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HUMAN RIGHTS COUNCIL  
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### REPORT TO THE GENERAL ASSEMBLY ON THE SECOND SESSION OF THE HUMAN RIGHTS COUNCIL\*

**Vice-President and Rapporteur: Mr. Musa Burayzat (Jordan)**

#### **Draft report of the Council\*\***

*[Note: The present addendum to the draft report only reflects the proceedings of the Council after it resumed its second session from 27 to 29 November 2006.]*

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\* The format of the present report is based on the agenda and “draft framework for a programme of work” for the second session as adopted by the Council in its decision 1/105 of 30 June 2006. It should therefore not serve as a precedent for future sessions of the Council.

\*\* Document A/HRC/2/L.10 and addenda contain the chapters of the report relating to the organization of the session and the items on the agenda. Resolutions and decisions adopted by the Council will be contained in document A/HRC/2/L.11 and addenda.

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### **III. ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK**

#### **D. Organization of work**

1. At its 35th meeting, on 29 November 2006, the President proposed a draft decision, in which the Council decided, without a vote, to take note of the deferral of the draft proposals listed therein, to its third and fourth sessions, as decided by their main sponsors. For the text as adopted, see chapter II, decision 2/116.

### **IV. IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

#### **J. Consideration and action on draft proposals**

##### **Intergovernmental Working Group on the Review of Mandates**

2. At the 31st meeting, on 27 November 2006, the representative of Algeria introduced draft resolution A/HRC/2/L.2/Rev.1, sponsored by Algeria (on behalf of the African Group). Colombia and Indonesia subsequently joined the sponsors.

3. A statement in connection with the draft resolution was made by the representative of Pakistan.

4. Statements in explanation of vote before the vote were made by the representatives of Argentina, Canada, China, Cuba, Finland (on behalf of States members of the European Union that are members of the Council and the acceding country, Romania), Mexico, Peru and Uruguay.

5. At the request of the representative of Finland (on behalf of States members of the European Union that are members of the Council and the acceding country, Romania), a recorded vote was taken on the draft resolution, which was adopted by 30 votes to 15, with 2 abstentions. The voting was as follows:

*In favour:* Algeria, Azerbaijan, Bahrain, Bangladesh, Brazil, Cameroon, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, India, Indonesia, Japan, Jordan, Malaysia, Mali, Mauritius, Morocco, Nigeria, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Zambia.

*Against:* Canada, Czech Republic, Finland, France, Germany, Guatemala, Mexico, Netherlands, Peru, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Argentina, Uruguay.

6. Statements in explanation of vote after the vote were made by the representatives of Brazil, Ecuador and Guatemala.

7. For the text of the resolution as adopted, see chapter II, resolution 2/1.

### **Human rights and access to water**

8. At the 31st meeting, on 27 November 2006, the representatives of Germany and Spain introduced draft decision A/HRC/2/L.3/Rev.3, sponsored by Algeria, Belgium, Bolivia, Burkina Faso, Cameroon, Chile, Costa Rica, Cuba, Cyprus, Ecuador, Estonia, France, Germany, Greece, Guatemala, Ireland, Italy, Luxembourg, Mali, Malta, Morocco, the Netherlands, Nicaragua, Nigeria, Panama, Peru, Portugal, Romania, Slovenia, Spain, Switzerland, Timor-Leste and Uruguay. Armenia, Azerbaijan, Bulgaria, Chad, Croatia, Denmark, Kazakhstan, Liechtenstein, Norway, Tunisia and Zambia subsequently joined the sponsors.

9. Statements in connection with the draft decision were made by the representatives of Algeria, Bangladesh, Brazil, India, Nigeria, Pakistan and Zambia.

10. Statements in explanation of vote after the vote were made by the representatives of Argentina and Indonesia.

11. The draft decision was adopted without a vote. For the text as adopted, see chapter II, decision 2/104.

### **Human rights and extreme poverty**

12. At the 31st meeting, on 27 November 2006, the representative of France introduced draft resolution A/HRC/2/L.4/Rev.2, sponsored by Albania, Belgium, Chile, France, Indonesia, Morocco, Peru, the Philippines, Romania and Senegal. Algeria, Andorra, Argentina, Armenia, Australia, Austria, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chad, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Djibouti, Ecuador, Estonia, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, India, Ireland, Italy, Kazakhstan, Kenya, Liechtenstein, Luxembourg, Madagascar, Mali, Malta, Monaco, Nepal, Nicaragua, Nigeria, Norway, Panama, Portugal, Republic of Korea, Romania, Serbia, Slovenia, Spain, Sri Lanka, Switzerland, Thailand, Timor-Leste, Tunisia, Ukraine, Uruguay, Zambia and Zimbabwe subsequently joined the sponsors.

13. Statements in connection with the draft resolution were made by the representatives of Algeria, Bangladesh and the Philippines.

14. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, resolution 2/2.

### **Human rights in the occupied Syrian Golan**

15. At the 31st meeting, on 27 November 2006, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced draft resolution A/HRC/2/L.5/Rev.1, sponsored by Algeria, Bahrain, Cuba, the Democratic People's Republic of Korea, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Nigeria, Pakistan, Palestine, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen. Algeria, Bangladesh, Malaysia, Venezuela and Zimbabwe subsequently joined the sponsors.

16. The representative of Pakistan orally revised the draft resolution, in its operative paragraph 7, by replacing "next session and at the following sessions" by "fourth session".

17. Statements in connection with the draft resolution were made by the representatives of Algeria and Bahrain (on behalf of the Group of Arab States), as well as the observers for Israel and the Syrian Arab Republic.

18. Statements in explanation of vote before the vote were made by the representatives of Canada and Finland (on behalf of States members of the European Union that are members of the Council and the acceding country, Romania).

19. At the request of the representative of Canada, a recorded vote was taken on the draft resolution, which was adopted, as orally revised, by 32 votes to 1, with 14 abstentions. The voting was as follows:

*In favour:* Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

*Against:* Canada.

*Abstaining:* Cameroon, Czech Republic, Finland, France, Germany, Guatemala, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

20. For the text of the resolution as adopted, see chapter II, resolution 2/3.

### **Right to the truth**

21. At the 31st meeting, on 27 November 2006, the representative of Argentina introduced draft decision A/HRC/2/L.6/Rev.1, sponsored by Argentina, Belgium, Brazil, Chile, Costa Rica, Cuba, Cyprus, Ecuador, Egypt, France, Guatemala, Nicaragua, Peru, Spain and Uruguay. Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Canada, Colombia, Croatia, Denmark, Germany, Italy, Morocco, Nepal, Panama, Portugal, Republic of Korea, Romania, Slovenia, Switzerland, Thailand and Uruguay subsequently joined the sponsors.

22. The draft decision was adopted without a vote. For the text as adopted, see chapter II, decision 2/105.

### **Incompatibility between democracy and racism**

23. At the 31st meeting, on 27 November 2006, the representative of Brazil introduced draft decision A/HRC/2/L.7/Rev.2, sponsored by Brazil. Andorra, Angola, Argentina, Armenia, Azerbaijan, Bosnia and Herzegovina, Chile, Colombia, Croatia, Germany, Guatemala, Kazakhstan, Nicaragua, Panama, Peru, Republic of Korea, Romania, Serbia, Thailand, Turkey and Uruguay subsequently joined the sponsors.

24. The representative of Algeria proposed an oral amendment to the draft decision. He proposed to replace the third operative paragraph by the following text:

“Invites the Office of the United Nations High Commissioner for Human Rights, in collaboration with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to continue to analyse further the issue of incitement and promotion of racism, racial discrimination, xenophobia and related religious and other forms of intolerance, as well as incitement to violence, in the political debate.”

25. The representative of Brazil made a statement in connection with the proposed oral amendment.

26. Subsequently, the oral amendment submitted by Algeria was withdrawn.

27. The representative of Pakistan made a statement in connection with the draft decision.

28. The draft decision was adopted without a vote. For the text as adopted, see chapter II, decision 2/106.

### **Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria**

29. At the 31st meeting, on 27 November 2006, the representative of Brazil introduced draft decision A/HRC/2/L.8/Rev.2, sponsored by Brazil. Andorra, Armenia, Belgium, Bosnia and Herzegovina, Colombia, Costa Rica, Guatemala, Italy, Kazakhstan, Kenya, Nicaragua, Norway, Panama, Peru, Romania, Serbia, Thailand, Timor-Leste, Turkey, United Republic of Tanzania, Uruguay and Zambia subsequently joined the sponsors.

30. The draft decision was adopted without a vote. For the text as adopted, see chapter II, decision 2/107.

**The right of everyone to the realization of the highest attainable standard of physical and mental health**

31. At the 31st meeting, on 27 November 2006, the representative of Brazil introduced draft resolution A/HRC/2/L.9/Rev.2, sponsored by Brazil. Armenia, Belgium, Guatemala, Indonesia, Kazakhstan, Nicaragua, Norway, Panama, Peru, Romania, Sri Lanka, Thailand, Timor-Leste, Tunisia, Turkey, Uruguay and Zambia subsequently joined the sponsors.

32. Statements in connection with the draft decision were made by the representatives of Brazil and Mexico.

33. The draft decision was adopted without a vote. For the text as adopted, see chapter II, decision 2/108.

**Effects of economic reform policies and foreign debt on the full enjoyment of all human rights**

34. At the 31st meeting, on 27 November 2006, the representative of Cuba introduced draft decision A/HRC/2/L.17, sponsored by Cuba. Ecuador, the Islamic Republic of Iran, Kenya, Nicaragua and Venezuela subsequently joined the sponsors.

35. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications<sup>1</sup> of the draft decision.

36. Statements in explanation of vote before the vote were made by the representatives of Finland (on behalf of States members of the European Union that are members of the Council and the acceding country, Romania) and Japan.

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<sup>1</sup> See annex II.



37. At the request of the representative of Japan, a recorded vote was taken on the draft decision, which was adopted by 33 votes to 13, with 1 abstention. The voting was as follows:

*In favour:* Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, Cameroon, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Nigeria, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

*Against:* Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Peru.

38. For the text of the draft decision as adopted, see chapter II, decision 2/109.

#### **Integrity of the judicial system**

39. At the 31st meeting, on 27 November 2006, the representative of the Russian Federation introduced draft decision A/HRC/2/L.20, sponsored by the Russian Federation. Belarus and Nicaragua subsequently joined the sponsors.

40. The draft decision was adopted without a vote. For the text as adopted, see chapter II, decision 2/110.

#### **Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

41. At the 31st meeting, on 27 November 2006, the representative of the Russian Federation introduced draft decision A/HRC/2/L.21, sponsored by the Russian Federation. Azerbaijan and Nicaragua subsequently joined the sponsors.

42. At the same meeting, the representative of the Russian Federation withdrew draft decision A/HRC/2/L.21.

**Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan**

43. At the 32nd meeting, on 27 November 2006, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced draft resolution A/HRC/2/L.12, sponsored by Algeria, Bahrain, Bangladesh, Cuba, the Democratic People's Republic of Korea, Djibouti, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Pakistan, Palestine, Qatar, Saudi Arabia, Sudan, the Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen. Azerbaijan, Belarus, Mauritania and Venezuela subsequently joined the sponsors.

44. The representative of Pakistan orally revised the draft resolution as follows:

(a) He added, in preambular paragraph 8, after the words "Recalling further", the following words: "its attachment to the implementation by both parties of their obligations under the";

(b) He deleted, in preambular paragraph 9, the word "preventing" and replaced it with the word "threatening";

(c) He added, after preambular paragraph 10, a new preambular paragraph, which reads as follows: "Noting the dismantlement of settlements in the Gaza strip and parts of northern West Bank";

(d) He added, in operative paragraph 1, after the words "E/CN.4/2006/29", the following words "and A/HRC/2/5";

(e) He amended operative paragraph 2 (e) to read as follows: "The expansion of Israeli settlements and the construction of new ones on the Occupied Palestinian Territory rendered inaccessible behind the Wall, which create a fait accompli on the ground that could well be permanent, in which case, it would be tantamount to de facto annexation<sup>2</sup>";

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<sup>2</sup> See International Court of Justice, Advisory Opinion in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, para. 121.

(f) He deleted, in operative paragraph 5 (f), the following words “and calls upon Member States, in respect for their obligations under international humanitarian law, to refrain from rendering any form of support to the above Israeli project”;

(g) He added, after operative paragraph 3, a new operative paragraph to read as follows: “Urges the full implementation of the Access and Movement Agreement of 15 November 2005, particularly the urgent reopening of Rafah and Karni crossings, which is crucial to ensuring the passage of foodstuffs and essential supplies, as well as the access of the United Nations agencies to and within the Occupied Palestinian Territory”; and

(h) He added, after operative paragraph 6, a new operative paragraph to read as follows: “Welcomes the Palestinian truce initiative and its acceptance by the Israeli side that came into effect on 26 November 2006 and urges all parties to maintain this truce, which could pave the way for genuine negotiations towards a just resolution to the conflict”.

45. Statements in connection with the draft resolution were made by the observers for Israel and the Syrian Arab Republic, and Palestine.

46. A statement in explanation of vote before the vote was made by the representative of Canada.

47. At the request of the representative of Canada, a recorded vote was taken on the draft resolution which was adopted, as orally revised, by 45 votes to 1, with 1 abstention. The voting was as follows:

*In favour:* Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Czech Republic, Djibouti, Ecuador, Finland, France, Gabon, Germany, Ghana, Guatemala, India, Indonesia, Japan, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Netherlands, Nigeria, Pakistan, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Switzerland, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

*Against:* Canada.

*Abstaining:* Cameroon.

48. Statements in explanation of vote after the vote were made by the representatives of Argentina, Ecuador, Finland (on behalf of States members of the European Union that are members of the Council and the acceding country, Romania), Nigeria and Peru.

49. For the text of the draft resolution as adopted, see chapter II, resolution 2/4.

### **Human rights and arbitrary deprivation of nationality**

50. At the 32nd meeting, on 27 November 2006, the representative of the Russian Federation introduced draft decision A/HRC/2/L.22, sponsored by the Russian Federation. Belarus and Kazakhstan subsequently joined the sponsors.

51. The draft decision was adopted without a vote. For the text as adopted, see chapter II, decision 2/111.

### **Globalization and its impact on the full enjoyment of all human rights**

52. At the 32nd meeting, on 27 November 2006, the representative of China introduced draft resolution A/HRC/2/L.23, sponsored by China. Brazil, Colombia, Indonesia, the Islamic Republic of Iran, Nicaragua and Thailand subsequently joined the sponsors.

53. The representative of China stated that his delegation had decided to defer consideration of draft resolution A/HRC/2/L.23 to the fourth session of the Council.

### **Strengthening of the Office of the United Nations High Commissioner for Human Rights**

54. At the 32nd meeting, on 27 November 2006, the representative of China introduced draft resolution A/HRC/2/L.24, sponsored by China. Belarus, the Islamic Republic of Iran, Nicaragua and Timor-Leste subsequently joined the sponsors.

55. The representative of China stated that his delegation had decided to defer consideration of the draft resolution A/HRC/2/L.24 to the fourth session of the Council.

### **Persons deprived of liberty in the context of counter-terrorism measures**

56. At the 32nd meeting, on 27 November 2006, the representative of Switzerland introduced draft decision A/HRC/2/L.34/Rev.1, sponsored by Switzerland. Chile and Guatemala subsequently joined the sponsors.

57. The representatives of Algeria and the Russian Federation made statements in connection with the draft decision.

58. The representatives of Cuba and Indonesia made statements in explanation of vote after the vote.

59. The draft decision was adopted without a vote. For the text as adopted, see chapter II, decision 2/112.

### **Impunity**

60. At the 32nd meeting, on 27 November 2006, the representative of Canada introduced draft resolution A/HRC/2/L.38/Rev.1, sponsored by Argentina, Canada, Denmark, Ghana, the Netherlands, Nicaragua and Romania. Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Chile, Croatia, Denmark, Ecuador, Germany, Ghana, Ireland, Latvia, Peru, Poland, Serbia, Slovakia, Slovenia, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Uruguay subsequently joined the sponsors.

61. The representatives of Algeria, Canada and Pakistan (on behalf of the Organization of the Islamic Conference) made statements in connection with the draft resolution.

62. Under rule 116 of the rules of procedure of the General Assembly, the representative of Bahrain (on behalf of the Group of Arab States) formally moved to adjourn the consideration of draft resolution A/HRC/2/L.38/Rev.1, as well as that of draft resolution A/HRC/2/L.40/Rev.1 and draft decision A/HRC/2/L.42/Rev.1, to the following day, and requested a vote on the motion.

63. Under the same rule, the Council heard two statements in favour of the motion by the representatives of Algeria and Cuba, and two statements against the motion by the representatives of Canada and Finland (on behalf of the European Union).

64. A recorded vote was taken on the motion, which was adopted by 25 votes to 20, with 2 abstentions. The voting was as follows:

*In favour:* Algeria, Azerbaijan, Bahrain, Bangladesh, Cameroon, China, Cuba, Djibouti, Ecuador, Gabon, India, Indonesia, Jordan, Malaysia, Mali, Morocco, Nigeria, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia.

*Against:* Argentina, Brazil, Canada, Czech Republic, Finland, France, Germany, Ghana, Guatemala, Japan, Netherlands, Peru, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

*Abstaining:* Mauritius, Mexico.

65. At the 33rd meeting, on 28 November 2006, the representative of Canada stated that his delegation decided to defer consideration of draft resolution A/HRC/2/L.38/Rev.1 to a future session of the Council. At the 35th meeting, on 29 November 2006, he stated that his delegation decided to defer consideration of the aforementioned draft resolution to the fourth session of the Council.

#### **Cooperation with the Office of the High Commissioner for Human Rights: Afghanistan**

66. At the 32nd meeting, on 27 November 2006, the representative of Finland introduced draft decision A/HRC/2/L.46, sponsored by Finland (on behalf of the European Union) and Afghanistan. Australia, Bosnia and Herzegovina, Bulgaria, Croatia, Liechtenstein, Norway, Romania, Serbia and The former Yugoslav Republic of Macedonia subsequently joined the sponsors.

67. The observer for Afghanistan made a statement in connection with the draft decision.

68. The draft decision was adopted without a vote. For the text as adopted, see chapter II, decision 2/113.

### **Cooperation with the Office of the High Commissioner for Human Rights: Nepal**

69. At the 32nd meeting, on 27 November 2006, the representative of Switzerland introduced draft decision A/HRC/2/L.47, sponsored by Finland (on behalf of the European Union) and Switzerland. Australia, Bosnia and Herzegovina, Bulgaria, Croatia, Liechtenstein, Nicaragua, Norway, Romania, Serbia and The former Yugoslav Republic of Macedonia subsequently joined the sponsors.

70. The representative of Nepal made a statement in connection with the draft decision.

71. The representative of Zambia made a statement in explanation of vote before the vote.

72. The draft decision was adopted without a vote. For the text as adopted, see chapter II, decision 2/114.

### **Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action**

73. At the 33rd meeting, on 28 November 2006, the representative of Algeria introduced draft decision A/HRC/2/L.27/Rev.2, sponsored by Algeria (on behalf of the African Group).

74. At the same meeting, the representative of Algeria (on behalf of the African Group) stated that his delegation decided to defer consideration of draft decision A/HRC/2/L.27/Rev.2 to the third session of the Council.

### **Effective implementation of international instruments on human rights**

75. At the 33rd meeting, on 28 November 2006, the representative of Canada introduced draft resolution A/HRC/2/L.40/Rev.1, sponsored by Argentina, Canada, Denmark, Ghana, the Netherlands, Nicaragua and Romania. Argentina, Australia, Austria, Croatia, the Czech Republic, Denmark, Ecuador, Germany, Ghana, Iceland, Ireland, Latvia, Peru, Poland, Turkey, Serbia, Sweden and Switzerland.

76. The representative of Canada orally revised the draft resolution as follows:

(a) He added, in operative paragraph 1, after the words “Takes note with appreciation of the continuing efforts of”, the following words: “the Member States of the United Nations”; and

(b) He replaced operative paragraph 2 with the following text:

“Encourages the High Commissioner to undertake a study on various options, for reforming the treaty body system, and to seek the views of States and other stakeholders in this regard and to report thereon to the Human Rights Council.”

77. The representatives of Algeria (on behalf of the African Group), Bahrain (on behalf of the Arab Group) and Pakistan (on behalf of the Organization of the Islamic Conference) made statements in connection with the draft resolution.

78. The representative of Indonesia made a statement in explanation of vote after the vote.

79. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, resolution 2/5.

### **Freedom of opinion and expression**

80. At the 33rd meeting, on 28 November 2006, the representative of Canada introduced draft decision A/HRC/2/L.42/Rev.1, sponsored by Argentina, Canada, Denmark, Ghana, the Netherlands, Nicaragua, Romania and the United States of America. Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Chile, France, Germany, Guatemala, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Peru, Poland, Republic of Korea, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Turkey, Ukraine and Uruguay subsequently joined the sponsors.

81. At the same meeting, the representative of Canada stated that his delegation decided to defer consideration of draft resolution A/HRC/2/L.42/Rev.1 to a future session of the Council. At the 35th meeting, on 29 November 2006, he stated that his delegation decided to defer consideration of the aforementioned draft resolution to the fourth session of the Council.



## **Darfur**

82. At the 34th meeting, on 28 November 2006, the representative of Algeria introduced draft decision A/HRC/2/L.44, sponsored by Algeria (on behalf of the African Group).

83. At the same meeting, the representative of Finland (on behalf of the European Union) proposed oral amendments to draft decision A/HRC/2/L.44, as contained in document A/HRC/2/L.48, as follows:

(a) To replace operative paragraph 2 with the following:

“The Council notes with deep concern the seriousness of the human rights and humanitarian situation in Darfur and calls for an immediate end to the ongoing violations of human rights and international humanitarian law. It emphasizes the primary obligation of the Government of the Sudan to protect all individuals against violations, including sexual and other forms of gender-based violence and the use of child soldiers. It calls on all parties to put an effective end to all acts of violence against civilians, with a special focus on vulnerable groups, including women and children, while permitting the return of all internally displaced persons to their homes”;

(b) To replace the second sentence in operative paragraph 3 with the following sentence:

“It calls on all parties to put an end to impunity and to cooperate fully in the implementation of the Agreement and relevant United Nations resolutions in this regard, inter alia by assisting in bringing to justice those responsible for grave crimes under international law”;

(c) To replace, in operative paragraph 4, the words “places where they have duties to discharge” with the words “places of detention”;

(d) To add, in operative paragraph 5, after the word “mechanisms”, the words “by implementing the various recommendations. It requests the High Commissioner for Human Rights to report to the Council at its fourth session on progress in this regard”; and

(e) To delete, in operative paragraph 6, the words “to the Government of the Sudan”.

84. At the same meeting, statements in connection with the proposed oral amendments to draft decision A/HRC/2/L.44, as contained in document A/HRC/2/L.48, were made by the representatives of Algeria (on behalf of the African Group), Canada, Jordan and Switzerland and the observer for the Sudan.

85. At the same meeting, a recorded vote was taken on the proposed oral amendments, which were rejected by 22 votes to 20, with 4 abstentions. The voting was as follows:

*In favour:* Argentina, Canada, Czech Republic, Ecuador, Finland, France, Germany, Ghana, Guatemala, Japan, Mexico, Netherlands, Peru, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

*Against:* Algeria, Azerbaijan, Bahrain, Bangladesh, China, Cuba, Djibouti, Gabon, India, Indonesia, Jordan, Malaysia, Mali, Morocco, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia.

*Abstaining:* Brazil, Mauritius, Philippines, Zambia.

86. At the same meeting, statements in explanation of vote before the vote on draft decision A/HRC/2/L.44 were made by the representatives of Finland (on behalf of States members of the European Union that are members of the Council and the acceding country, Romania), France and the United Kingdom of Great Britain and Northern Ireland.

87. At the same meeting, a recorded vote was taken on draft decision A/HRC/2/L.44, which was adopted by 25 votes to 11, with 10 abstentions. The voting was as follows:

*In favour:* Algeria, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Djibouti, Gabon, India, Indonesia, Jordan, Malaysia, Mali, Mexico, Morocco, Nigeria, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia.

*Against:* Canada, Czech Republic, Finland, France, Germany, Netherlands, Poland, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Argentina, Ecuador, Ghana, Guatemala, Japan, Mauritius, Peru, Republic of Korea, Uruguay, Zambia.

88. At the same meeting, the representatives of Ecuador, Indonesia and the Republic of Korea made statements in explanation of vote after the vote.

89. Further to the adoption of the decision, the Council, pursuant to rule 131 of the rules of procedure of the General Assembly, took no action on the draft proposal contained in document A/HRC/2/L.45, relating to the same question.

90. For the text of the draft decision as adopted, see chapter II, decision 2/115.

## **V. REPORT TO THE GENERAL ASSEMBLY ON THE SECOND SESSION OF THE COUNCIL**

91. At the 35th meeting, on 29 November 2006, the Rapporteur and Vice-President, Mr. Musa Burayzat (Jordan), introduced the draft report of the second session of the Council (A/HRC/2/L.10 and A/HRC/2/L.11) containing, respectively, the proceedings and the texts of the proposals acted upon as at the conclusion of its 30th meeting, on 6 October 2006.

92. The draft report was adopted *ad referendum*.

93. The Council decided to entrust the Rapporteur with the finalization of the report.

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