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HUMAN RIGHTS COUNCIL WORKING GROUP ON REVIEW OF MECHANISMS AND MANDATES DISCUSSIONS ON THE EXPERT BODY, 2ND SESSION, 8-16 FEBRUARY 2007.

Background.....	1
Facilitator's non-paper	2
Overview	3
Preliminary positions	3
General debate: Composition.....	5
Number of experts	6
Scope / Mandate	7
Frequency of meetings	8
Working Groups.....	9
Conclusion and next steps	10

Background

General Assembly *Resolution 60/251*, which created the Human Rights Council (the Council), provided that the Council should ‘maintain a system of ... expert advice’, as provided by the former Sub-Commission on the promotion and protection of Human Rights.¹ The use of the term ‘system of expert advice’ and the absence of any reference to the continuation of the former Sub-Commission meant that the Council is not required, under the terms of the resolution, to retain the Sub-Commission and can set up a new system of expert advice.

At its first session the Human Rights Council (the Council) adopted *Decision 2006/104*, established an inter-sessional open-ended Working Group to “formulate concrete recommendations on the issue of reviewing and, where necessary, improving and rationalizing all mandates, mechanisms, functions and responsibilities in order to maintain a system of special procedures, expert advice and a complaint procedure”.

¹ To view the full-text of the resolution see the website of the OHCHR at <http://www.ohchr.org/english/bodies/hrcouncil/>.

The Working Group on the review of mandates and mechanisms held their previous meeting from 13 to 24 November 2006.² Ambassador Mousa Burayzat, the Permanent Representative of Jordan, was appointed Facilitator. During the November meeting of the working group the Facilitator presented a draft non-paper in the form of a multiple-choice questionnaire. These included the main options open to states in the review of an expert advice system.

Following the completion of the session, the Facilitator agreed to prepare a working paper to be presented at the third session of the Human Rights Council; eliminating options that had received no support and regrouping the remaining options under four categories: consensus, emerging convergences, bridgeable divergences and new ideas.

The report that the Facilitator presented at the Council was created visible tensions. Despite the fact that several delegations could support most of what was contained in the document,³ many delegations disagreed with the preliminary conclusions of the Facilitator.⁴ Some of the main areas where delegations felt that consensus had not been reached, despite the Facilitator's paper claiming that they had, were the name of the entity, the question of appointment, and the formation of working groups under the expert body. This led to a renewal of the debate on expert advice, rather than agreement on the progress of the Working Group.

Facilitator's non-paper

The Facilitator presented a non-paper⁵ to the Working Group prior to the start of the second session. This was meant to be a follow-up to his last draft non-paper submitted during their November meeting and the working paper presented at the Council on 7 December 2006. The non-paper was a significant departure from his previous non-papers, and from the more traditional format adopted by the other working groups. Mr. Burayzat explained that the paper attempted to synthesize the views expressed by states at the last meeting of the Working Group. He suggested that the paper be viewed as a 'concept paper'. The paper more closely resembled a text rather than containing sub-headings with different options for each issue of concern, or under the headings of elements of convergence and divergence, as some of the non-papers circulated by the Facilitator's of other working groups have been presented. Mr. Burayzat was of the view that the paper offered a chance to move past State positions, and into the phase of negotiating on a compromise text.

As to the substance of the non-paper, it 'decides to establish a Human Rights Expert Advisory Body of 10 to 16 experts.' The paper suggests a two-step process of selection for these experts. This would involve a nomination stage involving all stakeholders, in conjunction with a pre-screening exercise by States, the President of the Council, regional coordinators and the OHCHR. The second stage involves the election of experts by the Council for three-year terms, which would be renewable only once. The paper suggests that the function of the body be on thematic issues, as well as issues relating to the structure of human rights mechanisms. Further, it provides that the body meets for "no more than 2 weeks" every year. Lastly, the paper recommends that the experts work individually as well as collectively, suggesting they may create working groups to discuss certain issues. This final element presented considerable divergences of opinion within the Working Group.

² For a detailed review of the working group view the International Service for Human Rights (ISHR) summary which is available on the ISHR website at <http://www.ishr.ch/hrm/council/WGrevmand/reports.htm>.

³ Brazil, Mexico, Algeria, Malaysia felt that the report was at the very least, useful.

⁴ Finland on behalf of the EU, the United Kingdom, Norway, Switzerland, and the United States of America,

⁵ The full-text of the non-paper is available at the OHCHR extranet, which can be accessed at www.ohchr.org/english/bodies/hrcouncil/form.htm (fill out the form on the page to receive the user name and password).

Several states felt that the Facilitator's approach was not helpful in advancing the discussion. The non-paper received significant criticism as to its form, as well as its scope in accommodating the opinions of all states. Algeria, on behalf of the Africa Group, echoed the sentiments of many states⁶ in calling for a more structured non-paper that addressed each issue under sub-headings denoting points of convergence and divergence. Germany, on behalf of the EU, expressed their concern that the Facilitator was shutting down debate on certain issues, including the fundamental divergence on the question of an *ad hoc* versus a standing body.

Overview

The Working Group on expert advice met from 8 to 16 February 2007. In his opening remarks to the Working Group, the Facilitator spoke of the need for states to allow compromise and negotiation in the process of finalizing arrangements. He also indicated that agreement on this issue would not be achieved in a vacuum, but would form part of a whole package of suggestions for all mechanisms being reviewed as part of General Assembly *Resolution 60/251*.

Throughout much of the discussion on 8 February, the UK and Switzerland suggested that the Working Group discuss the form rather than the function of the body. The Facilitator felt that the discussion had moved beyond this point, and preferred that delegations work off his 'concept paper' as a basis for consensus. Many delegations were not comfortable with this, as there were several key outstanding issues that still needed to be discussed in depth. Pakistan, on behalf of the Organisation of the Islamic Conference (OIC), stated that they could not work from the concept paper as they were still in the discussion phase and not ready to enter into negotiation.

What was unique was that the concept paper was not able to accommodate the views of the majority of the states. While Cuba stated that the Facilitator's proposed compromise strayed too far from the structure and working methods of the former Sub-Commission,⁷ Germany (on behalf of the EU) felt that the proposal would need to go further. Switzerland was concerned that the concept paper only gives the Working Group one option, and left the EU's proposal 'by the wayside'.

After the first three meeting sessions, the Facilitator thought that it might be helpful to have an informal consultation with the regional coordinators and other members of the Working Group in order to discuss issues further. Upon re-convening, many delegations who were not invited to the consultation felt that the discussion had moved on while certain members met behind closed doors. Iran felt that this had marginalized the debate.⁸ Bangladesh stated that they would have liked to get a briefing from the Facilitator on what was discussed, and put forward a proposal to adjourn the debate on the grounds that it was not optimistic a consensus could be reached at this time. Despite this motion receiving support from only two delegations,⁹ it illustrated how unwilling some were to go along with the Facilitator's working methods.

Preliminary positions

The entire debate on the system of expert advice has been polarized from the outset by two opposing views: whether the future system of expert advice such be *ad hoc* (the EU) by way of a 'roster' of experts, or whether it should be a regular standing body (the African Group and others). These positions then affect the relevancy

⁶ These sentiments were echoed by Cuba

⁷ Pakistan, Algeria (on behalf of the African Group), Argentina.

⁸ Cuba and Bangladesh also stated that delegations should not be referring to meetings where everyone did not participate.

⁹ Iran, Cuba.

of proceeding discussions. For instance, discussions around when and how often the ‘expert body’ might meet were not relevant to those who favoured an *ad hoc* body. The two core models are presented below.

The roster model

Germany (on behalf of the EU) and the UK were the main proponents of a roster model, although others also expressed support.¹⁰ However, the Facilitator did not include this in his concept paper.

The proposal allows for candidates to be nominated by various entities, including States, the High Commissioner, national institutions and NGOs. However, the EU claimed that the OHCHR would be best suited for objectively pre-screening possible candidates, and that the appointment of candidates would be the responsibility of the High Commissioner. It was outlined that it would be the responsibility of the Office of the High Commissioner for Human Rights (OHCHR) to maintain the pool of ‘independent, highly qualified and specialized experts.’

The proposal also stated that special attention could be given to geographical representation and gender balance. This proposal made no mention of elections, or terms of membership, because of the *ad hoc* nature of the roster model.

The roster of experts would be an instrument to support the work of the Council in a flexible and responsive manner. In this system, experts would be appointed on a case-by-case basis, to study an issue at the request of the Council. Since experts would only be able to conduct studies at the request of the Council, they would no longer be able to initiate and conduct their own studies.

The EU stated that they had not heard how a standing body would be more advantageous than a roster model. This led to a lengthy, cross-cutting intervention by the Egyptian Ambassador, who argued that there were significant flaws in the roster model.¹¹

Standing, elected body

A standing body would refer to an expert advisory mechanism that would have a formal structure with a designated meeting time. Algeria (on behalf of the African Group), Pakistan (on behalf of the OIC) and others supported an Expert Advisory Body that would comprise of up to 26 experts, whose candidacies would be submitted by States and would then be elected by members of the Council.

The Expert Advisory Body would serve as a ‘think tank’ to the Council. It would provide for equitable geographic representation, while paying attention to the diversity of legal systems, cultures and civilizations.

There remained a division within this group as to whether the standing body should have the capacity to undertake its own studies.¹² The African Group’s proposal outlined that the Expert Advisory Body would be restricted to thematic issues. The proposal explicitly stated that issues relating to the ‘structure, functioning, and coherence’ of human rights mechanisms and country-specific issues would remain outside the scope and mandate of the Expert Advisory Body.

India’s ‘hybrid’ proposal

On the last day of discussions India presented a proposal that seemed to provide a solid basis for further discussions. According to the Indian model, there would be a two-step selection process if necessary, along the lines of what was proposed by the Facilitator. The Council would elect a ‘standing pool of experts’ of 10-

¹⁰ USA, Austria, Switzerland

¹¹ The points raised are detailed here under the appropriate headings.

¹² Russia, China, Argentina.

16 members. The Council would have flexibility in appointing experts individually, in groups, or collectively for specific studies. However, India felt that this group would need an annual two-week meeting in order for the experts to be able to exchange experiences and interact with NGOs. The idea that a focal session was useful to NGOs was highlighted on the final day by Minority Rights International, who also pointed to the ability of NGOs to contribute to UN human rights work through the former Sub Commission, regardless of whether they had ECOSOC accreditation status.

Germany seemed willing to discuss this concept further as a basis for compromise.

General debate: Composition

The Facilitator had previously provided four elements that related to the general composition of the expert advice mechanism. These were the term of membership; candidacy of experts, selection/selection and eligibility of experts; and geographic representation.

The one element of consensus that originated from the first session of the Working Group was that the terms of membership should be limited to three-years, renewable only once, in contrast to the previous practice of unlimited terms in the Sub Commission.¹³ No delegations spoke out in opposition of having terms limited to this length at the present session. There was also an emerging consensus on the eligibility of experts, as most delegations agreed that they should be independent and highly qualified.

Some delegations were strongly opposed to having anyone other than states put forward candidates for the expert body.¹⁴ Cuba stated that by having States put forward candidates, their work would be easier for the Council to accept. Furthermore, they added that having nominations put forward by the OHCHR and various stakeholders would make the Expert Advisory Body too close to being special rapporteurs.

Algeria (on behalf of the African Group) felt that it was necessary that all candidates should be put forward by states in order to ensure transparency. Pakistan (on behalf of the OIC) supported the African Group's proposal. Like Algeria, they felt that the two-step selection process needed clarity. The Pakistani delegation felt that the nomination of candidates should be the exclusive responsibility of states, and did not support the involvement of various stakeholders.

On the other hand, Canada felt that it would be better for candidates to be put forward by a stakeholders committee made up of the High Commissioner for Human Rights, the President of the Human Rights Council, treaty bodies and NGOs. In Canada's view, this would help to ensure the independence of experts, and it did not see a role for states in this process.¹⁵ Russia stated that it had doubts about the role of the OHCHR, and did not agree with the prescreening process. Germany (on behalf of the EU) supported the OHCHR's ability to put forward experts, but also felt that States should be able to nominate candidates as well.¹⁶ While India stated that they were open to nomination by a stakeholders committee, they felt that it would be difficult to implement.

In terms of how the experts would be chosen, the two main options were either that members of the Council would elect them, or that either the High Commissioner of Human Rights or the President of the Council would select them. This debate flowed directly from the debate about the candidacy of experts. Members of the Working Group who supported that experts be solely nominated by states were in favour of the election of

¹³ Algeria (on behalf of the African Group), Pakistan (on behalf of the OIC), Malaysia, USA, Mexico, Canada.

¹⁴ Pakistan, Russia, Algeria Cuba, China, Iran, Tunisia.

¹⁵ Also supported by Finland.

¹⁶ USA, Brazil, Norway, Switzerland, New Zealand, Malaysia, Columbia, Mexico were in favour of nomination by stakeholders.

experts by the Council.¹⁷ Canada maintained the view that in order to ensure the independence of experts the President of the Council should appoint the experts,¹⁸ in consultation with the Bureau.

Those who were in favour of the roster model preferred that the experts should be appointed either by the President or by the OHCHR. Brazil supported the two-step selection process proposed by the Facilitator's 'concept paper', allowing for candidates to be pre-screened, but then for the Council to make a final decision by election.¹⁹

With regards to representation, the Facilitator's non-paper outlined that the composition of the advisory body 'should reflect the principle of equitable geographic representation in identical proportion observed in the composition of the HRC.²⁰ Furthermore, it is desirable that major legal and civilizational traditions as well as gender balance be observed in the nomination of candidates.' Although some delegations supported this, the United States felt that the only criteria should be equal geographic representation, explaining that it will guarantee equal cultural representation as well.

The question of general composition of the future expert body provided the backdrop to the detailed critique of the roster model, and consequent support of a standing body, by the Egyptian delegate. This was premised on the opinion that a future expert advisory system based on a roster would no longer have a collegial nature, which Egypt and others felt was one of the main strengths of the former Sub-Commission. He pointed to the fact that even when a report was prepared individually, the Sub-Commission would not make any recommendations until they had been refined by the entire body. He argued that an *ad hoc* body would lead to a narrower perspective, if studies would be tasked to individuals. This would mean the system as a whole would lose its ability to maintain not only geographic representation, but also lose out on different legal and cultural insights. [again, not an election issue, but an individual/collective issue and a standing body issue]

Egypt was also concerned about how the roster of experts would be maintained, and by whom. Establishing a roster of experts might be an enormous undertaking, and the Egyptian Ambassador pointed out that his mission, and capital, would not have the time to study the qualifications of everyone on the roster. The stressed that in the absence of electing a standing body, oversight was impossible. This may also undermine the principle of transparency.

Germany responded by stating that Egypt's concerns highlighted the misconceptions regarding the roster system. With regards to collegiality, Germany was of the view that if the Council requested a study on a specific human rights issue, it would be much more efficient to appoint an individual who is an expert, in that particular field, rather than having to refer the study to the entire group.²¹ Also, a group of experts, and not just individuals, could be appointed to conduct a study, thus providing for cultural and legal perspectives if appropriate, and providing a sense of collegiality.

Number of experts

The general debate carried on from that of the previous session of the Working Group, in that States' positions remained relatively fixed on those presented before. The Facilitator proposed in his concept paper a compromise figure of 10 – 16 experts. This was unacceptable to one faction, which sought to maintain the Sub Commission's figure of 26 members. The other faction, which sought a reduction in size, generally

¹⁷ Algeria on behalf of the African Group, China, Cuba, Iran, Pakistan on behalf of the OIC, Russia, Tunisia.

¹⁸ Supported by Finland, USA.

¹⁹ Mexico, Columbia, Malaysia also were in favour of this.

²⁰ HRC refers to the Human Rights Council.

²¹ Supported by United Kingdom, United States of America, Switzerland.

favoured a figure closer to 10, or in some cases even less. In the case of the EU proposal, the issue of a fixed number was redundant.

Algeria (on behalf of the African Group) was clear in its support of maintaining the current size on the basis that it worked well in the old Sub Commission and thus did not require adjustment. Pakistan informed delegates that the OIC had a preference for the existing number of 26 experts, and felt that a lesser number might cause problems.²² Cuba felt that the expert body should have no less than 23 members, or half of the number of Council members.

On the other hand, Japan stated that since the number of members in the Council have been reduced, it would only be logical to reduce the number of members in the Expert Body. They felt that 10-16 members was reasonable in this context. The USA offered to be flexible on the issue of a standing body, and said that they could support a small standing body of no more than ten experts²³, on account of the unreasonable cost accrued by a larger body, which the USA accredited as traditionally having been more than four times that of the former Commission on Human Rights.

Canada pointed out that if a roster model were adopted a limit on the number of experts would not have to be set. The Egyptian Ambassador argued that this might not be cost effective, because over time the number of studies will grow, which would mean that there would be more meetings, reports and experts. This would mean that experts would be coming to Geneva throughout the year. The German delegation stated that any study would have to be directed at the request of the Council. Therefore, the Council would be able to ensure that the number of experts as well as the number of studies would remain manageable.

Scope / Mandate

Opening the discussion on the scope and mandate, the Facilitator indicated that the expert advisory system might have a specific function, but suggested that other functions not be excluded. He explained that the goal was to achieve predictability without tying up the hands of the new mechanism. Responding to Germany, the Facilitator explained that this was the reason for the inclusion of the word “mainly” in the second paragraph of his non-paper, which would prevent the exclusion of other possible functions. Argentina was in favour of a more specific mandate for the expert advisory mechanism but asked for clarification on who would come up with it. Cuba added its voice by stating that the scope and mandate should not be too “specific” and called on the Facilitator to simplify references to the scope and mandate of the mechanism.

The key issue was to what degree the expert advisory body would be granted autonomy. While the former Sub-Commission had the ability to initiate and carry out its own studies, the vast majority of delegations opposed giving the new expert advice mechanism the same freedom. Australia questioned the reference to “autonomy” of the advisory mechanism in the concept paper, as there would be no use for autonomy if it only works on requests from the Council. The Australian delegation was of the view that the mechanism should not be given an unhealthy degree of autonomy. In this regard, India stated that it would prefer only a restrictive mention of scope, and leave the actual choice of topics to the Council as the “parent” body.

Argentina did feel that the experts should be able to propose themes or topics to the Council. China was of the view that the Council will need the expert advice mechanism to serve as a sort of visionary body, and it would thus be important for it to have some ability to initiate its own studies. On the last day of discussion, Germany (on behalf of the EU) offered some flexibility on this, stating that the expert advice mechanism could propose topics for studies, but that they would have to be approved by the Council before they are carried out.

²² Bangladesh, Egypt, China, Iran, Tunisia, Morocco, Cuba, and Columbia, all advocated for 20 or more members.

²³ An expert body within the parameters set out in the facilitator’s non-paper (10-16) was also supported by Mexico, Brazil, Japan, Canada, India.

The Russian Federation and Norway both expressed their approval of the Facilitator's mention of flexibility for the mechanism, with the understanding that it would remain subordinate to the Council. Norway added that the problem with the Sub-Commission was that it did not require the Council's approval to take initiatives. Mexico and New Zealand agreed that the advisory mechanism should be flexible regarding its working methods, but specified that it should not be independent in relation to financial matters.

Most delegations also maintained the position advocated at the first session of the Working Group that the work of the expert advisory mechanism would remain thematic.²⁴ Some delegations specifically pointed out that it should not deal with country situations.²⁵ China stated that country issues were already dealt with in other human rights bodies and that the advisory mechanism should focus on research and studies instead of heading towards a path of confrontation. Bangladesh pointed to the UPR as a body that would adequately deal with country specific issues. Germany, on the other hand, was of the view that it was not necessary to limit the expert mechanism to thematic issues at this stage. Since all of the studies undertaken by the expert mechanism will have to be mandated by the Council, this could be decided at a later time.

Regarding rules of procedure, Pakistan (on behalf of the OIC) stated that the mechanism should follow the same rules as the Council. The Russian Federation also supported this position. Given that India proposed a 'standing pools of experts', which would consequently function in a different manner to the Council, it stated that the future body should have its own rules of procedure.

Several delegations were opposed to the expert advisory mechanism providing recommendations on the structure and function of other human rights mechanisms of the UN system, stating that this was the prerogative of the Council.²⁶ Switzerland disagreed with this position, stating that it should be able to address questions of structure, functioning, coordination, and coherence of other human rights mechanisms, but explained that this should only be at the request of the Council. Switzerland also proposed that the expert advisory mechanism deal with "protection", as opposed to simply "promotion" of human rights. Guatemala, Mexico, and the UK supported this on the grounds that the expert body should be able to identify protection gaps. Egypt, Tunisia, and Indonesia took the opposing view that protection was the prerogative of the Council. However, Egypt did concede that it would perhaps be better to limit the text to "its mandate should be well defined" and remove the more restrictive first part of the text, which reads: "the scope of its work is mainly the promotion of human rights". Denmark also preferred a more limited mention, proposing to limit the description of the function to "to provide expert advice".

Regarding the adoption of best practice by the system of expert advice, Switzerland reminded the Working Group that the Sub-Commission did not always adopt best practices and that it was perhaps optimistic to assume the future system of expert advice would do so. The Russian Federation and China stated that they did not see the use of this reference to "best practice" and suggested deleting the reference altogether.

Frequency of meetings

Several delegations supported the Facilitator's proposal to have a meeting of the expert advisory mechanism for two weeks per year.²⁷ Australia agreed, but made it clear that this was dependent on the form the advisory mechanism would take, re-emphasising its preference for a non-standing body that would not have to deal with yearly meeting times. Germany (on behalf of the EU) restated the EU's preference for a non-standing

²⁴ Pakistan (on behalf of the OIC), Switzerland, India, Russian Federation, China, Mexico, Tunisia.

²⁵ The Russian Federation, Cuba, Denmark, China, Bangladesh.

²⁶ Pakistan, Indonesia.

²⁷ Japan, Pakistan (on behalf of the OIC), Indonesia, India, Tunisia, Azerbaijan.

body, and reiterated Australia's comments that that such rigid meeting times would not be an issue with a non-standing body, which might have a longer meeting period, but with less experts. Having said that, Germany stated that two weeks would be an absolute maximum amount of time. The UK specified that the length of meetings should be related to the function of the mechanism, and that since the function was not yet clear, it could not yet comment on meeting times. Hungary added its voice in support of a non-standing body, and hence flexible meeting times.

India was of the view that a two-week group meeting period would be preferable for their proposed system of an elected 'pool of experts' in order to address tasks given to them by the Council, exchange experience, and interact with NGOs. However, members of the expert advisory mechanism would be able to report to the Council directly, without having to wait for other experts to approve the study. Cuba felt that a two-week working period would be insufficient, and that the minimum three-week meeting period of the Sub-Commission should be maintained.²⁸

There was a lot of confusion regarding the Facilitator's proposal to allow the advisory mechanism to ask the Council for extra time on 'an urgent and exceptional basis'. Japan found this confusing and asked for the reference to be eliminated from the concept paper. Iran felt that the issue of urgent and exceptional circumstances should be decided in relation to the Working Group's decision on the scope of the mechanism.

Working Groups

Japan supported the idea that experts can communicate and consult each other, but stated that the creation of working groups should only be upon approval by the Council. Several other delegations supported this position.²⁹

Regarding the coordination of work between members of the advisory mechanism, China stated that it wished for reports to be signed as coming from the mechanism as a whole, and not only from the individual experts that worked on the paper.

Switzerland felt very strongly about the maintenance of the Sub-Commission's working groups on indigenous peoples and minorities.³⁰ Switzerland explained that such working groups allowed for a unique dialogue, once a year, where NGOs, UN agencies, and States could meet to discuss issues of concern. Switzerland expressed that this was very close to the heart of the Swiss people. Finland reiterated this view, stating that the existing working groups were an excellent opportunity for broad and active NGO participation and that it would like to see them remain. Mexico added its voice of support for those working groups, stating that they were provided very constructive forums for debate. Minority Rights Group International added that the Working Group on minorities gave a forum to NGOs regardless of their ECOSOC accreditation status. Furthermore, it provided space for dialogue between minorities and their governments. The representative stated that it was essential for minorities to have such a forum at the UN, and pointed out that the Working Group on Minorities has made an important contribution to UN human rights work.

In conclusion, a representative of the Secretariat took the floor to explain the current structure of working groups of the Sub-Commission. He stated that, in addition to the three mentioned by Switzerland, there was also the Social Forum. These working groups meet in and outside of the Sub-Commission's regular session. In addition, he asked the Council whether it would consider extending the time limit beyond which the working groups could meet as the one year time limit expires in June 2007, but there are no conference services available before August 2007. This would be an extension to Human Rights Council *Decision 2/102*,

²⁸ Azerbaijan stated that they could support a three-week meeting period.

²⁹ Australia, India, Tunisia, the United Kingdom.

³⁰ Also supported by Algeria (on behalf of the African Group).

which decided to extend all mandates by one year, pending the reform of the Council and its relevant human rights bodies.

Conclusion and next steps

The Facilitator concluded by stating that the Working Group has had fruitful discussions, and that progress has been made. Despite difficulties expressed surrounding the form of the ‘concept paper’, there was a sense at the very least that the very polarized views of the competing delegations could be bridged through emerging proposals. Primarily, India’s proposal helped to break the deadlock, by led to statements at the conclusion by the EU that it merited further consideration as a middle ground.

A working paper will be presented before the fourth session of the Council at its fourth session in March 2007 summarising the progress of the Working Group. The next and final session of the Working Group will take place between 16-27 April.

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