

Lawyers' Rights Watch Canada

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Report on LRWC attendance at the Third session of the Human Rights Council Advisory Committee, 3-7 August 2009

Report prepared for LRWC by Lois Leslie.

The United Nations Human Rights Council Advisory Committee

The Human Rights Council Advisory Committee ("the Advisory Committee") was established to function as a think-tank for the Human Rights Council (the "Council") and work at its direction. Composed of 18 experts, the Advisory Committee replaced the former Sub-Commission on the Promotion and Protection of Human Rights.

The function of the Advisory Committee, as set out in Council Resolution 5/1, is to provide expertise in the manner and form requested by the Council, focusing mainly on studies and research-based advice. Such expertise shall be rendered only upon the latter's request, in compliance with its resolutions and under its guidance.

Third session of the Human Rights Council Advisory Committee, 3-7 August 2009

The 3rd session was attended by all members of the Committee. Although States, NHRIs and NGOs were invited to participate in the meeting, representation from these bodies was limited. During the meeting, the Chairperson encouraged observers from Governments and other stakeholders to take advantage of the opportunity to participate in meetings of the Advisory Committee.

Five recommendations to the Council were adopted at this meeting: on draft principles and guidelines in the formulation and implementation of policies and measures for persons affected by leprosy and their family members; on human rights education and training; on discrimination in the context of the right to food; on missing persons; and on the right of peoples to peace.

All documents relating to the 3rd session will be available on the HRC website:

<http://www2.ohchr.org/english/bodies/hrcouncil/advisorycommittee/session3/index.htm>

The following is a summary of the highlights of the meeting.

1. Opening of the session and election of officers

Introductory statements were given by Bacre Waly Ndiaye, Director of the Human Rights Council and Treaties Division, Office of the High Commissioner for Human Rights, and Alex Van Meeuwen, President of the Human Rights Council. The Advisory Committee elected, by acclamation, Halima Embarek Warzazi as Chairperson; José Antonio Bengoa Cabello as Vice-Chairperson; Purificacion V. Quisumbing as Vice-Chairperson; Jean Ziegler as Vice-Chairperson; and Latif Hüseyinov as Rapporteur.

2. Adoption of the agenda and organization of work

The Advisory Committee concluded its consideration of the draft agenda and annual programme of work, including new priorities.

3. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions.

(a) Human rights education and training

The Council, in resolution 6/10, September 28, 2007, requested the Advisory Committee to prepare a draft declaration on human rights education and training. A drafting group established by the Advisory Council to work on the draft declaration has held several meetings, including an exchange of views with various stakeholders, disseminated a questionnaire (responses to the questionnaire, included submissions made by LRWC and the Canadian Human Rights Commission are available on the HRC extranet: <http://portal.ohchr.org/portal/page/portal/AdvisoryCommittee>) and has prepared a conceptual framework for further work and consultations. An expert seminar on human rights education and training was held in Marrakech, July 16-17, 2009, organised by the Platform for Human Rights Education and Training in the Human Rights Council. The seminar was intended to gather possible elements for the draft declaration in order to assist the work of the Advisory Committee.

At this session, the Advisory Committee held a discussion on the draft declaration on human rights education and training. Member, Mr. Decaux, made a presentation (A/HRC/AC/3/CRP.4). During the ensuing discussion, statements were made by members of the Advisory Committee and by observers for Governments (Algeria, Nigeria, Pakistan, Philippines (also on behalf of Costa Rica, Italy, Morocco, Slovenia and Switzerland), Russian Federation, United States of America), national human rights institutions (International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights) and NGOs (Amnesty International, Association mondiale pour l'école instrument de paix, Indian Council of South America, Indian Movement Tupaj Amaru, Soka Gakkai International (also on behalf of Human Rights Education Associates). Many of the observers urged the Advisory Committee to ensure sufficient time and an open process to allow full participation by stakeholders, to target those who have been excluded and to consider the recommendations coming out of the Marrakech seminar.

The Advisory Committee adopted a recommendation that the Council request the Drafting Group on human rights education and training to continue its consultations with all stakeholders regarding the preliminary text with a view to submitting a draft version of the declaration on human rights education and training to the Advisory Committee at its fourth session.

(b) Right to food

The Council, in resolution 7/14, March 27, 2008, requested, inter alia, that the Advisory Committee consider potential recommendations for approval by the Council on possible further measures to enhance the realization of the right to food, bearing in mind the priority importance of promoting the implementation of existing standards. In Resolution

10/12, the Council requested the Advisory Committee to undertake a study on discrimination in the context of the right to food, including the identification of good practices of anti-discrimination policies and strategies, and to report on it to the Council at its thirteenth session. The Advisory Committee established a drafting group at its first session.

At this session, the Advisory Committee held a discussion on the right to food. Mr. Jean Ziegler presented two background papers, “The tragedy of Noma” (A/HRC/AC/3/CRP.3) and “Peasant Farmers and the Right to Food: a History of Discrimination and Exploitation” (A/HRC/AC/3/CRP.5). During the discussions on this item, statements were made by members of the Advisory Committee, observers for Governments (Brazil and Argentina) and NGOs (Centre Europe-Tiers Monde (also on behalf of International Federation of Rural Adult Catholic Movements) and Indian Movement Tupaj Amaru). Centre Europe-Tiers Monde urged the Advisory Committee to adopt the Declaration on Rights of Farmers adopted by Via Campesina, submitting that it is possible to have legal ways of supporting farmers and agriculture, without having to support them with illegal agricultural subsidies. Brazil called for fair trade and the end of illegal subsidies and suggested that this should be reflected by the Committee in its work. The Indian Movement Tupaj Amaru stated that the Advisory Committee should focus on the right to food in the context of the current financial crisis and food crisis that are striking harshly and violently at those living in conditions of vulnerability in a way that violated human dignity.

The Advisory Committee assigned the task of the preparation of the study on “Discrimination in the context of the Right to Food” to the Drafting Group and requested the Drafting Group to report on its programme of work, conceptual framework of the proposed study and its time plan promptly, and to present a preliminary report to the Advisory Committee at its fourth session.

(c) Missing persons

In its resolution 7/28 on missing persons, the Council decided to hold a panel discussion on the question of missing person at its ninth session. Subsequently, the Council adopted resolution 9/101 (September 24, 2008), in which it requested the Advisory Committee to prepare a study on the best practices in the matter of missing persons and to submit it to the Council at its twelfth session. A drafting group was established.

At this session, the Advisory Group held a discussion on missing persons, with presentations by Mr. Heinz and Mr. Hüseyinov. The drafting group advised that it had not been able to produce a draft paper for this session, due to considerable difficulties in finding the necessary information and research resources and the complexity of the issue. Mr. Hüseyinov advised that there is a lack of comprehensive information on best practices and that a questionnaire should be distributed to States. During the discussion, statements were made by observers for Governments (Argentina and Azerbaijan).

The Advisory Committee requested the drafting group to continue its work on a study on best practices in the matter of missing persons in situations of armed conflict and to

submit the results of the work on the study to the Advisory Committee at its fourth session, with a view to submitting them to the Council at its fourteenth session.

(d) Elimination of discrimination against persons affected by leprosy and their family members

In its Resolution 8/13, June 18, 2008, entitled “Elimination of discrimination against persons affected by leprosy and their family members”, the Council requested that the Office of the United Nations High Commissioner for Human Rights collect information on the measures that Governments have taken to eliminate discrimination against persons affected by leprosy and their family members, and, if extra-budgetary funding is available, to hold a meeting to exchange views among relevant actors, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, non-governmental organizations, scientists, medical experts as well as representatives of persons affected by leprosy and their family members, and to transmit a report to the Council and the Human Rights Council Advisory Committee. The Council also requested that the Advisory Committee examine the report referred to above, and formulate a draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members, and to submit it to the Council for its consideration by September 2009. At its first and second sessions, the Advisory Committee held a discussion on the elimination of discrimination against persons affected by leprosy and their families.

At this session, the Advisory Committee reviewed a study submitted by member, Shigeki Sakamoto, (AHRC/AC/3/CRP.2), which contains a set of principles and guidelines on the elimination of discrimination against persons affected by leprosy and their family members. During the ensuing discussion, statements were made by members of the Advisory Committee and the observer for the Government of Japan.

Mr. Sakamoto later made a presentation on the revised principles and guidelines, which were endorsed by the Advisory Committee, following statements by members of the Advisory Committee. The Advisory Committee submits the draft principles and guidelines to the Council for its consideration, recommending that the Council request all relevant UN bodies, special agencies and programmes, as well as Member States, to give due consideration to the principles and guidelines in the formulation and implementation of their policies and measures for persons affected by leprosy and their family members. The Advisory Council also recommends that the Council request all actors in society to give due consideration, in the course of their activities, to the principles and guidelines for the realization of all human rights and freedoms of persons affected by leprosy and their family members.

4. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007 entitled “Human Rights Council Advisory Committee”

(a) Rules of procedures and methods of work

The Advisory Committee discussed its rules of procedure and methods of work. Mr. Hüseyinov made presentations (A/HRC/AC/3/CRP.1). During the discussion, statements

were made by members of the Advisory Committee. The rules of procedure were revised and adopted by the Advisory Committee, with two members expressing different opinions on the follow-up to be given to the text adopted.

(b) Agenda and annual programme of work, including new priorities

The Advisory Committee discussed its agenda and annual programme of work, including new priorities for its next session. Ms. Chung made a presentation on the rights of elderly people and Mr. Martinez made a presentation on the right of peoples to peace. During the discussion on these two proposals, statements were made by members of the Advisory Committee, observers for Governments (Slovenia) and NGOs (Indian Council of South America , Indian Movement Tupaj Amaru). Ms. Sharon Venne, on behalf of the Indian Council of South America, made a separate statement, asking the Advisory Committee to consider taking up unfinished work that previous bodies of the human rights system had begun in relation to the rights of indigenous peoples, which has yet to find a home within the new structure.

5. Adoption of the report of the Advisory Committee

The Advisory Committee reviewed and adopted the Report on its third session, including recommendations to the Council. Statements were made by members of the Advisory Committee and by observers for Governments (Pakistan, Morocco and Philippines). The observer for Pakistan urged the Advisory Committee to stick within its mandate and not to take on matters for which it has not received a mandate from the Council, i.e. rights of elderly persons, right of peoples to peace, and reminded the Advisory Committee of paragraphs 75 and 77 of HRC Resolution 5/1. The observer for Morocco expressed support for the two new proposals of the Advisory Committee. The observer for the Philippines supported the statements made by the observer for Pakistan, noting that all items need to go to the Council for their review and comment.

The third session was adjourned. The next session of the Advisory Committee is scheduled for January 25-29, 2010.

Report prepared for LRWC by Lois Leslie on August 11, 2009.