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**STATEMENT BY
AMBASSADOR JOHN McNEE
PERMANENT REPRESENTATIVE OF CANADA TO THE UNITED NATIONS**

**TO THE THIRD COMMITTEE
OF THE 62nd SESSION OF THE GENERAL ASSEMBLY**

ITEM 65: REPORT OF THE HUMAN RIGHTS COUNCIL

NEW YORK, 5 NOVEMBER 2007

**DÉCLARATION DE
L'AMBASSADEUR JOHN McNEE
REPRÉSENTANT PERMANENT DU CANADA AUPRÈS DES NATIONS UNIES**

**À LA TROISIÈME COMMISSION
DE LA 62^e SESSION DE L'ASSEMBLÉE GÉNÉRALE**

POINT 65: RAPPORT DU CONSEIL DES DROITS DE L'HOMME

NEW YORK, LE 5 NOVEMBRE 2007

Thank you Mr. Chair,

In considering the first full annual report of the Human Rights Council, there is much that has been achieved, and much that remains to be done to make the HRC a truly efficient, responsive and credible institution which produces results.

On the positive side, we welcomed the Council's substantive consideration of the human rights situations in many countries, through constructive debates and interactive dialogues with the High Commissioner for Human Rights, and through the Special Procedures, on both thematic and country issues.

The enhanced participation of civil society in the Council's deliberations has made these discussions more meaningful. We look forward to the continued strengthening of this engagement with human rights activists.

The Council has begun to use its new mechanisms, such as the ability to call Special Sessions, in a constructive way. The consensus decisions on the urgent human rights situations in Darfur and Burma underlined the concern of the international community and were important steps in seeking practical improvements on the ground.

The system of independent special procedures – the “eyes and ears” of the Council – has been maintained. We welcome the renewal of several mandates, including on country situations, by consensus at the September session. Canada worked hard to maintain the independence and strengths of the special procedures and will continue to actively promote the work of the system, including by leading on the renewal of the mandates on Freedom of Opinion and Expression and on the Elimination of all Forms of Violence against Women at the Council's March session.

The Council established credible modalities for the Universal Periodic review, a process based on constructive dialogue that will review the human rights performance of all countries on a regular basis. Canada is pleased by the progress made in developing a mechanism that includes the input and participation of all relevant stakeholders, including the country under review and NGOs, that has the support of independent expertise from the Office of the High Commissioner for Human Rights, and that should produce a credible and useful outcome. Canada will continue to engage actively and constructively in launching the UPR on schedule in 2008 and in building an effective process that will have a positive impact on the ground.

On the other hand, despite the real achievements in these early days of this new body, we remain concerned about initiatives which run counter to the principles upon which the Council is based and threaten its credibility. We were concerned by efforts during the institution-building phase to weaken the UN's human rights system, and are pleased that in the end, Council members recognized the need to strengthen, not restrict or reduce, the independence and credibility of the mechanisms put in place to help safeguard the fundamental rights and freedoms of all people.

We are concerned by the unbalanced nature of the treatment of Arab-Israeli issues, which undermines the credibility of the Council. The disproportionate focus on Arab-Israeli issues, and the one-sided nature of the associated resolutions, stand in stark contrast to the constructive and consensus outcomes to the Special Sessions on Darfur and Burma. Canada believes that the members of the Council should address human rights issues in a balanced and objective manner which contributes to the improvement of the human rights situation for all.

It was for this reason that Canada could not agree to an institution-building package in June that included an agenda with a separate item on one – and only one – specific situation. We regret that this issue was combined with the institution-building work mandated by the General Assembly and that the Council's agenda failed to adhere to the guiding principles of universality, impartiality, objectivity and non-selectivity established by its parent body.

This was an historic opportunity for Council Members to put into practice the aspirations and principles which the United Nations General Assembly set out for this new body – the body which is meant to become the prime forum for the international community to make a difference for human rights around the world.

Progress had been made in the year of intense and thoughtful negotiations which went into the consideration of institution-building issues. Council Members, including Canada, invested a tremendous amount in the building of processes, mechanisms and practices to give the Council the tools it would need in order to live up to its promise, and to the solemn responsibilities placed on its shoulders. A solid starting framework for the innovative Universal Periodic Review was agreed, as were measures to support the independence and credibility of the mandate holders of the Special Procedures, to make the Advisory Committee more responsive and effective, to improve the Complaints procedure and to lock in the enhanced participation of civil society and National Human Rights Institutions in the work of the Council, among other incremental improvements to the mechanisms and practices.

Unfortunately, in the final hours of the fifth session, agreement on a package was declared when in fact it did not exist. Canada's position that consensus did not exist had been made very clear to all those present. The manner in which the package was pushed through does a disservice to the Council and to the causes it espouses.

Last year, during the General Assembly's consideration of the Human Rights Council's first report, Canada noted that the Council is not an end in itself, but a means to an end - making a positive difference in the lives of people around the world. We noted that the challenges of effective multilateralism are significant, because creating and strengthening institutions require an investment of time, creativity and commitment. The Human Rights Council's fifth session demonstrated that many serious challenges remain, and that the Council has a long way to go to fulfill the promise of Resolution 60/251. As we did last year, Canada pledges to continue to work to ensure that the Council is able to respond to urgent human rights situations and that it maintains a focus on the implementation of the rights that belong to everyone.