

COUNCIL MONITOR

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Overview

The Human Rights Council (the Council) discussed the reports of the 1503 procedure in a closed session this morning. As the Council is running behind schedule, it held an extended afternoon session from 1 to 6 pm today. The Council finalised yesterday's incomplete interactive dialogue with the Special Rapporteur on sale of children, child prostitution and child pornography. The Council then considered the reports of the following mandate holders:

- Independent Expert on the effects of economic reform policies and foreign debt on the full enjoyment of human rights;
- Working Group on Mercenaries;
- Special Rapporteur on the right to adequate housing;
- Special Rapporteur on the right to education;
- Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises;
- Special Rapporteur on the promotion and protection of human rights while countering terrorism.

All the presentations were followed by an interactive dialogue with participation from States and NGOs. As there was insufficient time to finish the speakers' list, the interactive dialogues with the last four special procedures will continue tomorrow. The Office of the High Commissioner for Human Rights (OHCHR) organised a briefing on the *International Convention on the protection of rights of persons with disabilities*

International Service for Human Rights, 1 Rue de Varembe, P. O. Box 16, 1211 Geneva 20, Switzerland

Ph: +41 22 7335123, Fax: +41 22 7330826

E-mail: information@ishr-sidh.ch, Website: www.ishr.ch/hrm/council

(along with Mexico) and a meeting on the UN Secretary-General's study on violence against children. NGOs organised informal events on mainstreaming human rights education and the right to associate.¹

Special Rapporteur on the sale of children, child prostitution and child pornography

Mr Petit, the Special Rapporteur on the sale of children, child prostitution and child pornography, was unable to attend the afternoon session in which States and NGOs raised a number of issues in relation to the presentation he had made on Friday.² The President informed the Council that the comments would be communicated to Mr Petit through the OHCHR.

Albania stated that in accordance with the recommendations made by Mr Petit after his visit to the country, they had signed an agreement with Greece for offering protection and assistance to children who are victims of trafficking, which guarantees coordination of aid and rehabilitation efforts. The Ministry of Justice had also formed a working group to amend the criminal code with respect to the rights of the child. However, Albania criticised Mr Petit for his recommendations on gender equality,³ which they argued exceeded his mandate. Greece and Peru announced that they had adopted new initiatives to combat exploitation of children and trafficking.

The Russian Federation requested that Mr Petit clarify the distinction he had drawn between 'voluntary' and 'compulsory' prostitution. Finland, on behalf of the European Union (EU), enquired what mechanisms and methods would be necessary to strengthen international co-operation and improve operational follow-up. They also asked Mr Petit what kinds of activities he plans to undertake to improve assistance to child victims and their protection. Many States praised Mr Petit's working methods, specifically his focus on the 'demand' side of the commercial sexual exploitation of children.⁴ They urged the Special Rapporteur to continue to focus on demand in his future work. Slovenia asked Mr Petit to elaborate on activities that would effectively contribute to reducing demand and on cases of prosecutions by countries of their citizens for sexual exploitation of minors abroad. Several States also asked Mr Petit if he could illustrate examples of best practices to educate the public⁵ and to reduce the demand for child sex tourism.⁶ Japan highlighted the efforts of its tourism industry to fight child sex tourism. A few States⁷ welcomed the Special Rapporteur's commitment to cooperate with the Special Rapporteur on the trafficking of persons, Ms Huda, and urged the two Rapporteurs to cooperate closely in the future. States and NGOs⁸ expressed widespread concern over the increase of child pornography on the Internet. Mexico took special notice of Mr Petit's recommendation to set up mandatory training and education programmes for peacekeepers that cover issues of trafficking and gender equality. A number of NGOs in a joint statement⁹ urged the Council to make the rights of the child a focus of its work, and to always reserve one agenda item for children's issues. They also hoped that a space could be created at the Council for the participation of children.

¹ See *Bulletin of Informal Events*, 25 September 2006, available at www.ohchr.org/english/bodies/hrcouncil/2session/bim.htm for additional details.

² See the *Council Monitor Daily Update*, 22 September 2006, <http://www.ishr.ch/hrm/council/updates/dailyupdates.htm>, for a summary of the presentation.

³ Para. 41 of his report.

⁴ Argentina, Japan, Mali, Mexico, Philippines, the United States and Uruguay.

⁵ The Philippines, the Russian Federation and Uruguay.

⁶ Japan, the Philippines and the United States.

⁷ Finland (on behalf of the EU), Mexico and the United States.

⁸ Costa Rica, Japan, the Russian Federation, Uruguay and World Young Woman's Christian Association.

⁹ Save the Children Alliance, International Alliance of Women, Plan International, World Movement of Mothers, Defence for Children International, Women's World Summit Foundations, International Federation of Social Workers, World Vision International, ECPAT International, World Union of Catholic Women's Organisations, and World Organisation Against Torture.

Independent Expert on the effects of economic reform policies and foreign debt

Mr Bernards Mudho, the Independent Expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, presented his annual report and a report of his mission to Mozambique.¹⁰ Mr Mudho¹¹ highlighted the Highly Indebted Poor Countries (HIPC) initiative and Multilateral Debt Relief Initiative (MDRI) through which donors have committed to reducing or fully cancelling debt payments for several countries as welcome initiatives. Mr Mudho emphasised three considerations that were crucial if debt relief was to realise the expected benefits: resources provided by the donor community for debt relief should be in addition to existing and future development aid; recognition ought to be given to the fact that each country bears the primary responsibility for its own development and human rights by managing the additional policy space created by debt relief; and civil society and independent national human rights institutions (NHRIs) need to continue to play an active role in monitoring the budgeting and spending of additional HIPC and MDRI resources. He requested an extension of the timeframe to elaborate guidelines to be used by States and financial institutions in decision-making and execution of debt payments, to ensure that these do not undermine the realisation of economic, social and cultural rights.

On his country mission to Mozambique, Mr Mudho commended the implementation of the Poverty Reduction Strategy Paper (PRSP) but stated that more conscious efforts were needed to integrate human rights into its goals, plans and processes. He stated that the mission highlighted that economic growth and macroeconomic stability are necessary but are not in themselves sufficient conditions for the reduction of poverty and the realisation of human rights. He emphasised the importance of monitoring public expenditure and new loan acquisition to ensure effective use of the financial benefits from debt relief, and welcomed the strengthening of a participatory Poverty Observatory in Mozambique.

Interactive dialogue

Mozambique stated it would endeavor to continue implementing the recommendations of the Independent Expert. Iraq and Sudan asked if countries affected by war could be considered in the context of debt relief and in his response, Mr Mudho accepted that this was an issue that needs to be addressed in the future.

The Philippines stated that while they agreed that debt servicing should not undermine the realisation of economic, social and cultural rights, in many developing countries this was a sad reality. They also enquired about Mr Mudho's views on debt-for-equity schemes, which Mr Mudho described as a 'novel idea' and promised to consider this in his future work. Bangladesh warned of the dangers of placing too much priority on the integration of human rights into economic processes. They asked Mr Mudho if he could comment in light of his visit to Mozambique on any remarkable benefits of the debt relief initiative in the country. Did he believe that debt relief was sufficient or were innovative financial approaches needed to jump start the process of development. Argentina suggested using the Working Group on the right to development to allow quantification of the benefits of debt relief. Pakistan commented that standard prescriptions for development did not work and called for looking for 'home-grown' solutions instead. Sudan stressed the importance of good governance on which Mr Mudho concurred. Cuba appealed for greater co-ordination with the General Assembly and other international organisations in the creation of general guidelines. In response Mr Mudho

¹⁰ E/CN.4/2006/46, 2 March 2006 and E/CN.4/2006/46/Add.1, 27 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 <http://www.ishr.ch/hrm/council/SPs/specialprocedures.htm>.

¹¹ 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

repeated his request for submissions from member States to expand on creating a comprehensive set of general guidelines.¹²

Working Group on mercenaries

Ms Amada Benavides de Pérez, the Chairperson-Rapporteur of the Working Group on mercenaries as a means of violating human rights and impeding the exercise of the right of people to self-determination, presented the two reports of the Working Group to the Council.¹³ The main focus of the presentation by Ms Benavides was on the challenge of dealing with problems relating to Private Military and Security Companies (PMSCs).¹⁴ These problems are on the increase as a few States seem to favour outsourcing some of their military activities to non-State actors such as PMSCs. She noted that the main issue in this regard is how to hold the PMSCs accountable for human rights violations as their status under international law is unclear. However, it was the opinion of the Working Group that as a minimum the PMSCs are required to act according to the *Universal Declaration on Human Rights*. She expressed an urgent need to enhance the control and monitoring of the PMSCs as many of these seemed to be acting with impunity. The Working Group suggested that a high-level roundtable discussion be held to address the issue of the role of the State as the primary holder of the monopoly on the use of force. The Working Group was considering elaborating new basic guidelines on the issue.

In relation to the Working Group's recent visits to Ecuador and Honduras, the Chairperson-Rapporteur highlighted the problem of recruitment of mercenaries, especially in Latin American countries and third world countries in general. The Working Group stated that many mercenaries in Iraq today had been recruited in Latin America and that their human rights might be violated in terms of the right to security of person and basic workers rights such as non-discrimination with regards to salary. Ms Benavides called for more States to ratify the *International Convention against the Recruitment, Use, Financing and Training of Mercenaries among private military and security companies*. She also requested that the number of annual meetings of the Working Group should be increased from one to three.

Interactive dialogue

The Honduran delegation felt that the oral update wrongly suggested that problems were especially grave in Honduras. They also suggested that the Working Group put more effort into addressing the root causes of the problem of mercenaries. In her reply, Ms Benavides noted that both Honduras and Ecuador were merely highlighted as illustrative examples and not as situations of special concern. Despite this assurance, the Honduran delegation requested that the reference to Honduras in the concerned paragraph of the report be removed.

The level of State interaction in this interactive dialogue was quite low and only Cuba and Russia gave general comments on the report of the Working Group. Cuba asked Ms Benavides to elaborate on the modalities of the proposed high-level roundtable discussions. They also asked her to explain the reasons behind the request for an increased number of annual meetings, a request they generally supported. Russia generally supported the recommendations of the Working Group and highlighted the issue of liability of non-State actors and the threat of mercenaries to the sovereignty of States as its main concerns. In her concluding remarks, Ms Benavides clarified that the Working Group wanted a number of regional roundtable discussion leading up to the proposed high-level roundtable discussion. The increasing focus on the issue of mercenaries

¹² Refer to Section 3 of his report.

¹³ E/CN.4/2006/11, 23 December 2005 and E/CN.4/2006/11/Add.1, 3 March 2006. The reports are available at www.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm. Please see the unofficial ISHR summaries of the reports for a short overview of the reports and main issues, available at www.ishr.ch/hrm/council/SPs/specialprocedures.htm.

¹⁴ Oral statements given 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.

and the undertaking of the proposed roundtable discussions was the reason for the request for more meetings. On a more general note, the Chairperson-Rapporteur suggested a more in-depth study on the issue of PMSCs. The Working Group would also seek to elaborate international standards in this area through a discussion with the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises.

Special Rapporteur on adequate housing

Mr Miloon Kothari, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, presented to the Council his annual report, reports on women and adequate housing, communications, and missions to Iran and Cambodia.¹⁵ Most of his presentation focused on the issue of forced evictions, which he characterised as a human tragedy and one of the most pervasive and increasingly destructive violations of the right to adequate housing. He stated that forced evictions are taking place world wide, often under the justification or pretext of serving the ‘public good’ such as for development or city beautification projects, slum clearance or urban renewal drives. The number of people displaced by development projects today exceeds even those displaced due to armed or ethnic conflict. The Special Rapporteur has developed a set of guidelines on development-based evictions and displacement, to be viewed as an attempt to provide practical steps to deal with the problem. These include the need for States to conduct comprehensive impact assessments; intervene as necessary to ensure that market forces do not increase the vulnerability of low income and marginalised groups to forced evictions; notify affected persons sufficiently in advance to minimise the adverse impacts of evictions; recognise the rights of persons to return, resettlement and fair and just compensation; take steps to protect human rights prior to, during and after evictions; and detail strict criteria to ensure that evictions only take place in exceptional circumstances. He highlighted the need for States to strengthen national, legal and policy frameworks for protecting women’s rights to adequate housing, land and inheritance. He has recommended in his report that the Committee on the Elimination of Discrimination against Women adopt a General Recommendation on women’s right to adequate housing and land. He also stressed the importance of ensuring that women are able to participate and benefit from reconstruction efforts in post-disaster situations.

The Special Rapporteur also commented on his missions to countries. On the Islamic Republic of Iran (Iran), he emphasised concerns regarding the rehabilitation of those displaced by the Bam earthquake. The main obstacles relating to housing appear to be linked to the high costs of housing and inaccessibility of adequate housing for certain sections of the society. He also raised concerns around the doctrine of ‘eminent domain’¹⁶ applied by Iran that prevents individuals and groups from challenging State acquisition of housing and land, and discrimination against women and minorities. Furthermore, he highlighted the case of discrimination against minorities. The Special Rapporteur highlighted that there were widespread forced evictions in Cambodia affecting large numbers of people and that the Government’s plans for relocation and compensation were not in place or inadequate. He stated that despite numerous statements and communications, he had not received any response from Cambodia. The report of his mission to Australia will be presented at the next session of the Council. He only briefly commented on the situation, stating that while Australia did have housing programmes in place, homelessness, the affordability of housing, and access to public and private rental housing were areas of growing concern. He also highlighted that indigenous peoples had been living in inadequate housing and living conditions for decades and Australia needed to critically address this humanitarian tragedy.

¹⁵ E/CN.4/2006/41, 27 February 2006 (Report), E/CN.4/2006/118, 27 February 2006 (women and adequate housing), E/CN.4/2006/41/Add.1, 23 December 2005 (Summary of communications), E/CN.4/2006/41/Add.2, 21 March 2006 (Mission to the Islamic Republic of Iran), E/CN.4/2006/41/Add.3, 21 March 2006 (Mission to Cambodia).

¹⁶ The doctrine of eminent domain refers to the inherent power of the state to acquire private property even without the owner's consent, either for its own use or for other public purposes.

Interactive Dialogue

Iran expressed gratitude to Mr Kothari for his visit and stated that the Special Rapporteur's report acknowledged many positive trends and a number of recommendations. They highlighted the difficulties around the social, moral and historical reconstruction of a city like Bam and also stated that it was not clear to them how the ethno-linguistic groups of Iran had been narrowed down to minorities subject to unsubstantiated discrimination. Cambodia expressed its disagreement with the Special Rapporteur's report. They stressed the historical context in which the Government had begun reconstructing the whole country and outlined a number of positive initiatives that had been undertaken. Australia stated that they were looking forward to receiving the Special Rapporteur's report. They contended that arrangements for the provision of housing, other forms of accommodation and housing support comply with Australia's obligation to provide adequate housing. They stated that there were a wide array of arrangements to ensure the needs and aspirations of vulnerable groups and that Australia took the issue of housing affordability very seriously. The guidelines on forced evictions received the support of several delegations.¹⁷ Finland, on behalf of the EU, enquired how the guidelines could be put to effective use. They also raised the issue of follow-up to the guidelines and whether there could be a link with the treaty bodies. Argentina agreed with the emphasis placed by the Special Rapporteur on a human rights approach to evictions and displacement. Switzerland requested a clarification of the Special Rapporteur's approach to land rights and ownership in the context of housing rights. They also raised the issue of street children and requested that the Special Rapporteur provide advice on how to deal with this problem. Finland also requested updated information on the situation in other countries mentioned in the report, notably Zimbabwe. Zimbabwe responded that its clearing of slums was justified in order to create housing. China inquired about the responsibility of major corporations, whose market speculation greatly influences the cost of housing for vulnerable groups. The interactive dialogue went beyond the time available and will be completed tomorrow morning.

Special Rapporteur on the right to education

Mr Vernor Muñoz Villalobos, the Special Rapporteur on the right to education presented his annual report and a report on his mission to Botswana.¹⁸ The Special Rapporteur¹⁹ highlighted the negative impact that the fact of considering education as a service rather than a right has on education, especially on girls' education. He stressed the importance of ensuring not only girls' access to school but also their completion of the education cycle. He stated that no country has succeeded in closing the gender gap in all aspects of social life, indicating that gender inequality does not flow automatically from poverty. States should increase their efforts to eliminate attitudes and discriminatory stereotypes, as well as customs and persistent practices that relegated women to an inferior position. The Special Rapporteur commented on his mission to Botswana highlighting that while Botswana had virtually achieved primary education and gender equality, certain crucial issues had yet to be addressed.

Interactive dialogue

Botswana stated that due to the short time available for the Special Rapporteur's visit, he was not able to have a complete view of all the programmes implemented to address the issue of gender leading to mistakes in his report. Last year Botswana had started charging low fees, representing only 5% of the total cost for secondary education but only from parents who could afford to pay these fees. Contrary to what the Special Rapporteur

¹⁷ Finland (on behalf of the European Union, Bulgaria, and Romania)

¹⁸ E/CN.4/2006/45, 8 February 2006 and E/CN.4/2006/45/Add.1, 17 March 2006. The reports are available at www.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm. Please see the unofficial ISHR summaries of the reports for a short overview of the reports and main issues, available at www.ishr.ch/hrm/council/SPs/specialprocedures.htm.

¹⁹ Oral statements given 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.

had stated, those whom could not afford the fees are not bound to make any payments for education. This partial fees system has been set up to sustain the provision of free education in Botswana. Chile outlined various initiatives that they had set up and stated that they would respond to the Special Rapporteur on the issue of violence against students that he had raised. Morocco shared the Special Rapporteur's concern about gender disparity in access to education and stated that they were looking forward to the Special Rapporteur's mission to their country. Finland, on behalf of the European Union, enquired about a number of issues raised in the Special Rapporteur's report, including what measures he would recommend to ensure the fulfilment of the right to education in countries affected by armed conflict; measures to ensure meaningful and effective participation of children in decision-making affecting them; and what role the international community could play in the protection of the right to education referring to the example of armed attacks on schools in Afghanistan. Portugal enquired about strategies to ensure the achievement of the Millennium Development Goals and any recommendations that the Special Rapporteur had about sex education to fight against HIV/AIDS. Argentina enquired whether affirmative action could be a way of bridging gender inequality in education. The interactive dialogue went beyond the time available and will be completed on 26 September 2006.

Special Representative of the Secretary-General on transnational corporations

Mr John Ruggie, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations (TNCs) and other business enterprises presented his interim report to the Council.²⁰ In his oral intervention, Mr Ruggie did not go through all the points raised in his report but instead stressed that his mandate touches on foundational questions in the evolution of modern international law and governance: to what extent, and how must they be modified to manage the impact of non-State actors, particularly business enterprises.²¹ He stated that the mandate was highly politicised and devised as a means of moving beyond the controversy brought about by the draft Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights (the Norms).²² He reiterated that his major concern was with the legal and conceptual foundations of the Norms and that he judged them to be poorly conceived and therefore highly problematic in their potential effects. The Norms are too controversial to result in effective action, but would rather produce another 'unenforced declaration'. The inclusion of a section on implementation contained in the norms was in his view premature, since this would require prior clarity as to the legal status of the Norms. Turning to his methods and plan of work, the Special Representative drew attention to several regional multi-stakeholder consultations, site visits he conducted to see the reality of business practices,²³ legal workshops in cooperation with civil society as well as to ongoing research. Mr Ruggie concluded by asking for an extension of the deadline for his final report²⁴ and gave an outlook of what to expect in that report. He announced in particular that he would undertake a thorough analysis of State responsibility in connection to TNCs, a mapping of emerging legal standards for direct and indirect corporate liability for grave breaches of international human rights law as well as a framework to clarify standards in other areas. He also promised to provide a better understanding of what rights companies

²⁰ E/CN.4/2006/97. 22 February 2006. The reports are available at www.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm. Please see the unofficial ISHR summary of the report for a short overview of the report and main issues, available at www.ishr.ch/hrm/council/SPs/specialprocedures.htm.

²¹ 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.

²² The norms were approved by the Sub-Commission on the Promotion and Protection of Human Rights in its Resolution 2003/16. The Commission on Human Rights later said the draft norms had no legal standing. The norms also met opposition from business representatives and from States who challenged their claim of reflecting existing international law. The Special Representative's mandate was intended to identify and clarify standards of corporate responsibility and accountability of TNCs. See also M. Abraham, *A New Chapter For Human Rights*, (ISHR and FES, Geneva, 2006), at p. 115.

²³ In Peru, including meeting a *campesino* community.

²⁴ June instead of March 2007.

themselves already recognise. Regarding best practices, he indicated the need for additional information from States, if such recommendations should be included in his final report.²⁵

Interactive Dialogue

During the very short interactive dialogue, some States enquired about how the Special Representative planned to approach the standard-setting part of his mandate.²⁶ States commended Mr Ruggie on his multi-stakeholder initiatives.²⁷ Switzerland enquired about the views TNCs (and other companies) held about their obligations and how far they were prepared to commit themselves. Argentina asked the Special Representative to elaborate on his idea of ‘eroding internal social capacity’ caused by the Norms. The time available was too short for a meaningful ‘interactive dialogue’ to take place and the session will be continued tomorrow.

Special Rapporteur on the promotion and protection of human rights while countering terrorism

Mr Martin Scheinin, Special Rapporteur on the promotion and protection of human rights while countering terrorism, presented his annual report, his summary of communications with governments, and the report of his mission to Turkey.²⁸ The Special Rapporteur identified five trends in counter-terrorism measures that have negative implications for human rights: the abuse of the term ‘terrorism’ to justify repression of undesirable movements; the questioning or compromising of the absolute prohibition of torture and all forms of cruel, inhuman or degrading treatment; going beyond the criminalisation of incitement to commit serious crime by criminalising the ‘glorification’ or ‘apology’ of terrorism; the use of terrorism as justification for more tightening immigration controls, including through racial profiling, new forms of long-term or even indeterminate detention and denial of procedural guarantees; and the use of terrorism as justification for expanding the powers of the police and abandoning many traditional safeguards. Mr Scheinin drew specific attention to the lack of an adequate internationally accepted definition of ‘terrorism’, which creates the potential for unintended human rights abuses or even deliberate abuse of the term.²⁹ Mr Scheinin expressed disappointment with regard to the response rate of governments, both to specific communications and requests for country visits. However, he has conducted preliminary consultations with the United Kingdom, South Africa and Kazakhstan and has been conducting a desktop study on Australian law and practices in combating terrorism. A major focus of Mr Scheinin’s work lies in the “mainstreaming” of human rights into the framework of other international counter-terrorism institutions. He has taken particular interest in working with the Counter-Terrorism Committee of the Security Council (CTC)³⁰ and suggested possible joint country missions in the future. Mr Scheinin announced that the theme of his next main report to the Council will address racial and ethnic profiling in the context of countering terrorism and suicide attacks as a challenge to human rights based responses to terrorism. The Special Rapporteur conveyed his appreciation to the Turkish Government for their exemplary facilitation of his mission. His primary recommendations to the State included bringing its definition of terrorism into harmony with international human rights standards, as well as to establish a procedure whereby amnesty or pardon is granted when evidence is obtained through torture.

²⁵ He was supported in this remark by Argentina, which stressed the importance of States responses to the Special Representative’s questionnaire for the final report.

²⁶ Finland (on behalf of the EU).

²⁷ Chile and Finland (on behalf of the EU).

²⁸ E/CN.4/2006/98, 28 December 2005, E/CN.4/2006/98/Add.1, 23 December 2005 and E/CN.4/2006/98/Add.2, 24 March 2006.

The reports are available at www.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm. Please see the unofficial ISHR summary of the report for a short overview of the report and main issues, available at www.ishr.ch/hrm/council/SPs/specialprocedures.htm.

²⁹ He recommended that States to take into consideration the definition set forth in Security Council *Resolution 1566* (2004).

³⁰ A body created in order to monitor compliance with Security Council *Resolution 1373* (2001).

Mr Scheinin has also submitted a legal opinion to Turkey regarding various amendments to the *Anti-Terror Act*.

Interactive Dialogue

Turkey expressed its general support for the mandate. Turkey noted that they had extended standing invitations to all special procedures and expressed the hope that more countries would follow their example. The Turkish delegation highlighted the need for the mandate holders to be careful of redefining and expanding their mandates in this time of transition and stated that the special procedures should ideally not discuss their findings in the media before the reports have been dealt with in the Council. Turkey added that the definition provided in Turkish law had been amended recently to comply with international standards.

Among other things, Switzerland asked the Special Rapporteur if he was of the opinion that there are sufficient legal standards for the treatment of prisoners especially regarding interrogation techniques. Chile was interested to hear about any suggestions that the Special Rapporteur had on more regular interaction with the Council considering that the Council will now be meeting several times a year, and on the review of mandates. The USA noted with concern actions by some countries to justify repressive internal measures to restrict human rights on the grounds of combating terrorism. They stated that because they supported the work of the Special Rapporteur, they were concerned if some of the areas he suggested addressing in his future work were sufficiently central to his mandate or likely to lead to productive results. They highlighted the examples of him trying to develop a single definition of terrorism and of exploring the ‘root causes’ or ‘conditions conducive to terrorism’ in this regard.

Finland, on behalf of the EU, highlighted the issue of secret detention facilities that were not in conformity with international standards and mentioned the enquiries by the European Parliament and Council of Europe concerning CIA flights. The Republic of Korea stated that the rule of law must be upheld while countering terrorism. Furthermore, States should not sacrifice the very values they are trying to defend. In the Republic of Korea’s opinion it is within the mandate to look into the root cause of terrorism, and until a clear definition of terrorism is elaborated it is essential to ensure that the term is limited to conduct that is truly ‘terrorist’ in nature. The interactive dialogue went beyond the time available and will be completed on 26 September 2006.

Other practical and procedural Issues

The President announced that the deadline for submitting draft resolutions and decisions is 6 pm on 29 September 2006.

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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