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Overview

The Human Rights Council (the Council) opened today with the conclusion of the interactive dialogue between the Council and the Special Rapporteur on **violence against women**, the Special Rapporteur on the **sale of children, child prostitution and child pornography**, and the Representative of the Secretary-General on **internally displaced persons**. This carried over from the previous day, and the next cluster of special procedures then did not start until half-way through the morning session. These were:

- The Chairperson of the Working Group on the **use of mercenaries** as a means of impeding the exercise of the right of peoples to self-determination;
- The Independent Expert on the **effects of economic reform policies** and foreign debt; and
- The Special Rapporteur on the **right to education**.

Again, this was supposed to be concluded by the end of the morning session, but there remained 18 States, NGOs, and the responses of the special procedures to be heard in the afternoon. This left little time for the Chairperson of the Working Group on **enforced or involuntary disappearances** to present his report to the Council. The ‘related debate’ agenda Item was postponed for the following day.

There were also two informal consultations held by the Facilitators of the Working Groups on agenda and programme of work (8.30 – 10 am) and on working methods and rules of procedure (1.30 – 3 pm). Elsewhere, the International Coordinating Committee of National Human Rights Institutions met for the second day.

Discussion regarding the report of the Special Rapporteur on violence against women focused on the relationship between culture and violence against women, and the impact of foreign occupation and armed conflict on violence against women. Several States asked the Special Rapporteur how her mandate could be strengthened. The situation in Sri Lanka was a feature of the interactive dialogue on internally displaced persons (IDPs), with concern raised about forcible return of IDPs, the cutting off of humanitarian aid, and failure to respect the distinction between civilian and military targets. Colombia, the Sudan, Iraq and were also discussed. Regarding the conclusion of the presentation of the Special Rapporteur on the sale of children, child prostitution and child pornography, the issue of sale of organs in China was discussed.

During discussions related to the presentation of the report of the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, the Chair noted that the overall framework of the Working Group was human security. The main concern of the Working Group was that employees of private military and security companies (PMSCs) enjoy immunity that can lead to impunity. In this regard, Mr Gomez del Prado reiterated the need to follow General Assembly *Resolution 61/151* prohibiting the involvement of PMSCs in armed conflicts. He then expressed concern with the domestic involvement of these companies in the exercise of police functions, amongst other activities in the interactive dialogue. Two thematic areas were focused on by the Independent Expert on the effect of economic reform policies - recent debt relief initiatives and new draft general guidelines on a human-rights approach to the implementation of debt and economic reform. The Independent Expert noted that more attention should be given to the significant overlaps on economic, social, and cultural rights with the Millennium Development Goals (MDGs). The Special Rapporteur on the right to education argued for “inclusive education” rather than “special education” for children with disabilities, as the latter is based on the assumption that children with disabilities can not learn together with other children. Finally, the Chair-Rapporteur of the Working Group on enforced or involuntary disappearances pointed out that disappearances were a global phenomenon, and made special reference to internal conflict societies in Columbia, Nepal, the Philippines, the Russian Federation, and Sri Lanka. The Chair-Rapporteur welcomed the adoption of the *International Convention to Protect All Persons from Enforced Disappearances*.

Special Rapporteur on violence against women

Conclusion of interactive dialogue

On the second day of interactive dialogue with the Special Rapporteur, delegations continued to welcome the Special Rapporteur’s report.¹ Discussion continued on her arguments relating to the relationship between culture and violence against women.² Algeria stressed that violence against women does not only occur in non-Western countries. Malaysia asked for examples of best practice in combating violence against women in a multi racial society. L’Union Action Feminine suggestion that cultural justifications lay behind most reservations to the *Convention on the Elimination of all Forms of Discrimination Against Women* and these

¹ Algeria, USA, Canada, UK, Malaysia, Japan, Brazil, Tunisia, Costa Rica, Bangladesh, Morocco, Colombian Commission of Jurists, L’Union Action Feminine, the Asia Pacific Forum on Women Law and Development, Interfaith International, Tchad Agir pour L’Environnement, Womens International League for Peace and Freedom (UK section).

² Algeria, Canada, Malaysia, Japan, Bangladesh, Morocco, L’Union Action Feminine, the Asia Pacific Forum on Women Law and Development, Womens International League for Peace and Freedom (UK section).

should be reconsidered. Responding to these comments on culture and those from the previous day, the Special Rapporteur reiterated that she was not suggesting that culture itself caused violence against women, but that power dynamics were directly responsible for it.

The issue of foreign occupation and armed conflict also remained pertinent in the morning session. Algeria pursued the issue of foreign occupation in Africa and the Middle East. The USA discussed the impact of the conflict in Darfur on Sudanese girls, particularly referring to the use of rape as a weapon. The Colombian Commission of Jurists discussed the impact of paramilitary warfare and security on violence against Colombian women. Human Rights Advocates also raised the issue of sexual exploitation and trafficking by peacekeeping personnel. They proposed that the United Nations issue a *note verbale* stating that the deployment of peacekeeping forces be contingent on compliance with a policy of zero tolerance to violence against women. The Special Rapporteur emphasised that her report did address issues of conflict and foreign occupation. In response to yesterday's comments on Japan's history of military sexual exploitation, Japan stressed that it has already extended its sincere apologies and remorse to all those who suffered pain and wounds as comfort women.

Several new issues were also raised. Algeria discussed the plight of women in rural areas. The USA noted that violence against women undermines the overall development of a State, referring to incidences of rape in Myanmar. The USA then questioned the Special Rapporteur on her views on prostitution and whether she thinks it is deplorable in all cases. Interfaith International discussed the situation of Saharan-Moroccan women. Tchad Agir pour l'Environnement discussed the detention of female prisoners in Colombia and the rights of divorced and widowed women internationally. Canada asked the Special Rapporteur about her views on the role of civil society and non-State actors. Morocco suggested that civil society should have an important role in providing education on a culture of equality. L'Union Action Feminine also suggested that NGOs should be supported in their role in promoting and protecting women's rights. In response, the Special Rapporteur stressed the importance of NGO involvement in fighting violence against women and engaging with UN human rights mechanisms. The UK asked how the Special Rapporteur felt her mandate could be strengthened. The Asia Pacific Forum on Women, Law and Development pressed for a strengthening of her mandate, along with that of all other special procedures. They further argued that women's human rights should be given due recognition in the universal periodic review process and should feature as a regular agenda item at the Human Rights Council. The Special Rapporteur supported the inclusion of the issue of discrimination against women in the universal periodic review and advocated a specific day to be allocated each year to discuss women's human rights across all the Human Rights Council mandates.

The Special Rapporteur also responded to a number of questions that were put to her on the previous day, but did not feature in that morning's discussion. She addressed Germany's question on the low response rate to her communications by drawing attention to the problem of low response rates to special procedures across the board. In response to Australia's question on her work in the Asia Pacific Region, she noted that she had participated in regional consultations there. Finally, she addressed Norway and New Zealand's question on sexual orientation. She argued that there was indeed a gap in protection for women experiencing violence on the grounds of sexual identity and that this needed to be addressed.

Representative of the Secretary-General on internally displaced persons

Conclusion of interactive dialogue

The interactive dialogue resumed with several delegations and NGOs referring to the current situation of internally displaced persons (IDPs) in Sri Lanka.³ Sweden stated that the conflict has been escalating, and has included intense shelling of civilian areas and the creation of a large number of IDPs. The Swedish delegation also stated that the Government of Sri Lanka has been moving people back to their homes in Batticaloa since

³ Canada, Sweden, International Educational Development, International Commission of Jurists, Asian Forum for Human Rights and Development, Human Rights Watch.

12 March, where the situation is critical, and that there have been an increasing number of abductions in IDP camps. The delegation asked the Representative what concrete steps the Government should be taking in this regard.

Human Rights Watch added that the Government has been conducting forcible returns, and has threatened to cut off humanitarian aid to IDP camps and revoke family cards if these IDPs do not move back.⁴ International Educational Development asserted that aid in Tamil areas had been restricted, and that the American Red Cross had been told not to distribute aid to the Tamil population. They enquired when Mr Kälin will be carrying out his visit. The International Commission of Jurists expressed concern that the distinction between civilian and military targets was not being respected, and that LTTE⁵ retaliation is putting children in the direct line of fire.

Sri Lanka stated that they have been working closely with the Special Representative to finalise the details of his visit, and that the Government of Sri Lanka has done all that needs to be done to collaborate with the UN agencies. The delegation stated that the Ministry of Natural Disasters and Human Rights is working closely with UNHCR to formulate guidelines and measures for IDPs that will lead to results-oriented actions. The delegation stated that the Government's objective was to stabilise IDP communities and provide the necessary infrastructure to facilitate IDPs' voluntary return. The delegation expressed that the Government will take the lead in providing protection, and that it will include other humanitarian actors in order to ensure the restoration of necessary infrastructure. The Representative stated that he is due to visit Sri Lanka in November of 2007, but is willing to carry out the mission earlier if the opportunity arises. With regards to other questions and comments concerning the situation in Sri Lanka, Mr Kälin replied by asking those to refer to his oral presentation from the previous day where he formulated some recommendations.

The United Kingdom welcomed Colombia's cooperation with the Special Representative, and asked for an update on the situation of IDPs. The Colombian Commission of Jurists stated that demobilised paramilitaries have been receiving more aid than victims, and that armed groups have been receiving the land of IDPs. Ecuador highlighted the point that the Special Representative's report stated that pesticide spraying by Colombia is conducive to mass displacement, an issue that has affected Ecuador.⁶ Mr Kälin did not answer specific questions concerning Colombia, but stated that the priority for the State is to implement the 2004 decision of the Constitutional Court and implement an early warning mechanism, particularly with regard to renewed parliamentary activity.

The Sudan thanked the Representative for his report, and offered to shed some light over the policies that are practiced by the State. The delegation admitted that new challenges are facing the Government in this sphere, and that it wants to bring about a voluntary return of people to the south of the country. It cited the *Darfur Peace Agreement* as an important step, and assured the Representative that he would receive the necessary replies to his questions.

Canada asked what the role was for the UN with regards to the situation of IDPs in Iraq. The Representative replied that he is undertaking a study with the help of a network of researchers in order to establish a course of action.

The Special Representative also replied to the questions put forward to him from the previous day.⁷ Germany inquired into what the international community could do to help resolve land disputes. The Representative replied that technical assistance should be offered in reforming land law, especially for countries that do not recognize traditional and non-formal land ownership, and establishing efficient dispute settlement mechanisms. He also answered Germany's question about granting IDPs the right to vote by stating that measures need to be taken so they can register, and that they must be given *de facto* access to the ballot box.

⁴ The International Commission of Jurists also spoke about forced resettlement.

⁵ Liberation Tigers of Tamil Eelam.

⁶ Colombia is alleged to have sprayed pesticides in order to destroy illegal narcotic crops, and has affected citizens on both sides of the Ecuador-Colombia border.

⁷ For the ISHR unofficial summary of 20 March 2007, go to http://www.ishr.ch/hrm/council/dailyupdates/session_004/20_march_2007.pdf

He replied to Serbia's query as to why his follow-up report was entitled 'Montenegro and Kosovo' by explaining that this was a mistake and that it would be rectified. However, he did state that the content of his report remained valid. He also thanked the Democratic Republic of Congo (DRC) for renewing its invitation, and took note of Côte d'Ivoire's comments.

Austria had asked what precautionary measures should be taken with regards to natural disasters. Mr Kälin answered that evacuation plans, a registry of safe places, and training capacities are essential.

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

Conclusion of interactive dialogue

In the morning session, more countries reiterated their support for the Special Rapporteur's report.⁸ Algeria began by highlighting the need for the Council to have explicit recommendations stemming from the report of the Special Rapporteur. China commented on the Special Rapporteur's reference to the use of organs from executed prisoners in the country. It stated that in China only adults are sentenced to death, and that the work of the Special Rapporteur should remain within his mandate, which is to investigate the sale of children, child prostitution and child pornography. The Special Rapporteur responded to China by declaring that he will continue to engage in the issue. Japan supported the Special Rapporteur's recommendation that legal measures are not enough to combat the problem of organ sales, but that States should also provide for education and cooperation between regional countries.⁹ It then asked how the Special Rapporteur can facilitate dialogue between recipient and seller countries.

In his concluding remarks, the Special Rapporteur thanked the delegates for their support and inputs. Responding to the Ambassador of Ukraine's statement from the previous day, the Special Rapporteur apologised for stating that Ukraine has not ratified the Palermo Protocol and assured the Ambassador that this mistake would be corrected in the report. Also in response to Ukraine's allegation that the Rapporteur employed 'doubtful methodology', the Special Rapporteur clarified that the report was based on a combination of qualitative and quantitative methodology. All sources of information were footnoted in the report. Whilst the report did discuss the question of corruption, which was beyond the mandate of the Rapporteur, the Government of Ukraine had nonetheless admitted that the problem of corruption was related to the implementation of social policies, including the protection of children.

The Rapporteur concluded his response to the Council by referring to the important role of volunteers and civil society in the reintegration of children into society. In relation to the question of child prostitution and sexual violence in situations of armed conflict, the Special Rapporteur recommended that the armed forces should have a Human Rights Unit to educate soldiers.

Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

⁸ Algeria, China, Costa Rica, Japan, Morocco.

⁹ Supported by Morocco.

The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination presented its annual report¹⁰ before the Human Rights Council, as well as the reports concerning its missions to Honduras¹¹ and Ecuador.¹²

In his presentation, the Chairman of the Working Group highlighted the specificity of his mandate in view of the new aspect of human security, which differs from other special procedures as they have a victims-related approach. The main concern of the Working Group was that employees of private military and security companies (PMSCs) enjoy immunity that can lead to impunity. In this regard, Mr Gomez del Prado reiterated the need to follow General Assembly *Resolution 61/151* prohibiting the involvement of PMSCs in armed conflicts. He then expressed concern with the domestic involvement of these companies in the exercising of police functions, amongst other activities. The Chairman of the Working Group called on States to ratify the *International Convention against the Recruitment, Use, Financing and Training of Mercenaries* (the Convention) and to enact domestic legislation as a means of combating this new and overlooked form of mercenarism.

The Chairperson also proclaimed the need for a roundtable on States' monopoly of the use of force. Mr Gomez del Prado highlighted that the Convention did not have a treaty body to oversee its implementation, which heightened importance of the existence of the Working Group.

The Chairperson then moved to discuss the visits to Honduras and Ecuador. He noted that both countries have begun to implement the recommendations made by the Working Group and have taken steps to accede to the Convention. Turning to Honduras, the Chairperson declared that the State allows its territory to be used for training of individuals by PMSCs, who are then sent abroad to operate in Iraq and other areas of armed conflict. He was also concerned about PMSCs operating as small armies within the country and about the new security policy established by the Government of Honduras in August 2006. On Ecuador, the Chairman of the Working Group expressed concern over PMSCs helping the police and using collected data for private or commercial means.

Interactive dialogue

The interactive dialogue started with the States concerned thanking the Working Group. Honduras replied that there were no violations of the right to self-determination and that investigations had started on this issue. The delegation declared that the visit of the Working Group had been very useful and that a group had been set up to address the situation of Hondurans sent to Iraq and to strengthen the legislation on the regulation of PMCS operating in the country. Ecuador stated that reforms were also underway. The delegate highlighted that PMSCs that operate with the police do so on a Constitutional basis. He insisted that Ecuador cannot be held responsible for the actions of the perpetrators abroad that were pointed out by the Working Group.

Peru, whose visit will be included in the next report of the Working Group, took the opportunity to present to the Council the follow-up measures taken on the basis of the recommendations of the Working Group. These included accession to the Convention and a draft law on the recruitment, use, financing and training of mercenaries. The delegation asked whether a date was already set for the roundtable.

The Russian Federation stated that it is in favour of the extension of the mandate of the Working Group and supported the statement made that the transfer of the use of force to PMSCs should not release the State from its responsibility, and that mercenaries should be responsible as non-State actors. Spain declared that its delegation supports a definition that distinguishes clearly between mercenaries and the employees of PMSCs, and requested the view of the Chairman on this issue. The delegate also asked for more information on the

¹⁰ A/HRC/4/42, 7 February 2007, available at http://www.ohchr.org/english/bodies/hrcouncil/docs/4session/A.HRC.4.42_ES.pdf. ISHR's summary available at http://www.ishr.ch/hrm/council/reports_in_short/summaries_pdfs/sum_fourth_session_2007/wg_mercenaries%20.pdf

¹¹ A/HRC/4/42/Add.1, 20 February 2007, available at <http://www.ohchr.org/english/bodies/hrcouncil/docs/4session/A.HRC.4.42.Add.1.pdf>

¹² A/HRC/4/42/Add.2, 23 February 2007, available only in Spanish at time of editing at http://www.ohchr.org/english/bodies/hrcouncil/docs/4session/A.HRC.4.42.Add.2_sp.pdf

initiative of the Swiss Government and the International Committee of the Red Cross to establish a juridical framework and intergovernmental dialogue on the status and regulations needed concerning PMSCs.

Several speakers¹³ raised the issue of the limited accountability of PMSCs, and asked the Chairman of the Working Group for his suggestions on holding these companies accountable for human rights violations. Others¹⁴ supported the recommendation of the Working Group to provide employees of PMSCs with knowledge in international humanitarian law and international human rights law. In this regard, Spain asked the Chairman to explain which concrete dissemination measures were most important. Canada wanted to know his thoughts on how to address these issues effectively. Equatorial Guinea told the Chairman that it was happy to reply positively to his request for a visit and that the Working Group would be able to interact with Government Officials and other actors.

Mr Gomez del Prado thanked the delegations for their positive statements and appreciated the measures taken by the countries he visited last year, particularly the establishment of an institutional group in Honduras to assess the sending of nationals to Iraq by PMSCs. He also welcomed the statements on accountability. With regard to the date for the roundtable, he declared that the Working Group was encouraged by the initiative of three Latin American States¹⁵ to host regional preparatory roundtables, but noted that the Working Group needed support from the Council and assistance from the OHCHR. On the question raised by Spain on the initiative of the Swiss Government and the ICRC, Mr Gomez del Prado said that it was outside the context of the Working Group and that it was not in its mandate to cooperate directly with them. On the question of the definition of mercenaries, he stated that international humanitarian law does not oblige the State to punish mercenaries, whereas the definition of the Convention enables them to do so. He also took note of the appeal of Cuba to resume the work of the previous Special Rapporteur.

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

The Independent Expert on the effect of economic reform policies¹⁶, Mr Bernards Mudho, concentrated on two thematic areas. The first concerned his analysis of recent debt relief initiatives. The second related to his summaries and conclusions of previous work with financial institutions in order to finalise the ‘first set of draft general guidelines on a human-rights-consistent design and the implementation of debt and economic reform programme.’ In addition, the report identified several standard areas of economic reform policies.¹⁷

In his presentation to the Council, Mr Mudho emphasised the shared responsibility of creditor and borrower States with regard to the debt burden of developing countries. He then stated that the current concept of debts should be changed, from a static indicator to a dynamic analytical tool. However, the key objective of the concept still remains the financial ability to service debt rather than the ability to achieve wider development objectives.

With regard to the Millennium Development Goals (MDGs), Mr Mudho noted that more attention should be given to the significant overlaps on economic, social, and cultural rights and the problems at the centre of MDGs. He stressed that the achievement of MDGs cannot be considered to be equal to the achievement of economic, social and cultural rights.

Finally, Mr Mudho pointed out the importance of full participation of stakeholders in the decision making process. Such participation could provide valuable inputs on the impact of external debts on human rights.

¹³ Canada, Human Rights Advocates and the World Federation of Trade Unions.

¹⁴ Spain and Canada.

¹⁵ Costa Rica, Mexico and Venezuela.

¹⁶ A/HRC/4/10, 3 January 2007. The full-text of the report is available at <http://daccessdds.un.org/doc/UNDOC/GEN/G07/100/60/PDF/G0710060.pdf?OpenElement>. Summary of this report is available at http://www.ishr.ch/hrm/council/reports_in_short/summaries_pdfs/sum_fourth_session_2007/eco_debt_review.pdf

¹⁷ Macroeconomic stabilisation, privatisation, trade, governance, and social sector reform.

Technical support assistance, when necessary, shall be provided to strengthen national institutions capacity. This participatory approach would improve transparency and accountability, and would thus be more coherent with human rights principles. With regard to debt service savings, Mr Mudho warmly welcomed two recent decisions made by the Inter-American Development Bank¹⁸ and by Norway in relation to debt relief initiatives¹⁹.

Interactive dialogue

Few States commented on Mr Mudho's report.²⁰ However, those that did generally welcomed the in-depth analysis provided. Cuba expressed its appreciation on the draft general guidelines on a human-rights-consistent design and the implementation of debt and economic reform programme. The delegation urged all national and international stakeholders to respect the guidelines. Indonesia emphasised that more balance of economic policies at all levels is required to ensure forward movement in the effort to alleviate poverty and the enjoyment of human rights. Bangladesh stated that poverty reduction can only be achieved by international solidarity and mutual responsibility. The Indonesian delegation also asked how international cooperation could become more of an obligation. The International NGO Forum on Indonesian Development (INFID) recommended the Independent Expert to visit Indonesia.

Pakistan supported the recommendations in Mr Mudho's report²¹, particularly the recommendation that economic progress and debt relief should not be based solely on a macroeconomic and structural framework.²² The government of Pakistan expressed its commitment to continue social reform in the country by giving more attention to infrastructural, institutional, and human resources developments. In relation to MDGs, China raised a question concerning the Independent Expert's role in the realisation of the relevant goals of the MDGs.

Bangladesh noted that the engagement of economic, social and cultural rights cannot be ensured if debt has not yet been resolved. Furthermore, Bangladesh strongly urged all developed countries to support the enjoyment of human rights for all.

Few NGOs which took part in the interactive dialogue gave comments on the report. However, those that did focused on distinct issues, including, the impacts of economic reform on gender equality and women's development²³ and the criteria of illegitimate debts²⁴. NGOs also provided several recommendations to the Independent Expert, including the promotion of elements on economic reform and policies on gender equality; the need to provide more room for women to make recommendations on issues relating to economic reform; to establish criteria through consensus for determining illegitimate debts; to carry out independent and specific studies on the nature of debt in developing countries; to establish an independent tribunal or arbitrator to deal with disputes between the North and South relating to economic debt; and to urge the General Assembly to adopt a resolution on debt cancellation for southern countries, particularly illegitimate debts.

Mr Mudho only provided replies to the questions raised by Indonesia and China, and stated that other questions and comments would be taken on as useful information for his work in the future. Mr Mudho noted that, in the context of the draft general guidelines, the poverty reduction strategy paper could be a useful instrument in encouraging cooperation amongst countries and could also help in the realisation of all human rights, especially economic, social and cultural rights. He concluded by stating that his role in the realisation of MDGs should be linked to the draft general guidelines. The MDGs can be used as advocacy instruments to help mobilise resources in order to help countries realise relevant human rights.

¹⁸ Inter-American Development Bank decided to join the Multilateral Debt Relief Initiative.

¹⁹ Norway decided to cancel US\$ 80 million in debt owed by five developing countries.

²⁰ Cuba, Indonesia, Pakistan, China, Bangladesh.

²¹ Also supported by Indonesia, Pakistan, China.

²² Bangladesh.

²³ Women International League for Peace and Freedom.

²⁴ Centre Europe Tiers Monde.

Special Rapporteur on the right to education

Mr Vernor Muñoz Villalobos, the Special Rapporteur on the right to education, presented his annual report²⁵ to the Council, which focused on the way people with disabilities are able to realise their right to education. In addition to the report, Mr. Villalobos discussed the two country missions, one to Germany²⁶ from 31 January to 21 February 2006, and one to Morocco²⁷, from 27 November 2006 to 5 December 2006. He mentioned that the mission to Malaysia, which took place in February 2007, will be considered in next year's report. He apologised that the report regarding the visit to Germany was published so late.

Mr. Muñoz opened by discussing his decision to focus his report on disabilities, which he described as a way to tackle the topic of exclusion in education. Mr. Muñoz made a connection between disabilities and a lack of access to education both for people living in poverty, and for members of both genders. He expressed concern over the phenomenon of “special education,” or the separate education of those with special needs or disabilities. He discussed his conviction that there is no reason for children to be segregated, and expressed concern that special schools were segregating based on the assumption that children with disabilities could not learn together with other children. To move away from this, he advocated for the switch from the special education paradigm to the “inclusive education” paradigm. He specifically mentioned three elements that States should keep in mind: removing obstacles, such as the lack of physical access to buildings and a lack of resources; realising equality in access for both genders to education; and ensuring adequate resources for education. Additionally, the Special Rapporteur discussed the questionnaire he distributed during his research, and in particular the responses he received highlighting the need for children with disabilities and their families to be involved in the planning and execution of education. He also noted the importance of removing legislative barriers, especially by ratifying the *International Convention on the Rights of Persons with Disabilities*.

Regarding his country visits, he mentioned that Germany experiences a high correlation between academic performance and social standing. He said that he hoped the State would foster and encourage discussions on how to ameliorate education, paying special attention to impoverished people, migrant populations, and people with disabilities. Regarding Morocco, he praised their efforts with the Amazigh people, who are a linguistic minority, and their efforts to encourage primary education and ending illiteracy. He hoped they could make progress in equal access to education across genders.

Interactive dialogue

Morocco, in response to the Special Rapporteur's comments, discussed their goals regarding illiteracy. They mentioned that a focus on children with disabilities was part of their general strategy to support school enrolment. They also emphasised their efforts to battle the “scourge” of dropouts, as well as to guarantee access to primary education. Morocco made reference to their intention to: develop a central human rights and citizenry centre that would focus on promoting the right to education; revise textbooks to include human rights materials and concepts; and increase private sector involvement to combat dropout rates.

Germany responded to the Special Rapporteur's comments by explaining the work the State is doing to integrate and support migrant workers' families and their access and quality of education. They also mentioned the support children with disabilities enjoy in Germany, both in integrated education and in specialised institutes.

Malaysia discussed efforts already taken since the February 2007 visit, specifically their plans to amend laws from 1957 in order to assure that children with disabilities, especially those with multiple disabilities, get the assistance they need. Other efforts included the right to pursue education and vocational schools; the

²⁵ A/HRC/4/29, 19 February 2007. The reports are available at <http://www.ohchr.org/english/bodies/hrcouncil/4session/reports.htm>. ISHR has produced unofficial summaries of these reports that are available at http://www.ishr.ch/hrm/council/reports_in_short/index.html.

²⁶ A/HRC/4/29/Add.3, 9 March 2007.

²⁷ A/HRC/4/29/Add.2, 7 January 2007.

institution of a two-year grace period for children with special needs to complete their education; and adequate training for teachers.

Portugal, drawing on Morocco's strategy of partial regional autonomy, asked the Special Rapporteur for his opinion on the strength of a regionalised strategy for other countries. The Special Rapporteur replied that such a strategy is perhaps not right for all countries, but that what is important is for educational budgets to be commensurate with identified needs.

Several countries²⁸ applauded the work of the Special Rapporteur in his focus on children with disabilities. Some of those countries²⁹ then asked the Special Rapporteur for information regarding best practices for the pursuit of integrated education. The Special Rapporteur responded that in addition to a transitional plan, it is urgent for States to start carrying out an inventory on educational infrastructure and to institute training for teachers. Cameroon asked if there was specific advice for heavily indebted impoverished countries to fulfil the requirements. Similarly, China asked what they, as a developing country, could do to grapple with the massive volume of children they need to educate at the primary level. Tunisia questioned how the Special Rapporteur considered the matter of safeguarding education in the face of inequalities associated with globalisation. Nicaragua noted the assistance debt relief provided to their State, allowing US\$20 million to be made available for projects in education.

Other concerns of comments included: the assertion of support for the idea of integrated education (Nicaragua); the needs of migrants in education (Turkey); and the valuable place of non-formal education (Human Rights' Advocates).

Working Group on enforced or involuntary disappearances

The Chair-Rapporteur of the Working Group, Mr Santiago Corcuera Cabezut presented the report.³⁰ Mr Corcuera noted that in 2006, the Working Group transmitted 335 new cases of enforced disappearances to Governments in 16 countries, 87 of which were urgent actions. Mr Cabezut pointed out that disappearances were a global phenomenon, making special reference to internal conflict societies such as Columbia, Nepal, the Philippines, the Russian Federation, and Sri Lanka. The increasing number of disappearances in Sri Lanka was noted. Mr Corcuera made the point that the Working Group is concerned about the non-reporting of disappearance cases due to such factors as poverty, illiteracy and fear of reprisal.

The Working Group also visited Guatemala, Honduras and El Slavador.³¹ Regarding Guatemala, Mr Corcuera noted the 'gap' between the legal framework and clear expressions good political will with a lack of significant results. In Honduras, the Working Group noted that the government lacked a comprehensive plan to address unclarified cases of enforced disappearances. Finally, in relation to El Salvador, the Working Group also noted the absence of a comprehensive plan to search for all disappeared persons. Mr Corcuera noted four major areas of concern for the Working Group: disappearances often remained unsolved in countries where conflict has recently ended; the enactment of amnesty laws are contrary to Article 18 of the *Declaration on Enforced Disappearances*; the absence of well funded civil society organisations; and the disappearances of human rights defenders. Finally, Mr Cabezut welcomed the adoption of the *International Convention to Protect All Persons from Enforced Disappearances*.

Interactive dialogue

²⁸ Brazil, China, Costa Rica, Cuba, Germany, Indonesia, New Zealand, Malaysia, and Portugal

²⁹ Costa Rica, New Zealand, Malaysia

³⁰ A/HRC/4/41, 25 January 2007; All the reports are available at www.ohchr.org/english/bodies/hrcouncil/4session/reports.htm.

ISHR has prepared unofficial summaries of these reports under its Reports in Short publication which is available at:

www.ishr.ch/hrm/council.

³¹ A/HRC/4/41/Add.1, A/HRC/4/41/Add.2, A/HRC/4/41/Add.3.

Guatemala noted that they shared concern that vulnerable groups have still not recovered from the period of conflict. However, they noted progress which has been made since the country visit of the Working Group, including: the introduction of a bill assisting those affected by disappearances; the new International Commission against Impunity in Guatemala (CICIG) whose aim is to maintain respect for human rights and combat clandestine security operations; and, an information database identifying people who have disappeared, in connection with the International Committee for the Red Cross.

Honduras also responded to the Chairperson's comments by discussing changes made since the Working Group's visit. They noted work on the development and updating of a registry of disappeared persons, as well as a consultation that is underway to systematise the process. The State's parliamentary committee on human rights has made draft amendments regarding disappeared persons to the penal code. Honduras noted obstacles, specifically from clandestine groups, and shared the Working Group's concern about difficulties in compensating victims. They noted that a standard for compensation is needed, and a reliable way to recognise the victims.

El Salvador commented on the full access it gave to the Working Group to its visit. The delegation noted that its Government is making special efforts to find out what happened to young children and is making progress in family reunification. They clarified that they are making all possible efforts to implement the amnesty law as dictated by the peace process.

Cuba opened the speakers list noting the United States' role in past disappearances and their responsibility for "massive and flagrant" human rights violations in Latin America. They drew a parallel between the kidnappings of the past and the detention of suspected terrorists today. Comments tended to be directed towards one state, such as Switzerland who expressed concern regarding the situation in Sri Lanka.³² While they noted appreciation for the Sri Lankan Government's efforts, as well as the formation of the national human rights commission there, Switzerland asked the Working Group for specific recommendations about how to improve Sri Lanka's situation. Japan made a plea that the Democratic People's Republic of Korea (DPRK) would take responsibility for the abductions of nine Japanese nationals.³³

Regarding specific questions countries asked the Chairperson, Costa Rica asked what specific measures States could take to combat forced disappearances. Germany (on behalf of the EU) asked about reconciliation methods, and how exactly they should bring a close to conflicts. Additionally, they asked about the possible causes of increased numbers of disappeared persons reported. France asked about the methods that should be involved in instituting legal reforms regarding forced disappearances, as well as who should be responsible for such reforms.

Several states commented on the recent signing ceremony hosted by France for the International Convention for the Protection of All Persons from Enforced Disappearance. Specific references of appreciation for the Convention were on the topics of preventative measures (Costa Rica); the ethical consideration regarding disappeared persons (Chile); the link between families and victims (Uruguay); the rehabilitation of and compensation to victims (Morocco); and the end to impunity (Uruguay). The dialogue continues tomorrow with a list of speakers commencing with Algeria.

Rights of Reply

The DPRK rejected Japan's comment about disappearances, calling it a political move designed to tarnish the DPRK's image. They strongly urged Japan to stop its political games and recognise its own past war crimes.

Sri Lanka described itself as a democratic country under siege that had to protect itself, and emphasised that they are seeking help from the international community to alleviate any human suffering in their country. Sri Lanka took issue with comments made by Sweden and Human Rights Watch. It reminded the Council that

³² Germany (on behalf of the EU) shared Switzerland's concern regarding Sri Lanka.

³³ They referenced GA resolution 61/174, regarding human rights violations in the DPRK.

due to its sovereignty, it must be an actor in any discussions, and that it won't be intimidated into accepting measures or institutions that it does not see fit.

Algeria defended the Sahari peoples' right to self-determination, while clarifying that self-determination is not synonymous with separatism. They reiterated their support for the Sahari people to self-determination.

Informal consultations on agenda and working methods

The Facilitator of the Working Group on agenda, programme of work, methods of work and rules of procedure focusing on working methods and rules of procedure convened informal consultations from 1:30 to 3:00. The purpose of the consultations was to seek comments from delegations on the non-paper prepared by the Facilitator. The discussions focused on section one of the non-paper dealing with working methods and their scope.

Most States agreed that the bureau of the Council should only address organisational matters and should not take any decisions of a substantive nature.³⁴ A number of States³⁵ supported the reintroduction of the expanded bureau³⁶ while others argued against this.³⁷ A few States suggested that this should be discussed further in the Working Group.³⁸ It was surprising that Germany seemed ready to discuss this further at the Working Group discussions in April as many other European States spoke against the expanded bureau proposal. China suggested that the role of the bureau did not have to be clearly set out in the rules of procedure but should be part of the evolving working methods.

The Facilitator's Paper proposed the consideration of new working methods such as panel discussions, roundtables and seminars. However, many delegations were not ready to discuss or make decisions on these proposals³⁹ and some suggested that these new working methods should be decided on a case-by-case basis⁴⁰. Slovenia endorsed the introduction of new working methods.

Most States expressed the view that the Council should not hold informal meetings that would be limited to its members.⁴¹ Egypt noted that the holding of informal meetings where only members could speak was acceptable as long as observers could be present. India expressed the view that the President can convene any kind of informal meetings, including meetings only for the members of the Council, and that only formal meetings had to be open-ended. The Facilitator noted that what was intended to by the suggested paragraph was to avoid informal meetings that are so secretive that no one knows where they are held.

The relationship between the Council and the General Assembly was also discussed. Argentina asked for clarification of how to avoid overlaps between the two bodies and Iran suggested that the reporting of the Council be discussed further.

There was also some discussion about the holding of informal consultations. Norway emphasised the need for at least one open-ended consultation on all new initiatives. Others suggested that the three paragraphs dealing with informal consultations and organisational meetings could be merged⁴² or re-ordered to better reflect

³⁴ Cuba, China, Brazil.

³⁵ Iran, Egypt.

³⁶ The Expanded Bureau existed during the time of the Commission on Human Rights and was made up of the bureau plus the five regional coordinators.

³⁷ France, Belgium, Romania.

³⁸ Cuba, Mexico.

³⁹ Iran, Cuba.

⁴⁰ China.

⁴¹ Norway, Cuba, Brazil, United States of America, Slovenia, Belgium, Canada, Thailand,

⁴² Canada, France

when they would be held.⁴³ In this connection, Canada suggested the introduction of a deadline for the tabling of resolutions at least three days prior to when decisions on the proposal would be taken and proposed that action could be taken on proposals by the Council at different times throughout the session so that not all decisions had to be taken at the very end of the session.

Several States asked for clarification or changes to the paragraph dealing with the participation of observers. Some of them asked that the current paragraph should use the language from operative Paragraph 11 of General Assembly *Resolution 60/251*.⁴⁴ Belgium stated that the rules for participation of non-governmental organisations should ensure that their engagement would not be below the standards of the Commission of Human Rights.

At the end of the meeting, the Facilitator indicated that he wishes to hold informal consultations again next week if the timetable allows. In any event he will revise the non-paper on the basis of the input received.

International Coordinating Committee of National Human Rights Institutions

Today the 19th session of the Annual Meeting of the International Coordinating Committee of National Human Rights Institutions (ICC) began with the opening statement of Ms Louise Arbour, United Nations High Commissioner for Human Rights, and Mr Morten Kjaerum, Chairperson of the ICC. This was followed by the adoption of the agenda and the briefings of Ms Maria Francisca Ize-Charrin, Director of Operations, Programmes and Research Division and Mr Gianni Magazzeni, Coordinator of National Institutions Unit. Before the end of the daily session, regional coordinating groups reported on their annual activities.

Ms Arbour accentuated the role of national human rights institutions (NHRIs) in combating racism and discrimination and underlined the key objectives of the OHCHR in its efforts to establish and strengthen NHRIs. Mr Kjaerum noted the importance of NHRIs in bridging international and national protection systems and emphasised the need to specify the possible contribution of NHRIs to substantial human rights implementation. Ms Ize-Charrin and Mr. Magazzeni briefed the ICC on the cooperative potentials between NHRIs and UN bodies.⁴⁵

The session was preceded by a thematic dialogue on NHRIs and their role in the prevention of the torture. NHRIs from different regions shared their best practices and role in preventing torture, including monitoring mechanisms, compensatory functions, and recommendatory roles urging governments to ratify the *Convention Against Torture* and its Optional Protocol (OPCAT).

Other issues

At the end of the day the President of the Council noted that the programme of work was 3 hours behind schedule. Tomorrow morning will commence with Algeria in the interactive dialogue with the report on the Working Group on Enforced or Involuntary Disappearances. This will be followed by the Related Debate, and will then move to the report of Ms Christine Chinkin on the mission to Beit Hanoun.

⁴³ Argentina, Brazil, France

⁴⁴ Mexico, France, Canada, Brazil.

⁴⁵ A more detailed report on the session of the ICC will be published by ISHR in the near future.

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