

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## HUMAN RIGHTS COUNCIL, 6<sup>TH</sup> SESSION DAILY UPDATE, 13 DECEMBER 2007

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### Overview

President Costea opened the day's meeting by continuing the interactive dialogue from the previous day on the reports of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr Rodolfo Stavenhagen, and the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Mr Martin Scheinin. The statements made by speakers on the issue of indigenous peoples continued in the same way as the previous day, with many States supporting the Asian Group statement on the validity on the report on indigenous

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peoples in Asia, but most States expressed their support for the continuation of the mandate. The discussion surrounding the issue of counter-terrorism also largely focussed on the country mission to the United States of America, although these interventions were almost exclusively by NGOs.

The Council then proceeded with the review, rationalisation and improvement of mandates. It reviewed the following mandates:

- Representative of the Secretary-General on internally displaced persons (IDPs).
- Special Rapporteur on promoting and protecting human rights while countering terrorism.
- Special Rapporteur on the right to adequate housing.
- Special Rapporteur on the right to health.
- Independent Expert on the human rights situation in Liberia.
- Special Rapporteur on the situation of human rights in the Sudan.

There was debate regarding the review process, with some States calling for clarification of the process in general. A major issue of contention was the title of the mandate of the Representative of the Secretary-General on IDPs, and the need for more ‘uniform nomenclature’ and for standardisation of all titles and appointment procedures of the special procedures. This dialogue developed into a larger heated debate about the process of the ‘review, rationalisation and improvement’ of mandates in general. Egypt challenged the ‘controversial notions...without scientific backing or evidence’ that the Special Rapporteur on housing had allegedly raised during the course of his work.<sup>1</sup> China requested that the Special Rapporteur on human rights while countering terrorism be objective and impartial in his statements in line with the *Code of Conduct for Special Procedures*. Russia applied the same reservations to the Special Rapporteur on Housing.

In the discussions on the mandate of the Special Rapporteur on the right to health, most States welcomed the work of the mandate holder. However, a few States heavily criticised the Special Rapporteur for his involvement with groups working on sexual and reproductive health and on sexual orientation.

The Council reviewed the mandate of the Independent Expert on the human rights situation in Liberia. The Ambassador of Liberia to France, Mr Dudley McKinley Thomas, informed the Council that Liberia was co-sponsoring a resolution to extend the Independent Expert’s mandate for one year. The discussion focused on the many challenges still facing Liberia after a long civil war and the need for continued support and assistance from the international community and from the Independent Expert.

The review of the mandate of the Special Rapporteur on the situation of human rights in the Sudan began but could not be concluded. After presentations by Egypt as sponsor, the mandate holder Ms Sima Samar and the Sudan as concerned country, only one State could take the floor before the end of the day. The review will thus continue on Friday, 14 December 2007.

Report of the Special Rapporteur on the  
situation of human rights and fundamental  
freedoms of indigenous people

### **Interactive dialogue**

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<sup>1</sup> Egypt did not elaborate on what these ‘controversial notions’ were.

The dialogue regarding the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr Rodolfo Stavenhagen, continued with many comments and questions from States and observers. Speakers drew attention to issues such as the need for involvement of indigenous people in decision making processes,<sup>2</sup> the effects of development projects on the rights of indigenous populations,<sup>3</sup> and access and ownership of land.<sup>4</sup> Several States also aligned themselves with the statement of China, on behalf of the Asian Group, made the previous day.<sup>5</sup>

The *Declaration on the Rights of Indigenous Peoples* (the *Declaration*) generated several comments from speakers that reflected the divisive debates which had shadowed both the drafting and adoption of the Declaration, as well negotiations on the resolution to renew the mandate of the Special Rapporteur on indigenous peoples at the 5<sup>th</sup> session of the Council. Thailand stated that the *Declaration* should be implemented ‘in accordance with the principles of territorial integrity’, domestic laws and human rights instruments to which the State concerned is a party, and should not create any new rights. Other speakers called for the implementation of the *Declaration* by States and asserted that the *Declaration* was part of a ‘standard-setting framework’ for the human rights of indigenous peoples.<sup>6</sup>

A continuation of an issue raised the previous day by India and Bangladesh<sup>7</sup> regarding the **definition of indigenous peoples** re-emerged with Thailand expressing its concern at the lack of a universally accepted definition of indigenous people and stated that given the diversity of historical and cultural contexts in Asia, this might lead to confusion regarding who falls under this heading. Tanzania also stated it had a difficulty applying the term ‘indigenous people’ to their local Hadzabe community.

Some questions were also addressed to Mr Stavenhagen. Argentina asked his opinion on how the Council could follow up on indigenous issues, what he saw as the future of his work, and what challenges he anticipated during this session. Finland asked if he could elaborate further on the need to pay particular attention to vulnerable groups such as women and children within indigenous populations. Finland also asked for his assessment of the implementation of the Millennium Development Goals (MDGs) with regards to indigenous peoples.

### Concluding remarks by the Special Rapporteur

Mr Stavenhagen began by responding to a comment made by Portugal, on behalf of the European Union (EU) the previous day regarding social indicators on the economic, social and cultural rights of indigenous peoples. He stated that this was a standing matter that required special methodological treatment with respect to different countries and could be of use in implementing development projects using a human rights approach. He also highlighted the need for the prior free and informed consent of indigenous people in order to have a rights based approach to development.

Mr Stavenhagen also replied to a question asked by Peru regarding the implementation of the *Declaration*, and stated that it was a long-term undertaking that was the responsibility of States, NGOs and other actors.

He ended by responding to the comments of China (on behalf of the Asian Group) by saying that the reason he had undertaken the study on indigenous groups in Asia was because it was entrusted to him by the

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<sup>2</sup> Ecuador, Finland, Spain, Nepal.

<sup>3</sup> Netherlands Centre for Indigenous People, Colombian Commission of Jurists.

<sup>4</sup> National Human Rights Commission of Malaysia.

<sup>5</sup> Thailand, Nepal, Iran. For a summary of China’s statement, please see ISHR’s *Daily Update* of 12 December 2007, available at [http://www.ishr.ch/hrm/council/dailyupdates/session\\_006/12\\_december\\_2007.pdf](http://www.ishr.ch/hrm/council/dailyupdates/session_006/12_december_2007.pdf)

<sup>6</sup> Colombian Commission of Jurists, Netherlands Centre for Indigenous People.

<sup>7</sup> For a summary of India’s comments on this topic, please see ISHR’s *Daily Update* of 12 December 2007.

Permanent Forum on Indigenous Issues. He also stated that he was well aware of the diversity of definitions of indigenous peoples all over Asia and elsewhere, and pointed out that it was not his job to define who falls under this category. Rather, he was guided by the self-definition and identification of individuals or groups by this name. He ended by saying that he was in favour of a constructive dialogue with Asian countries, and recommended that they invite him to the region so that he could better assess the situation of indigenous peoples there.

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

**Interactive dialogue**

Continuing with its interactive dialogue from the previous afternoon, the Council heard statements from a number of delegations and observers regarding the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Mr Martin Scheinin. Most States attached great importance to the issue and were largely supportive of Mr Scheinin's work. A few States, as well as NGO representatives, relayed observations, offered suggestions and voiced complaints. Others posed specific questions to the Rapporteur. Following the replies, Mr Scheinin addressed some of the main points that were raised.

Turkey explained that it had issued standing invitations to all Special Procedures, and that it was, in fact, the first country visited by Mr Scheinin in his capacity as Special Rapporteur. Nevertheless, the delegation insisted that, in accordance with established practices, it should have been given an opportunity to discuss Mr Scheinin's comments on Turkey before they were presented to the Council. In response to the remarks in question, it argued that since poverty and oppression are not the only causes of terrorism, one could exist without the other. In this context, Turkey conceded that an integrated approach to countering terrorism is needed, but suggested that the Rapporteur focus only on issues under his mandate so that other mandate-holders could fulfil their tasks.

Spain and the South African Human Rights Commission made statements regarding the appropriate legal framework for the prosecution of terrorism. Referencing the recent verdict in the prosecution of the attacks of 11 March 2004 in Madrid, the Spanish delegation cited its commitment to the rule of law, procedural guarantees, and transparency as a prime example of anti-terror prosecution in conformity with international standards. On a related point, the South African Human Rights Commission urged its government to ratify the *Optional Protocol to the Convention against Torture* to ensure that the rights of all detainees, including terror suspects, are respected.

Many statements were issued regarding Mr Scheinin's visit to the USA. Iran called upon the USA to respect its human rights obligations by closing the detention facility in Guantanamo Bay and ending secret transfers of terrorist suspects to third countries.<sup>8</sup> The Heritage Foundation refuted the Rapporteur's assertion that detainees at Guantanamo are not guaranteed due process by asserting that Article 2 of the *International Covenant on Civil and Political Rights* only applies to suspects held within a national territory. The American Civil Liberties Union strongly disagreed with this assessment. It proclaimed that the USA had 'abandoned the principles of human rights', pointing out the lack of accountability for acts of torture, and highlighted the

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<sup>8</sup> Iran also called on Israel to halt the construction of illegal barriers and to end its illegal occupation.

recent destruction of video tapes documenting the torture of Al-Qaeda suspects. Finally, Amnesty International claimed that the actions of the USA were encouraging other States to disregard international law.<sup>9</sup>

Unfortunately, although there were ‘many many speakers left’ on the NGO list, the President decided that the best way to move forward with the agenda was to cut the speakers after only five interventions. NGO contributions were therefore seriously curtailed.

### **Concluding remarks of the Special Rapporteur**

Due to time restraints,<sup>10</sup> Mr Scheinin did his best to provide responses to key points. In response to remarks from the USA, he clarified that he had refused an offer to take a ‘tour’ of the detention centre at Guantanamo Bay because he was not allowed unrestricted access or the right to speak to detainees. He elaborated on established standards and stated that to compromise with the USA would ‘undermine the integrity of Special Procedures’. He emphasised that his mandate required full access to places of detention and private interviews with detainees.

Mr Scheinin gave a methodological clarification to China and Sri Lanka’s questions about economic, social and cultural rights by explaining that chapter four of his report maps issues that relate to the theme of economic, social and cultural rights in the fight against terrorism was based on a wealth of sources, and emphasized that he avoided making affirmative conclusions on normative issues. He added that he was happy to acknowledge that there may be inaccuracies in the sources used, but the intention was not to make conclusions about countries but rather to flag the issues. The Special Rapporteur added, in response to a query from Portugal, that the Committee on Cultural, Economic, and Social Rights should begin a General Comment on counter-terrorism.

On the issue raised by Turkey concerning prior consultation with the State before raising issues in public, Mr Scheinin maintained that he was only reiterating points that had already been conveyed and discussed in consultations with the concerned country. He expressed hope that cooperation would continue.

Finally, Mr Scheinin clarified a point raised by Norway regarding the imposition of sanctions as a response to terrorism. The Rapporteur noted the Security Council’s affirmation that the implementation of sanctions must comply with human rights standards.

Review, rationalisation and improvement of mandates

### **Representative of the Secretary-General on Internally Displaced Persons**

The President gave the floor to **Austria**, the main sponsor of the resolution on this mandate, to express its views. Austria began by thanking the Representative of the Secretary-General on Internally Displaced Persons, Mr Walter Kälin, for changing the timing of his country mission to Sri Lanka in order to be present at the review of the mandate. Austria stated that both Mr Kälin and his predecessor had highlighted the challenges faced by internally displaced persons (IDPs) in a ‘concise manner’ and expressed appreciation for their work. Austria then described some of the issues affecting IDPs such as lack of food and shelter,

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<sup>9</sup> As evidence, AI cited the State of Emergency, dismissal of the Supreme Court and political repression in Pakistan.

<sup>10</sup> The Chairman gave the Special Rapporteur only 5 minutes for concluding remarks.

violence, discrimination and lack of access to services, etc. The delegate of Austria stressed that to comprehensively address the issues faced by IDPs would require the implementation of normative standards as well as a **coordinated effort** to take ‘coordinated and operational steps’ at the national and international levels, and the assistance of the international community. He then described the value of the mandate, in particular in its advocacy role for raising awareness of the issues affected IDPs, and by helping mobilise the relevant UN bodies in **mainstreaming** the human rights of IDPs into their work. Austria also drew attention to the role of the mandate in enhancing **dialogue** with governments and relevant inter-governmental organisations relevant to the protection of IDPs.

The Austrian delegation also pointed out the decision to **link this mandate with the Secretary-General** was a deliberate one, keeping in mind the cross-cutting nature of the mandate’s work, and also because it would enhance the access of the Representative to key decision making UN bodies dealing with IDPs, particularly the Inter-Agency Standing Committee. Austria also drew attention to the **evaluation** of this mechanism conducted by the Secretary-General in 2006, which found it to be a ‘positive and important vehicle’ for addressing the issue.

With that, Austria proposed the extension of the mandate for 3 years, which had strong support from States and which would be built on certain **core elements**, namely: the need for dialogue with States and other actors, mainstreaming the human rights of IDPs within the UN system, and strengthening the international response to IDPs. Austria also provided a brief outline of some of the functions of the mandate, including analysis of the rights of IDPs, identifying durable solutions for IDPs, focussing on women and children in addition to other special groups and the promotion of the Guiding Principles on Internal Displacement. Linkages between IDPs and natural disasters and peace-building were also highlighted as themes of focus for the mandate.

Austria then posed some **questions** to Mr Kälin, namely what were the most important aspects of the mandate and how were they used in the past 3 years; what should be the priorities for the mandate in the next 3 years; and what strategies and measures were necessary to address the special needs of vulnerable groups.

**Mr Kälin** then took the floor, and began by drawing attention to the fact that there had been no significant decrease in the number of IDPs, and also highlighted that IDPs have specific vulnerabilities and faced ‘intense suffering’ as a result of their conditions. He also stated that his main tasks were advocacy; engaging in dialogue with governments, NGOs and other actors; strengthening the international response to IDPs, and mainstreaming the human rights of IDPs into the work of the UN. He stressed many of the points already raised by Austria, such as the need for a strong normative framework, and the promotion of the *1998 Guiding Principles on Internal Displacement*. He also emphasised that implementation was the most important aspect, and strong political will from governments would be required in this regard. He explained the need for capacity-building of States and the need to develop the ability to face new challenges as they occur, including as an example in the context of natural disasters. Mr Kälin continued that the task of mainstreaming the human rights of IDPs into the UN system was fruitfully achieved through this mandate, and described his coordination with several UN agencies such as UNHCR, UNDP and UNICEF. Mr Kälin continued that a large number of IDPs were women and children whose specific needs were neglected. He ended on a sombre note by stating that given that the human rights of IDPs continued to be ‘disregarded and violated’ in all parts of the world, the mandate remained a necessity.

### ***Interactive dialogue***

There were some strong issues of contention in the interactive dialogue with regards to the process for the review, rationalisation and improvement of mandates in general and also with regards to the mandate of the Representative of the Secretary-General on the human rights of IDPs in particular. Many States commended

Mr Kälin for his work and strongly supported the extension of the mandate.<sup>11</sup> Cote d'Ivoire commended the special procedures as the 'heart of UN system' and praised them as the most innovative, reliable and flexible human rights tools of the UN. Others expressed their support for the mandate 'in principle',<sup>12</sup> but raised several issues of concern.

One issue that dominated the dialogue was the need for '**uniform nomenclature**' of all special procedures, and the changing of the title of the mandate from 'Representative of the Secretary General' to 'Special Rapporteur'. China first raised this issue on behalf of the Asian Group, and was supported by a number of States<sup>13</sup> when it said that the institution-building document that was adopted by the Council at its 5<sup>th</sup> session in June called for consideration of a uniform title and selection and appointment process for all special procedures.<sup>14</sup> The Russian Federation directly asked Mr Kälin what he thought of the 'contradiction' between the title of his mandate and the stipulation of the institution-building document. India stressed that the review, rationalisation and improvement of mandates was a fundamental issue that the Council needed to address immediately, and revealed the real concern of those States objecting to the current title by drawing attention to the **appointment process**.<sup>15</sup> India stated that currently this mandate holder was appointed by the Secretary-General, but that the institution-building package stated that special procedures mandate holders were to be appointed by the Council. India continued that appointment by the Council was a compromise that was the result of lengthy negotiations and that to renew the mandate with the current title would constitute a 'departure' from the institution-building package and would have 'wider implications', and called for the Council to take a decision on this as soon as possible. India also said that there were many possibilities for dealing with this issue – changing the title to 'special rapporteur' and/or having a 'clear, explicit reference' to the institution-building package which would set down the appointment process for special procedures. Bangladesh echoed this point again when it took the floor, and demanded to know what Mr Kalin would be missing if his title was changed from Representative of the Secretary General to Special Rapporteur. Bangladesh also added that the issue of IDPs 'often mixed up' human rights law and international humanitarian law and that the Council's purview should be limited to human rights only. The delegate of Bangladesh then asked Mr Kälin how he addressed this issue in his work, and to what extent his mandate was rooted in human rights. He also asked if the mandate overlapped with that of other humanitarian agencies, a point raised by a few other States.<sup>16</sup>

Algeria delivered a terse statement rejecting Austria's argument for retaining the title on the basis of enhanced access to UN agencies and facilitating the mainstreaming process, stating that this function applied to all special procedures mandate holders. Algeria also abruptly stated that while Mr Kälin might feel that his mandate enjoyed sufficient flexibility, the review, rationalisation and improvement of mandates was a 'member-driven process' and the most important question should have been whether the parameters of the mandate met the concerns of States. Algeria ended by calling for a 'harmonised discussion' and clarifications of the review, rationalisation and improvement process. The only State that explicitly contested the changing of the title was the Democratic Republic of Congo, which stated that it should retain the current title and also expressed its support for maintaining and strengthening the mandate.

Egypt (on behalf of the African Group) stated that IDPs were still citizens of their own countries and were therefore subject to domestic law, and that this had led to 'different views' regarding the implementation of

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<sup>11</sup> Portugal (on behalf of the EU, Turkey, Croatia, Macedonia, Albania, Bosnia, Herzegovina, Montenegro, Serbia, Moldova, Georgia and Armenia), Canada, Switzerland, Cote d'Ivoire, Democratic Republic of Congo, Georgia, Norway, Argentina, UNHCR, Norwegian Refugee Council and Centre for Housing Rights and Evictions, Colombian Commission of Jurists.

<sup>12</sup> Russian Federation, Azerbaijan.

<sup>13</sup> Pakistan (on behalf of the OIC), Russian Federation, India, Bangladesh, Algeria.

<sup>14</sup> Institution Building text, Council Resolution 5/1, paragraph 59.

<sup>15</sup> China (on behalf of the Asian group), Bangladesh.

<sup>16</sup> Pakistan (on behalf of the OIC), Algeria. Algeria also raised a concern about the mandate overlapping with other special procedures mandates.

the **Guiding Principles on Internal Displacement**. Switzerland, on the other hand, called for the broad dissemination of the Principles.

The need to address **foreign occupation** as a root cause of internal displacement was also raised by some States,<sup>17</sup> with particular reference to the Occupied Palestinian Territories and Occupied Syrian Golan.

Columbia called for the consent of and coordination with the concerned State in order to implement this mandate, and stated that it should be done using the **code of conduct**.

India raised a separate point in its statement regarding the mandate of the **Independent Expert on Haiti**. The delegate of India stated that some States had expressed that this mandate had been extended by the Council, when this had not in fact been the case. India clarified that in a Presidential statement on the renewal of the mandate had been ‘encouraged’, and that the mandate had been continued on the basis of an agreement reached between the concerned country and the UN system. India noted that the current mandate on IDPs, however, was a thematic mandate and would be extended by a decision of the Council, in accordance with the institution-building package.

### ***Replies to the interactive dialogue***

Mr Kälin used his opportunity to speak at the end of the dialogue to respond to the questions posed on the significance of the title of his mandate. He reiterated that his title was intrinsically linked to the aspect of his mandate that called for the mainstreaming of the human rights of IDPs throughout the UN system. His title facilitated his direct access to organisation heads, country teams and other relevant international bodies, and he was also entitled to sit as a ‘representative’ at the Inter-Agency Standing Committee meetings. He stated that his mandate was not operational, in comparison to UNHCHR, but that it was designed to identify protection gaps from a human rights perspective.

In response to the Russian Federation, Mr Kälin stated that it was up to the Council to decide on how to deal with his title and the RRI process. He also addressed Bangladesh’s comment about overlapping with the work of humanitarian agencies, and clearly stated that his role was distinct from the traditionally humanitarian role occupied by organisations such as UNHCR as he focussed on the human rights of IDPs and provided advice to countries on how to protect and promote them.

Austria were then given the floor as sponsors of the resolution on IDPs to say that they had taken note of comments by States, which in their opinion confirmed the need for such a Representative and for a common framework in approaching the question of IDPs. In this context, they re-iterated that the mainstreaming element of the mandate is crucial. Austria sought an extension of three years on the mandate so that Mr Kälin could fulfil his work. The representative informed the Council that a revised text of the draft resolution was circulated the night before and he was confident that the matter could be concluded by the end of the week, 14 December 2007.

### **Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

Following the review of the mandate on IDPs, the Council moved to the review of the mandate on protecting and promoting human rights while countering terrorism. **Mexico**, as sponsor of the resolution establishing the mandate, first took the floor to explain that the mandate provided for country visits, the exchange and promotion of best practices, and allowed the Rapporteur the opportunity to work closely with special

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<sup>17</sup> Algeria, Syrian Arab Republic, Pakistan (on behalf of the OIC), Azerbaijan.



procedures and competent bodies, and to establish ongoing dialogue with all relevant actors. The Ambassador of Mexico stated that the mandate began in 2005, and since his appointment by the President of the former Commission on Human Rights, Mr Schenin has been exemplary in fulfilling his tasks. This included four country visits, 60 or so communications, and studies on anti-terrorism with international norms that protect the right of the individual. In so doing, Mexico said that he has respected the cross-cutting function of the mandate by all addressing all rights, including the right to development. Mexico expressed ‘no doubt’ that the mandate brought increased awareness to these important issues, and informed the Council that its revised resolution on the mandate would seek a three year extension.

**Mr Scheinin** was then given the floor to express his views as Special Rapporteur. He stated that while many other mandates contain a strong component on counter-terrorism, he saw his role as being both complementary and comprehensive in nature. He highlighted three main achievements of the mandates in its first 2 ½ years: constructive country work through the opening up of a scheme of country visits; extending the dialogue to being able to engage with the Counter Terrorism Committee (CTC) of the Security Council and its Executive Directorate; and producing thematic reports ‘that reflect the complementary and comprehensive nature of the mandate’. He then identified three core challenges; that more resources were needed from OHCHR; that it is now time for a new round of country visits; and that much more needs to be done in the identification and dissemination of best practice.

Mr Scheinin then went further by addressing his expectations for the mandate in the context of the new Human Rights Council. He requested that the Council not just discuss his report in the interactive dialogue, but take action on his recommendations in the manner that the General Assembly currently does. He urged that States allow him to visit places of detention as an essential part of any country visit, and he expressed his personal hope that the UPR would be ‘implementation-oriented’ and ‘evolve as a mechanism of collegial peer pressure’.

### ***Interactive dialogue***

The pursuant interactive dialogue was constructive, with all States who spoke supporting the mandate and its continuation. A number of issues were raised.

- Italy stated that the **ongoing relevance** of all of the areas that the Special Rapporteur has reported on is an indication of the need to preserve the mandate. Pakistan concurred with the earlier statement of the Rapporteur that they would be happy to call for the discontinuation of the mandate if the world was ready for it, but unfortunately it is not. Norway and Belgium noted that **country visits** were a critical part of this mandate.
- Human Rights Watch drew attention to the Rapporteur’s report on his **visit to the USA**, and the issues he addressed as still clearly exhibiting violations of international law, as a means of illustrating why the mandate is critically important. Nord-Sud Alliance stated that the observance of human rights obligations by the world’s ‘largest, wealthiest States’ should be at the core of the work of the Rapporteur.
- Portugal (on behalf of the EU) congratulated the Rapporteur on his previous work and asked him to provide insights into how regarding the **application of international humanitarian law (IHL)**. Cuba stated that ‘the current mandate is of great relevance to IHL machinery’. Russia asked whether the Rapporteur would consider studying the issue of violations of human rights by terrorist groups in **areas of de facto control**, and the liability of non-state actors for human rights violations.
- Portugal (on behalf of the EU) noted that a particular area which may require further attention was the balancing of **the right to privacy** with security requirements, and asked the Special Rapporteur how he thought this may be taken forward.

- The German Institute for Human Rights, in a joint statement,<sup>18</sup> stressed that the Rapporteur should give due consideration in the future to the **role of international intelligence agencies** and the sharing of information, and also governmental and parliamentary control mechanisms.
- Russia raised the question of the **abuse of asylum procedures** as a means to evade justice, and asked the Special Rapporteur if he might consider addressing the question in a future study.
- Pakistan and Bangladesh requested that the Rapporteur dedicate more time to addressing the **root causes of terrorism**.
- Pakistan recognised the work of the Rapporteur on the **treatment of Muslims and other minorities** in various parts of the world, and requested that he elaborate on this issue. Algeria stated that Muslims, migrants and asylum seekers are often labelled as terrorists, and this is complicated by the fact that there is **no clear definition of terrorism or terrorist acts**.
- Portugal (on behalf of the EU) noted that it was important to avoid overlap, and asked which other mandates and bodies had been essential to the Rapporteur in delivering results. Switzerland asked how the Rapporteur intended to **strengthen coordination with relevant UN agencies**, including OHCHR, the CTC and the UN Office on Drugs and Crime. Pakistan added that it was interested to see how the CTC relationship might develop, as this body has very particular working methods. Finland inquired into the Rapporteur's further plans to co-operate with the **human rights treaty bodies** in relation to developing systematic approaches to counter-terrorism. Belgium asked if mainstreaming of human rights had improved in other bodies and also asked how States may better co-operate with the mandate.
- Cuba claimed that the work of the mandate-holder was undertaken in a genuine spirit of dialogue and stressed the importance of the *Code of Conduct of Special Procedures* in this regard. China added that this required **objective and impartial reporting**, and that the Rapporteur should 'respect the efforts of States in combating terrorism'.

### ***Replies to the interactive dialogue***

Mr Sheinin responded by thanking all speakers and indicated that there appeared to be broad support for the continuation of the mandate. He said that he has seen the latest draft text by Mexico and he favoured its content. In response to Algeria, the Rapporteur recognised the difficulties for States in the absence of a universally agreed definition of terrorism, although he claimed it was not a huge problem for him in his work, which required more so that he respond to States' own definitions and assess these definitions in accordance with States' human rights obligations. On the question of IHL and human rights law, he referred to the fact that IHL is often referenced where relevant in his mission reports, but his overall view was that there is no global war on terror, and that in each case it must first be clinically assessed whether an armed conflict is occurring before applying IHL. He agreed with Portugal and the German Institute for Human Rights that study on the right to privacy and intelligence oversight would be welcome additions to his work. On the question of improving coordination among UN agencies, he stated that all the methodology is in place, and that it is 'simply a question of doing the work'.

Mexico very briefly concluded that the mandate can be further refined and improved, and that they already had so many co-sponsors that it was certain to be adopted.

### **Special Rapporteur on adequate housing as a component of the right to an adequate standard of living**

The representative of Germany presented the mandate of the Special Rapporteur on adequate housing on behalf of the government of **Finland and Germany**. He explained that the mandate had been created seven

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<sup>18</sup> On behalf of the national institutions of France, Greece and Morocco.

years ago by *Resolution 2000/9* of the Commission on Human Rights, and was extended in 2004. The sole mandate-holder over this period has been Mr Miloon Kothari from India. The Ambassador touched upon many achievements of the mandate holder, including undertaking 13 country visits, applying a gender perspective to the mandate, submitting annual reports, entering into dialogue with all relevant stakeholders and proposing practical solutions with regard to the implementation of the right to adequate housing. According to the representative, a lot had been achieved during the last seven years, and he commended the mandate holder for having firmly and visibly anchored the right of adequate housing on the human rights agenda.

The Special Rapporteur, **Mr Miloon Kothari**, began his address to the Council by highlighting that he began his assessment of the right to adequate housing in 2000, and could conclude that over the years there had been a significant improvement. During this period, the Special Rapporteur had been able to integrate a strong gender perspective, as well as contribute to a series of standard settings. He had identified specific difficulties of vulnerable groups, and contributed to general comments in his work with treaty bodies. The Special Rapporteur then briefly touched upon some of the issues that would be addressed in his annual report, which would be presented to the Council in March 2008. The report would focus on emerging issues, including the impact on global warming, land rights, and the challenges of growing homelessness and forced evictions caused by development projects. He also mentioned a new phenomenon of ‘urban apartheid’, and problems of segregation and racism in urban areas. The Special Rapporteur ended his address by thanking all the member States for the tremendous support he had received while carrying out his mandate.

### ***Interactive dialogue***

The interactive dialogue on the rationalisation of the mandate was very brief, with only eight States and two NGOs taking the floor. Nonetheless, those who did speak all underlined their support of the continuation of the mandate and the importance of the right to housing.<sup>19</sup> Several specific issues were raised.

- The representative of Egypt requested that Mr Kothari consider **revisiting certain issues** as they had been not adequately addressed in previous reports, including the situation of migrants and minorities, racial discrimination, ghettoisation, and the situation of housing in armed conflicts. The latter point was also raised by Algeria.
- Portugal (on behalf of the EU) welcomed the strong **integration of a gender perspective** into the work of the mandate and the work done in highlighting women’s rights in relation to housing, land and property.<sup>20</sup> They raised the question of whether the Rapporteur identified certain critical factors in the course of his work. Argentina expressed the hope that there would be a continuing focus on women’s rights.
- Many States welcomed the Rapporteur’s **efforts to develop guidelines** and indicators on the right to housing. Egypt and Italy mentioned that the Rapporteur’s guidelines on forced evictions were still pending.
- Russia and Algeria emphasised the need for **cooperation among the UN agencies**, while avoiding duplication, and enquired about means to improve mainstreaming within these agencies. Italy queried how to ensure closer cooperation with States as well as civil society
- Italy asked the mandate holder what steps could be taken to advance the issue of **clean drinking water**
- Egypt stated that there had been one evident drawback in the mandate, namely that the mandate holder had used his position to ‘express controversial motion...without scientific backing or evidence’. Russia expressed hope that the mandate holder also in the future would continue to **be objective and impartial** and in that relation stressed the importance of following the code of conduct.

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<sup>19</sup> Portugal (on behalf of the EU), Russia, Italy, Egypt, Argentina, Switzerland, Italy, Algeria.

<sup>20</sup> Supported by Italy.

- A representative of the Asian Legal Resource Centre provided an example of an intervention that Mr Kothari had undertaken in Pakistan in 2002 following a request by civil society, and the positive affects of this intervention, as a practical example of the importance of his mandate.

### ***Replies to the interactive dialogue***

Mr Kothari thanked all who spoke, particularly the EU, for its continued support of the mandate. In response to the points raised by Russia and Italy, he mentioned that in each country he visits he is asked for more tools for understanding and monitoring the right to housing, and the development of indicators aim to help countries in drafting law and policy. He mentioned that his attendance at various conferences has assisted him 'in making more precise the work on adequate housing and bringing the enormous difficulties that people face to the global level'. He responded that many critical factors in relation to women and housing include lack of access to secure tenure, lack of information about women's rights, and lack of access to social services, among many others. In answer to the question of mainstreaming of human rights in the UN system, he was of the view that this had not come very far, or even was a 'failure in certain cases', as often the framework for mainstreaming is in place but various organisations simply do not apply the human rights framework in their operations. The Rapporteur also took account of Egypt's suggestions in relation to areas that required further work, and agreed that situations of armed conflict was an area that required considerably more work, which he intended to pursue in the future. He concluded by stating that a 'tremendous amount of work remained to be done'.

Finland concluded the discussion as co-sponsor by first thanking Mr Kothari for his valuable work, including how he had shown the relevance of the right to housing to civil and political rights. The representative also stated that it is very important to hear the views of mandate holders in the process, and claimed that the level of the support for the mandate and mandate holder illustrated the success with which it has been carried out and its importance.

### **Special Rapporteur on the right to the highest attainable standard of physical and mental health**

Brazil introduced the mandate of the Special Rapporteur on the right to the highest attainable standard of health, Mr Paul Hunt. Brazil informed the Council that it had submitted a draft resolution after broad consultations to renew the mandate. Brazil noted the considerable contribution that the Special Rapporteur has made to the understanding of health issues like neglected diseases, sexual reproductive rights and disabilities, as well as to the dissemination of the health related Millennium Development Goals (MDGs). It pointed that for many people, especially those in poverty, the right to health is still a distant goal, and expressed its full commitment to the continuation of the current mandate.

In his statement, Mr Hunt stressed the common ground between the health and human rights fields, and underlined the need for health professionals to better understand the right to health. At the same time, he expressed the need for the human rights community to devote more attention to public health policies.

Mr Hunt noted that the right to health is currently receiving more attention than ever before by the human rights community, and stressed the importance of cooperation between the Human Rights Council and other organisations, such as the World Health Organization (WHO) and the United Nations Population Fund (UNFPA). He expressed his satisfaction that the international community is paying more attention to looking at health systems after neglecting it for decades.

On the renewal of the mandate, he suggested to focus on specific themes within the right to health. He mentioned the access to safe drinking water, HIV/AIDS or maternal mortality, and proposed that in the future, specific mandates on these areas could be created. As a practical suggestion, he raised the idea of holding a

special event on maternal mortality at the March 2008 session of the Council, following the recent experiences with a thematic event on violence against children, for example.

### **Interactive dialogue**

All States and NGOs expressed their thanks and appreciation for the activities and the work that the Special Rapporteur has carried out during his mandate.<sup>21</sup> Many States and NGOs clearly supported the renewal of the mandate.<sup>22</sup> Several specific issues were raised.

- A number of States and NGOs highlighted the importance of **the right to health as a human right**, stressing its importance within the MDGs. However, they noted that the realisation and fulfilment of the right to health continues to be a remote objective for many, especially those who live in poverty.<sup>23</sup> They urged the Council to take steps to make it attainable for everyone, and some delegations expressed their concern at the difficulties that developing countries experience in the fulfilment of this right.<sup>24</sup>
- Italy asked Mr Hunt how the Council and **the human rights system could advance the MDGs**. Some delegations pointed out the need to **cooperate with other organisations** and parts of the UN system, like the WHO and UNFPA, without duplicating their work.<sup>25</sup>
- Some delegations asked that the Special Rapporteur should pay more attention **to the level of economic development**<sup>26</sup> and also take into account **cultural specificities**.<sup>27</sup>
- A number of States favourably mentioned the contribution of the Special Rapporteur with regards to **sexual and reproductive health**.<sup>28</sup> However, Egypt,<sup>29</sup> Pakistan and Algeria expressed their discomfort with this issue. In particular, they were concerned about the Special Rapporteur's work related to the issue of therapeutic abortion, as well as his involvement with the Centre for Reproductive Health.<sup>30</sup>
- Egypt was even more outraged about Mr Hunt's signature of the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity.<sup>31</sup> Egypt suspects that some groups and think-tanks are using Mr Hunt's title to imply that the UN has a different agenda on abortion or on homosexuality. Reading the definition of sexual orientation and gender identity contained in the Principles, the delegate of Egypt said it was unacceptable that Mr Hunt signed the Principles with his title as Special Rapporteur. While Egypt understands and does not object to the fact that 'these values are acceptable in many countries', it objected to 'any attempt to use the UN name to promote any concept that does not enjoy consensus within the UN'.

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<sup>21</sup> Portugal (on behalf of the EU), Cuba, Russian Federation, Italy, Switzerland, Peru, Canda, Egypt, Pakistan, China, Luxemburg, Israel, Uganda, Algeria, Action Canada for Population and Development, North-South XXI, International Service for Human Rights (joint statement with Amnesty International and the Canadian HIV/AIDS Legal Network).

<sup>22</sup> Portugal (on behalf of the EU), Cuba, Russian Federation, Italy, Switzerland, Peru, Canada, China, Luxemburg, Israel, Uganda, Algeria, Action Canada for Population and Development, ISHR.

<sup>23</sup> Portugal (on behalf of the EU), Cuba, Pakistan, Luxemburg, Action Canada for Population and Development, ISHR.

<sup>24</sup> Cuba, Uganda, Action Canada for Population and Development.

<sup>25</sup> Portugal (on behalf of the EU), Russia, North-south XXI.

<sup>26</sup> Russia, Egypt, Pakistan, China.

<sup>27</sup> Russia, Egypt, Pakistan, Algeria.

<sup>28</sup> Canada, Brazil, Uganda.

<sup>29</sup> In its national capacity.

<sup>30</sup> The Center for Reproductive Rights is a an NGO, and characterises itself as a "legal advocacy organization dedicated to promoting and defending women's reproductive rights worldwide."

<sup>31</sup> Available at <http://www.yogyakartaprinciples.org/>.

- Some delegations expressed their opinion that more attention should be paid to the access to medicines,<sup>32</sup> the impact of the pharmaceutical industry,<sup>33</sup> public health,<sup>34</sup> intellectual property,<sup>35</sup> the needs of children<sup>36</sup> and infant mortality<sup>37</sup> and neglected diseases.<sup>38</sup>

### **Replies to the interactive dialogue**

In reply to the question raised by Italy, Mr Hunt proposed to devote some time to the MDGs in the next Council session. In response to points raised by Egypt, Algeria and Pakistan, Mr Hunt specified that if abortion is legal in a particular country, it has to be accessible to not lead to discrimination, and that he could well serve as an advisor for an NGO, without being aligned with all their position. Finally, Mr Hunt pointed out that his position on sexual orientation is consistent with that of many other special procedures, who have also signed the Yogyakarta Principles with their title. He also referred to a recent statement by the High Commissioner for Human Rights, in which she had expressed a “firm commitment of her office to promote and protect the human rights of all people regardless of their sexual orientation or gender identity.” He suggested exploring these issues in more detail with the concerned delegations on another occasion.

### **Independent Expert on the human rights situation in Liberia**

In the afternoon the Council’s meeting was suspended for a short while to attempt to locate the Independent Expert on the human rights situation in Liberia, Ms Charlotte Abaka, to allow her to take part in the discussion on the review, rationalisation and improvement of that mandate. However, after an unsuccessful search, the Special Rapporteur on the rights to housing replaced Ms Abaka and agreed to read out her written statement.

Portugal, on behalf of the main sponsors of the resolution, the EU and the African Group, informed that they had discussed the review process with the Government of Liberia. They shared the view that the Independent Expert could play a useful role in supporting the efforts of the Government to improve the human rights situation. It recognised that significant progress had been made in the areas of security and economic development but that the Government lacked capacity to make many necessary reforms. It underlined that continued financial and technical assistance to the country was vital and stated that it hoped that the mandate holder could engage with donors. Portugal emphasised that the Council owed a continued commitment to the people of Liberia. Finally, Portugal stated that it proposed extending the mandate for one year and hoped that this would enjoy the support of the Council.

Mr Kothari then presented the statement of the Independent Expert. He explained that the Independent Expert had previously described Liberia as a failed State but that as a result of the assistance by the international community, Liberia was recovering from its long conflict. The roots of this conflict had been, among others, the exclusion and marginalisation of significant portions of society from governance and access to economic assets, massive corruption, and limited participation of civil society in governance. He noted that Liberia is now fighting its ‘post-conflict war’ on poverty and human rights abuses. He stated that there was widespread poverty, lack of food security, large unemployment and lack of access to education and health care. While the political will to fight the problems exists, the capacity and resources were lacking. Furthermore, the legal

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<sup>32</sup> Uganda, Algeria, Italy.

<sup>33</sup> Peru.

<sup>34</sup> Switzerland.

<sup>35</sup> Algeria, Action Canada for Population and Development.

<sup>36</sup> Portugal (on behalf of the EU).

<sup>37</sup> Portugal (on behalf of the EU), Algeria, Peru.

<sup>38</sup> Brazil, Peru, Uganda, Action Canada for Population and Development.

system was not able to resolve conflicts peacefully and provide redress and protection to victims. It was noted that these issues would be addressed in detail in the next report. Mr Kothari concluded the statement by affirming that Liberia still needed to receive technical assistance in its efforts to improve its human rights protection systems and to ‘transform the society using human rights based tools’.

### ***Interactive dialogue***

The Ambassador of Liberia to France, Mr Dudley McKinley Thomas then addressed the Council.<sup>39</sup> He recalled that the people of Liberia were emerging from 14 years of devastating civil war which had led to a severe breakdown in institutions, including those in charge of promoting and safeguarding human rights. He also reminded the Council that the mandate had been established in response to the challenges and lack of capacity facing Liberia in the area of promotion and protection of human rights. Ambassador McKinley Thomas announced that Liberia was joining the main co-sponsors of the resolution, the EU, Ghana, Senegal and Cote d’Ivoire, in seeking an extension of the mandate for one year. This was supported by the people of Liberia. He appealed to the Council for its favourable consideration of this resolution. In closing, he recognised the ‘objectivity, professionalism and outstanding work’ of the Independent Expert.

An interactive dialogue followed.

- Several States acknowledged and welcomed the presence of the Ambassador of Liberia.<sup>40</sup>
- Several States also thanked the Independent Expert for her work.<sup>41</sup> Ghana appreciated that the Independent Expert had drawn attention to the needs of Liberia. Sweden stated this was an example of a very useful country specific mandate. It hoped the Independent Expert could intensify her work. Human Rights Watch commended the ‘essential work’ of the Independent Expert since 2003.
- Switzerland noted that the cooperation of Liberia with the Independent Expert was essential to ensure progress and it called on the Government to ‘re-double its efforts’. Ghana commended Liberia for its ‘tireless efforts’ to restore peace in the country.<sup>42</sup> Human Rights Watch welcomed the constructive engagement with the mandate holder.
- Ghana recalled that it is the duty of all States to promote and protect human rights and that this can only be done in an environment of peace and security. It expressed its delight that peace had returned to Liberia and that democracy was flourishing. However, Ghana emphasised that Liberia needed to be assisted in ‘maturing its institutions’.
- All delegations that spoke except Algeria supported the extension of the mandate.<sup>43</sup> Ghana noted that the situation in Liberia remained fragile and that it should not be abandoned. Canada stated that the mandate could provide true support to the Government and people of Liberia and help consolidate stability in the country. Zambia informed that it was co-sponsoring the resolution. Algeria reiterated its position that it does not favour the imposition of mandates on specific countries. However, it accepted that any country could request technical assistance and support and that Liberia had wished to benefit from this. Algeria acknowledged that peace, stability and normalisation of the situation in Liberia had been results of the technical assistance received.
- Ghana also encouraged the international community to continue to provide appropriate funding and assistance to consolidate progress. Cote d’Ivoire stated that it hoped the renewal could help mobilise international resources.

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<sup>39</sup> Liberia does not have a permanent representation to the UN in Geneva.

<sup>40</sup> Switzerland, Zambia, Cote d’Ivoire, USA.

<sup>41</sup> Canada,

<sup>42</sup> Supported by Zambia.

<sup>43</sup> Switzerland, Ghana, Canada, Zambia, Cote d’Ivoire, Sweden, USA, Human Rights Watch.

The President informed that the comments and recommendations made during the debate would be conveyed to the Independent Expert.

### **Special Rapporteur on the situation of human rights in the Sudan**

The review of the mandate on Sudan, currently held by Ms Sima Samar, was expected to be one of the more contentious issues of the resumed 6<sup>th</sup> session of the Council. The decision on the mandate should have been taken during the first part of the 6<sup>th</sup> session, was postponed to the December part of the 6<sup>th</sup> session following a resolution by Egypt (on behalf of the African Group). The fact that the Council had previously established an Experts Group, composed of five special procedures to focus specifically on the implementation of resolutions pertaining to the particularly troubled Darfur region, added additional complexity to the review of the mandate on Sudan.<sup>44</sup> Egypt (on behalf of the African Group) had also announced at the September sessions its intention to terminate the mandate of the Special Rapporteur on Sudan at the resumed 6<sup>th</sup> session.

For weeks prior to the review, consultations between the European Union and the African Group on the future of both the Experts Group and the Special Rapporteur on Sudan were held. On 11 December 2007, the EU decided to table resolutions renewing both mandates, and called open-ended informal consultations on its drafts. On 12 December 2007, one day before the review of the mandate of the Special Rapporteur, Egypt and others expressed disagreement on this process, and on the substance of the drafts.<sup>45</sup> It seemed that reinvigorated consultations held since then finally led to a compromise agreement. At 16:20 p.m., shortly before the review process for the mandate on Sudan began, the African Group convened a further round of informal consultations. This was used to distribute the two texts that seem to have met consensus. The draft on the Experts Group welcomes the Group's report, but does not extend the mandate of the Experts Group on Darfur. Instead, the Special Rapporteur's mandate would be extended and enlarged, to comprise some of the functions of the Experts Group.<sup>46</sup> This was the setting for the review of the mandate on the Sudan.

**Egypt (on behalf of the African Group)** as co-sponsor of the resolution creating the mandate in 2005 was given the floor to introduce the mandate. It said that the situation in the Sudan had changed since the establishment of the first mandate on Sudan in 1992.<sup>47</sup> Arguing that the 'political and security challenges that have faced Sudan in the last two decades' should be taken into account, Egypt claimed that the Sudan was undertaking great efforts to ensure the promotion and protection of human rights in its national territory. The Council should encourage these efforts and end the proliferation of mechanisms in Sudan. Streamlining of the various mechanisms was needed, in particular since the Sudan would also be subject to the universal periodic review (UPR). It called for constructive cooperation from all parties. Egypt, while recalling the institution-building text of 18 June 2007,<sup>48</sup> provided a long list of questions for the Special Rapporteur, including what her assessment was of having achieved the objective of bringing a clearly identifiable increased level of protection and promotion of human rights in the Sudan, and were there any achievements directly attributable to the mandate.<sup>49</sup>

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<sup>44</sup> The Experts Group was mandated by Human Rights Council *Resolution OM/1/3*. It had presented a report two days previously, see ISHR's *Daily Update* of 11 December 2007, available at [www.ishr.ch](http://www.ishr.ch).

<sup>45</sup> See ISHR's *Daily Update* of 12 December 2007.

<sup>46</sup> Since these drafts have yet to be adopted, a further analysis of the impact the enlarged mandate will have on the Special Rapporteur's work seems premature. We will reserve it for a later stage.

<sup>47</sup> Egypt omitted that in between 1992 different mandates on the Sudan under different co-sponsors and with varying support by States had existed. The mandate that was to be reviewed, rationalised and improved and which Egypt (on behalf of the African Group) as original sponsor was called to introduce was that of 2005.

<sup>48</sup> The institution-building text is contained in Human Rights Council *Resolution 5/1*.

<sup>49</sup> Egypt's other questions were: has the current mandate holder addressed the root causes of the human rights situation in Darfur, and if not when does the Special Rapporteur intend to do so?; what was the role the mandate holder played in relation to the situation in Darfur as it unfolded four years ago?; has the Special Rapporteur considered the international political environment



Egypt added that it hoped that the Council devote sufficient time to the review process.

The Special Rapporteur, **Ms Sima Samar**, then addressed the Council, giving a detailed description of the situation in the Sudan. She stressed that the steps undertaken by the Government had had no tangible impact on the ground. She emphasised that while the Government would have the main responsibility to prevent attacks by armed factions, including the killings, forced displacement and the sexual violence associated with the attacks, it has failed to do so. The climate of impunity prevails, and there has been no progress made.

In a very unusual move, Egypt interrupted Ms Samar's after the first half of her statement with a point of order, demanding that she focus on the questions and the review of her mandate, rather than giving a report on the Sudan in general. When Ms Samar finished her statement, her rationale for giving an overview of the human rights situation in the Sudan became clear. Putting her description of the situation into perspective, she recalled that the grave human rights situation in the Sudan had been the reason for creating a mandate. Since there has been no significant improvement in the situation, she concluded, the mandate should be renewed. This, at least, would permit the victims to have their voices heard.

**The Sudan, speaking as the concerned country**, endorsed the statement and the questions by Egypt, and asked the Council to acknowledge the cooperation of the Government with the Council. It urged the Council not to base its decisions on 'erroneous information that has not been verified' but to take into account the information submitted by the Government of the Sudan. The human rights violations in the Sudan, the representative asserted, are characteristic of any armed conflict, and could not be addressed without tackling the root causes of the conflict. Related to the armed conflict, the Sudan recalled that not all armed groups had joined the Abuja Agreement, and asked the Council to call on these to respect the peace agreement. Sudan then went on to suggest that the Special Rapporteur should give equal attention to economic, social and cultural rights and to civil and political rights, and regretted that the Special Rapporteur had not mentioned the development of a project that would increase electricity output by 100% or the fact that the Sudan has 19 independent newspapers.

Since time was running out, only Portugal (on behalf of the EU) could take the floor. It thanked the Special Rapporteur for her excellent work and expressed its strong support for the mandate and its extension. The representative pointed out that the mandate did not only focus on Darfur, but also on human rights violations occurring in other parts of the Sudan. It expressed concern about the continued widespread impunity, torture and ill treatment, harassment and insecurity of human rights defenders and humanitarian workers. Regretting the slow implementation of the Comprehensive Peace Agreement, Portugal (on behalf of the EU) suggested that the Special Rapporteur could provide technical assistance to implement the human rights dimension of the agreement. Portugal also welcomed the "good and constructive cooperation" between the Government and the Special Rapporteur. Finally, it welcomed the decision to extend the mandate "which will be taken by consensus".

President Costea then suspended the meeting until the following day. Around ten States were already inscribed on the speakers list. Making reference to the questions asked by Egypt (on behalf of the African Group) and the Sudan, he suggested that Ms Samar provide written replies.

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surrounding the Sudan and the role of external factors in the region?; how does the Special Rapporteur perceive duplication of her work with other international mechanisms in the Sudan, how does she coordinate with them, and are there examples of such coordination yielding results?; has the Special Rapporteur undertaken any efforts in the provision of technical assistance to the authorities; what was the Special Rapporteur's assessment of the level of international assistance to the Sudan related to human rights capacity building (and not to humanitarian assistance)?

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