

**Review of the Work and Functioning of the Human Rights Council
Open – Ended Intergovernmental Working Group**

**Item 3: General discussion on the Work and Functioning of the Council
25 October 2010**

Statement on behalf of the European Union

Thank you Mr President,

When this body was created almost five years ago, we all wanted an effective and efficient body covering all human rights for all and making a genuine contribution to the promotion and protection of human rights and fundamental freedoms for all. We see this review process as a 'reality check'.

The European Union welcomes this opportunity to make a joint and thorough assessment of the Council's ability to implement all aspects of its mandate as set out in 60/251. We hope that a credible assessment of the Council's performance will allow us to identify challenges and agree on ways to improve the functioning of this Council. We should not miss the opportunity to address the challenges at hand.

Mr President,

Part of the Council's mandate is its responsibility to promote international human rights law, its development and its implementation. The European Union is of the view that the Council has deficiencies in systematically upholding and ensuring the implementation of existing international norms and standards. All member and observer States must uphold the universality, indivisibility, interrelatedness and interdependence of all human rights. We propose that ways are sought during this review process to improve the Council's performance in this regard, including by considering ways to expand the role of and the dialogue with independent experts, inter alia the Council's special procedure mandate holders. We also propose to consider ways to ensure more systematic and adequate follow-up to their recommendations.

This Council has at the core of its mandate the responsibility to address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon. Despite the range of mechanisms and tools at its disposal, the Council has regrettably not been able to fully implement this important aspect of its mandate. Over the past four years the Human Rights Council remained silent over many violations. The Council focused on a few situations, while neglecting others. This has reflected badly on the credibility of the Council's membership. We propose that during the review process, we consider ways to allow the Council to significantly improve its performance when it comes to addressing situations of violations of human rights, including through increased demands on its members to genuinely promote human rights, both nationally and in the work of the Council.

The Council should perform better in the field of monitoring human rights situations and preventing new violations or further escalations. The Council should give a voice to victims of human rights violations all around the world; offer alleviation, ensure accountability and trigger remedy or redress where needed.

The Council also has the responsibility to serve as a forum for dialogue, guided by the principles of universality, impartiality, objectivity and non-selectivity. Each mechanism of the Council offers States and other stakeholders an opportunity to engage in a dialogue on the promotion and the protection of human rights in a cooperative spirit. After an objective dialogue, the Council can consider ways to provide technical advice or capacity building to States that genuinely engage with the Council. The European Union recognizes this responsibility of the Council and will work to further improve some of the current modalities for our dialogues.

In this regard, the European Union is convinced that the Council could perform better to promote the effective coordination and the mainstreaming of human rights within the United Nations system. The General Assembly decided that the Council should ensure the participation of and consultation with observers, specialized agencies and other intergovernmental organizations. We propose that options are considered to ensure that such a dialogue is strengthened as a result of this review process.

In line with UNGA resolution 60/251, the Human Rights Council established a universal periodic review and maintained a system of special procedures, expert advice and a complaints procedure. The European Union will address these different aspects of the work and function of the Council during the coming days. As a cross-cutting issue, the European Union would like to underline the need for more systematic follow-up and implementation of the work of the Council. The participation of all stakeholders in the Council, including independent experts, national human rights institutions and civil society representatives should also be strengthened and improved.

Mr President,

The creation of this Council generated many rightful expectations, in particular with victims of human rights violations and human rights defenders around the world. We owe it to them to be ambitious when we aim to make this Council more effective.

The European Union is committed to participating ambitiously and constructively in this 2011 review process with all stakeholders. We look forward to listening to, and working on concrete proposals throughout the review process. There should be no artificial limit to, or deadline for putting forward concrete proposals that could improve the work and functioning of the Council. While it will not be the last occasion to address weaknesses in the functioning of the Council, the 2011 review should not be a missed opportunity to significantly build on best practices and address the challenges at hand.

Thank you Mr President.