



CHAIR OF  
THE NON-ALIGNED MOVEMENT



HUMAN RIGHTS COUNCIL  
TENTH SESSION

**STATEMENT BY THE PERMANENT REPRESENTATIVE OF  
CUBA, H.E. AMBASSADOR JUAN ANTONIO FERNÁNDEZ,  
ON BEHALF OF THE NON-ALIGNED MOVEMENT**

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(Check against delivery)

**Agenda Item 2: (Annual report by the High Commissioner)**

Geneva, 5 March 2009

Mr. Chairman:

I have the honour to speak on behalf of the Non-Aligned Movement.

At the outset, allow me to thank the High Commissioner for her presence with us this morning and for the presentation of the annual report.

In your statement, Ms Pillay, you have touched upon the priority that you attach to the Durban Review Conference. The NAM is strongly committed to that process and will present detailed comments on it in the General Debate under Agenda item 9.

Mr. Chairman:

In its almost three years of existence, the Human Rights Council has been able to successfully overcome important challenges: the institution building process has been completed, as well as the review, rationalization and improvement of mandates. The Universal Periodic Review is already operational and has allowed for the review of 64 countries, one third of the whole membership of the United Nations.

By holding ten special sessions, the Council has also proven to be a useful tool to respond to emerging or existing situations that could endanger the full enjoyment of human rights. The fact that two of these sessions were devoted to "thematic" situations represents a real improvement, and shows the ability of this Council to go beyond the practice of its predecessor, and deal with urgent threats that affect the entire world.

But despite all these achievements, several areas remain in which a lot of efforts are needed to improve the work of the Council and that of the UN human rights machinery. We take the opportunity of your presence with us this morning, Ms. Pillay, to put some of these areas to your attention and to seek how the Office can contribute to them.

1. The question of the relationship between the Human Rights Council and the Office of the High Commissioner has been pending for quite a while. Steps should be taken to begin this discussion as soon as possible. As we have said before, such exercise would contribute to reinforcing transparency, mutual cooperation and synergies in the work of the two bodies, while taking into account the Status of the Council and the independence of the Office of the High Commissioner.

2. The UPR has been successful so far; however, there are concerns on the methodology followed by the Office in the preparation of the summary and the compilation reports. While we will elaborate further on this under agenda item 6, we would like to know what measures are being taken by the Office to ensure an objective, fair and impartial documentation for all States.

3. The untimely availability of documents submitted to the Council hampers their proper consideration. Delegations are usually confronted with the fact that a high number of reports are not available sufficient time in advance, and in many cases they are only in one official language. The burden in this regard is even heavier for small delegations, most of them coming from developing countries. ¿What measures are being taken to redress this situation?

4. The report on the composition of the Staff was just posted. While we welcome the efforts carried out so far, we would like to know what additional measures have been taken by the Office to redress the highly imbalanced regional representation of its staff. In particular, we want to know the exact percentage of persons from Asia, Africa and GRULAC that work in substantive issues within the Office. Moreover, we would appreciate a reflection on the timeline for achieving a truly universal Office of the High Commissioner, one that really represents the rich diversity of the world in terms of legal and political systems, human rights backgrounds, and schools of thought.

5. Despite the adoption of the Code of Conduct for Special Procedures mandate holders, cases of incompliance with its provisions continue to exist. We call on the Office to assist mandate holders in every possible manner so as to avoid these cases.

6. The Office should ensure a treatment of all human rights on the same footing, and with the same emphasis. All human rights are universal, indivisible, interrelated and interdependent. Measures should be taken so that all reports of the Field Offices abide by this principle.

Mr. Chairman:

We can look back and feel proud of the positive results collectively achieved in the last three years. But we are reminded every day of the need to look ahead and continue to work to make this Council a forum where the principles of constructive dialogue, non selectivity and non politicization prevail.

Let us not go back to the past. Let us not allow the old practices to revive and to lead the Council to become a politicized and discredited body as its predecessor.

Preserving an atmosphere of objectivity and real commitment to human rights is not only a responsibility for all States; It is a moral obligation by which we must all abide.

Thank you