

Report from the Seminar:

The new Human Rights Council- challenges and questions at issue

In June 2006 the first session of the new Human Rights Council that replaced the former Human Rights Commission was held. As stated in the resolution that established the Council, its working procedures shall be decided upon within a year from its establishment. On February 1, 2007, the Swedish Church, the Swedish UN Association, Save the Children Sweden and the Swedish NGO Foundation for Human Rights, held a seminar to follow up the developments of the new Human Rights Council. Participated did Elinor Hammarskjöld, Assistant Undersecretary at the Foreign Ministry, Salpy E Weiderud, Senior Adviser to Church of Sweden, Norwegian Church Aid and Dan Church Aid on Security, Development and Justice and Aleksander Gabelic, Chairman of the Swedish UN Association. Moderating the meeting was Sia Spiliopoulou Åkermark, Senior Lecturer in International Law and Director of the Åland Islands Peace Institute.

As regards to the process of establishing new procedures, Elinor Hammarskjöld underlined the challenge to think creatively and new and at the same time not throw the baby out with the bath water. She encouraged any input that the NGOs present at the meeting could give, and reminded the participants not to lose the visionary thinking when discussing the details. According to Hammarskjöld, the transparency of the Council is an important challenge and highly prioritized by the Swedish Government. Although no decisions regarding the procedures have been taken during last year, she saw an improvement, partly in terms of the dialogue with the special rapporteurs in September, as well as in the negotiations of the procedures. Hammarskjöld pointed out the importance of building on these precedents.

Salpy Weiderud expressed disappointment regarding the block-voting that still exists in the Council. This kind of regional decision making was made obvious when the Middle East was discussed and resulted in that no resolution could be decided upon. Here, she got support from Sia Spiliopoulou Åkermark who stated that when the Swedish Government exclaims to work "within the EU" or "together with the Nordic Countries" the north-south conflict is cemented. To this Hammarskjöld answered by giving examples of cooperation over the regions and emphasized that the EU does not keep the door closed for other states to join their initiatives.

As regards to the participation of NGOs in the new Council, Aleksander Gabelic would like to see more solidarity and cooperation between established NGOs in order to get a resolution regulating the relationship between the UN and NGOs. Both Hammarskjöld and Weiderud however, meant that this is not a strategic way forward since NGOs' access to the Council has worked so far and since starting negotiations on it would bring the existing relationship to a too big risk. Both Hammarskjöld and Weiderud also agreed that there is a need for NGOs to bring in creative ideas as regards to the working procedures of the Council. The present NGOs were reminded of February 28th as the deadline for NGOs to present any input before the Council's next session.

Another important issue that was brought up concerned how it is possible to combine flexibility and predictability of the Council. Hammarskjöld suggested some kind of working programme with the possibility for flexibility instead of the far too extensive agenda that was common during the era of the Human Rights Commission. She also brought up the issue of what we want to be the result of the Council's work and suggested that other kinds of decisions, like chairman conclusions, could replace resolutions where consensus is trying to be gained.

Finally, some important issues that remain to be discussed concerns the universal review; How can the Council make use of the other reviews that are carried out within the UN system without risking the situation of a "Smörgåsbord" where the Council freely can choose which recommendations to put forward? Who should contribute with data for the reviews, NGOs, the High Commissioner for Human Rights or the States themselves?

How should states that have not ratified several of the Conventions be reviewed when, according to the Council resolution, the observance of their commitments, shall be reviewed? And finally, what kind of support can be given to the states that need support in order to be able to implement their commitments to human rights?

The meeting was concluded with a hope that at a forthcoming seminar we will be able to discuss thematic priorities of the Human Rights Council instead of its procedures.

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