

# COUNCIL MONITOR

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## HUMAN RIGHTS COUNCIL, 5<sup>TH</sup> SESSION DAILY UPDATE, 12 JUNE 2007

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### Overview

The Human Rights Council (the Council) opened its second day of the 5<sup>th</sup> session with the conclusion of the interactive dialogue with four special procedures mandate holders started on the previous day. The thematic reports considered today were:

- the Special Rapporteur on the right to food (continued)
- the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (continued)
- the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (continued)
- the Independent Expert on the question of human rights and extreme poverty (continued)

The Council then moved on to consider several reports by geographic mandates. The special procedures who presented their report, followed by an interactive dialogue, included:

- the Special Rapporteur on the situation of human rights in Belarus
- the Personal Representative of the United Nations High Commissioner for Human Rights on the situation of human rights in Cuba
- the Special Representative of the Secretary-General for human rights in Cambodia
- the Independent Expert appointed by the Secretary-General on the situation of human rights in Somalia
- the Independent Expert appointed by the Secretary-General on the situation of human rights in Haiti

Mr Ghanim Alnajjar, Independent Expert on the human rights situation in Somalia, did not submit a report to the Council. Due to the security situation resulting from the recent conflicts in Somalia, he was unable to undertake his annual mission as planned. He provided an oral update instead.

No public meetings took place on the institution-building process. However some references were made during the interactive dialogues with the special procedures. The Centre on Housing Rights and Evictions (COHRE) mentioned the planned code of conduct for special procedures, saying it was aimed at limiting the independence of mandate holders and would hinder their ability to act effectively. The Ambassador of Algeria exercised his right of reply to this statement, complaining that COHRE was demonising the African Group's draft code of conduct. He said it was a 'cliché' that the measures contained in the draft would limit the independence of special procedure mandate holders. Mr Louis Joinet, the Independent Expert on the situation of human rights in Haiti, said that many of his positive achievements in working with the government of Haiti would be hard to achieve if a code of conduct for special procedures were in place, and he called on the Ambassador of Algeria to take this into account.

Special Rapporteur on the right to food  
(continued)

### **Interactive dialogue**

The Council today continued the consideration of the report by Mr Jean Ziegler, Special Rapporteur on the right to food.<sup>1</sup> Bolivia, speaking as a concerned country, welcomed Mr Ziegler's report. It stated that the era of privatisation had negative effects on the Bolivian economies, but that this was beginning to change. It explained that in 2004, the State controlled 25% of gas production, and now 75%. This increase in available resources had made it possible to open 600 health centres and initiate new nutrition programs.

A number of States underlined their own efforts to deal with the problem of access to food. India was alarmed by the fact that global hunger was still on the rise.<sup>2</sup> It explained that in India, the right to food was an extension of the right to life,<sup>3</sup> and that the Government had taken concrete steps to tackle famine. The Special Rapporteur commended the delegation for this, and stated that Indian jurisprudence was an exemplary model for the whole world to emulate. Venezuela stated that its Government had been working hard to ensure food security for all at affordable prices. It claimed that 9.5 million people have benefited through approximately 6000 different funds that have been set up. Nicaragua stated that it drew upon the experiences of friendly countries such as Brazil and its 'Zero Hunger Program'. The Rapporteur acknowledged that this program had had extended across the entire Latin American continent, and was at the forefront of the implementation of concrete measures. Bangladesh was concerned that 854 million people are malnourished at a time when the

<sup>1</sup> The beginning of this interactive dialogue took place on 11 June 2007. See the ISHR Daily Update, available at <http://www.ishr.ch/hrm/council/dailyupdates>.

<sup>2</sup> Supported by the African Union, Bangladesh, Cuba, Philippines.

<sup>3</sup> Venezuela also stated that the right to food was 'fundamentally linked' to the right to life.

world produces more food than necessary.<sup>4</sup> Mr Ziegler added that this was a ‘scandal’ and that the Food and Agriculture Organization of the United Nations (FAO) claimed that 12 billion people could be fed by the world’s current supply of food. Luxembourg pointed out that the international community was moving further and further away from the first Millennium Development Goal’s objective of cutting in half the proportion of people suffering from hunger. Senegal stated that all stakeholders should be inspired by the voluntary guidelines of the progressive realisation to the right to food adopted in 2004.

A number of concrete aspects of Mr Ziegler’s report, including migration due to hunger, children, breastfeeding, as well as the conversion of food into fuels were discussed by several States. Argentina underlined that they identified malnutrition as a root cause of armed conflict.

Many delegations spoke on the issue of hunger refugees. India stated that international migration due to hunger needed to be addressed, and that increased cooperation amongst States was needed. It also said that migrants should not be criminalised solely on their migratory status.<sup>5</sup> Indonesia added that the solution was not for countries to close their borders, as this would not solve the problem but might escalate it beyond control. Algeria agreed that migration from Africa to Europe was a vicious cycle that was caused by export subsidies that advanced countries grant their farmers for agricultural products. The Russian Federation stated that the Rapporteur should also outline the responsibilities of ‘sending’ countries.<sup>6</sup>

Switzerland noted that the Rapporteur’s report stated that thousands of Africans risk their lives to come to Europe, and that Mr Ziegler suggested granting hunger refugees temporary refugee status. The delegation asked what objective criteria could be established in order to be sure that persons are under such a serious threat from the lack of food that they should be granted temporary refugee status. Mr Ziegler replied that the assessment of a ‘state of necessity’ could be done by the United Nations World Food Programme, which keeps monthly statistics of areas where the population is in danger of starvation. South Korea felt that the Council should review international instruments that deal with refugees in this light.<sup>7</sup>

Many delegations thanked Mr Ziegler for focusing a part of his report on children.<sup>8</sup> Finland pointed out that Mr Ziegler’s report claimed that breastfeeding of children and nutritious meals have lifelong effects for children. The Finnish delegation asked what progress was being made with regards to supporting breastfeeding, and what benefits Mr Ziegler saw with using a rights-based approach rather than dealing with malnutrition of children as a public health issue. Mr Ziegler replied that Nestle and other of the world’s largest food producers did not respect the code of the World Health Organization on breastfeeding and continued to advertise powdered milk and convince women not to breastfeed.

Cuba expressed concern regarding the conversion of food into fuel. It referred to this as a ‘sinister’ idea, and requested that the Rapporteur deal with this issue in greater depth in his next report. The Rapporteur responded that the use of biofuels was a major and specific danger to the right to food. In particular, he stated that the use of corn as a fuel would increase the price of a basic food. He also explained that the right to food would be compromised by the use of sugar as fuel, because the land used to grow sugar would be missing to grow food.

Country situations addressed in the interactive dialogue included Sudan (Darfur) and Zimbabwe. Germany, on behalf of the European Union (EU) asked the Special Rapporteur if there had been any new developments regarding food security in Darfur. The Rapporteur responded that the Council had carried out remarkable work during the Special Session on Darfur six months ago. He expressed his hope that this would continue

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<sup>4</sup> Echoed by Cuba, Nicaragua.

<sup>5</sup> Supported by Senegal.

<sup>6</sup> From where the hunger refugees are fleeing.

<sup>7</sup> Supported by Movement Against Racism.

<sup>8</sup> Cuba, India, Finland, Norway.

and lead to an improvement in the situation. Mr Ziegler abstained from commenting on the establishment of a 'humanitarian corridor', as the international community was divided on this issue.

With regards to Zimbabwe, Germany stated that food prices were escalating in Zimbabwe because of economic problems, and that there were reports that the Government was distributing food on the basis of political affiliation. Germany asked what steps the Rapporteur intended to take to stop such practices. The United Kingdom requested that Mr Ziegler seek an invitation to conduct a country visit. The Rapporteur stated that he had requested a visit to Zimbabwe in 2006, and felt that this mission would take place in the near future. He also stated that a list of his urgent appeals were included in the annex of his report.

A number of NGOs took the floor to address the report. Food First Information and Action Network International urged the Council to also address the rights of peasants and the relevance of food sovereignty. It also requested information on the Special Rapporteur's views on the advancements in the field of monitoring hunger shortages.

Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (continued)

### **Interactive dialogue**

Nigeria commented on Mr Ibeanu's report, stating that it had been following the progress of this mandate. Because large amounts of toxic wastes had been dumped in Nigeria in 1988 generating both national and international responses, Nigeria played a significant role in promoting the promulgation of the General Assembly resolutions addressing the problem. The delegation welcomed the report and the recommendations it contains, and supported the rights based approach taken by Mr Ibeanu.<sup>9</sup> Nigeria added that it was ready to contribute to the implementation of the recommendations. In his response, Mr Ibeanu shared his conviction that the rights based approach to toxic waste was the most effective way to properly address the problem.

The Russian Federation stated that Mr Ibeanu had a non-traditional view of how armed conflict affects the environment and human rights. Additionally, the delegate noted that there is a responsibility for all parties involved in armed conflicts to be involved in the clean-up of toxic and other wastes after the resolution of the conflict.

China appreciated the report given by Mr Ibeanu and asked for more information on the impact on human rights of the phenomenon of the transportation of toxic wastes from developed countries to developing countries. The delegate encouraged Mr Ibeanu to focus on this question in future reports. China also proposed the formulation of guidelines for monitoring the adverse impacts of the dumping of toxic waste on human rights. In his replies, the Rapporteur welcomed the idea of developing such guidelines, particularly where rapid socioeconomic transition is occurring or where political instability is a concern.

Ecuador supported the Rapporteur's analysis of the use of herbicides to destroy illicit crops. In particular the representative referred to the effect of such practices on adjacent food crops, freshwater sources, and on causing low level poisoning and respiratory problems reported by local medical services. The Ecuadorian representative noted the situation in the north of its country, where Colombian use of herbicides has effects on Ecuadorian citizens. Mr Ibeanu did not address Ecuador's concerns in his reply.

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<sup>9</sup> Specifically Paragraph 61

The only NGO to mention Mr Ibeanu's report was the Women's International League for Peace and Freedom (WILPF), which supported Mr Ibeanu's findings and added additional concerns, including that nearly all dumping of toxic waste begins as a legitimate business practice and the effect of military activities on the dispersing of toxic substances. WILPF also noted a failure on Mr Ibeanu's behalf to mention the health impacts of military processes even in the absence of armed conflict. Lastly, the representative raised concerns regarding the use of uranium in armed conflict because of its harmful, and largely unknown, effects.

In his answers, Mr Ibeanu reiterated his calls for recognition of the problem by both State and non-State actors, specifically encouraging careful tracking and monitoring of 'hotspots'. Mr Ibeanu sees the commentary as urging the output of information on toxic materials to the communities at risk and the implementation of clean-up programs in former conflict zones. Lastly, Mr Ibeanu challenged the international community to help provide adequate assistance to those States that are unable to provide the necessary remedies to individuals and communities affected by toxic waste.

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (continued)

### **Interactive dialogue**

The interactive dialogue with the Special Rapporteur on adequate housing continued this morning with States and NGOs taking the floor. However, the majority of States made general comments and exposed domestic measures taken in this area.<sup>10</sup> Only a few States took the opportunity of this interactive dialogue to ask questions to the Special Rapporteur. Nevertheless, the Special Rapporteur thanked Governments that informed him about housing policies in their countries.

All States that took the floor thanked the Special Rapporteur for his report. Some emphasised its proactive approach and the practical tools it established in the area of the right to adequate housing.<sup>11</sup> Canada asked Mr Kothari on whether there were any key indicators that merited particular attention.

Some States particularly welcomed the study on women's right to adequate housing and land for its gender perspective, methodology and the emphasis it placed on a legal framework to promote the right to adequate housing.<sup>12</sup> Mexico highlighted the importance of the questionnaire on women and the right to housing as a tool for the development of data, to overcome inequality and study discrimination. The Special Rapporteur thanked States for their interest and declared that the information was being compiled into a study. The Russian Federation and the Republic of Korea commented on the right to land. The Russian Federation declared that the recognition of the right to land as a separate human right and the separation of the right to housing from other human right needed more consideration. The Republic of Korea declared that it was difficult to guarantee a legal right to land with the history of privatisation of lands and therefore more realistic initiatives should be sought. Switzerland acknowledged that the access to proper housing and to land was important for the realisation of other human rights. It asked the Special Rapporteur how the right to proper housing including the right to land could be protected in the light of existing international instruments. Mr Kothari did not reply to this question but stated that issues of land ownership were very important and he expressed his hope that the Council would institutionalise this right.

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<sup>10</sup> The Philippines, Venezuela, Algeria, Morocco and Brazil.

<sup>11</sup> The Philippines, the Republic of Korea, Canada and the Centre on Housing Rights and Eviction.

<sup>12</sup> The Philippines, Indonesia and Mexico.

On forced eviction, Indonesia welcomed the thorough approach of the Special Rapporteur. The Philippines suggested referring to “resettlement” and the Special Rapporteur appreciated remarks on this issue. He specified that paragraph 56 of his report referred to the right to resettlement. Mexico favoured a wide dissemination of the guidelines on forced eviction via a specific publication. Germany, on behalf of the European Union (EU), asked the Special Rapporteur how he would make sure that States are aware of the guidelines and apply them. It also asked on the steps the Council should take to disseminate the guidelines. Finally, it asked Mr Kothari on whether he could update the Council on further steps taken regarding mass forced evictions in Zimbabwe. Zimbabwe exercised its right of reply in response to Germany and declared that the operation ‘drive out rubbish’ had been successful and that some victims had been resettled. Human Rights Watch enquired on whether he had been able to have information on the implementation of the guidelines by Angola where there is no compensation for forced eviction or investigations of human rights violations committed by the police during this process. The Special Rapporteur replied that he was closely following the situation in Angola. He said that he had requested to visit this country two years ago and hoped he would be able to go. The Special Rapporteur stated that a mission to Angola was being discussed. In its right of reply, the delegation of Angola noted the great concern of the Special Rapporteur regarding expulsions. They declared that the Government was making efforts to improve living conditions of its people as well as the right to appropriate housing with several programmes for construction of housing for instance. They also asserted that the report was not objective and its sources were not credible, declaring that they were prepared to welcome the Special Rapporteur to establish dialogue. Finland asked him to give examples of concrete cases of forced eviction and asked how they were solved. They also wanted to know if there were any important visits planned in the context of forced evictions. Mr Kothari replied that there was a very long list of countries where forced evictions occur and that information could be found in his communications list. The International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities thanked Mr Kothari for dealing with the issue of forced eviction during armed conflicts. It asked the Special Rapporteur if he could present a detailed study on how the indicators he used in his study could be adapted to situations of armed conflicts situations. The Special Rapporteur did not reply to this question, but welcomed the positive responses to the guidelines on forced evictions. He said that they were already being used by NGOs and human rights institutions and hoped that States would integrate them in their national policies.

Among other issues, the National Association of Community Legal Centres of Australia stated that it fully supported the Special Rapporteur and its recommendations, especially the establishment of a Ministry on housing and homelessness in Australia, in spite of the defensive response of the Australian Government yesterday, and that they could be used as a tool of action. Regarding the comment by the Australian Ambassador given on the previous day, the Special Rapporteur declared that he was expecting an exchange on the substance of the report. He maintained that there was a serious problem regarding indigenous people in Australia and that the issue of homelessness needed to be addressed urgently. He hoped to continue the dialogue and that his recommendations would be useful.

The Special Rapporteur thanked Spain for acknowledging that there are housing problems in Spain, and for the measures the Government had already taken. He specified that the report of his visit was in the drafting stage.

A number of NGOs referred to the housing situation in specific countries such as Bahrain<sup>13</sup> and Pakistan<sup>14</sup> where the majority of people lack adequate housing, and Colombia<sup>15</sup> where victims of forced displacement lack legal guarantees.

In its right of reply, Cambodia reiterated its rejection of Mr Kothari’s statement made yesterday on the account it was politically motivated. The delegate, once again, declared that the Special Rapporteur had

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<sup>13</sup> The Cairo Institute for Human Rights Studies.

<sup>14</sup> The Commission to the Study of Peace.

<sup>15</sup> The Colombian Commission of Jurists.

provided the Council with false information because there is no ‘Vietnamese Bridge’ in Cambodia. He asked for apologies from the Special Rapporteur and called for a modification of the report.

## Independent Expert on the question of human rights and extreme poverty (continued)

The Council continued its interactive dialogue on the subject of extreme poverty.<sup>16</sup> Several countries expressed support of Mr Sengupta’s initiative to characterize extreme poverty as a violation of human rights.<sup>17</sup> India suggested that extreme poverty could only be eradicated through a combination of both national and international efforts, and applauded the ongoing exercise of the Working Group on the Right to Development. While Bangladesh agreed that extreme poverty should be treated as a violation of human rights, it suggested that the scope of extreme poverty be narrowed in order to make it more manageable. In his conclusion, Mr Sengupta reiterated that a human rights approach could make the eradication of extreme poverty a possibility. He highlighted Bangladesh, India, Brazil, Thailand and Sri Lanka as States that had taken steps in the right direction. He explained that the technology and resources to deal with the problem would be available, and all that was lacking was the necessary political will to tackle the problem. He stated that the eradication of poverty should appeal to the conscience and moral values of people in all societies. Mr Sengupta stressed that if extreme poverty was viewed as a human rights violation, then governments would have no choice but to make combating poverty a high priority in their policies, and allocate the necessary resources. Mr Sengupta suggested that the obligation on States should be to adopt and implement at least the minimum policies required for fulfilling the basic civil, political, social and economic rights. He emphasised that human rights obligations are binding on duty bearers and that as a result, non-performance of a duty could be regarded as a violation of human rights, allowing the international community to be held responsible.

Several States highlighted the Independent Expert’s conception of social exclusion.<sup>18</sup> Germany stated that social exclusion went hand in hand with discrimination. Argentina asked how it was possible to solve the problem of social exclusion. Uruguay stated that sustainable social justice was integral to the eradication of extreme poverty. Chile informed that it had emphasised social justice in combating poverty, and had achieved positive results. Algeria claimed that it was necessary to differentiate between material poverty and immaterial poverty. The NGO Mouvement International ATD Quart Monde suggested that it was necessary to identify the poorest people in society, especially those who could not make their voices heard, when dealing with the issue of extreme poverty. It said it would be desirable to include the eradication of poverty into domestic legislations.

The Philippines and Thailand welcomed the Independent Expert’s statement that human development, poverty and social exclusion should be defined within the context of each country’s specific social and economic structures. The Philippines then suggested that the feasibility of implementing reforms with the aim of combating poverty must also take this context into account. Thailand advocated that the international community refrain from imposing any single set of standards with regard to the issue of extreme poverty. The Independent Expert responded that at least some minimal guidelines should be accepted as binding international obligations.

Bangladesh stated that when combating extreme poverty, the participation of civil society should be guaranteed. Germany asked Mr Sengupta if his next report would take into account the participation of civil society in the implementation of policies designed to combat poverty. The Independent Expert replied that

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<sup>16</sup> The beginning of this interactive dialogue took place on 11 June 2007. See the ISHR Daily Update, available at <http://www.ishr.ch/hrm/council/dailyupdates>.

<sup>17</sup> Including India, Germany (on behalf of the EU), Bangladesh, Luxembourg, Chile, Uruguay.

<sup>18</sup> India, Germany, Chile, Argentina, Uruguay.

this issue had been addressed in his report, in the section dealing with the lack of civil society participation with regard to Poverty Reduction Strategy Papers (PSRPs). He promised that the next report would further elaborate on this issue.

## Special Rapporteur on the situation of human rights in Belarus

Mr Adrien Severin, the Special Rapporteur on the situation of human rights in Belarus presented his latest report.<sup>19</sup> He was unable to visit Belarus, because the authorities consistently rejected his mandate and refused to cooperate with him. As his previous report presented at the second session of the Council, the present report was therefore based on visits to neighbouring countries.<sup>20</sup> In particular, on a visit to the Russian Federation in 2006, and on discussions he had had in Strasbourg, Geneva and Brussels with a number of stakeholders. The Special Rapporteur underlined that he had tried to cross check the information used. In his oral presentation, Mr Severin discussed the main points raised in the report.<sup>21</sup> In particular, he highlighted that Belarus had difficulty complying with all international instruments it is a party to. He reiterated his concerns about the political system in Belarus, and said it seemed to be incompatible with or in severe difficulty to respect human rights. Referring to the recent elections to the Council that took place in May 2007, he recalled that Belarus had, on the occasion of its first election to the Council in May 2006, committed to engage constructively with the Council.

Regarding the actual human rights situation in Belarus, he said that it had deteriorated ever since his last report in September 2006. He was particularly concerned about a systematic violation of civil and political rights. This included allegations of cases torture, excessive use of force by State authorities, trials behind closed doors, disproportionate punishments, severe restrictions on the freedom of expression, arrests of opposition leaders as well as infringements on freedom of religion. According to his presentation, trade unions are restricted and their work is deliberately hindered, and Roma people are often and disproportionately the victims of violence. He said of 15 communications by himself and other special procedures mandate holders, no replies from the Government had been received. Despite these many negative points, the Special Rapporteur also reported on more positive developments. These included the recent invitation extended to the Special Rapporteur on trafficking in persons, the release of some political prisoners, and a better treatment of NGOs and the media. However, he underlined that these points were not yet sufficient to lead to a real breakthrough in terms of improving human rights in Belarus.

### Interactive dialogue

Belarus as the concerned State rejected the “so-called report” by Mr Severin. The Ambassador said the Special Rapporteur still continued his “practice of open distortion and absurd conclusions”. The report was also said to be contradicted by reports by other international organisations and UN bodies, but Belarus did not specify which reports it was referring to. The Ambassador went on to criticise the mandate of the Special Rapporteur as being politicised and carrying out political orders from “Washington, Brussels, and other EU States”. He accused Mr Severin of deliberately presenting false information and misusing human rights for his political model put forward.

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<sup>19</sup> A/HRC/4/16, 15 January 2007. The reports are available at <http://ohchr.org/english/bodies/hrcouncil/5session/reports.htm>. ISHR has produced unofficial summaries (“Reports in Short”) of these reports that are available at [http://www.ishr.ch/hrm/council/reports\\_in\\_short/](http://www.ishr.ch/hrm/council/reports_in_short/).

<sup>20</sup> See the ISHR Daily Update of 27 September 2007, available at <http://www.ishr.ch/hrm/council/dailyupdates>.

<sup>21</sup> 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](http://www.ohchr.org/english/bodies/hrcouncil/form.htm).

As usual, the States that took the floor were divided between one group who supported the mandate of the Special Rapporteur, and thanked him for his report<sup>22</sup> and another group of States who supported Belarus in criticising the report and calling into question the legitimacy of the mandate or asking for its abolition.<sup>23</sup>

Germany (on behalf of the EU) noted its concern with the lack of response by the Government, and asked if the Special Rapporteur saw any indication of a change in that stance. The Czech Republic enquired how the international community could support the mandate. Mr Severin did not directly answer these questions, but said that positive steps by Belarus should be encouraged by immediate reactions, but that continued non-cooperation should also be answered swiftly. In addition, especially neighbouring States should continue to seek to engage Belarus in a dialogue. Sweden was concerned that despite its pledges in 2006, the authorities had not taken any steps to abolish the death penalty. Poland underlined the importance of freedom of expression and education on the general state of human rights. The USA suggested that all special procedures mandates should be extended. The Helsinki Federation for Human Rights referred to the situation of human rights in Belarus as ‘the worst in Europe’, stating that Belarus has failed to cooperate with all UN human rights mechanisms, including the mandate on human rights defenders and the mandate on torture.

On the other hand, States opposed to the mandate on Belarus used the interactive dialogue as an opportunity to make a number of points related to the institution building of the Council. Algeria said that Mr Severin was a typical example of how special procedures can go wrong and suggested that all country specific special procedures mandates should be terminated.<sup>24</sup> Cuba suggested that the case of the Special Rapporteur on Belarus underlined the need for a code of conduct for special procedures.<sup>25</sup> Finally, China brought up a proposal made during the institution building process, asking that country mandates could only be established by a two-thirds majority of the Council.<sup>26</sup>

In his replies, the Special Rapporteur said he had interpreted his mandate as being not only to assess the situation of human rights in Belarus, but also to contribute to changing that situation and find ways for improvement. He said that not the violations that exist in Belarus existed before the mandate was established, and would not stop if it were terminated.

Personal Representative of the United Nations  
High Commissioner for Human Rights on the  
situation of human rights in Cuba

The Personal Representative of the High Commissioner, Ms Christine Chanet, began by stating that this is the fifth time she has been in front of the Council/Committee and at no point during this time has she been allowed into Cuba or had any contact with the Cuban authorities. The information she used when writing her report comes from NGOs, academics, special procedures and the Inter-American Commission on Human Rights.

The Personal Representative recounted the ‘unprecedented wave’ of repression in Cuba in 2003. This included the arrest of almost 80 people, including journalists, writers and human rights defenders who were charged for acts contrary to the independence or integrity of the State. According to Ms Chanet, the situation has not considerably improved. She expressed her particular concern for the mental and physical condition of

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<sup>22</sup> Lithuania, Germany (on behalf of the EU), Sweden, Poland, Canada, Czech Republic, United States of America (USA).

<sup>23</sup> Russian Federation, Algeria, Cuba, Democratic Peoples Republic of Korea (DPRK), Pakistan, India, Iran, Venezuela, Indonesia, Malaysia, China, Bangladesh, Sudan, Uzbekistan.

<sup>24</sup> Supported by the Russian Federation, South Africa, Iran, Indonesia, Malaysia, Bangladesh, Venezuela.

<sup>25</sup> Supported by Bangladesh,

<sup>26</sup> Supported by South Africa.

detainees, most of which are regarded as being subject to arbitrary detention by the Working Group on Arbitrary Detention. The Personal Representative also discussed the ‘devastating embargo’ on Cuba, which was made worse in 2004 by stronger economic sanctions.

The Special Representative then turned to the status of her mandate. She explained that because of Cuba’s unwillingness to engage the mandate has reached an impasse. However, she stated that there cannot be an incentive for non-cooperation and that there is now an opportunity for the Council to take up the situation using other institutional mechanisms such as the Universal Periodic Review (UPR).

The Special Representative recommended that the Cuban Government should halt the prosecution of citizens who are exercising their rights as guaranteed under the *Universal Declaration of Human Rights*. She called for the release of all arbitrarily detained persons; the review of laws which lead to the prosecution of people exercising their right to freedom of demonstration; and reform of the criminal code to bring it in line with Articles 10 and 11 of the *Universal Declaration of Human Rights*. She recommended that Cuba review its regulations on flights in and out of the country, which are infringing on citizens’ right to freedom of movement. She also suggested that the State should foster pluralism in relation to associations, trade unions, organs of the press and political parties.

### Interactive Dialogue

Speaking as the concerned country, Cuba declared that ‘at last this farce was over’ and called the report a ‘grotesque spectacle.’ Cuba commented on what it viewed as the ‘double standards, hypocrisy and complicities’ evident in country mandates of the special procedures. It stated that the Personal Representative’s report deserves no credibility, and that her image of Cuba is that of the media, whereas the reality on the ground is quite different. The State then suggested that the Personal Representative could instead have assisted the Cuban Government in closing down the ‘concentration camp’ in the territory illegally occupied by the U.S. Naval Base in Guantánamo, but she did not.

Cuba concluded by lending support to the new Human Rights Council process of universal periodic review, which it hopes will ‘bring an end to double standards and unfair and politically motivated selectivity’.

The majority of States who spoke in the interactive dialogue did not address the substance of the Personal Representative’s report, but chose instead to criticise the mandate of Ms Chanet and by extension the existence of country mandates of special procedures. China advocated for the termination of all country mandates as a continuation of the political confrontation, selectivity and double standards of the Commission on Human Rights and as antitheses of General Assembly *Resolution 60/251*<sup>27</sup> which brought the Council into being.<sup>28</sup> Ecuador expressed a desire not to renew the mandate and stated that the new institutional mechanisms of the Human Rights Council (specifically the Universal Periodic Review) will be a more fair, legitimate, effective, and impartial instrument able to facilitate cooperation and dialogue and avoid confrontation.<sup>29</sup>

The Personal Representative responded that she did not have authority to talk about the origin of the mandate and whether it showed selectivity or prejudice. But she explained that she did attempt to fulfil the mandate as objectively as possible, focusing only on the evident facts. She noted that no-one had called into question the accuracy of her data.

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<sup>27</sup> A/RES/60/251 3 April 2006, available at [http://www.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251\\_En.pdf](http://www.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf) .

<sup>28</sup> Supported by Algeria, Democratic People’s Republic of Korea, Syria, Sudan, Iran, Libyan Arab Jamahirya, South Africa (who later stated they would be willing to accept country mandates with a 2/3 majority), Angola, Palestine, Bangladesh, Belarus, Pakistan, Venezuela, Vietnam, India and Bolivia.

<sup>29</sup> Supported by India, Nicaragua, Bangladesh, Iran Indonesia, Uzbekistan, South Africa and Bolivia.

Korea, China and Malaysia<sup>30</sup> expressed concern regarding the effects of the unilateral sanctions that have been imposed on Cuba for 40 years. They questioned the impact that it has had on the development of the national economy and on citizens' access to medicines and technology. Belarus commented that the Personal Representative would not discuss issues to do with the embargo. The Personal Representative responded that it was not within her mandate to take a position on this issue. However, she explained that she did bring up its ramifications in paragraphs 5-11 of her report. She also commented that not all violations of civil and political rights could be connected to the embargo. The USA disagreed with the Personal Representative's comments on the effects of the sanctions (as outlined in her report) and stated that US policy is encouraging Cuba to move towards a free, democratic market system.

China commended Cuba on its economic and social achievements.<sup>31</sup> Sri Lanka commented on the Cuban volunteer forces fighting in Angola and on the Cuban troops which aided in 'breaking the back of the apartheid military machine'. Sri Lanka viewed the Personal Representative's report as trying to discredit 'one of the most ethical and moral countries'.

Germany (on behalf of the EU) thanked the Personal Representative for her valuable work and stated its support of special procedures.<sup>32</sup> Germany expressed its concern about the civil and political rights of prisoners in Cuba. They asked if the Personal Representative knew if any prisoners were going to be released, and if she expected any changes in Cuba's unfair trial standards or an improvement in the standard of prisoner conditions. Germany also complimented Cuba on its high literacy rate and inquired if the Personal Representative knew what measures were used to achieve it. The Personal Representative replied that she did not know the details of Cuba's education policy but she stated that her information came from UNESCO. Canada encouraged Cuba to cooperate with the OHCHR<sup>33</sup>, stating that countries must open their human rights records up to scrutiny in order to show commitment to human rights, and that membership to the Council comes with this important responsibility.

At the close of the day's meeting, when NGOs were permitted to speak, a representative of Centrist Democratic International's spoke of her father whom she stated had been imprisoned in Cuba for over thirteen years. She explained that her father had previously compiled cases of disappearances, and has been treated inhumanely as a political prisoner to the present day.

Centre Europe Tier Monde claimed that the limits of country mandates have been exposed and represent double standards. For this reason the Council should focus on the universal periodic review in assessing country situations. The Indian Council of South America called for the country mandate on Cuba to be dropped, as it felt that it was 'politically motivated'.

### Special Representative of the Secretary- General for human rights in Cambodia

The Special Representative of the Secretary General for Human Rights in Cambodia, Mr Yash Ghai, opened his presentation to the Council by commenting that he had visited Cambodia for the purpose of discussing his report with the Government. Whilst he had only met with the Deputy Prime Minister and received written comments from the Royal Government, he felt that this could serve as a basis for discussion.

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<sup>30</sup> Supported by Syria, Nicaragua, Zimbabwe and Belarus.

<sup>31</sup> Supported by Algeria, Sudan and Vietnam.

<sup>32</sup> Supported by Canada and the Czech Republic.

<sup>33</sup> Supported by the Czech Republic, the United States of America and Canada.

The Special Representative noted that economic growth has been impressive in the fifteen years since the Peace Agreement, but further steps were needed to make the electoral system more open. The Electoral Commission had informed Mr Ghai that they intend to make improvements in this regard. Other positive developments included Cambodia's ratification of OPCAT in January 2007<sup>34</sup> and the adoption of the Code on Penal Procedure.

Elsewhere, however, Mr Ghai felt that progress had been disappointing: the Cambodian authorities efforts have in most respects not been fulfilled. In the judiciary, the courts are used to punish people without regard to law and evidence; impunity is executed in favour of the wealthy and well-connected; and convictions have been recorded with disregard of the elements of offences. The appointment of judges has often been characterised by bribery and kick-backs, and corruption undermines the legal system. The Special Representative stated in his reply that he "has long urged" fundamental legal reforms but these have not yet been acted upon.

The land of indigenous communities in the Northeast of Cambodia continues to be "alienated" and land concessions have encroached upon the land and resources of communities, and the rights of indigenous people.<sup>35</sup> Trade unions leaders have been "beaten up, killed or threatened" and trade union rights remain seriously threatened

The Special Rapporteur emphasised the importance of a right-based approach to economic and political development in Cambodia, and noted that in some ways economic growth has aggravated problems of poverty in Cambodia; a wealthy and powerful class has emerged in Cambodia and disparities of wealth have widened "at an alarming rate". Cambodia therefore needs to build trust between communities and between communities and the State, which itself depends upon the observance of the rule of law. Yet as oil and other resources continue to be unearthed, there is a risk that the Government will become even less concerned with the rights of Cambodian people.

### **Interactive dialogue**

Cambodia responded as a concerned country that Mr Ghai's report only dealt with negative aspects in Cambodia and "did not reflect the real situation" in the country. The delegate stated that Cambodia intended to distribute an official text in reply to the report of the Special Representative, and called for an additional impartial report addressing developments since 1993. In the meantime, it wished to note that it had undertaken efforts to promote democracy, law, the freedoms of assembly and press. Yet, as the Special Representative 'denounced and attacked' Cambodia, the delegate claimed that by extension he had suggested that the UN had enacted bad legislation in Cambodia. The delegate also called upon the High Commissioner 'bring the activities of the OHCHR into line' Cambodia considered it to be 'acting improperly.

Canada followed Cambodia by claiming that, having heard the statement of Mr Ghai, there needed to be dialogue with the State toward clarifying points raised, including what would seem to be impediments to sustainable development and human rights. Canada drew particular attention to an NGO report on the destruction on Cambodian forests, which was banned by the Cambodian government, as an example of curtailment of the right to freedom of expression, and remained concerned by such activities.

The EU echoed this support of the report<sup>36</sup> by also supporting the work of OHCHR in Phnom Penh, and asked Mr Ghai what measures could be taken following the exhaustion of domestic remedies in the particular case of the murder of a trade union activist and the subsequent trial and imprisonment of wrongly accused persons.

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<sup>34</sup> The Special Representative welcomed this as an opportunity for the Government to meet its treaty body reporting obligations, and to improve its efforts to implement the recommendations of the Committee Against Torture.

<sup>35</sup> The Special Representative referred to a report by Global Witness on logging concessions in Cambodia, which alleges that numerous laws have been violated by people linked to persons in authority.

<sup>36</sup> Supported also by USA.

The Special Representative responded in his reply that two options in this case are: a completely independent investigation or the issue of a Royal pardon. Further, the Constitution Council and the Supreme Council of Magistracy need to be strengthened. The EU also requested information on what role the international community can play in Cambodia, to which the Representative replied that foreign assistance to legal and judicial systems could be given, yet consideration should also be given to trade sanctions against Cambodia with regard to the trade of illegal goods.

The Philippines sought a more ‘accurate assessment’ of Cambodia, including the positive developments cited the previous day by the Special Rapporteur on extreme poverty (on Cambodia’s poverty reduction) and the Special Rapporteur on the independence of judges and lawyers (on Cambodia’s Special Chambers on the Khmer Rouge). Other capacity building efforts have yielded similar positive results which can be built upon.<sup>37</sup> Japan hoped for swift progress in the Khmer Rough tribunal<sup>38</sup> but remained concerned about the independence of judges and lawyers in Cambodia. Japan, the USA and Australia welcomed the Commune Council Elections in April 2007, with the latter affirming its commitment to work with the National Election Committee in order to strengthen electoral processes. The USA remained concerned at voter registration and called for electoral changes in 2008.

Slovakia queried whether land concessions have benefited poor people, due to a problem with the implementation of the law rather than the law itself, and asked the Representative which mechanism he would propose to improve this law with regard to communities that have already had land concessions approved. Mr Ghai responded that he had today released a new paper on the issue of land concessions, and that it was imperative that the Government establish a totally independent mechanism for the review of land concessions. This was earlier echoed by the USA, who called on the government to regulate land distribution and criticised the continuation of eviction and forced relocations.

Following the reply of Mr Ghai to the questions raised, Cambodia exercised an immediate right of reply calling on the Council to review Mr Ghai’s appointment, claiming that his words ‘have been unacceptable’ and that Cambodia ‘shall no longer accept his mandate in Cambodia’.

The Asia Pacific Forum on National Human Rights Institutions (APF) took the floor at the close of the meeting to welcome the creation of a national institution in Cambodia that has been established in compliance with the Paris Principles. This had taken place in Manila in the presence of the four national institutions of the ASEAN region and was by the Prime Minister of Cambodia. The APF stated that it looked forward to the day that the Cambodian institution would join the APF as a full candidate member.

The Asian Legal Resource Centre later stated that it is difficult for there to be an independent judiciary when virtually all judges are linked to the main political parties. The spokesperson asked what measures the Special Representative recommended the Cambodian Government to take in order to reform the Supreme Council’s appointment of judges.

Independent Expert appointed by the  
Secretary-General on the situation of human  
rights in Haiti

Independent Expert Louis Joinet began his presentation by referencing the update to his report because of his recent trip to Haiti.<sup>39</sup> He noted that progress has been made since his last report, specifically with regard to

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<sup>37</sup> Supported by Malaysia.

<sup>38</sup> Supported by USA.

<sup>39</sup> The mandate was established in 1995. Human Rights Commission Resolution 1995/70.

increased cooperation between NGOs and the United Nations Stabilisation Mission in Haiti (MINUSTAH).<sup>40</sup> Additional sources of cooperation that he found encouraging were the Brazilian crime prevention forces, citizen information campaigns, and most notably the cooperation between the various police forces. With regard to the last of these steps forward, Mr Joinet discussed a recent meeting where the leaders of the various police forces worked together to inhibit competitiveness and information hoarding and to foster an increased sense of cooperation. The results of this cooperation have been impressive in terms of reducing the crime rate in Haiti and Mr Joinet provided specific figures in support to this claim.

In terms of more administrative reforms, the Independent Expert has seen improvements both in a crackdown in the amount of corruption and in the reform of the justice system. There is an increased monitoring of the police force to reduce corruption as well as more stringent certification and training to help increase the credibility of the force. The President, Rene Preval, was able to conduct a meeting of the various police and armed forces to discuss the problem of corruption, possible solutions thereto, and other forms of coordination and cooperation. As a result, the first major breakthroughs against drug trafficking occurred, including the confiscation of 430 kg of cocaine and the related detentions of five judicial police officers. As for the reestablishment of constitutional law, there is some progress being made, but he is concerned about those who are trying to sabotage this progress.

Throughout his presentation Mr Joinet thanked the Haitian Government and lauded their cooperation with him. As a couple of additional notes, he also mentioned the importance of cultural unification growing in their country, the dangers of false rumours, and the benefits of the recent distribution of domestically made identification cards in the country.

### **Interactive dialogue**

Haiti began the interactive dialogue as the concerned country by sincerely thanking Mr Joinet for the work he has done. Since the establishment of the mandate and specifically since the election of the head of State and head of Government, Haiti has undergone improvements in their human rights and rule of law policies. These reforms have been a result of draft laws, treaty ratifications, and increasing efforts to achieve a 'healthy administration of justice'.<sup>41</sup>

Haiti also highlighted the increased effectiveness of their police forces, citing a reduction in poverty, increase in crime prevention, and a feeling of peace amongst Haitian citizens as evidence.

Additional work is required for Haiti to accomplish its goals, including increased socioeconomic rights and economic investment. There is also a desire by the Haitian Government to bring back Haitians who are being illegally detained in foreign countries and to initiate a program for their successful reintroduction to Haitian society. Because of these and additional needs, the Haitian Prime Minister and President have authorised a request to OHCHR and the UN to prolong the mandate of this Independent Expert for one year so that he can further share his insight and assistance with the Haitian Government.

The various country responses provided a wide range of questions, many of which were given adequate answers by the Independent Expert. Canada, the USA, Chile and Brazil asked about the weakness of the judicial system and police forces and how they will be reformed.

Germany (on behalf of the European Union) expressed its tremendous support for the effective work done by Mr Joinet and the potential it shows for future successes in special procedures.<sup>42</sup> He then posed more specific questions regarding the implementation of the rule of law including: internal investigations, the fight against

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<sup>40</sup> Mr Joinet encouraged those listening to refer to [www.minustah.org](http://www.minustah.org) for additional information.

<sup>41</sup> Draft laws include: Status of Women and National Identity. Treaty Ratifications Include: Rights of the Child and Elimination of Corruption

<sup>42</sup> This sentiment was echoed by Luxemburg, Algeria, the United States, Chile, and Brazil.

corruption, legal assistance, reform in the citizens' protection office, and a strengthening of medical processes. Mr Joinet responded by raising concerns about the most effective way to combat corruption in the police force and other authorities. If these people are merely fired, they then have the potential to become criminals on the street, thus complicating the issue.

Luxemburg was more concerned with economic development in Haiti, questioning whether development can occur without security. In the same vein, the delegate cited troubles with domestic rice farmers as liberal trade schemes allow the importation of rice at low cost. Mr Joinet responded by saying that economic development and security are coming about together so as to prevent corruption, trafficking and money laundering, thereby increasing the likelihood of investors.

Algeria spent considerable time praising the work of the Independent Expert and the example set by Haiti for the future of special procedures. Mr Joinet responded to this praise with encouragement for increased trust and cooperation amongst the Council, specifically with regards to the draft code of conduct of special procedures so that future mandates can have the same effectiveness.<sup>43</sup>

The USA discussed the monetary contributions they have made to the efforts for increased crime prevention. They, along with Chile and Brazil, called on the international community to sustain their efforts. The USA, as well as the German delegation, was concerned with anti-gang policies and crimes against women. Mr Joinet touched on the condition of women briefly in his response, stating that the ministry is doing good work.

Chile asked whether Mr Joinet had any information on the first phase of a new plan being implemented by the Ministry of Justice. The Independent Expert replied by saying that the action plan is ambitious, but at least it exists. In speaking with the Prime Minister on Friday, things seem to be developing positively with this initiative.

Brazil asked which best initiatives could be taken by the international community to promote human rights and enhance security in Haiti. Mr Joinet answered that Haiti could benefit from both chemical and physical forensic materials, and commended Canada for their contributions in this field. He also suggested that MINUSTAH should begin work on building new prisons.

The Independent Expert was not able to answer any other questions because of a lack of time, but he did want to once again thank Haiti and specifically its provisional government, saying that their cooperation allowed him to have such a constructive process of engagement. It was also notable that Mr Joinet presented the mandate to the Haitian government not as a process of the dominant world powers trying to shape a new government but as a learning experience for a fledgling country. When viewed in this light, Mr Joinet stated that progress and cooperation were much easier to come by. In response, Haiti once again sincerely thanked Mr Joinet for the work he has done, those nations who have provided their support, and those who have provided commentary. The President of the Human Rights Council also added his support for the harmonious interactions and would like this to be the pre-eminent example for special procedures.

At the end of the day's meeting, the International Commission of Human Rights France welcomed report on Haiti report and proposed that the Citizens' Office of Haiti could play in the processes outlined by the Independent Expert. The International Federation for Human Rights expressed its outstanding concern for the situation in Haiti. It explained that although the police force had worked to combat insecurity, the problem still persists. It called upon the Council to extend the mandate of the Independent Expert and for concrete measures to be adopted in order to improve the situation in Haiti.

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<sup>43</sup> For a summary of the most recent review of the informal consultations, see [http://www.ishr.ch/hrm/council/wg/specialprocedures/11\\_june\\_coc.pdf](http://www.ishr.ch/hrm/council/wg/specialprocedures/11_june_coc.pdf)

## Independent expert appointed by the Secretary-General on the situation of human rights in Somalia

The Independent Expert on the situation of human rights in Somalia, Mr Ghanim Alnajjar, was not able to visit the country due to the precarious security situation and therefore could not produce a report. He thus presented an update of the situation. He declared that he had the intention to travel to the country in August or September 2007, depending on the security situation.

The Independent Expert highlighted that violations of international humanitarian law and international human right law were reported during the recurrent clashes, including indiscriminate artillery fire and hitting of non-military targets. He declared that together with eleven special procedures, he issued a joint statement calling for the respect of international humanitarian law and international human rights law at all times. He mentioned that this week, the holding of a national reconciliation congress was a positive first step within the broader framework of reconciliation.

On particular issues of concern, Mr Ghanim Alnajjar emphasised the situation of internally displaced persons (IDPs), who are subjected to threats, looting, assault and rape. The UN estimated that 400,000 persons fled Mogadishu, in addition to the 400,000 that are already around the capital city. Human rights defenders are not spared either. They are targeted and their situation is deteriorating. The Independent Expert mentioned sexual and gender-based violence as a serious problem, due to the lack of a judicial system and security around IDPs. He was concerned about the increase of incidents and impunity.

The Independent Expert singled out his concern about the unacceptable fate of children, who are recruited to combat. Girls are particularly vulnerable. He announced that he would chair a panel discussion on human rights in Somalia on Wednesday 12 June 2007.

Mr Ghanim Alnajjar noted that the present situation in Somaliland was comparatively peaceful but that he continued to be concerned with police brutality, arrests of journalists and the lack of fair trials guarantees. He added that he was impressed by the UNDP rule of law project in Somaliland.

The Independent Expert concluded his oral presentation by recommending that the UN should encourage greater support to transitional institutions in implementing human rights provisions. Both the UN and Somalia should increase their protection of IDPs. Finally, OHCHR should expand its presence in the country and the UN peacekeeping mission should include a strong human rights component in its operations.

### **Interactive dialogue**

Somalia did not comment on the Independent Expert's address as they was no representative in the room.

Germany (on behalf of the EU) deplored the recent fighting in Mogadishu, and urged that there be a cessation of hostilities. The delegation took the opportunity to ask the Independent Expert what the best measures were to protect the civilian population from human rights violations.<sup>44</sup> The delegation also asked what steps should be taken by the Transitional Federal Government (TFG) to ensure a more needs-based approach in the wake of the humanitarian crisis caused by the intensive fighting and inter-clan conflicts. The Independent Expert replied that the political process and reconciliation was the gateway to strengthening human rights protection in Somalia.

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<sup>44</sup> The same question was asked by the USA.

Germany also requested the Independent Expert to share his views on how women's participation in the political process could be enhanced. Italy stated that a conference of Somali women would take place in Rome on 13 June 2007 to give women a voice in the peace process.

Djibouti thanked the Independent Expert for his update, but had hoped that the Independent Expert could have offered a more comprehensive report. The delegation stated that access to basic services in Somalia is extremely limited, and that 'one should not expect a dramatic improvement'. Djibouti stated that it was encouraged by the TFG's renewed commitment to peace, and that the international community should remain engaged in the peace process.

The USA claimed that extremists were attempting to destabilize Mogadishu, and that in order to assist stabilization of the country, it supported a national Government based on peace and reconciliation.<sup>45</sup>

The Italian delegation expressed concern about the link of IDPs to trafficking of human beings, and asked the Independent Expert for recommendations to avoid such phenomena. The Independent Expert explained that this was a complicated issue, and stated that the international community might be able to help control Somalia's large coastline. He stated that the vessels could be provided for observation, and could also help to mitigate the illegal depletion of the country's resources along the coast by foreign vessels, which are abusing the lack of a Somali presence.

Italy also asked the Independent Expert to elaborate on the protection of children's rights in Somalia, as there had been consistent reports of killings, rapes, and forced recruitment of child soldiers in and around Mogadishu.

Amnesty International spoke of the need to maintain an international focus on human rights in Somalia through the extension of the mandate; the expansion of the OHCHR field mission in the country to provide technical assistance and support; the drafting of a transitional action plan on human rights; guaranteed access to IDPs, and an independent and impartial mechanism for addressing past human rights violations. Human Rights Watch also called for an expanded OHCHR field presence and an impartial mechanism to address past crimes, including indiscriminate attacks on civilians by all parties, and proposed that the Special Representative of the Secretary General on Human Rights Defenders, Ms Hina Jilani, should be invited to conduct a mission to the country.

## Rights of reply and other issues

At the end of the morning session, several States exercised a right of reply responding to statements made on the same and on the previous day. Japan and the Democratic Peoples Republic of Korea exchanged rights of reply, accusing each other of making unjustified statements. China replied to an NGO, COHRE, saying that the persons relocated for the building of sites for the Olympic games had received financial compensation, and that their living conditions actually improved. Australia replied to a right of reply by Zimbabwe on the previous day, detailing the financial support Australia is providing to Zimbabwean human rights activists and for development projects. Zimbabwe replied that the money was being given only to certain sectors with the aim of provoking regime change. The Haitian delegation exercised a right of reply, responding to a statement by the International Federation for Human Rights regarding attacks on freedom of expression. It explained that the Government deplors the killings of independent journalists, and that it had even ordered an inquiry so the truth could be discovered about these killings.

The Council will hear the follow-up on decisions of the Council relating to Israel/the Occupied Palestinian Territories, Lebanon, Beit Hanoun and Darfur, including a presentation by Archbishop Desmond Tutu as a member of the Beit Hanoun fact finding team.

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<sup>45</sup> Echoed by Italy.

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