

EDITORIAL

The year was dominated by the establishment of the Human Rights Council (the Council) in March 2006 and the transition process from the former Commission on Human Rights to the new body. This edition of the *Human Rights Monitor*, unsurprisingly, focuses mainly on the Council, the progress it has made both in carrying out its substantive work and in the transition process.

We have dedicated three pieces to the new Council: the first piece is a commentary on the Human Rights Council's achievements and shortcomings during its first six months of existence. The second piece gives an update on the institution-building processes in which the Council is engaged. The current Working Groups are discussing respectively the new UPR mechanism, the review of mechanisms and mandates, which includes reviewing the current system of expert advice (the Sub-Commission on the Promotion and Protection of Human Rights), the system of special procedures, and the former Commission's complaint procedure (the 1503 procedure), and the agenda, annual programme of work, methods of work, and rules of procedure. These Working Groups are the main forum for Council members to discuss, evaluate, and sometimes resist change. These processes will determine what kind of shape the Council will take, how it will function, and how effective it will be in monitoring, protecting, and promoting human rights in countries. The last piece on the Council gives an analytical overview of the main themes, issues, and outcomes of the Council's three plenary sessions, its four special sessions, and the setting up of the institution-building Working Groups.

Directly connected to the debates within the Council is the debate within the Sub-Commission on the Promotion and Protection of Human Rights (the Sub-Commission) on its own future, if any, and what kind of a system of expert advice the Council should create. As the 2006 session of the Sub-Commission may be its last, there were serious concerns and questions about the future of its pending work. The section on the Sub-Com-

mission examines these questions and gives an overview of the body's work in August 2006.

The other highlight of 2006 was the proposal put forward by the High Commissioner for Human Rights to establish a single, unified, standing treaty body to replace the existing seven treaty monitoring bodies. This proposal was put forward without consultation with the treaty bodies themselves and came as a shock to many stakeholders. It ignited a debate on the system as it stands and on the advantages and feasibility of the proposed new body. The proposal has so far met with very little support from States, members of the treaty bodies, and NGOs. The section on the treaty bodies describes the High Commissioner's proposal and also provides a comment on the process. It includes a snapshot of the work of the treaty bodies in 2006, describing the countries that were examined by each treaty body and decisions that were adopted by the seven treaty bodies. For reasons of space, the section is quite short this year but will be expanded in our next edition.

Taking a look at what happened in New York last year, one of the most important developments in terms of human rights is the endorsement by the Security Council of the 'responsibility to protect', a new international norm which affirms the primary responsibility of States to protect their citizens. The adoption of the resolution can be seen as a key moment for victims of large-scale human rights violations, but the potential downside of this breakthrough may turn out to be the lack of specific obligations and guidelines to implement the responsibility to protect. This question and other thematic and country issues are examined in the section on the Security Council.

A new light has also been shed, through the creation of the Human Rights Council and its establishment as a subsidiary body of the General Assembly, on the Third Committee, a committee of the General Assembly that also deals with human rights issues. Concerns about duplication of work between the two bodies and a potential rivalry are being expressed and creating a cer-

tain degree of confusion among States and other stakeholders. The question of the relevance of the Third Committee, especially in the long-term, has surfaced, and we have looked into it as well as other country and thematic matters in the section on the General Assembly

On a more uplifting note regarding the General Assembly, two international human rights standards were adopted by the body in 2006: the *Convention on the Rights of Persons with Disabilities* and the *International Convention for the Protection of All Persons from Enforced Disappearance*. These two conventions have not yet entered into force but they represent a massive achievement for civil society actors who have lobbied and fought for a better recognition of their or their families' rights for decades. Our section on successful and failed attempts to create human rights standards describes these new standards to help organisations use them in their work. The section also comments on the delay of the adoption of the *Declaration on the Rights of Indigenous Peoples* by the General Assembly.

You may notice that the content of some of the sections outlined above are more descriptive than others; some are more opinionated, some more neutral. We have been either inspired or disillusioned by what the various human rights bodies within the UN system have achieved - or not - in 2006, and this is evident in the writing and the tone of the different chapters. As an NGO supporting NGOs and human rights defenders we hope above all that the *Human Rights Monitor* will allow you to follow, consider, and act on the proceedings of the UN's main human rights bodies.

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