

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

HUMAN RIGHTS COUNCIL WORKING GROUP ON THE FUTURE SYSTEM OF EXPERT ADVICE HIGHLIGHTS WEDNESDAY 25 APRIL 2007 AFTERNOON

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In the morning session of the Working Group on complaint procedure, the Facilitator of the Working Group on expert advice, Ambassador Musa Burayzat of Jordan, requested an extraordinary session on 25 April 2007 at 3pm. The Facilitator explained that he called the meeting in preparation for the presentation of the final non-paper to the President of the Council on Friday 27 April.

The Facilitator presented a new concept paper at the beginning of the session and asked members of the Working Group for comments, observations and ideas. The vast majority of delegations felt that the previous concept paper was a more acceptable basis for consensus. All delegations stated that they could not give anything more than preliminary comments due to the short notice. There was no time to coordinate with their regional groups and respective capitals. Therefore, no States had changed their positions from the previous meeting.

Members of the Working Group felt that the concept paper was confusing and inconsistent. The Facilitator stated that he had produced this document rather quickly, and acknowledged that there were drafting errors as well.

Problematic areas in the new document

Pre-screening process: The concept paper contained a new provision on the pre-screening process. It stated that although the screening committee would prepare a list of all candidates who had met the eligibility criteria, States could bypass the screening committee and ‘present their candidates directly to the Council.’

Furthermore, candidates who did not pass the screening procedures but ‘enjoy demonstrable support at the national level and from the respective regional group’ can also still be submitted as candidates for election.. Cuba, China, Pakistan and others stated that if this was the case, that there might as well be no pre-screening at all. The USA referred to this as a ‘fatal inconsistency’, and that the Facilitator either include a mandatory pre-screening process or none at all. Argentina, Germany, Switzerland, the United Kingdom and others also objected to allowing States bypass the pre-screening.

Size: The Facilitator had proposed a range for the expert advice system of 13-21 experts. Many delegations did not understand why he continued to change the number.¹ He explained that he was offering a range that all delegations could accept as a basis for negotiation. However, this failed to accommodate delegations that had not accepted his previous figures of 15 and 17.

Mandate: The mandate of the expert advisory mechanism had read ‘Promotion and protection of human rights in all spheres including economic, social and cultural rights’. Delegations were perplexed as to why the Facilitator decided to single out economic, social and cultural rights. South Africa commented that mentioning this set of rights is very dangerous, as it makes them seem like a ‘distant cousin’ of other rights. The delegations of South Africa, Switzerland, USA, Argentina, India and others recommended that the text read ‘promotion and protection of all human rights’ to ensure universality.

Flexibility of the body: The Facilitator did not include a provision that would allow experts to meet with the Council individually and in teams upon the completion of a study.² The Facilitator stated that this proposal was not practical and that there cannot be consensus on this issue.

Conclusion

The Facilitator finished the session by stating that he will submit this document to the President of the Council and include the amendments that were not ‘controversial’. Many delegations requested that he bracket the text over issues where there is no consensus. The Facilitator reiterated that he preferred to produce a compromise text, and stated that on 27 April 2007 he will state: ‘While delegations did not agree to this document, they do not oppose that it is presented to the Chairman for future consideration.’

¹ On 19 April, he had suggested 15 members; on 12 April, he suggested 17; at the previous session (15-19 February 2007) he presented a range of 10-16 experts.

² This was a hybrid proposal by India and supported by the EU.

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