

COUNCIL MONITOR

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Overview

Today's morning session of the Human Rights Council (the Council) began with the finalisation of interactive dialogues with the following special procedures:

- Special Rapporteur on extrajudicial, summary or arbitrary executions;
- Special Representative on internally displaced persons.

The Council then considered the reports of the following special procedures:

- The Special Rapporteur on violence against women, its causes and consequences;
- The Special Rapporteur on trafficking in persons, especially women and children;
- Special Rapporteur on torture, cruel, inhuman or degrading treatment and punishment;
- Working Group on arbitrary detention;
- Special Rapporteur on the independence of judges and lawyers.

All the presentations were followed by an interactive dialogue with participation from States and NGOs. Informal meetings held during the lunch break included events on the human rights crisis in Colombia and the implementation of the special procedures' recommendations regarding China.¹

¹ See *Bulletin of Informal Events*, 20 September 2006, available at www.ohchr.org/english/bodies/hrcouncil/2session/bim.htm for additional details.

Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

Many States had posed questions and comments to the Special Rapporteur on extrajudicial, summary or arbitrary executions yesterday² but there had been insufficient time for the Special Rapporteur to respond. Mr Alston was therefore given the opportunity to respond to the questions at the beginning of the morning session today.

Responding to Algeria's critique of his comments on their draft law on peace and national reconciliation, Mr Alston reiterated his position that granting such broad amnesty to past human rights violators is considered unacceptable by international standards. Algeria made use of their right of reply to inform Mr Alston that the proposed law is not in fact an amnesty law. They also criticised the Special Rapporteur for circumventing diplomatic etiquette by not first submitting his concerns to the Algerian mission in Geneva.

Mr Alston restated his grave concern over Nigeria's employment of the death penalty through the Sharia courts as punishment for the crimes of sodomy and adultery. He found the State's assertion that the death penalty is "appropriate and fair" for such crimes to be completely unacceptable.

During the previous day's interactive dialogue, Iran had reiterated its open invitation to special procedures. Mr Alston expressed appreciation for this but explained that while he while recognised the difficulties with setting a date, three years was simply too long to wait for a country visit.

In his reply to the previous day's comments from Sri Lanka, Mr Alston again expressed concern that the proposed National Commission dealing with issues of extra-judicial killings would not be viewed as a credible, impartial body. He stressed the important need for international involvement. Sri Lanka responded by accusing the Special Rapporteur of confusing the issue, stating that they had the full intention of employing international human rights experts on the Commission.

Special Representative on Internally Displaced Persons

As the Special Representative of the Secretary-General on Internally Displaced Persons (IDPs) was not able to respond to all the questions and comments he received yesterday because of shortage of time, he was given the opportunity to do so at the morning session today.³

In response to Finland's question concerning the internal displacement created by the mass eviction of thousands in Zimbabwe's Operation Murambatsvina, Mr Kälin responded that he was not in a position to assess if the situation of the IDPs there had improved. In its right of reply, Zimbabwe attacked Finland, accusing it of heavy bias and asked them not to meddle in the internal affairs of Zimbabwe.

The situation of Sudan had been raised the previous day by Canada, which had queried possible solutions to ensure better humanitarian access to Sudan. In response, the Special Rapporteur stressed the need for the full implementation of the Abuja peace agreement, and the deployment of UN peace-keeping forces in the region.

² See the *Council Monitor Daily Update*, 19 September 2006, <http://www.ishr.ch/hrm/council/updates/dailyupdates.htm>, for a summary of Mr Alston's presentation and the interactive dialogue.

³ See the *Council Monitor Daily Update*, 19 September 2006, <http://www.ishr.ch/hrm/council/updates/dailyupdates.htm>, for a summary of Mr Alston's presentation and the interactive dialogue.

On the topic of the growing number of IDPs created as a result of natural disasters, Mr Kälin was clear that the *Guiding Principles on Internal Displacement* (the Guiding Principles) were adequate to address these situations. In relation to Sri Lanka, the Special Rapporteur stressed the importance of the State's reaction in the first 48 hours following a natural disaster. Having never examined the situation in Sri Lanka on the ground, Mr Kälin was unable to provide suggestions for improving the security of humanitarian missions in the north of the country. In addition, he responded to Azerbaijan (which had asked a specific question on this matter the previous day) by stating that there was no essential difference in terms of relief measures between IDPs created by intra-state or inter-state conflict. However, it does affect procedures for ensuring return, since there are two actors to deal with in the latter situation.

Special Rapporteur on Violence Against Women

The Special Rapporteur on violence against women, its causes and consequences, Ms Yakin Ertürk, presented to the Council her third report on violence against women, as well as country reports from her missions to the Russian Federation, Iran, Mexico and Afghanistan.⁴ In her statement to the plenary,⁵ Ms Ertürk emphasised the concepts of 'due diligence' and 'cultural negotiation'⁶ as central to tackling violence against women across the world. She also drew on the importance of moving away from state-centric attitudes and called on international organisations and Transnational Corporations (TNCs) to take on the responsibility of working to address violence against women. Ms Ertürk informed the Council of her investigations carried out this year in Turkey, Sweden and the Netherlands for which the reports will be published in 2007. She then updated the Council on developments in the countries where she had been on mission.

The Special Rapporteur was encouraged by the recent establishment of the Inter Ministerial Commission on the Promotion of Equality of Men and Women in the Russian Federation. However, with specific reference to the Chechen Republic, Ms Ertürk stressed her concern about continuing extrajudicial executions, rape and ill-treatment, allegedly by security forces. She accepted that the State was not directly the perpetrator of these crimes but, underscoring her notion of due diligence, highlighted that it was still the obligation of the State to protect its citizens in all circumstances. On Iran, Ms Ertürk commended the access to education for women in Iran, however, reiterated the necessity for legal and judicial reform. She specifically mentioned her horror that the Iranian Ministry of Interior had declared the Defenders of Human Rights Centre illegal.

Ms Ertürk presented an outline of the country reports of Mexico, where she spoke of the problems found in *Ciudad Juárez* and other areas, and Afghanistan, where she specified two priorities: ending child and forced marriages and the provision of safe houses to protect women against violence. Ms Ertürk stated that she would be visiting Algeria in January 2007. She also plans to visit the Democratic Republic of Congo, Ghana, Saudi Arabia and Zimbabwe⁷ next year. To conclude, Ms Ertürk spoke with regret about the lack of improvement in the situation for women in the Darfur region of Sudan.⁸

⁴ ECN.4/2006/61, 20 January 2006, E/CN.4/2006/61/Add.3, 27 January 2006, E/CN.4/2006/61/Add.4, 13 January 2006, E/CN.4/2006/61/Add.5, 15 February 2006. These reports are available at

www.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm. ISHR has produced unofficial summaries of these reports that are available at <http://www.ishr.ch/hrm/council/SPs/specialprocedures.htm>.

⁵ Oral statements made at the Council can be found on the OHCHR extranet (fill out the form on the page to receive the user name and password) at www.ohchr.org/english/bodies/hrcouncil/form.htm.

⁶ For full explanation of both of these terms refer to 'Underlying Principles' in the Special Rapporteur's report.

⁷ Zimbabwe invited Ms Ertürk to carry out an investigation in their country and the Special Rapporteur encouraged other countries to do the same.

⁸ Ms Ertürk made a country visit to Darfur, Sudan in 2005.

Interactive Dialogue

The representative of Afghanistan responded to Ms Ertürk's discussion on the issue of forced marriage by admitting the existence of a mediaeval attachment to this practise in his country. However, he stressed that the greater causes of this problem were displacement and and stated that terrorist attacks by those in different countries were responsible for creating these conditions in Afghanistan. Mexico thanked Ms Ertürk for her report and described a variety of practical measures that have been put in place in the last year to tackle some of the issues she raised.⁹ The Russian Federation on the other hand felt the report gave an unfair picture of the situation in their country and accused the Special Rapporteur of failing to use official information provided.¹⁰ The Sudanese delegation questioned why the Darfur region had been pinpointed as a problem area for violence against women.

A number of States¹¹ praised the introduction of the concept of 'due diligence' by the Special Rapporteur and asked for further clarification on how it can be put into practice in the field of human rights. Ms Ertürk emphasised the responsibility of States to provide protection and above all mechanisms for prevention. She also reiterated her statements of the responsibilities of international organisations and TNCs to take responsibility for the protection of human rights. Some States requested Ms. Ertürk to address in her future work, the issue of including gender aspects in codes of conduct or guidelines for transnational corporations.¹² The Inter-African Committee on Traditional Practices, in a joint statement presented by ten African NGOs, suggested that education of the military as well as religious leaders on how they could promote gender equality was a way to reduce violence against women. Some States¹³ highlighted the role of the media in publicising and educating civil society about the problem of violence against women. Ms Ertürk agreed that promoting gender equality was the best way to approach the prevention of violence against women. Finally, Ms Ertürk pointed out the Secretary General's report on violence against women is set to be presented at the General Assembly next month.

Special Rapporteur on Trafficking in Persons

Ms Sigma Huda, the Special Rapporteur on trafficking in persons, especially women and children, presented her annual report and the reports from her missions to Bosnia and Herzegovina and Lebanon.¹⁴ Her statement highlighted the report's focus on the relationship between trafficking and the demand for commercial sexual services, emphasising the role of the prostitute-user in this process. She reiterated that the prostitute user is a part of the trafficking chain, as both a demand creator and the recipient of a trafficked person. She is therefore focusing on targeting demand as a way of preventing and punishing traffickers. Ms Huda described some examples of good practices in terms of laws restricting or penalising prostitution (while protecting against penalising the victims of prostitution),¹⁵ and the importance of using extra-territorial jurisdiction to combat sex tourism.¹⁶ She emphasised that the policy of legalising prostitution has to be discouraged because it gives moral and legal authorisation for the practice to continue and therefore encourages the demand side of trafficking. She was encouraged by NGO support for this proposition and the work done by civil society to

⁹ These measures included the creation of a Specialised Prosecutors Office that worked in the *Ciudad Juarez* area.

¹⁰ Ms Ertürk responded directly to this by expressing her willingness to return to the observations that it felt were incorrect, but assured the delegation that the figures cited in the report did come from official information.

¹¹ Switzerland, New Zealand, Cuba and Netherlands.

¹² Liechtenstein.

¹³ Morocco and Liechtenstein.

¹⁴ E/CN.4/2006/62, 20 February 2006, E/CN.4/2006/62/Add.2, 30 November 2006, and E/CN.4/2006/62/Add.3, 20 February 2006. The reports are available at www.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm. ISHR has produced unofficial summaries of these reports that are available at www.ishr.ch/hrm/council/SPs/specialprocedures.htm.

¹⁵ For example, in Sweden, Korea and Venezuela.

¹⁶ For example in Denmark, Finland, Israel, the Netherlands and the United States of America.

discourage the use of sexual services from women or children. In her overview of her missions to Bosnia-Herzegovina and Lebanon, she noted that she would be working with the Governments on follow-up.

Interactive Dialogue

Bosnia-Herzegovina and Lebanon both responded to the Special Rapporteur by outlining the steps that had been taken to address the concerns in their countries. Bosnia-Herzegovina outlined in detail the changes in the situation since its Plan of Action began to be implemented, recognising the gap that still exists between the international standards and its domestic laws. While emphasising that this was a priority for its government, it pointed to the overall context in Bosnia-Herzegovina where instability and high unemployment contributes to the problem. Lebanon, in its response, focused on how migrant workers are a key concern to them but that the issue should be dealt with by the source country and not the transit country. Nevertheless, Lebanon expressed a willingness to use the Plan of Action highlighted by Bosnia-Herzegovina, including by involving NGOs in this process. Some stated that trafficking can only be addressed through cooperation between the country of origin and the country of destination.¹⁷

Many states expressed their support for the Special Rapporteur and her approach,¹⁸ including her focus on the concept of demand.¹⁹ Several States, however, expressed some doubts about the criminalisation of prostitution and its effects, asking the Special Rapporteur if this could be counterproductive.²⁰ Switzerland expressed concern that sex workers could be made more vulnerable by criminalising prostitution, and requested further study and details regarding the effectiveness of criminalisation. Ms Huda responded by affirming her belief that criminalisation is in the interests of the victims. The Netherlands questioned the Special Rapporteur on why she had limited her mandate to sexual exploitation. She responded by explaining this was the topic of this year's report and that next year's report will focus on forced marriage. The need to take a broader approach was touched upon also by Human Rights Watch in questioning the Special Rapporteur on the implementation of her recommendations in Lebanon, where they called attention to the issue of migrant workers and the overall measures taken to address trafficking.²¹

The relationship between this mandate holder and others was touched upon when Argentina recommended that the Special Rapporteur work in close collaboration with the Special Rapporteur on the sale of children, child prostitution and child pornography. A coalition of NGOs congratulated Ms Huda on the way in which she has developed the standards in the *Convention the Elimination of All Forms of Discrimination Against Women*, and the *Convention on the Rights of the Child*.²²

Special Rapporteur on Torture, Cruel, Inhuman or Degrading Treatment and Punishment

Mr Manfred Nowak, the Special Rapporteur on torture, cruel, inhuman or degrading treatment and punishment, presented his reports.²³ He highlighted the fact that a majority of States had not adopted

¹⁷ Japan.

¹⁸ Belarus, Argentina, Costa Rica, Chile, Brazil, the Philippines, the Russian Federation, Bangladesh, Thailand (it extended an invitation to the Special Rapporteur), and Indonesia.

¹⁹ Finland, on behalf of the European Union, Bulgaria and Romania.

²⁰ Chile, Switzerland, Norway, and the Netherlands.

²¹ See also the statement of the Global Alliance Against Traffic In Women.

²² Joint Statement by the Movement for the Abolition of Pornography and Prostitution and Coalition Against Trafficking of Women.

²³ E/CN.4/2006/6, 23 December 2005, E/CN.4/2006/6/Add.1, 21 March 2006, E/CN.4/2006/6/Add.2, 21 March 2006, E/CN.4/2006/6/Add.3, 23 September 2005, E/CN.4/2006/6/Add.4, 20 December 2005, E/CN.4/2006/6/Add.5, 9 January 2006,

necessary legislative measures prohibiting torture and expressed concern about the lack of awareness about the prohibition on torture in many countries.²⁴ He reiterated his concern that the continuing use of diplomatic assurances leads to the undermining of the fundamental principle of *non-refoulement*.²⁵ Focusing on torture in the context of counter-terrorism, he stressed the danger arising from the legal position taken by some States. He re-affirmed that the proportionality test could not be applied in situations of interrogation of detainees and that the prohibition of cruel, inhuman or degrading treatment or punishment is equally as absolute as the prohibition of torture²⁶.

Mr Nowak underlined that his working methods for country visits were focused on seeing first hand the true situation, identifying gaps and acknowledging positive measures, recommending ways to improve the situation, and initiating a process of sustained cooperation. He stressed the special importance of the ‘terms of reference’ for his visits. He then presented in detail the four reports on country visits to Georgia, Mongolia, Nepal and the People’s Republic of China. He noted a generally positive attitude of concerned governments during the visits. In the cases of Mongolia and Nepal, he noted the positive steps taken immediately after his visits. Nevertheless, he also saw considerable shortcomings in both cases, notably with regard to the reigning culture of impunity and deplorable prison conditions. These conditions are also his main concern regarding Georgia. As for China, Mr Nowak while acknowledging a considerable decrease in the overall practice of torture, viewed the forced re-education practices applied to political dissidents as a major problem. Mr Nowak announced upcoming visits to the Russian Federation, Paraguay, Sri Lanka, Nigeria, Togo and Indonesia. He concluded by drawing attention to the Optional Protocol to the *Convention against Torture and other cruel, inhumane or degrading treatment* (Optional Protocol) and invited States to ratify it as soon as possible.

Interactive Dialogue

China challenged Mr Nowak, arguing that he did not grasp the ‘concepts of law’ in China and that his reports contained wrong or unsubstantiated allegations and unfair conclusions. The Chinese representative nevertheless drew attention to a number of changes to their criminal justice proceedings that had been made following Mr Nowak’s visit.²⁷ Georgia reiterated its commitment undertaken under the Optional Protocol for independent monitoring. Nepal denied Mr Nowak’s accusations of systematic torture and repeated that there was considerably improved situation in the country after the “installation of full fledged democracy”. They stated that they were making continuous efforts to bring their legal framework in line with international standards.²⁸

The representative of the United States of America (the USA) underlined the difficult balance between freedom and security, a balance the USA is striving to keep up even in ‘war’. The representative of the USA reiterated that the USA neither commits, permits nor condones torture. He strongly disagreed with the proposition that States should be prohibited outright from resorting to credible assurances in appropriate cases. In their view while diplomatic assurances do not release states from their obligations under international law, they were a tool that could be used in appropriate cases. The USA had for instance declined to return individuals despite diplomatic assurances as they were not satisfied such an assurance would satisfy its obligations. Switzerland expressed caution about diplomatic assurances.

E/CN.4/2006/6/Add.6, 10 March 2006. The reports are available at www.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm.

ISHR has produced unofficial summaries of these reports that are available at www.ishr.ch/hrm/council/SPs/specialprocedures.htm.

²⁴ He mentioned two examples from Jordan and Austria.

²⁵ Illustrated with the call for States to refrain from transferring persons to Uzbekistan. Uzbekistan pointed out its disagreement with the recommendations made by the former Special Rapporteur, Mr Theo van Boven, and said that sovereign States should be able to independently choose of whom to accept diplomatic assurances.

²⁶ See his annual report, where he discusses the concept of ‘powerlessness’ of the victim and situations in which the principles of proportionality ceases to apply.

²⁷ Notably new safeguards in criminal proceedings, including the introduction of audio and video recordings, as well as training courses for government officials, detention facility staff as well as police.

²⁸ Through their National Human Rights Commission, the elaboration of a new draft bill inspired by the CAT which makes torture a criminal offence, the assignation of high level civilian personnel to look into alleged cases of torture and the commencement of the process of ratification of the *Rome Statute* establishing the International Criminal Court.

A number of States asked how the Council could help with implementing the recommendations made by Mr Nowak.²⁹ Uruguay took up the broader theme of non-cooperation with the special procedures and called on Mr Nowak and the Council to define ways to address this.³⁰ Denmark enquired about the usefulness of the Council elaborating on the distinction between torture and cruel treatment. Other issues raised in the interactive dialogue included the repeated call for strengthening the cooperation between the Special Rapporteur and the Optional Protocol.³¹ In its comments, Algeria posed serious challenges to the mandate, accusing Mr Nowak of procedural mistakes, inefficiencies and unequal treatment of different States.³² However, Indonesia expressed its belief that Mr Nowak acted within his mandate. Some governments referred extensively to their existing legal frameworks.³³

Making reference to Mr Nowak's participation in the joint report on Guantanamo, the USA promised a detailed response on presentation of the report in the course of the present session of the Council. Due to time constraints, not all States had the opportunity to take the floor. The remaining State interventions, statements by NGOs, as well as Mr Nowak's replies will be heard on Thursday, 20 September 2006.

Working Group on Arbitrary Detention

Ms Leila Zerrougui, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention presented their four reports.³⁴ Ms Zerrougui highlighted a number of issues raised in the Working Group's annual report including the use of secret detention facilities and the deprivation of liberty in relation to the use of the internet. Ms Zerrougui expressed concern about the increase of arbitrary deprivation of liberty to restrict freedom of expression on the internet. She also made a number of comments on the use by governments of secret detention facilities and the rendition of prisoners to these prisons. She noted that, in the opinion of the Working Group, these practices of secret detention take place outside any legal framework and are not compatible with either international human rights law or international humanitarian law. Ms Zerrougui urged all states to immediately stop using such detention facilities and transfer suspects in accordance with established legal procedures. Ms Zerrougui commented briefly on the Working Group's missions to Canada and South Africa.

Interactive Dialogue

Due to a lack of time there were limited questions and comments on Ms Zerrougui's presentation of reports were few, reducing the interactivity of the dialogue. The Canadian delegation noted that the Supreme Court is in the process of reviewing the use of security certificates practice, which allow the government to detain persons suspected of posing a security threat for prolonged periods of time with limited judicial review. The delegation also noted that persons targeted by the security certificates always had the option of leaving the country. Regarding the Working Group's comments on the detention of asylum seekers, the delegation stated that it reserved the right to detain persons posing a threat to national security, and also persons pending their removal from the country.

²⁹ Finland on behalf of the EU, Bulgaria and Romania, as well as Denmark.

³⁰ Similar points were raised by New Zealand.

³¹ Argentina and Switzerland.

³² Algeria believes that domestic remedies need to be exhausted before the Special Rapporteur can enquire into a situation. It mentioned that the Special Rapporteur should not need to present his report to the Council *and* the General Assembly. It expressed suspicion that the Special Rapporteur had applied different treatment for a case involving Australia compared to the Algerian case.

³³ China and Tunisia.

³⁴ E/CN.4/2006/7, 12 December 2005, E/CN.4/2006/7/Add.1, 19 October 2005, E/CN.4/2006/7/Add.2, 5 December 2005, and E/CN.4/2006/7/Add.3, 29 December 2005. The reports are available at www.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm. ISHR has produced unofficial summaries of these reports that are available at <http://ishr.ch/hrm/council/SPs/specialprocedures.htm>.

South Africa responded positively to the presentation of the report on the country mission and stated that it had inherited the overcrowded prisons from the apartheid regime. Furthermore, the transformation to a multilingual judicial system had created a significant burden but South Africa was currently taking measures to eradicate the high number of pre-trial detainees created by this change. The delegation explained that one of the reasons for the high number of detained asylum seekers were the discoveries of masses of clandestine migrants who sought asylum upon discovery.

A number of States addressed the issues of secret detentions and renditions. Iran focused on the transfer of suspects and secret detention in Europe asking how the Council could address these problems. The USA, referring to secret prisons, explained that there are no longer any detainees within the CIA program after the transfer of 14 prisoners to Guantanamo Bay. Further, the USA expressed its satisfaction that the Working Group recognised the right of states to address cases within their domestic frameworks and gave an example of a case of five Cuban agents who were convicted for conducting intelligence activity in the USA.

The representative from Mali raised the issue of the interplay between the administration of justice and arbitrary detention and asked how the international community could assist in training of the judiciary in poor countries. There was insufficient time to complete the interactive dialogue, which will resume tomorrow.

Special Rapporteur on the Independence of Judges and Lawyers

The Special Rapporteur on the independence of judges and lawyers, Mr Leandro Despouy, presented his annual report, report summarising his communications to Governments, and reports on missions to Kyrgyzstan, Tajikistan and Ecuador.³⁵ He highlighted six key points: the right to the truth; justice in periods of transition; the Special Tribunal in Iraq; access to justice; public prosecutors; and human rights in state of exception. He explained that the right to truth has been established as an autonomous and inalienable right, intended to ensure access to justice and redress for victims and their families. He commented that the Iraqi Special Tribunal was not independent and had a limited mandate, and expressed concern regarding the reestablishment of the death penalty and the murders of judges and lawyers working on the trial. He recommended that the Special Tribunal be replaced by an international tribunal in cooperation with the United Nations. He also encouraged the adoption of the draft International Convention for the Protection of Persons Against Enforced Disappearances. Finally, he addressed the use of military tribunals to judge civilians, calling on the Council to adopt the principles on military tribunals drafted by the Sub-Commission on the Protection and Promotion of Human Rights.

Interactive Dialogue

Argentina reminded the Council of the importance of the right to truth. Likewise, Chile pointed to how the Commission on Truth and Reconciliation had improved the right to truth in its country. It asked the Special Rapporteur about whether he will address the issue of administration of justice in emerging States in his next report. Some countries gave examples of the steps they were taking to improve the independence of judges and lawyers in their judicial systems and institutions.³⁶

Other Practical and Procedural Issues

At the commencement of the morning session the President reiterated the modalities for time management during interactive dialogues with the country specific special procedures, which had been agreed by the

³⁵ E/CN.4/2006/52, 23 January 2006, E/CN.4/2006/52/Add.1, 27 March 2006, E/CN.4/2006/52/Add.2, 31 January 2006, E/CN.4/2006/52/Add.3, 30 December 2005, and E/CN.4/2006/52/Add.4, 30 December 2005. The reports are available at www.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm. ISHR has produced unofficial summaries of these reports that are available at www.ishr.ch/hrm/council/SPs/specialprocedures.htm.

³⁶ Tunisia and Brazil.

Council at yesterday's session. He noted that 10 minutes would be given to the mandate holder to present the report, followed by 5 minutes for the concerned country and 2 minutes for any observer States. At the end of the session, 10 minutes would be given to NGOs for statements (of maximum 2 minutes each).

Following up on his comment from the previous day, the Ambassador of Cuba asked the President to announce in advance when such important decisions will be taken as the Cuban delegation had not been present in the room when the decision was taken yesterday. He was also concerned that NGO participation should not be limited to countries where a mandate has been established and should be balanced and equitable. Furthermore, he asked for clarification of the selection process for which NGOs will be allowed to speak after the dialogue with the country special procedures. The President responded that NGOs are collaborating amongst themselves to identify which NGOs will speak in the interactive dialogues and that he has no role in this process. The representative from Cuba stressed that the Cuban delegation will return to the question on 26 September 2006, when the Special Rapporteur on Cuba will present her report.

Pakistan recalled the practices of the Commission on Human Rights, which did not allow NGOs to take part in interactive dialogue with Special Procedures, and suggested that NGO statement could instead be taken up in a separate session created for this purpose. This proposal was supported by China. The President concluded the discussion by noting that consultations may be held to resolve these issues. He affirmed that any decision to review the decision taken by the Council yesterday would be taken in plenary.

COUNCIL MONITOR STAFF

Meghna Abraham, Program Manager, Information Program

Claire Mahon, Human Rights Officer, Information Program

Eléonore Dziurzynski, Communications Officer, Information Program

Contributors

Jay Bahadur, Intern

Maxence Delchambre, Intern

Valeria Fruzzetti, Intern

Jessica Griffiths, Intern

Michael Ineichen, Intern

Asger Kjaerum, Intern

Gergey Pasztor, Intern

Chris Sidoti, Director

Katrine Thomasen, Human Rights Officer, Liaison, Coordination and Advocacy Program

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