

Statement by Nigeria on behalf of the African Group under General Discussion on the Work and Functioning of the Council in accordance with the mandate under OP 16 of the UNGA Res. 60/251"

Geneva, 25 October 2010

**Mr. President**

I have the honour to make this statement on behalf of the African Group.

Let me begin by expressing how delighted the African Group is to participate in the 1<sup>st</sup> Session of the Working Group on the Review and Functioning of the Human Rights Council. We commend you Mr. President for your efforts in consulting and reaching out to all member states and stakeholders with a view to achieving common understanding on the conduct and modalities for this session of the working group.

**Mr. President,**

Essentially, we view the review exercise as a unique opportunity to discover ways and means by which the Council can better discharge its mandate. By way of recollection, the Council was established apparently to be different from the former Commission on Human Rights by, among other things, depoliticizing human rights, upholding objectivity and avoiding selectivity and discrimination in the treatment of human rights. By so doing, human rights are to be restored to the preeminent position as one of the three pillars upon which the entire UN system rests - the other two being security and development.

To us in the African Group, what is also important about the Council's new approach to human rights is the urgency with which what are perceived as serious human rights issues are discussed and treated. The flexibility shown by the Council in dealing with rapidly evolving human rights situations is evidenced by the number of sessions it has held, and the Special sessions it has convened since its inception. These sessions and deliberations have placed issues – both thematic and country - firmly in the world's human rights consciousness.

By our assessment, the current structure of the Council is well conceived and sufficiently robust enough. It comprises:

- i. The Universal Periodic Review: This is a major innovation which directly responded to the charge of selectivity that dogged the old Commission. Under this arrangement UN member states have been reviewed of their human rights performance in accordance to their obligations;
- ii. The Confidential Complaint Procedures; which provides a critical link between the victims of human rights abuses from all corners of the globe to the UN human rights system;
- iii. Special Procedures system: which guarantees independent investigations carried out by one expert or a group of experts, according to the terms of their mandate on thematic or country human rights situations.
- iv. The Advisory Committee, which is a think tank of the Council, is composed of distinguished and independent personalities drawn from all regions of the world, who have so far produced useful thematic studies on subjects mandated by the Council.

**Mr. President,**

The African Group believes that the existence of these mechanisms and procedures show that the institutional framework of the Council has been carefully elaborated. Among its merits, it succeeds in combining the universality of the UPR with the accessibility of the Complaint Procedures, the independence of the Special Procedures mandate holders and the expertise of the Advisory Committee. There is certainly room for improvement, but success so far achieved has been encouraging. The African Group wishes to stress that instead of seeking to tinker with or obliterate the Institution Building Package at this point in time, perhaps it could be useful to enquire how well member States, observers and all stakeholders have effectively utilized these mechanisms at their disposal.

Indeed, challenges facing the Council cannot be overcome merely through institutional reforms alone. This is a work

in progress. Solutions to some of these problems certainly lie elsewhere. One area where improvement is needed is in attitudes and the political culture of all stakeholders in the Council. With this in mind Mr. President, the African Group looks forward, under your leadership, to participating constructively in a careful review exercise, in accordance with OP 16 of UNGA resolution 60/251.

I thank you.

