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**REPORT TO THE GENERAL ASSEMBLY ON THE FIFTH SESSION
OF THE HUMAN RIGHTS COUNCIL***

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

Draft report of the Council**

* The format of the present report is based on the agenda and the programme of work for the fifth session of the Council, as adopted at the 1st meeting, on 11 June 2007. It should therefore not serve as a precedent for future sessions of the Council.

** Document A/HRC/5/L.10 contains 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 are contained in document A/HRC/5/L.11.

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I. RESOLUTIONS AND DECISIONS ADOPTED BY THE COUNCIL AT ITS FIFTH SESSION

[To be included in the final report]

II. ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

A. Opening and duration of the session

1. The Human Rights Council held its fifth session at the United Nations Office at Geneva from 11 to 18 June 2007 (see also paragraph 8 below). It held nine meetings (see A/HRC/5/SR.1-9)* during the session.
2. The session was opened by Mr. Luis Alfonso de Alba, President of the Human Rights Council.
3. At the 1st meeting, on 11 June 2007, the United Nations High Commissioner for Human Rights, Ms. Louise Arbour, addressed the Council.

B. Attendance

4. The session was attended by representatives of States members of the Council, observers for non-member States of the Council, observers for non-member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies, and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations. An attendance list is given in annex III to the present report.

C. Adoption of the agenda

5. At the same meeting, the Council considered the provisional agenda (A/HRC/5/1) as proposed by the President. The agenda was adopted without a vote. For the text as adopted, see annex I to the report.

* Summary records of each of the meetings are subject to correction. They are considered final with the issuance of a consolidated corrigendum (A/HRC/5/SR.1-9/Corrigendum).

D. Organization of work

6. At its 1st meeting, on 11 June 2007, the Council considered the organization of its work, including the speaking-time limits, which would be as follows: five minutes for statements by States members of the Council and concerned countries, and three minutes for statements by observers for non-member States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations. The list of speakers would be drawn up in chronological order of registration and the order of speakers would be as follows: concerned countries, if any, followed by States members of the Council, observers for non-member States of the Council, and other observers. Statements in exercise of the right of reply would be limited to two statements per delegation, three minutes for the first statement and two minutes for the second, exercised at the end of the meeting, at the end of the day or at the end of the discussion of the issue.

7. At the 9th meeting, on 18 June 2007, due to the lack of time, the Council decided, without a vote, to defer action on all outstanding matters to its organizational meeting, scheduled to take place on 19 June. For the text of the decision as adopted, see chapter I, section B, decision 5/102.

E. Meetings and documentation

8. As indicated in paragraph 1 above, the Council held nine fully serviced meetings.

9. The 4th meeting, on 12 June 2007, and the 7th meeting, on 13 June, were additional meetings without additional financial implications.

10. The texts of the resolutions and decisions adopted by the Council are contained in chapter I of the present report.

11. Annex I contains the agenda of the fifth session of the Council as adopted.

12. Annex II contains the estimated administrative and programme budget implications of Council resolutions and decisions.

13. Annex III contains the list of attendance.
14. Annex IV contains the list of documents issued for the fifth session of the Council.

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

A. Reports of the special procedures

1. Thematic reports

Independence of judges and lawyers/Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

15. At the 1st meeting, on 11 June 2007, Mr. Leandro Despouy, Special Rapporteur on the independence of judges and lawyers, presented his report (A/HRC/4/25 and Add.1-3). At the same meeting, Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, presented his reports (A/HRC/4/19/Add.1 and 3 and A/HRC/5/10).
16. At the same meeting, the observers for the Democratic Republic of the Congo and the Maldives made statements, as concerned countries, on the relevant mission reports presented by Mr. Despouy, and the representative of the Russian Federation made a statement, as a concerned country, on the report presented by Mr. Diène.
17. During the ensuing interactive dialogue, at the same meeting, and at the 2nd meeting, on 11 June 2007, the following delegations made statements and put questions to Mr. Despouy and Mr. Diène:
 - (a) Representatives of States members of the Council: Algeria, Argentina, Bangladesh, Brazil, Canada, China, Djibouti, Germany (on behalf of the European Union), India, Indonesia, Japan, Mexico, Morocco, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Peru, Philippines, Republic of Korea, Russian Federation, Tunisia and Uruguay;
 - (b) Observers for the following States: Australia, Belgium, Cambodia, Chile, Democratic People's Republic of Korea, Georgia, Iraq, New Zealand, United States of America, Uzbekistan and Venezuela (Bolivarian Republic of);

(c) Observers for the following non-governmental organizations: Amnesty International, Asian Legal Resource Centre, General Arab Women Federation, Indian Council of South America, International Commission of Jurists (also on behalf of the Colombian Commission of Jurists), International Federation of Human Rights Leagues, North South XXI, United Nations Watch, Union of Arab Jurists and World Peace Council;

(d) Observer for the following intergovernmental organization: African Union;

(e) Observer for the following national human rights institution: National Human Rights Commission of India.

18. Also at the 2nd meeting, Mr. Despouy and Mr. Diène responded to questions and made their concluding remarks.

19. Also at the same meeting, statements in exercise of the right of reply were made by the representatives of Japan, the Russian Federation and Sri Lanka, and the observers for the Democratic People's Republic of Korea, Iraq, the Sudan and Zimbabwe. At the 3rd meeting, on 12 June 2007, a statement in exercise of the right of reply was made by the observer for Australia. At the same meeting, statements in exercise of the right of reply for a second time were made by the representative of Japan and the observers for the Democratic People's Republic of Korea and Zimbabwe.

Right to food/Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights/Adequate housing as a component of the right to an adequate standard of living/Question of human rights and extreme poverty

20. At the 2nd meeting, on 11 June 2007, Mr. Jean Ziegler, Special Rapporteur on the right to food, presented his report (A/HRC/4/30 and Add.1 and 2); Mr. Okechukwu Ibeanu, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, presented his report (A/HRC/5/5 and Add.1); Mr. Miloon Kothari, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living presented his report (A/HRC/4/18 and Add.1-3); and, Mr. Arjun Sengupta, independent expert on the question of human rights and extreme poverty, presented his report (A/HRC/5/3).

21. At the same meeting, the representative of Ukraine and the observers for Australia and Spain made statements, as concerned countries, on the relevant mission reports. At the 3rd meeting, on 12 June 2007, the observer for Bolivia made a statement, as a concerned country, on the relevant mission report.

22. During the ensuing interactive dialogue, at the same meeting, and at the 3rd meeting, on 12 June 2007, the following delegations made statements and put questions to Mr. Ziegler, Mr. Ibeanu, Mr. Kothari and Mr. Sengupta:

(a) Representatives of States members of the Council: Algeria, Argentina, Bangladesh, Brazil, Canada, China, Cuba, Ecuador, Finland, Germany (on behalf of the European Union), India, Indonesia, Mexico, Morocco, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Russian Federation, Senegal, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, and Uruguay;

(b) Observers for the following States: Cambodia, Chile, Luxembourg, Nicaragua, Norway, Sudan, Thailand and Venezuela (Bolivarian Republic of);

(c) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, Centre on Housing Rights and Evictions, Colombian Commission of Jurists, Commission to Study the Organization of Peace, European Union of Public Relations, FoodFirst Information and Action Network, Human Rights Watch, International Educational Development, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Movement ATD Fourth World, Movement Against Racism and for Friendship Among Peoples (also on behalf of Europe-Third World Centre, France Libertés-Fondation Danielle Mitterrand, International League for the Rights and Liberation of Peoples, Women's International League for Peace and Freedom), National Association of Community Legal Centres, United Nations Watch, and Women's International League for Peace and Freedom;

(d) Observer for the following intergovernmental organization: African Union (on behalf of the President of the Commission of the African Union);

(e) Observer for the following national human rights institution: National Human Rights Commission of India.

23. At the 3rd meeting, Mr. Ziegler, Mr. Ibeanu, Mr. Kothari and Mr. Sengupta responded to questions and made their concluding remarks.

24. At the same meeting, statements in exercise of the right of reply were made by the representatives of Algeria and China, and by the observers for Angola, Cambodia and Zimbabwe.

2. Country reports

Belarus

25. At the 4th meeting, on 12 June 2007, Mr. Adrian Severin, Special Rapporteur on the situation of human rights in Belarus, presented his report (A/HRC/4/16). The observer for Belarus made a statement as a concerned country.

26. During the ensuing interactive dialogue, at the same meeting, the following delegations made statements and put questions to Mr. Severin:

(a) Representatives of States members of the Council: Algeria, Bangladesh, Canada, China, Cuba, Czech Republic, Germany (on behalf of the European Union), India, Indonesia, Malaysia, Pakistan, Poland, Russian Federation and South Africa;

(b) Observers for the following States: Democratic People's Republic of Korea, Iran (Islamic Republic of), Lithuania, Sudan, Sweden, United States of America, Uzbekistan and Venezuela (Bolivarian Republic of).

27. At the same meeting, Mr. Severin responded to questions and made his concluding remarks.

Cuba

28. At the 4th meeting, Ms. Christine Chanet, Personal Representative of the High Commissioner for Human Rights on the situation of human rights in Cuba presented her report (A/HRC/4/12). The representative of Cuba made a statement as a concerned country.

29. During the ensuing interactive dialogue, at the same meeting, the following delegations made statements and put questions to Ms. Chanet:

(a) Representatives of States members of the Council: Algeria, Bangladesh, Canada, China, Czech Republic, Ecuador, Germany (on behalf of the European Union), India, Indonesia, Malaysia, Pakistan, Russian Federation, South Africa and Sri Lanka;

(b) Observers for the following States: Angola, Belarus, Bolivia, Democratic People's Republic of Korea, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Nicaragua, Sudan, Syrian Arab Republic, United States of America, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe;

(c) Observer for Palestine.

30. At the same meeting, Ms. Chanet responded to questions and made her concluding remarks.

Cambodia

31. At the 5th meeting, on 12 June 2007, Mr. Yash Ghai, Special Representative of the Secretary-General for human rights in Cambodia, presented his report (A/HRC/4/36). The observer for Cambodia made a statement as a concerned country.

32. During the ensuing interactive dialogue, at the same meeting, the following delegations made statements and put questions to Mr. Ghai:

(a) Representatives of States members of the Council: Canada, Germany (on behalf of the European Union), Indonesia, Japan, Malaysia and Philippines;

(b) Observers for the following States: Australia, Slovakia and United States of America.

33. At the same meeting, Mr. Ghai responded to questions and made his concluding remarks, and the observer for Cambodia made a statement.

Haiti

34. At the 5th meeting, Mr. Louis Joinet, independent expert appointed by the Secretary-General on the situation of human rights in Haiti, presented his report (A/HRC/4/3). The observer for Haiti made a statement as a concerned country.

35. During the ensuing interactive dialogue, at the same meeting, the following delegations made statements and put questions to Mr. Joinet:

(a) Representatives of States members of the Council: Algeria, Brazil, Canada and Germany (on behalf of the European Union);

(b) Observers for the following States: Chile, Luxembourg and United States of America.

36. At the same meeting, Mr. Joinet responded to questions and made his concluding remarks, and the observer for Haiti made a statement.

Somalia

37. At the 5th meeting, Mr. Ghanim Alnajjar, the independent expert appointed by the Secretary-General on the situation of human rights in Somalia, presented an oral update (see A/HRC/5/2).

38. During the ensuing interactive dialogue, at the same meeting, the following delegations made statements and put questions to Mr. Alnajjar:

(a) Representatives of States members of the Council: Djibouti and Germany (on behalf of the European Union);

(b) Observers for the following States: Italy and United States of America.

39. At the same meeting, Mr. Alnajjar responded to questions and made his concluding remarks.

40. Also at the 5th meeting, the following made statements:

(a) Observers for the following non-governmental organizations: Amnesty International, Asian Legal Resource Centre, Europe-Third World Centre, Centrist Democrat International, Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos, Human Rights Watch, Indian Council of South America (also on behalf of International Educational Development), International Federation of Human Rights Leagues, International Helsinki Federation for Human Rights (also on behalf of International Federation of Human Rights Leagues) and World Federation of Trade Unions;

(b) Observers for the following national human rights institutions: Asia Pacific Forum of National Human Rights Institutions (on behalf of the national human rights institutions of Australia, India, Indonesia, Malaysia, Mongolia, Nepal, New Zealand, Philippines, Republic of Korea, Sri Lanka and Thailand) and National Consultative Commission on Human Rights of France.

41. At the same meeting, a statement in exercise of the right of reply was made by the observer for Haiti.

B. Follow-up to decisions of the Human Rights Council

1. Follow-up to resolution 4/2

42. At the 6th meeting, on 13 June 2007, the Council discussed the follow-up to its resolution 4/2 of 27 March 2007 entitled “Human rights situation in the Occupied Palestinian Territory: follow-up to Human Rights Council resolutions S-1/1 and S-3/1”. The Council had before it the report (A/HRC/5/11) of Mr. John Dugard, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, submitted pursuant to resolution S-1/1.

43. At the same meeting, the President of the Council and the United Nations High Commissioner for Human Rights reported to the Council on the implementation of resolution 4/2 and updated the Council on the follow-up to the report of the Commission of Inquiry on Lebanon (A/HRC/5/9), pursuant to Council resolution 3/3 (see paragraph 47 below).

44. Also, at the same meeting, Archbishop Desmond Tutu, head of the High-Level Fact-Finding Mission, established pursuant to Council resolution S-3/1, reported to the Council (A/HRC/5/20) on the implementation of the mandate of the mission. The observers for Israel and Palestine made statements, as concerned countries, or parties.

45. During the ensuing interactive dialogue, at the same meeting, the following delegations made statements and put questions to Archbishop Desmond Tutu:

(a) Representatives of States members of the Council: Algeria, Bangladesh, Cuba, Germany (on behalf of the European Union), Indonesia, Malaysia, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference) and South Africa;

(b) Observers for the following States: Central African Republic, Iran (Islamic Republic of), the Sudan and Syrian Arab Republic;

(c) Observer for the following intergovernmental organization: Organization of the Islamic Conference;

(d) Observers for the following non-governmental organizations: Amnesty International, Badil Resource Center for Palestinian Residency and Refugee Rights (also on behalf of Defence for Children International), B'nai B'rith International (also on behalf of the Coordinating Board of Jewish Organizations), International League for the Rights and Liberation of Peoples, North South XXI (also on behalf of General Arab Women Federation and Union of Arab Jurists), and United Nations Watch.

46. At the same meeting, Ms. Christine Chinkin, member of the High-Level Fact-Finding Mission to Beit Hanoun, established pursuant to Council resolution S-3/1, responded to questions and made her concluding remarks.

2. Follow-up to resolution 3/3

47. The observers for Lebanon and Israel made statements as concerned countries on the report of the United Nations High Commissioner for Human Rights (A/HRC/5/9) (see paragraph 43 above).

48. At the same meeting, the following delegations made statements in relation to the report of the United Nations High Commissioner for Human Rights:

(a) Representatives of States members of the Council: Cuba, Germany (on behalf of the European Union), Malaysia and Pakistan (on behalf of the Organization of the Islamic Conference);

(b) Observer for the following State: United States of America;

(c) Observer for the following non-governmental organization: International Commission of Jurists.

49. At the same meeting, Ms. Christine Chinkin, member of the High-Level Fact-Finding Mission to Beit Hanoun, established pursuant to Council resolution S-3/1, responded to questions and made her concluding remarks.

50. At the 7th meeting, on 13 June 2007, a statement in exercise of the right of reply was made by the observers for the Islamic Republic of Iran and Lebanon.

3. Follow-up to resolution 4/8

51. At the 6th meeting on 13 June 2007, Ms. Sima Samar, the Special Rapporteur on the situation of human rights in the Sudan and Chairperson of the group of experts established pursuant to Council resolution 4/8, presented the report of the group (A/HRC/5/6). The observer for the Sudan made a statement as a concerned country.

52. At the 7th meeting, during the ensuing interactive dialogue, the following delegations made statements and put questions to Ms. Samar:

(a) Representatives of States members of the Council: Algeria (on behalf of the Group of African States), Canada, China, Cuba, France, Germany (on behalf of the European Union), Malaysia, Morocco, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Russian Federation, Switzerland and Tunisia;

(b) Observers for the following States: Australia, Central African Republic, Iceland, Iraq, Norway, Syrian Arab Republic, United States of America, Yemen and Zimbabwe;

(c) Observer for Palestine;

(d) Observer for an intergovernmental organization: African Union;

(e) Observers for the following non-governmental organizations: African-American Society for Humanitarian Aid and Development, Amnesty International, Cairo Institute of Human Rights Studies, Femmes Africa Solidarité, Hawa Society for Women, International Federation of Human Rights Leagues, Human Rights Watch (also on behalf of International Commission of Jurists) and World Federation of Trade Unions.

53. Also at the same meeting, Mr. Walter Kälin, Representative of the Secretary-General on human rights of internally displaced persons, and member of the group of experts established pursuant to Council resolution 4/8, and Ms. Samar responded to questions and made their concluding remarks.

4. Follow-up to other decisions of the Human Rights Council

Decisions 2/105 and 2/111

54. Also at the 7th meeting, on 13 June 2007, the Council discussed the follow-up to its other decisions. The Council had before it the follow-up report of the Office of the United Nations High Commissioner for Human Rights on the study on the right to the truth (A/HRC/5/7), submitted pursuant to decision 2/105, and the note by the Secretariat on progress on reports and studies relevant to human rights and arbitrary deprivation of nationality (A/HRC/5/8), submitted pursuant to decision 2/111.

55. At the same meeting, the following delegations made statements:

(a) Representatives of States members of the Council: Argentina, Brazil, Cuba, France, Russian Federation, Switzerland and Uruguay;

(b) Observers for the following States: Bolivia, Chile and Spain;

(c) Observers for the following non-governmental organizations: Action Canada for Population Development and International Indian Treaty Council (also on behalf of International Organization of Indigenous Resource Development and Native Women's Association of Canada).

Resolution 3/2

56. At the 8th meeting, on the same day, the President of the Council updated the Council on the implementation of Council resolution 3/2 of 8 December 2006 entitled "Preparations for the Durban Review Conference".

C. Institution-building

57. At the 8th meeting, on the same day, the President of the Council updated the Council on the progress made on the institution-building process of the Council, pursuant to General Assembly resolution 60/251 of 15 March 2006.

58. At the same meeting the representative of Algeria (on behalf of the Group of African States) made a statement.

59. At the 9th meeting, on 18 June 2007, Ms. Patricia Espinosa, Minister of Foreign Affairs of Mexico, made a statement.

D. Consideration and action on draft proposals

Institution building of the United Nations Human Rights Council, Code of Conduct for Special Procedures Mandate-Holders of the Human Rights Council

60. At the 9th meeting, on 18 June 2007, the President of the Council informed the Council that there was agreement on the President's text entitled "Institution-building of the United Nations Human Rights Council", and on the draft code of conduct for special procedures mandate-holders of the Human Rights Council, which were to be considered jointly by the Council.

61. In accordance with rule 153 of the rules of procedure of the General Assembly, the estimated administrative and programme budget implications* of draft resolution A/HRC/5/L.2 entitled “Institution-building of the United Nations Human Rights Council” were made available to the Council.

62. At the same meeting, the Council decided, without a vote, that there was agreement on the President’s text entitled “Institution-building of the United Nations Human Rights Council” (A/HRC/5/L.2), and on the draft code of conduct for special procedures mandate-holders of the Human Rights Council (A/HRC/5/L.3/Rev.1), considered jointly by the Council. For the text of the decision, see chapter I, section B, decision 5/101. For the text of the resolutions, see chapter I, section A, resolutions 5/1 and 5/2.

63. At the same meeting, the Council also decided, without a vote, to defer action on all pending draft resolutions and decisions and on the draft report to its organizational meeting, scheduled to begin on 19 June 2007. For the text of the decision, see chapter I, section B, decision 5/102.

* See annex III.