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HUMAN RIGHTS COUNCIL

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-eighth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 22 August 2006, at 10 a.m.

Chairperson: Mr. BOSSUYT

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* The summary record of the second part (closed) of the meeting appears as document A/HRC/Sub.1/58/SR.17/Add.1

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The meeting was called to order at 10.10 a.m.

IMPLEMENTATION OF HUMAN RIGHTS COUNCIL DECISION A/HRC/1/DEC/102 AND OTHER RELATED ISSUES (agenda item 7) (continued)

1. Mr. KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), commended the statement by the United Nations Deputy High Commissioner for Human Rights setting out the principal issues relating to the new expert body.
2. The Sub-Commission had a brilliant record of providing valuable inputs to the Commission on Human Rights, initiating the drafting of new instruments and helping to develop international law. Its successor body should have a bright future using the Sub-Commission's proven cognitive and interpretative tools to underpin the new human rights regime led by the Human Rights Council.
3. At the informal consultations on mandates, special procedures and expert advice held by the Council on 2 August 2006, OIC had submitted a paper enunciating seven principles. The Sub-Commission could be retained as a subsidiary think tank or advisory body of the Council comprising independent experts. The composition of the new expert body should reflect the geographical distribution of regional groups in the Council. Members nominated by States should be elected by the Council. Experts should serve for a maximum of two three-year terms. The expert body should advise the Council on the whole range of human rights issues, including standard-setting, and on the Council's responsibilities with regard to the promotion and protection of human rights. Its input to the Council should take the form of studies, reports and recommendations on subjects identified by the Council. Its expert advice should be purely thematic and it should not address country-specific issues.
4. While OIC was pleased that calls to dissolve the Sub-Commission had not prevailed, it feared that the pendulum was in some cases swinging to the other extreme. It was neither desirable nor practicable to make the expert body completely independent of the Human Rights Council. Moreover, the Sub-Commission's successor should not assume the political and parliamentary functions of the Council. There was a growing consensus, however, that it should be a standing body and collegial in its approach.
5. With regard to the question of whether the expert body should act only when requested by the Council or be empowered to take the initiative on certain issues, OIC took the view that the Council would maintain overall direction and that not all questions on its agenda would require scrutiny by the expert body. After responding to the Council's requests, the body would not have the resources to interact with the entire United Nations system. Similarly, monitoring of the implementation of decisions was the task of the Council and the Office of the United Nations High Commissioner for Human Rights (OHCHR).
6. Fine legal choreography was needed to transfer the Sub-Commission's subsidiary bodies and functions through the Council to its successor body in order to avoid an "interregnum". As the Sub-Commission negotiated its transition, it should focus on reform of working methods, including research and analysis.

7. Recent interaction between OIC and Sub-Commission members had indicated the existence of a broad convergence of views. However, further discussion was needed on two or three points. With regard to the expert body's proposed "power of initiative", the question arose whether it could examine legal lacunae and inconsistencies. Another subject that could be revisited was term limits, since it had been argued that they would tend to disrupt continuity, impede the maturing of legal and standard-setting processes, and lead to under-utilization of expertise. He stressed that it was a State's sovereign right to nominate whomever it considered to be qualified for membership of the expert body.
8. OIC would appreciate receiving counsel and inputs from individual Sub-Commission members for the Council's future consultations.
9. Mr. CHEN Shiqiu suggested that OIC's important statement should be circulated among the members of the Sub-Commission.
10. It was so decided.

The closed part of the meeting rose at 10.20 a.m.