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**3<sup>rd</sup> Committee**

**Item 65. Report of the Human rights Council**

**Introductory Statement by**

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**on behalf of the European Union**

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*Please check against delivery*

Mr. Chairman,

I am speaking on behalf of the European Union.

Let me start by thanking Amb. Doru Costea, the President of the Human Rights Council, for his presentation of the HRC report, as well as for his effective and resolute leadership of the Council. A word of gratitude is also due to Amb. Luis Alfonso de Alba, the former HRC President, who chaired the Council for the most part of the period considered in the present report.

Mr. Chairman,

This General Assembly decided, through its resolution 60/251, to create the Human Rights Council in order to replace the former Commission on Human Rights and improve the United Nations machinery to protect and promote human rights, in accordance with the acknowledgement, reiterated at the 2005 World Summit, that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and are interlinked and mutually reinforcing.

Consequently, the new body created has a strong and ambitious mandate to, *inter alia*, promote the respect for the protection of all human rights and fundamental freedoms for all, address situations of violation of human rights and make recommendations thereon, and promote the mainstreaming of human rights within the UN system. We also decided that the work of the Human Rights Council should be guided by the principles of universality, impartiality, objectivity and non-selectivity and by constructive international dialogue and cooperation in order to enhance the protection and promotion of all human rights.

The goals and standards we set upon this new UN body and, through it, upon ourselves, are certainly ambitious and demanding. These same standards and goals must guide us when considering the report of the Human Rights Council.

The EU still considers, for example, that the presentation of the report in the Plenary as happened in the previous session of the General Assembly would better reflect the status of the Council within the UN, and the status of human rights as one of the key pillars of the UN system, as we all agreed at the 2005 World Summit. We therefore hope that it will be possible in the 63<sup>rd</sup> session of the General Assembly to establish again a role for the Plenary in the consideration of this report.

Mr. Chairman,

The Human Rights Council had its first session less than one year and a half ago. Since then, it was able to hold 6 regular sessions and 5 special sessions. If we add to these

meetings the sessions of the newly-established UPR mechanism and the sessions of the HRC Working Groups, we easily reach the conclusion that the HRC and its mechanisms hold more than 150 working days of intergovernmental meetings per year, turning the Council into a *de facto* quasi-permanent body. This adequately reflects the importance of human rights protection and promotion as one of the pillars of the UN, but also creates new challenges to the whole UN machinery, to Member-States and to the Council's working methods inherited from the former Commission. During the past year, all of us made great efforts to address these challenges and adapt to the new circumstances, but still more time and work are needed for the UN and its Member-States to make the best use possible of this new body.

During its 6 regular sessions, the HRC effectively addressed many important Human Rights thematic issues. We already welcomed last year its accomplishments in terms of further development of international law and standards in the field of human rights, namely through the adoption of the draft Convention for the Protection of All Persons from Enforced Disappearance and the draft UN Declaration on the Rights of Indigenous Peoples and the decision on the framework for the elaboration of a draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Other important thematic decisions have been taken meanwhile. However, the Council still has to deal in an effective way with many issues of major importance for the protection and promotion of human rights worldwide. Just to name a few, freedom of expression, freedom of religion or belief, freedom of association or human rights protection while combating terrorism, are examples of thematic questions that have not yet been comprehensively addressed. This is certainly due to the fact that the Human Rights Council, in its first year, focused on its institutional building. However, it is our hope that the Council will be able to address in an effective manner these and other fundamental issues during its second year.

Mr. Chairman,

During the reported period, the Human Rights Council also addressed some situations of violation of human rights. That the Council not only is entitled to do so, but has the obligation to address human rights situations, is clearly expressed in its mandate. But it also results from the indisputable facts that human rights violations do not occur in the abstract but in real places and that States are the ones who have the international obligation to protect and promote human rights. Depending on the scale and nature of these violations, there will be cases where the most effective way for the Council to fulfil its obligation of dealing with situations of human rights violations is by addressing the respective Government directly. This should be done, as much as possible, through cooperation and dialogue with a view to improve the concrete situation on the ground. However, in order to fulfil its mandate and maintain its credibility, the Council cannot afford to be silent and paralyzed in situations where the Government in question refuses to cooperate.

The appalling human rights situation in Darfur, where gross and systematic violations continue to occur, is an obvious example of a situation that the Council has the obligation to address. During the period under consideration, the Council was able to hold a special session on it, to send a fact-finding mission that, unfortunately, was not allowed into the Sudan, and to create an ad-hoc Group of Experts that compiled a set of UN recommendations to improve the dire human rights situation in Darfur and is monitoring its implementation by the Government of Sudan. The EU welcomes the fact that the Council was able to take consensual resolutions in this process and that the Government in question is cooperating with the mechanism established. However, the decisive question when evaluating if the Council is or not fulfilling its mandate is whether its actions and decisions resulted in concrete improvements on the human rights situation on the ground. In this particular case it is still too early to say. The upcoming report by the Group of Experts will give us more information. What is certain, nonetheless, is that the Council will have to continue to work in the same spirit of openness, cooperation and creativeness in order to find more and better ways and instruments to effectively make a difference on the ground and protect the victims of human rights violations.

The Council has also addressed other human rights situations through other instruments than special sessions and resolutions. The country visits by thematic Special Rapporteurs, as well as the interactive dialogues held with the mandate-holders, contributed to raise the awareness of the international community towards troubling human rights violations. During lively debates at the plenary, particularly alarming human rights situations as the current ones in Zimbabwe and Sri Lanka have been addressed by many delegations and NGOs.

However, this is not enough. In order to live up to the expectations it raised and to the mandate entrusted to it by the General Assembly, and in order not to let down the very people for whose protection it was created, namely those suffering human rights abuses, the Council must not shy away, in its future sessions, of addressing alarming situations of human rights violations wherever they might occur.

During its first year, the Council held three special sessions and adopted several decisions and resolutions regarding the human rights situation in the Occupied Palestinian Territories. The EU reiterates its strong concern regarding the human rights situation in the OPT's and is absolutely convinced of the need for the Council to continue to address it. We doubt, however, that the continuous repetition of unbalanced and divisive resolutions on this question contributes to improve the situation on the ground. We hope that future proposals will be more results-oriented and negotiated in the spirit of openness, cooperation and creativeness previously referred to. At the same time, we urge all States to cooperate fully with the Council and its mechanisms and decisions.

Mr. Chairman,

One of the major accomplishments of the Council in the period under consideration was the finalization, according to the task and the timetable established by the General Assembly, of its institutional building process. Taking into account the opposite starting negotiation positions of the delegations, one year ago, and the high political sensibility of the issues in question, it is quite remarkable that the Council was able to adopt resolution 5/1 last June. The vigorous work and leadership of President de Alba and of the six facilitators indicated by him to conduct the negotiations are one of the main factors that conducted to this result. But this success is also due to the spirit of openness, responsibility and necessary compromise shown by all delegations. No delegation can claim to have all its objectives for the Council reflected in the final package. But we can all be proud of having a working new body with the necessary instruments to improve the international protection and promotion of human rights and fundamental freedoms.

A set of rules of procedure and working methods' guiding principles were adopted that try to accommodate the innovative characteristics of the new body, namely its quasi-permanent status. A standing agenda that includes all parts of the Council mandate, including addressing human rights situations, was decided. The complaints procedure was improved and should be now more victim-oriented. A new and more flexible Advisory Body was created.

The rules for the review, rationalization and improvement of the special procedures' mandates were established. On the basis of these rules, some mandates have already been reviewed in September. As it is the case with the rest of the package, it is imperative that the compromises reached regarding the review of mandates are not reopened. Some developments at the HRC sixth session raise some concerns in this regard. It is also fundamental to recall that the objective of the review of mandates, as decided by the General Assembly, is to improve the independent and expertise-driven special procedures' system and not to weaken it.

The basis and rules of the UPR, an innovative and extremely promising mechanism for the promotion and protection of human rights worldwide in an universal and non-selective way, have been decided and this new instrument is now ready to start in April 2008. Much is expected of this new tool. It will be a time-consuming and demanding exercise. However, it is our common obligation to invest our best efforts in it and ensure that it will be a results-oriented, meaningful and effective mechanism.

If the above-mentioned examples clearly demonstrate the progresses achieved in the institutional building negotiations, it must be said that the European Union, as all other stakeholders, did not see all its objectives reflected in the final package: In a clear contradiction to the spirit of non-selectivity that the General Assembly decided the Council should be guided by, the agenda includes one item focused on only a particular human rights situation, namely the one on the Occupied Palestinian Territories, while all other

situations of human rights violations in the world deserve only a generic agenda item. This is clearly selective and unbalanced. The Council must, without any doubt, address the human rights situation in the OPT's, but it should do this through the same agenda item as all other situations. The package also diminished the number of country special procedures. As stated above, the EU believes that, in the fulfilment of its mandate, the Council should expand, not reduce, its level of attention regarding grave human rights situations. Special procedures are an effective instrument of the Council in collecting information and making recommendations to address particular situations. The decrease of country special procedures, namely taking into account the human rights situation in the countries concerned, runs contrary to what we believe should be the Council's practice.

However, we are convinced that this was the possible compromise and we believe that it would be extremely counter-productive to reopen the package. The decisive question regarding the institutional building package is whether it gives the Council the instruments it needs to be more effective than the Commission on Human Rights in the international protection and promotion of human rights and fundamental freedoms. This was, after all, the goal set by GA resolution 60/251. Our evaluation is that the agreed institutional building package fulfils this condition and the EU will therefore support it as it stands despite its shortcomings. However, it must be said that this institutional building package only gives the Council the potential to be better and more effective than the Commission. Whether this potential will translate to practice and actions that really have an impact on the ground, resulting in Governments fully assuming their obligations to protect and promote human rights, is still to be seen. To ensure this is the task not only of the members of the Council, but also our collective responsibility.

Mr. Chairman,

The United Nations have now a quasi-permanent human rights body with an ambitious and demanding mandate, the capacity to take self-standing decisions and the instruments to be effective and improve the international protection and promotion of human rights and fundamental freedoms, by having a real and positive impact on concrete situations. In its first year, the Council proved capable of finishing its own institution building process, of taking important thematic decisions and of addressing some grave human rights situations. However, the international community and, in particular, the victims of human rights violations, still expect more of this Council. Let us encourage it to continue its work in such a way as to answer to these expectations.

Thank you, Mr. Chairman.