denmark pointed out that reducing the number of Council sessions without providing other safeguards risked placing the Council's 'visibility' and 'relevance' in peril.

- Guatemala and Honduras spoke out in favour of two sessions per year, with the latter preferring meetings in March and September to allow adequate time to address its very heavy workload.

Advisory Committee

Given the lack of support found, the US stepped back from its original proposal to abolish the Advisory Committee and called instead for the expertise of this mechanism to be improved by establishing a reserve group of experts in specific fields to be called on as and when necessary.

- The Russian Federation stated that the Advisory Committee plays an essential role and that ways should be found of increasing interaction between it and the Council.

Complaints procedure

Egypt (on behalf of NAM), Nepal, and Thailand opposed the proposal to merge the two working groups and emphasised that the Working Group on situations should be preserved as an 'intergovernmental filter' before a complaint is brought to the Council's attention.

- Indonesia (on behalf of ASEAN), Nigeria (on behalf of the African Group) and Cuba noted that the confidentiality of the complaints procedure should be preserved.
- Argentina, on the other hand, stressed that the mechanism should be improved by increasing transparency and allowing the participation of both victims and concerned States at every stage of the process.

Reprisals

Sweden expressed support for the holding of a regular panel on reprisals.

- This idea enjoyed the support of Canada, who stressed that human rights defenders would continue to face reprisals, arrests, and killings if the Council fails to take the need for timely protection against reprisals seriously.

Accessibility

New Zealand and Honduras expressed strong support for the creation of a Task Force on Accessibility that would be used to facilitate the inclusion of disabled persons in all areas of the Council's work.

- Overall, the idea of a Task Force enjoyed widespread support from States and appears as if it will proceed without any serious delays in adoption.