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President: Mr. Deiss (Switzerland)

The meeting was called to order at 10.05 a.m.

Agenda item 63

Report of the Human Rights Council

Report of the Human Rights Council (A/65/53 and Corr.1 and A/65/53/Add.1)

The President (*spoke in French*): In connection with this item, I recall that the General Assembly, at its 2nd plenary meeting, on 17 September, decided to consider agenda item 63 in plenary meeting and in the Third Committee on the understanding that, inter alia, the Assembly in plenary meeting would consider the annual report of the Human Rights Council on its activities for the year.

Our discussion today is devoted to the work of the Human Rights Council during its latest cycle. I am pleased to welcome among us the President of the Human Rights Council, His Excellency Ambassador Sihasak Phuangketkeow, who will introduce the annual report of the Human Rights Council (A/65/53).

The documents before us today, which I just cited, deal with a very large number of questions relating to a theme or a situation specific to a country and thus reflect the diversity and richness of the Council's work and discussions. The report also contains the decisions on the outcome of the Universal Periodic Review for more than 60 countries.

It is noteworthy that most of those resolutions and decisions were adopted by consensus. In that connection, I wish to thank Ambassador

Phuangketkeow and his predecessor, Ambassador Alex Van Meeuwen, for presiding over the Council and for their key role in creating a constructive atmosphere and ensuring that the work proceeded smoothly.

Before opening the discussion, I would like to make two observations.

First, the substantial report that we will discuss today stresses the importance of human rights as a third pillar of the mission of the United Nations, alongside the promotion of peace and security, and development. Those pillars are inseparable and mutually reinforcing, and it is therefore essential that progress be made in all those areas. In that connection, the creation of the Human Rights Council, now five years ago, was instrumental in promoting and protecting human rights for all, without distinction of any kind and in a fair and equitable manner, and in mainstreaming an awareness of human rights into the United Nations system.

While recognizing that vital contribution — and this is my second observation — it is now important to review the work and functioning of the Council, in line with Assembly resolution 60/251. This review must be carried out bearing in mind the Council's mandate to promote and protect human rights, with a view to further improving the functioning of the Council and making the appropriate practical adjustments. It is my intention to complete this process during the Assembly's sixty-fifth session. That will require effective collaboration between Geneva and New York, and I am pleased with the commitments undertaken in that regard.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506. Corrections will be issued after the end of the session in a consolidated corrigendum.



I hope that our discussion today will make a constructive contribution to the promotion of human rights and fulfilment of the mandate of the Human Rights Council.

I give the floor to the representative of Thailand, who is also the President of the Human Rights Council.

Mr. Phuangketkeow (Thailand): It is a great honour and privilege for me to come before the Assembly today. Before going into my presentation, allow me to congratulate you, Mr. President, on your election and to express my best wishes for a successful tenure.

Following the practice of my predecessors, today I will be presenting the annual report of the Human Rights Council to the General Assembly, in accordance with Assembly resolution 60/251.

But as the Assembly may already know, the Human Rights Council is undergoing a very important exercise this year, which is the review of its work, functioning and status, as mandated by resolution 60/251. Therefore, my presentation today will also touch upon the review of the Council. Particularly, I should like to share with the Assembly the progress made at the first intergovernmental working group on the review of the work and functioning of the Human Rights Council, which took place in Geneva last week. Once our process in Geneva has been completed — no later than June next year — it will feed into a separate yet complementary process of review of the Council's status by the General Assembly.

The report presented to the Assembly today covers the Council's fourth cycle, from the September 2009 session to the June 2010 session, under the presidency of my predecessor, Ambassador Alex Van Meeuwen, Permanent Representative of Belgium, as well as the addendum covering the most recent session, in September, under my presidency.

During the reporting period, the Council fulfilled its mandate to advance the promotion and protection of human rights through various means.

First, through the Universal Periodic Review, the Council has now reviewed the human rights situation in 127 countries — two thirds of the Member States. I can proudly report that the Council has secured a 100 per cent participation of States under review thus far. The Universal Periodic Review continues to be seen — I believe rightly so — as one of the Council's most

meaningful innovations. Grounded on the principles of universality, equality, constructive dialogue and cooperation, that mechanism has been successful in creating positive synergies in efforts to improve the human rights situation on the ground.

Starting from the national level, the Universal Periodic Review has brought government and civil society together to assess and find ways to improve the human rights situation within the country. The level of awareness and efforts to promote and protect human rights have been significantly increased. That includes immediate improvements in national policies and legislation and pledges to bring those in line with the State's international obligations, ratification of additional human rights treaties, submission of reports to treaty bodies, and increased cooperation with special procedures.

Secondly, in the area of standard-setting, the Council advanced its normative work on a number of important thematic issues. Here I would like to mention that, complementing the overall United Nations efforts to enhance the rights and welfare of women, the Council discussed a number of issues relating to women's human rights, including maternal mortality and morbidity, the linkage between the right to education and the empowerment of women and girls, the elimination of discrimination against women in law and in practice, and integration of the gender perspective into the Council's work. In the most recent session, in September, the Council also decided to establish a working group of five experts from different social, cultural and religious backgrounds to work on the issue of eliminating discrimination against women.

Furthermore, the Council gave a clear sign of its commitment to strengthen the rights of the child by holding an annual full-day discussion on sexual violence against children. The Council also extended the mandate of the Working Group to draft an optional protocol to the Convention on the Rights of the Child, thereby aiming at establishing a complaint procedure for this particularly important right.

Other thematic issues discussed by the Council that I wish to highlight include timely discussion of the impact of the global economic and financial crises on human rights, the human rights of persons with disabilities, human rights education and training, the right to the truth, the protection of journalists in

situations of armed conflict, and the adverse effects of toxic waste on human rights. All in all, a total of 100 resolutions, 72 decisions and 3 presidential statements have been adopted in this reporting period.

The Council has also increasingly resorted to panel discussions as an innovative format for the exchange of views and expertise on important human rights issues. Those discussions benefited from a wide range of human rights expertise, including from its special procedures, Advisory Committee and other subsidiary bodies, treaty bodies, experts, United Nations specialized agencies, national human rights institutions and civil society. The Council also benefited from hearing at first-hand the experience of victims of trafficking during a panel discussion in its June session.

It is indeed particularly enriching when the Council, in dealing with important situations and issues, can avail itself of the different sources of human rights expertise and information at its disposal. I take this opportunity also to acknowledge the continued engagement of non-governmental organizations, with an average of 200 organizations present at each session that often contribute to the Council's deliberations with first-hand information and critical analysis.

Over the reporting period, the Council was seized with a number of pressing human rights situations that occurred in various parts of the world.

Striving for a constructive approach to dealing with country situations, the Council has creatively utilized the features and avenues provided for in its resolution 5/1. In addition to continued engagement with country-specific special procedures and holding special sessions, the Council also resorted to in-session urgent debates, establishment of independent fact-finding missions, and adoption of presidential statements and declarations.

A special session was held in January in support of the post-earthquake recovery process in Haiti. An urgent debate was held in June on the attack on the flotilla, followed in the September session by an interactive dialogue with the international fact-finding mission on that case. During that same session, an interactive dialogue was held with the Committee of independent experts to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side,

in light of Assembly resolution 64/254. An informative stand-alone interactive dialogue on Somalia, which significantly benefited from the extensive participation of a variety of international, regional and national stakeholders, was also held last September.

Let me now turn to an important exercise undertaken by the Council, which is the review of its work and functioning in accordance with Assembly resolution 60/251.

The review process in Geneva started formally last week with the holding of the first session of the open-ended intergovernmental working group established for this purpose. This process, I believe, presents a valuable opportunity for us to assess and build on what we have achieved in the Council and make improvements where we can to enhance the effectiveness of the Council in the promotion and protection of human rights for all. While the common view is that this exercise is a review and not a reform of the Council, we must nevertheless be able to generate meaningful results. We must not lose focus on what we aim to achieve.

First, the Council should be able to make a real impact on the ground, leading to the improvement of human rights for all peoples. Secondly, the Council should do better in addressing chronic and urgent issues and situations involving serious violations of human rights in order to react more swiftly and effectively to such situations wherever they may occur. Thirdly, we should be able to streamline the Council's work to ensure that our time and resources are used in the most effective way to fulfil all the mandates given to the Council.

The review also provides for a timely opportunity to address the relationship between the General Assembly and the Human Rights Council. In that regard, there is a need to better coordinate the work of the Council with that of the Assembly, so as to enable the Council to respond to all human rights issues, in particular the urgent ones, with adequate financial and political backing from this Assembly.

The current arrangements do not allow the Assembly to consider the Council's decisions and recommendations until the end of the year. That has negative implications for both the Council and the work of the Office of the High Commissioner. Increasingly, newly established activities and mandates have to be either postponed or supported by diverting

resources on a temporary basis. This issue should be resolved in the context of the review of the Council this year.

As the Assembly knows, the Human Rights Council is now entering its fifth cycle. It is a challenging cycle in many respects. We have to maintain the pace and progress of the Council's work. At the same time, we have to embark on the review process of the Council that I have just mentioned.

At the beginning of my presidency, I stated that I would be guided by certain principles, which I shall repeat here. First is the importance of taking a constructive and cooperative approach to all human rights issues and situations. Second is to maintain and strengthen the Council's capacity in terms of making a real difference on the ground and enhancing its capacity to react to urgent human rights situations in an even-handed way. The third principle is to ensure that the work of the Council provides for inclusiveness of all stakeholders whose role is recognized as instrumental to advancing the cause of human rights.

Before concluding, Mr. President, allow me to reiterate my personal commitment and that of the Council to support your leadership both in the General Assembly's review of the Council's status this year and in further advancing, session after session, towards the full implementation of the noble objectives enshrined in the United Nations Charter.

Mr. De Séllos (Brazil): Brazil welcomes the report of the Human Rights Council (A/65/53) and thanks its President, Ambassador Sihasak Phuangketkeow, for the presentation of the latest developments in Geneva.

The report displays the vigorous activity of the Human Rights Council in the past year. The four regular sessions and the special session reported upon produced 100 resolutions, 72 decisions and 3 presidential statements. Brazil notes with appreciation that 149 initiatives of the 172 approved by the Council were adopted without a vote. Consensual outcomes represent 87 per cent of all proposals presented by Member States. It is therefore clear that in the human rights agenda, what unites us is far greater than what divides us. My delegation maintains that increased dialogue and mutual understanding are fundamental to achieving an even greater convergence.

As a State member of the Council, Brazil has constantly worked with a view to achieving outcomes that are both meaningful and acceptable to all. In the reporting period, my Government presented six draft resolutions and one draft decision, all of which were adopted without a vote, and usually with numerous sponsors. Those initiatives addressed several of the most pressing human rights issues of our times: the impact of the financial and economic crises on the enjoyment of all human rights; the right to access to medicines; human rights in the context of HIV/AIDS; the centrality of victims in addressing trafficking in persons; racism, racial discrimination, xenophobia and related intolerance; support for the recovery process in Haiti after the January earthquake; and the extension of the mandate of the Special Rapporteur on the right to health.

My country has also engaged constructively with the Universal Periodic Review mechanism, thus contributing to its undeniable success. With a view to avoiding selectivity and politicization, Brazil has made recommendations to all countries reviewed during the period reported, with the exception of those cases in which we participated as part of the troika.

My delegation notes with appreciation that more than two thirds of all United Nations Member States have already been reviewed under the Universal Periodic Review process. The high level of cooperation enjoyed by that mechanism may have exceeded the most optimistic forecasts.

For all those reasons, Brazil's assessment is that the Human Rights Council is, overall, a success story. It has largely fulfilled the great expectations raised when it was established by this Assembly a few years ago.

At the same time, the Council has the potential to become an even more effective instrument for the promotion and protection of all human rights. In that spirit, Brazil is fully committed to the ongoing review of the work and functioning and status of the Council.

Among the necessary improvements, my country attaches great priority to increasing the Council's ability to provide cooperation and technical assistance. Brazil has proposed, for example, that the Council establish strategies to implement the Universal Periodic Review and special procedures recommendations.

During this review of the status of the Human Rights Council, Brazil would like to recall that human rights is the only pillar of the United Nations that is still not represented by its own principal organ in the United Nations structure. My delegation considers the review process to be an excellent opportunity to clarify and strengthen the relationship between the Human Rights Council and the General Assembly.

If the current status of the Council is to be maintained, its reporting line should be directly to the plenary of the General Assembly. Such an approach will avoid duplication of work and will help to ensure the necessary financial resources for the Human Rights Council.

Brazil commends the President of the Human Rights Council for his transparent and constructive leadership throughout the review process. Thanks largely to his work and ability to build confidence, the first intergovernmental working group on the review has been successful. Brazil also acknowledges his fundamental role in ensuring close coordination General Assembly facilitators.

My delegation reiterates its support for the President of the Council. We trust his ability to help us in achieving a review that will improve the Council's capacity to make a difference on the ground.

Mr. Grauls (Belgium): I have the honour to speak on behalf of the European Union (EU). The candidate countries Croatia, the former Yugoslav Republic of Macedonia and Iceland; the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia; as well as Ukraine, the Republic of Moldova, and Georgia align themselves with this statement.

The European Union thanks the President of the Human Rights Council, Ambassador Sihasak Phuangketkeow, for presenting the Human Rights Council's fifth annual report to the General Assembly.

The members of the General Assembly agreed to the establishment of the Human Rights Council in 2006 in a joint effort to strengthen the United Nations system in the field of human rights and make it more effective in systematically promoting and protecting all human rights for all.

Serving as members of the Council entails important responsibilities. Resolution 60/251 (2006)

provides that "members elected to the Council shall uphold the highest standards in the promotion and protection of human rights" (*para. 9*). The resolution also asks States seeking membership of the Council to formulate concrete, credible and measurable pledges to promote and protect human rights at the national and international levels.

In that regard, the European Union encourages all States to consider the Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council, prepared by the Office of the High Commissioner for Human Rights.

All States should contribute to the implementation of the Human Rights Council mandate, as agreed upon by the General Assembly in 2006. The members of the Council, however, have a particular responsibility to victims of human rights violations and human rights defenders. They should lead by example in working to ensure the full implementation of the Council's responsibilities.

One of those responsibilities relates to the promotion of cooperation on human rights issues. Under the period covered in the report, the Council has continued to serve as a forum for dialogue on a wide range of thematic human rights issues and specific human rights situations.

The Council has contributed to the further development and understanding of international norms and standards in the field of human rights. It has also continued to work to improve its record as regards its mandate to mainstream human rights into the overall United Nations system.

In that regard, the European Union welcomes the holding of panel discussions that include representatives from different strands of the United Nations system, such as the discussions on the protection of journalists in armed conflict, maternal mortality and morbidity or the recent stand-alone dialogue on the human rights situation in Somalia. The special session on a human rights approach to support the recovery process in Haiti also serves as good practice as regards to human rights mainstreaming.

Furthermore, the Council has a key responsibility to uphold the principle of the universality of human rights. In that context and recalling various discussions within the Council, the European Union wishes to reiterate that cultural values and traditions cannot ever

be invoked to undermine that principle. In addition, the debate around religion can, under no circumstance, be allowed to undermine existing international human rights law.

The Council is also mandated to monitor the implementation of international human rights law and standards. Only through objective monitoring and reporting can the Council identify the needs of victims and possible areas for capacity-building and technical assistance to States.

The European Union shares the view that the special procedures play an irreplaceable role, if the Council is to monitor and address worrisome human rights events. It is crucial that mandate holders be able to independently assess and draw the Council's attention to human rights issues and situations. The ability of mandate holders to undertake country visits and establish direct contact with the relevant government structures as well as other national and regional stakeholders is of crucial importance.

All member States of the Union have extended and honoured standing invitations to the special procedures and the European Union calls upon all United Nations members to do likewise.

The European Union wishes, once again, to underline the tireless efforts of the Office of the High Commissioner in providing, *inter alia*, support to the special procedures. In that respect, the European Union wishes to reiterate its firm support for the independence of the United Nations High Commissioner for Human Rights and of her Office.

The European Union welcomes the fact that, during the reporting period under consideration, several special procedure mandates were prolonged and new ones were created. The European Union welcomes the establishment of a new special rapporteur mandate on the freedoms of peaceful assembly and association, thus enhancing the Council's attention in an area that had not been specifically covered by the special procedures system. The creation of a credible, independent mechanism focusing on discrimination against women in law and in practice is also a noteworthy achievement of the Council.

During the period covered by the report, the Council extended the mandates on the situation of human rights in the Democratic People's Republic of Korea, on the situation of human rights in Myanmar

and on the situation of human rights in Cambodia. The Council also renewed the mandates of the independent expert on the situation of human rights in the Sudan, of the independent expert on the situation of human rights in Somalia and of the independent expert on the human rights situation in Haiti.

The Universal Periodic Review complements the special procedures and other human rights tools and mechanisms designed to monitor and address human rights situations. We welcome the consideration of 48 States during the period under consideration. The European Union regrets that some States have failed to address all recommendations put forward or have given replies that are not in line with the principles of objectivity and non-politicization on which this process is based. The European Union encourages all States to fully cooperate with all relevant stakeholders in their preparation for the Review process and in the implementation of recommendations resulting from their reviews by promoting consultations with national parliaments, national human rights institutions and civil society representatives.

The European Union highly values the role of civil society organizations and national human rights institutions for their important contribution to the work of the Council. We hope that their cooperation with the Council will continue and develop further.

It is the Human Rights Council's responsibility to address situations of violations of human rights, including gross and systematic violations, which require urgent action from the international community. The credibility of the Council itself depends to a large extent on whether it is able to respond to such situations in a timely and adequate manner. The European Union regrets that during the period under consideration, the Council remained silent on many human rights situations while choosing to focus on others. The mandate of the Council is not to protect Governments from scrutiny but individuals from human rights violations.

We believe that the Council should further improve its ability to tackle urgent situations of gross human rights violations. That is one of the key issues to tackle in the 2011 review process of the Human Rights Council, to which I want to dedicate some concluding remarks.

The 2011 review process provides a unique opportunity to make a first and thorough assessment of

the Council's ability to systematically implement all aspects of its mandate. Based on that assessment, Member States should decide on concrete measures to improve the Council's work and functioning that will make it more effective and credible.

One aspect that should be addressed is the Council's ability to promote international human rights law, its development and its implementation. The European Union is of the view that the Council has failed somewhat to systematically uphold and ensure 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.

The Council's ability to monitor and address urgent and chronic human rights issues and situations wherever they occur is another aspect of the Council's mandate that should be improved upon, as a result of the 2011 review process. That aspect is essential in order to prevent new or further escalation of human rights violations. The European Union would like to see the Human Rights Council play a more active role as an early warning and preventive mechanism.

The modalities for interaction and dialogue, including on reports following country visits by special procedures and the High Commissioner, should be improved. Overall, the credibility and the effectiveness of the Council in that domain depend on the timely and objective information the Council has at hand. It is important to strengthen the Council's ability to consider and integrate expert input into its work. At a minimum, the Council should preserve the integrity of the mechanisms it has at its disposal to acquire objective information.

As the Periodic Review process moves into its second cycle, focus should shift to the implementation and follow-up of recommendations. A mere repetition of the first cycle would not be enough to make the process into a credible Council mechanism. The discussions during the 2011 review process should build on best practices and address the challenges at hand, including strengthening the role of expert input in the process and ensuring more attention for the adoption of the Universal Periodic Review reports and more clarity with regard to the State's position on the recommendation put forward and/or the state of their implementation.

The Complaint Procedure is a unique victim-oriented mechanism of the Council. Its universal character makes it indispensable within the international human rights machinery. It complements existing mechanisms in the treaty bodies system and at the regional level. Given the very poor results obtained so far, the Complaint Procedure should be considerably strengthened as a result of the 2011 review process.

Finally, a key issue to be addressed during the review process concerns the relationship between the General Assembly and the Human Rights Council. We need to tackle a number of urgent issues. The very fact that the President of the Human Rights Council sent an addendum to the regular report for consideration by the General Assembly highlights that the reporting cycle has to be improved. The budgetary implications of action taken by the Council also deserve the attention of the General Assembly.

Last week, our colleagues in Geneva attended the first session of the Open-ended Intergovernmental Working Group on the Review of the Work and Functioning of the Human Rights Council. The European Union is actively committed to that process and remains ready to engage with all States and stakeholders in a constructive dialogue. The European Union welcomes the extension of the mandate of the two co-facilitators by you, Mr. President, and looks forward to discussions in New York, which will have to be conducted in coherent coordination with the process in Geneva. As stated in the Joint Understanding, the review process in New York should be finalized only after the review process in Geneva is concluded. The European Union shares the view that the two processes should ultimately converge at the level of this General Assembly.

Mr. Wenaweser (Liechtenstein): I would like to thank the President of the Human Rights Council for his report to the General Assembly, which provides a comprehensive overview of the work of the Council during the last cycle with the addition of the recent September session (A/65/53). We are grateful for this opportunity to reflect on the work of the Council during that period. We are generally satisfied with the ongoing Universal Periodic Review, in particular as its universality has been respected so far by all States.

We also believe that cooperation with the Review process not only implies a formal Review process submission by each State, but also an engagement with

regard to substance. The success of the Review system will depend crucially on the manner in which recommendations are implemented by the States under review and the way in which States discuss and follow up on them. States under review that reject recommendations should nevertheless engage in a discussion about the underlying reasons for the rejection, and rejections should not in general preclude proper follow-up on the issue at hand.

A concrete proposal to strengthen the follow-up process could consist of having States submit an interim report, possibly oral, on current progress in the implementation of the recommendations. Thematic clustering of recommendations and the integration of the outcome into a single document could also facilitate implementation and the provision of technical assistance.

The modalities for the second round of the Universal Periodic Review, which, we understand, have been part of the ongoing discussions of the Review in Geneva, will therefore be of crucial importance for the ultimate value of the new mechanism.

We regret that the work of the special procedures has again come under criticism. The independence of the mandate holders must not be put into question owing simply to disagreement with their findings. Allegations of States that an independent expert has overstepped a given mandate can and should be addressed by the Coordination Committee. The full independence of special procedures is essential to ensuring high-quality work, which makes those mechanisms such an important feature of the United Nations human rights machinery. At the same time, we must continue to ensure that the best possible experts are chosen as mandate holders. A professional selection process and predictable and adequate funding are important elements in that respect.

Proper and timely implementation of the decisions of the Council is crucial for its authority. In that respect, the autonomy of the Council needs to be strengthened, inter alia through strengthening respect for the Council's decisions in other forums. During its brief history, the relationship between the Council and the Assembly, in particular the Third and Fifth Committees, has been inefficient and at times inconsistent. From both a procedural and a substantive point of view, that relationship has potential for

improvement and clarification, which would strengthen the Council's role within and outside the United Nations system.

For example, the recurring procedural questions of where and in what form the report of the Council should be dealt with and how the Council's decisions can be appropriately and timely funded require a systematic solution. There is also a considerable potential to increase complementarity between the agendas of the two bodies. The back and forth between the Council and the Assembly on the follow-up to the Goldstone report (A/HRC/12/48) and then on the flotilla incident illustrates the problems inherent in the current practice, usually to the detriment of the Human Rights Council.

A proliferation of political tracks can never be a substitute for effective political action and is, of course, a very inefficient use of our resources. The review of the status of the Council here in New York as well as of the work and functioning of the Council in Geneva provides a welcome opportunity to address these and other issues.

On the positive side, we note that the Council has been able to create innovative ways of dealing with country situations, in particular the stand-alone interactive dialogue on Somalia. Another good innovation was the special sitting on the flotilla incident, leaving aside the question of the parallel consideration of the issue in the two bodies I have mentioned. Both examples illustrate that there is room for flexibility within the existing framework and that the Council can indeed react in creative ways to emergency situations.

We also consider it to be a positive development that such discussions can take place in an interactive way and do not necessarily have to result in some sort of formal decision, certainly not necessarily at a first stage. We hope that such models will be further explored and, when appropriate, will be combined with positive follow-up consideration. Additional formats, such as monthly briefings by the High Commissioner for Human Rights, combined with an interactive dialogue on current issues, could also help enhance the dialogue within the Council.

The Human Rights Council depends on independent expert input in order to take well-informed decisions. As the part of the secretariat that offers expertise on human rights, it is the task of the Office of

the High Commissioner to provide such input. Currently, a considerable amount of human and financial resources of the Office has been taken up by conference servicing and administrative tasks for the Council. We believe that we should consider the option of establishing a permanent office of the President of the Council, which would help to alleviate the administrative burden of the Office of the High Commissioner and thereby liberate valuable resources to be used on substantive work in the field of human rights under the oversight of the General Assembly. It would also strengthen the governance structure of the Council itself and thereby contribute positively to its perception outside.

Mr. Abdelaziz (Egypt) (*spoke in Arabic*): At the outset, I would like to express Egypt's appreciation for the statement made by the President of the Human Rights Council before the General Assembly, following the statement he made yesterday at the general debate of the Third Committee on the report of the Council (A/65/53), which was submitted in accordance with the temporary compromise agreement to consider the report of the Council both in a General Assembly plenary meeting and in the Third Committee.

This approach re-emphasizes the Third Committee's broad mandate to consider and act upon all the Human Rights Council's recommendations contained in the report, including those that deal with the development of international law in the field of human rights, without prejudice to the right of Member States to submit resolutions and decisions in the General Assembly or in the Third Committee on any issue contained in the report.

Since its establishment by resolution 60/251, the Human Rights Council has continuously improved its performance through unifying working standards and adopting a constructive cooperative approach in dealing with human rights issues, with a view to providing advice and the necessary support, upon the request of Member States. In this way, international cooperation in the field of human rights has been improved based on the principle of the primary responsibility of Governments in promoting and protecting human rights, as established by the World Summit Outcome Document of 2005 (resolution 60/1).

The choice of good global governance as the main theme for our discussions during the sixty-fifth session of the General Assembly has emphasized the

important contribution of governance to the protection of all human rights in accordance with international conventions and agreements, the significance of the full enjoyment of these rights by all peoples of the world without exception or discrimination, and the need for the international community to intensify its efforts to achieve the following objectives.

First, we must restore the balance in the international interest in economic, social and cultural rights, on the one hand, and civil and political rights, on the other hand. That can be strengthened by bridging the gap between the North and the South with a view to providing better living standards, which in turn would contribute to the advancement of human rights for individuals and communities alike. We should also strengthen our efforts to combat all forms of discrimination on the basis of race, sex, language or religion, including through the implementation of our joint commitments, in accordance with the Durban Declaration, its programme of action and the outcome document of its review conference.

Secondly, we should respect the institutional balance between the roles of the principal organs of the United Nations in addressing human rights issues, while avoiding attempts to address such issues from a limited security perspective that fails to take into account the social and economic dimensions. Furthermore, we should avoid the attempts of some to impose their own values, ideas and views and the standards of their justice, social, legal and human rights systems on others, and to promote certain controversial notions that do not take into account the diversity of the societies' various social, cultural and legislative systems.

In that regard, it is important to respect the mandate of the Human Rights Council by refraining from submitting country-specific recommendations to the Third Committee, particularly since all those recommendations target only developing countries and hamper our efforts to reach consensus solutions, which can help strengthen respect for human rights in the context of constructive and objective cooperation among developed and developing countries.

Thirdly, we should objectively and impartially strengthen the programmes of the various mechanisms within the Human Rights Council in all Member States, without exception, double standards, politicization or selectivity.

Fourthly, we should reiterate the central role of the Council in ensuring respect for all human rights and international humanitarian law, in particular in the occupied Palestinian territories, by verifying Israel's full compliance with all its international obligations, including its commitment to cooperate fully with the Special Rapporteur and the fact-finding missions and commissions mandated by the Human Rights Council to investigate gross human rights violations in the occupied Palestinian territories.

Fifthly, we must enhance dialogue and promote cooperation to ensure the effectiveness of the special procedures system. It is a shared responsibility between the mandate holders, the States and all other relevant parties that should be based on the principles of transparency, fairness and mutual cooperation, while ensuring full respect by the special procedures of their mandates and responsibilities granted by the Human Rights Council and their full adherence to the code of conduct.

Sixthly, we need to provide the financial resources needed to implement the activities of the Office of the High Commissioner for Human Rights in order to allow it to provide the necessary assistance to and consultation with Member States, as well as capacity-building, and to ensure the Commissioner's coordinated role in supporting the activities of the Human Rights Council.

This year, Egypt completed its Universal Periodic Review within the Human Rights Council and has successfully demonstrated its commitment to protecting and promoting all human rights. On the basis of the recommendations that it has accepted within the international review process, Egypt is steadily moving towards strengthening respect for human rights and fundamental freedoms, as well as the values of democracy and comprehensive societal participation. We are working towards ensuring the equal rights and duties of all citizens by strengthening cooperation among the Government, civil society and the private sector and the political and democratic reform process that the Government is steadily implementing. Egypt will continue to meet its international obligations and to promote respect for all human rights at the regional and international levels.

While Egypt welcomes progress in implementing institution-building and in developing the working methods of the Human Rights Council, including the

code of conduct for the mandates of Special Rapporteurs, increasing international support for the Universal Periodic Review mechanism, the creation of complaint procedures, the establishment of the Forum on Minority Issues, and efforts to rationalize, develop and improve the working methods of the treaty bodies, we look forward to further progress on the Council's mechanisms through the specific recommendations of the current review process of the Council's working methods under way in Geneva. Those should seek to ensure the full compliance of special procedures with their mandates and with the code of conduct that governs their actions. That is necessary to ensure the necessary coordination and complementarity between the priorities of the Office of the High Commissioner for Human Rights and those of the Human Rights Council in accordance with clear and specific guidelines in support of the Council's efforts to achieve the universality of internationally agreed human rights and to improve the effectiveness of the Universal Periodic Review mechanism. That would also ensure the Council's balanced programme of work through the just and comprehensive consideration of all human rights issues, in particular the right to self-determination.

In that regard, Egypt reaffirms the complementary nature of the review processes of the Council both in New York and in Geneva. It underscores the importance of working in a way that ensures reviewing the Council's status in New York on the basis of the report on the review process under way in Geneva, to be submitted by the Council to the General Assembly. As the head of the Non-Aligned Movement, Egypt will exert every effort to ensure full coordination with all States, in Geneva and New York, in order to achieve the desired objectives of the review process through consensus.

Mr. Vigny (Switzerland) (*spoke in French*): My delegation thanks the President of the Human Rights Council for his report (A/65/53). Given that the Council is a subsidiary organ of the General Assembly, Switzerland believes that the plenary is the appropriate place to become familiar with it and to act.

The Council's balance sheet is impressive, not only in terms of its volume and the diversity of topics and situations that it deals with, but also in terms of its capacity for innovation. For example, cross-regional thematic initiatives, such as human rights education

and training, make it possible to transcend the differences that characterize group thinking.

Similarly, the Council should better exploit the instruments at its disposal in order to react in a more appropriate way to situations of human rights violations, whatever their nature and wherever they occur in the world. The Council could thus address situations in various countries through, for example, presidential statements, stand-alone interactive dialogue and urgent debates. Such practices should be encouraged.

As regards human rights implementation mechanisms, the special procedures should retain their independence in order to give a voice to victims and human rights defenders. Switzerland welcomes the establishment of two new special procedures on the freedoms of association and peaceful assembly and on non-discrimination against women in law and in practice.

While those procedures must comply with the code of conduct contained in Council resolution 5/2, States also have the duty to cooperate with them. Follow-up on the recommendations of the procedures is a key element in strengthening human rights. In order to continue to be the Council's eyes and ears, the special procedures system must undertake initiatives, as in the case of the joint study on secret detention. Such initiatives help strengthen the protection of human rights.

The Universal Periodic Review is one of the Council's successes. However, some adjustments to its second cycle should be made. It is vital that all delegations express their views and that the recommendations of the first cycle be appropriately followed up.

Despite some positive developments, the rapid pace of the Council's work calls for a streamlining of its programme and working methods. Thus, the review of the Council's work started in Geneva is an opportunity to make the necessary improvements, so that all serious situations of human rights violations in the world can be considered there. Once again a member of the Council, Switzerland is stepping up its efforts in that direction.

As the Council is almost permanently in session, we wish to particularly emphasize the need to institutionalize the Office of President of the Council.

As in the General Assembly, it is vital that the presidency of the Council enjoy sufficient support in order to ensure the stability and continuity necessary to fulfilling its mandate as effectively as possible.

We are also approaching next year's review of the status of the Council by the General Assembly. It is necessary to establish flexible cooperation between the Third Committee and the Council in the interest of complementarity and in order to avoid unnecessary duplication. Finally, it is fundamental that the Office of the High Commissioner for Human Rights be able to maintain its room for manoeuvre in exercising its functions, including in new areas. It should be placed under no supervisory authority other than that of the Secretary-General.

In conclusion, the year ahead will be a pivotal year for the Council. It is up to us to work together in a constructive and innovative spirit oriented towards the implementation of durable solutions. Our discussions should not make us forget, however, the rights and needs of victims and vulnerable groups.

Mr. Kleib (Indonesia): First of all, allow me to express my appreciation to the Human Rights Council for its report (A/65/53) to the General Assembly. Judging from the impressive volume of the report, as well as the many important themes covered, my delegation is truly grateful for the Council's tireless efforts to further promote and protect human rights at the global level.

I wish also to congratulate and welcome the new President of the Human Rights Council, Ambassador Sihasak Phuangketkeow. My delegation underscores its support and commitment to his forthcoming endeavours to further the causes of the Council. Let me also reiterate Indonesia's firm commitment to continuously enhancing the credibility of the Council in promoting and protecting human rights through genuine dialogue and cooperation.

In June 2011, the Human Rights Council will have ended its fifth cycle and, pursuant to resolution 60/251, a review of its status, work and functioning is to be undertaken. Indonesia is engaging constructively with the review process currently under way in Geneva and encourages a productive and frank discussion within the auspices of the open-ended intergovernmental working group on the review of the work and functioning of the Human Rights Council. For its part, Indonesia contributed to the deliberations

on various issues during the first meeting of the working group in Geneva last week.

We wish to emphasize that, in accordance with resolution 60/251, the review of the status of the Council is to be undertaken by the General Assembly, while the review of its work and functioning is to be carried out by the Council in Geneva. However, this should not mean that the process is mutually exclusive; on the contrary, we should ensure that the processes are interrelated. Indonesia believes that both reviews should contribute to the enhancement of the profile and centrality of the Human Rights Council, as well as to the promotion and protection of human rights.

Indonesia continues to be a committed participant and steadfast supporter of the work of the Council, and attaches great importance to the review of its current working practices and mechanisms. It is imperative that the Council be able to fulfil its mandate in all aspects.

It is undeniable that the Council, in comparison with its predecessor, has made significant progress. The comfort level of countries to engage with the Council has clearly increased. One reason for this positive development is the innovative Universal Periodic Review mechanism, which enters its ninth session this month. The dialogue around each country's Universal Periodic Review has set an example of how States can cooperate and engage constructively with one another in avoiding the politicization of issues and the unproductive naming and shaming of one another. It is Indonesia's hope that the mechanism will be maintained and made more efficient in the future.

With regard to the work and mandate of the special procedures, Indonesia strongly believes that special procedures mandate holders should maintain their professionalism in fulfilling their mandates through compliance with the code of conduct and by building mutual trust and closer cooperation with the States. Indonesia fully respects the independence of the special procedures mandate holders when they are conducting their work in line with Human Rights Council resolution 5/2. However, we also wish to draw attention to paragraph 3 of article 4 of the resolution, which stipulates the necessity for national legislation to be respected and upheld at all times.

In the course of its work, the Council has also demonstrated its responsiveness in tackling issues of concern among countries. One example of this was the

immediate convening of an urgent debate and, subsequently, the adoption of Human Rights Council resolution 14/1 on the attacks by Israeli forces upon a humanitarian flotilla in international waters in June 2010.

Let me conclude by reiterating our hope that the Council will become the main forum in which genuine dialogue and cooperation in the field of human rights are undertaken. I am convinced that through our efforts here and in Geneva, we can devise ways to reach that goal. I therefore hope that the review process will strengthen the work of the Council.

Mr. Núñez Mosquera (Cuba) (*spoke in Spanish*): I thank Ambassador Sihasak Phuangketkeow, President of the Human Rights Council, for his briefing on the Council's annual report (A/65/53). The establishment of the Human Rights Council five years ago resulted from the urgent need to address the discredit in which the Commission on Human Rights, caught up in double standards, confrontation and political manipulation, found itself.

In its work, the Council has displayed a solid democratic basis in its working methods and the determination of its agenda. It has worked effectively and with transparency. However, there remain challenges and threats to the climate of cooperation and genuine dialogue in its work that have to be addressed in order to achieve greater effectiveness in its work. For example, we are concerned that it has not been possible to put an end to all those country mandates, established on a discriminatory and selective basis, that determined the treatment of item 9 on the agenda of the Commission on Human Rights. We are also concerned about the way in which item 4 on the Council's agenda has been used to voice criticism and condemnation of countries of the South — always the South — while the human rights violations that occur in more powerful countries go completely ignored.

Despite these problems, generally speaking it is undeniable that the outcome of the recent years' work of the Human Rights Council has been positive. In its short existence, it has managed to consolidate effective practices to ensure a truly universal scrutiny of the human rights situation in the world and a climate of respect and confidence, essential for its work. The Council has also demonstrated its ability to address emergencies demanding the attention of the international community. On several occasions, it has

analysed the serious human rights violations perpetuated by Israel on the Palestinian people.

Last week in Geneva, we took the first steps in the Human Rights Council review process. Allow me to stress that this is a review, not a reform process. The Council does not need any reform. It is the unjust, undemocratic and unfair international order that needs to be reformed. Cuba actively participated in the first session of the working group set up pursuant to resolution 12/1 and offered specific proposals on how to improve the work of the Council.

The intergovernmental process under way in Geneva must lay the foundations for the review of the Council and remain inclusive and transparent in order to come to an agreement on improvements, where necessary, while maintaining the Council's achievements since its establishment. In this context, our delegation wishes to emphasize the need to respect the mandate laid down in resolution 60/251. The process in New York must start once the process in Geneva has reached its conclusion.

We do not believe that radical changes need to be made to the functioning of the Council. The main goal of the review process must be to consolidate the approach of cooperation and dialogue in its discussions and work. For Cuba, the review must be aimed at making the minimum adjustments truly necessary to improving the mechanisms already established by the Council, such as the Universal Periodic Review, and at addressing those areas where clear regulations are lacking, such as the issue of the list of speakers and the lack of a clear and consistent methodology for the drafting of the two reports prepared by the Office of the High Commissioner for the Universal Periodic Review.

Cuba will work to retain the positive features of the Council and to definitively eradicate selective practices and political motives that still underlie the treatment of human rights situations. We are opposed to any attempt to return to selective and discriminatory treatment against countries. We cannot be led astray by siren calls; we cannot remain silent or abet the hypocrisy and cynical proposals intended to return the Council's work to the unhappy period of the Commission of Human Rights and which has been defended by certain countries, supported by members of the Secretariat and transnational non-governmental organizations paid by developed countries.

The international community hopes that we can respond jointly and effectively to all the crises affecting humankind today, and especially the countries of the South. So long as an unjust and exclusive international economic and political order persists, the Council must continue to speak out for an equitable and democratic international order. We Member States established the Human Rights Council and we are the ones participating in its work. It is we who are responsible for strengthening it.

Mr. Alhajeri (Kuwait) (*spoke in Arabic*): The General Assembly is discussing today an important item on its agenda. I wish to thank the Human Rights Council for the report before us today (A/65/53), which summarizes all that has been done by the international community to reinforce human rights, as well as the Council's enduring quest to entrench and defend the principles of human rights.

The progress of nations and peoples is measured by the extent to which human rights are respected in word and in deed. The United Nations Charter urges us to further advance and consolidate human rights and to preserve the basic freedoms of the individual, the achievement of which requires us all to stand together.

My delegation has read the report submitted under this item and wishes to affirm that the State of Kuwait pays special attention to human rights issues. The Kuwaiti Constitution of 1962 provides an overall legal framework for the protection advancement of human rights, derived from Islamic sharia and relevant international law contributing to the reinforcement of the concept of human rights. Thus, the State of Kuwait is at the forefront of States sponsoring these rights.

As a defender of human rights, at the national level we provide free health care, education and social and cultural services on an equal basis for everyone. The Kuwaiti Constitution also calls for the prevalence of justice, equality, freedom and the rule of law among all citizens. Kuwait has established a high commission for human rights to review laws and regulations, recommend their amendment, and raise awareness of human rights through various media outlets.

Article 7 of the Kuwaiti Constitution refers to human rights and enshrines the concepts of justice, equality and compassion among individuals. Article 8 provides that the State should preserve the pillars of society and guarantee security, tranquillity and equal opportunities, while articles 36 and 37 guarantee the

freedom of the press and publishing, thought, expression and opinion.

The State of Kuwait has paid special attention to women and granted them more rights than duties and obligations out of its appreciation of the effective role that women play in the conservation and stability of society. The Kuwaiti Constitution confirms that all people enjoy equal rights to human dignity without discrimination. It is worth noting in that respect that my country has ratified the Convention on the Elimination of All Forms of Discrimination against Women.

The State of Kuwait has focused particularly on the care of children, guided by the principles of its Constitution and its commitments under the international conventions and agreements it has ratified, including International Labour Organization Convention 138 concerning Minimum Age for Admission to Employment and Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. I note in that respect that 100 per cent of Kuwaiti children completed elementary school in 2009.

People belonging to almost 120 different nationalities with different cultures and beliefs live on Kuwaiti soil today, and my country has been very eager to provide these communities with appropriate living conditions. Furthermore, the Kuwaiti Constitution, in articles 35 to 39 and 43 to 45, provides for the strengthening and protection of freedoms and rights, including the freedom of faith and the freedom to hold religious ceremonies, guaranteeing to these communities the exercise of their ceremonies and beliefs in total freedom.

Inspired by the saying of the Prophet Mohammed that "all people are as equal as the teeth of a comb", Kuwait affirms the established principles of its foreign policy, which emphasizes the consolidation of international peace and security, the rejection of violence, non-interference in the internal affairs of other States, and respect for human rights.

The State of Kuwait, as part of its pursuit to further human rights and human dignity through governmental and non-governmental organizations and institutions, has provided humanitarian assistance in various forms to all suffering peoples in need without any consideration for their religion, colour or race.

In discussing today the subject of human rights, we cannot disregard the gross and grave violations of all international norms and laws that the Israeli occupation forces commit against the unarmed Palestinian people, or Israel's infringement of international humanitarian law through its illegal settlement activities and unjust siege of the Gaza Strip, depriving an unarmed population of their basic needs. The international community must assume its responsibilities and protect the Palestinian people from all the illegal practices and policies of the Israeli occupation.

Finally, the State of Kuwait will spare no effort to further advance and defend the cause of human rights in all international forums. We will do this through our active participation in all regional and international conferences. I would like to emphasize that our pursuit to further advance the cause of human rights shall come to fruition only through the coordination and cooperation of the United Nations with other entities and non-governmental organizations.

Ms. Hernando (Philippines): At the outset, allow me to thank you, Mr. President, for the opportunity to speak on the agenda item on the report of the Human Rights Council (A/65/53). My delegation thanks the President of the Human Rights Council, Ambassador Sihasak Phuangketkeow, for his presence and for presenting the annual report of the Council.

In 2006, the Human Rights Council was established to strengthen the United Nations human rights machinery so as to ensure the effective enjoyment by all of all human rights, covering civil, political, economic, social and cultural rights, including the right to development. As we take stock today of the gains achieved by this relatively young institution, the Philippines notes that the Human Rights Council has made reasonable progress in fulfilling its mandate as set forth in resolution 60/251.

The workload of the Council has markedly increased since its inception, and the growing number of cross-regional initiatives, which demonstrate the positive engagement and cooperation of delegations to work towards more practical and forward-looking approaches, indicates that the Council provides an enabling environment to foster international cooperation in solving international problems of an economic, social, cultural or humanitarian character.

Several resolutions have been acted upon and adopted by the Council in its fifteenth session, and the Philippines welcomes in particular resolution 15/25 on the right to development. Given the current economic, financial and climate crises, as well as recurrent large-scale natural disasters, the realization of the right to development becomes all the more imperative and urgent. Thus, the Philippines is pleased that the Council continues to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals and, in this regard, to seek to raise the right to development, as set out in the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms.

Advancing sustainable development and the realization of the Millennium Development Goals requires the eradication of extreme poverty, which violates human dignity. In this regard, the Philippines supports the work of the Council towards the finalization of the draft guiding principles on extreme poverty and human rights with a view to ensuring that the principles will help strengthen the implementation of existing international human rights law. They would also make international human rights law and policy more relevant to people living in extreme poverty by raising their awareness of their rights and entitlements.

On the issue of the human rights of migrants, the Philippines welcomes the Council's call on States that have not yet done so to consider, as a matter of priority, signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The impact of the global economic and financial crisis undoubtedly presents additional challenges to the protection and promotion of human rights of migrants and their families and increases their vulnerability to exploitation, such as trafficking. The Philippines and Germany therefore sponsored resolution 14/2, entitled "Trafficking in persons, especially women and children: regional and subregional cooperation in promoting a human rights-based approach to combating trafficking in persons", at the fourteenth session of the Human Rights Council.

The Philippines continues to support the Council in encouraging Member States that have not done so to enact domestic legislation and strengthen international cooperation to combat human trafficking and smuggling. The Philippines hopes that the Council will

continue to forge international partnerships on human rights and focus on capacity-building for developing countries.

The Universal Periodic Review, with its intergovernmental and peer-review character, remains the most innovative and effective mechanism of the Council in ensuring that States fulfil their responsibility to respect and implement human rights and fundamental freedoms. One hundred and twenty-eight countries have already undergone the Universal Periodic Review since it was first established. There is still a need, however, to strengthen the review process if we are to bring to fruition our vision of an ever-responsive mechanism to improve human rights situations in all countries and to address human rights violations wherever they occur.

My delegation acknowledges the role of special procedures and their contribution to the promotion and protection of human rights. Their independence is an important aspect of their work, but must be balanced by important considerations such as professionalism, integrity, efficiency and effectiveness.

Finally, as the Human Rights Council and all its stakeholders embark on the crucial formal review process, my delegation is confident that dialogue and cooperation, the pillars of international engagement on human rights, will be strengthened and that all relevant parties will identify concrete and practical means by which the efficiency of the Council's work can be further enhanced.

Mr. Hassan Ahmed (Sudan) (*spoke in Arabic*): At the outset, I welcome the report of the Human Rights Council (A/65/53), introduced by President Ambassador Sihasak Phuanketkeow, and congratulate him on his wise work at the head of the Council and to wish him every success regarding the Universal Periodic Review of the activities and performance of the Council.

Since it was established five years ago, the Human Rights Council has been an important success story of the General Assembly and its subsidiary bodies in addressing human rights issues on the basis of the equality of all States through the Universal Periodic Review, to which all States without exception are submitted. Furthermore, in keeping with its mandate under resolution 60/251, the Council provides recommendations through special procedures that can be an outstanding process if the mandate holders carry

out their task impartially and without politicization or selectivity, in accordance with the spirit and letter of their mandates and the code of conduct set out in Human Rights Council resolution 5/2 and reaffirmed in resolution 11/11 of June 2009.

Resolution 60/251 refers to a review of the functions and performance of the Council within five years, but does not refer to reform because the Council as it stands is in no need of reform. Rather, it needs an increase in and control of its working methods without changing its mandate. The Sudan is currently preparing its report to be submitted to the Universal Periodic Review during the first half of 2011. The competent authorities in my country, as well as civil society organizations and all other partners, are involved in the preparation of the report, which will look at the democratic transformation of our country and the recent presidential and parliamentary elections that led to the election of the President and the Parliament in a democratic, peaceful way, as was noted by many observers from several areas of the world.

In his report submitted to the Human Rights Council (A/HRC/14/41) at its last session in September and October 2010, and which is currently under consideration, the independent expert on the situation of human rights in the Sudan, Mr. Mohamed Chande Othman, commended Sudanese cooperation with the United Nations human rights mechanisms, including his own mandate under Human Rights Council resolution 11/10 of June 2009. The independent expert also welcomed the establishment by the Sudan of two joint human rights forums and of a subsidiary joint forum of the Sudanese Government and the two United Nations missions, the African Union-United Nations Hybrid Operation in Darfur and the United Nations Mission in the Sudan, to monitor the human rights situation there. He also commended legal and legislative developments, particularly the Sudan's ratification of the Convention on the Rights of the Child, the Press and Printed Materials Act, a new law on public order, and the ratification of the Southern Sudan Referendum Act, the Popular Consultation for Blue Nile and South Kordofan States Act and the Abyei Referendum Act. He also commended provincial, presidential and legislative elections, as reflected in the report before us, and the impartiality and fairness of the elections and the fact that they occurred without fraud or violence.

The Human Rights Council has adopted historic resolutions, in particular those on the Goldstone report, the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, and the numerous war crimes, crimes against humanity and crimes of genocide committed by the Israeli Army against the unarmed inhabitants of Gaza. These achievements were supplemented by yet another — the Council's decision regarding Israeli Army aggression against the freedom flotilla and the murder of numerous aid and relief workers attempting to provide humanitarian aid to lift the blockade against Gaza.

Mr. Munde (India): My delegation would like to thank the President of the Human Rights Council for his briefing and for introducing the Council's report (A/65/53).

Since its creation in 2006, the Human Rights Council has played a commendable role. This has helped the Council to achieve its pre-eminent, legitimate and premier position in dealing with human rights issues on the international stage. We are encouraged by the broad consensus that the Council has been a considerable improvement over its predecessor, the Commission on Human Rights, and has addressed human rights issues in a more constructive manner. This has been possible mainly owing to the Council's basic shift in emphasis to the principles of universality, impartiality, objectivity and capacity-building that underlie its mechanisms, agenda, programme of work and methods of work.

The Council's strength also lies in its emphasis on dialogue, cooperation, transparency and non-selectivity in the promotion and protection of all human rights and fundamental freedom for all. In substantive terms, the enthusiastic participation of Member States in the Universal Periodic Review process up to now is proof of that. It also underscores the success of that innovative mechanism, which has provided a platform for the sharing of national experiences and best practices in consultation with and with the consent of the country concerned. It is also worth noting that the Review has generated a new momentum towards ratification of core international human rights instruments, the submission of periodic reports to treaty bodies, better cooperation with special procedures, greater openness towards human rights complaints procedures, and the enactment of national measures in line with the obligations of a State party under relevant human rights instruments.

I am happy to note the proactive attitude of the Human Rights Council in examining and reacting to several emergent human rights situations. Since its creation, the Council, in addition to its 15 regular sessions, has also convened 13 special sessions to deliberate issues of special concern. This has helped to further reinforce and strengthen the Council's credibility internationally and provided an appropriate forum for Member States to raise human rights issues.

We are in the fifth year since the establishment of the Council. This is an opportunity to ensure that we learn from the current functioning and practices of the Council and formalize them in the ongoing review of the Human Rights Council. We hope that our review efforts will be based on an inclusive approach that respects diversity in historical national experiences, cultures and development. In this regard, we would like to welcome the discussions that took place last week in the first meeting of the open-ended intergovernmental working group on the review of the work and functioning of the Human Rights Council.

We feel that, during the review process, the Council should consider streamlining its programme of work by meeting in two regular sessions for a total of eight weeks every year, with the remaining third session of two weeks to be added to the existing programme for the Universal Periodic Review.

In addition, in order to give the necessary focus to the intergovernmental nature of the Council, we would support preserving the procedural and organizational role of the President of the Human Rights Council and the Bureau. We would also like to reiterate that the complaint procedure within the Council should be retained, while exploring the possibility of streamlining its functioning. We believe that it serves a useful purpose and that its effectiveness can be judged by the relatively high rate of quality and timely responses from States.

Having created the Human Rights Council as a subsidiary body of the General Assembly, we appreciate the current practice of presenting the report of the Council in the General Assembly directly, in the understanding that all its recommendations are considered and acted upon by the Third Committee of the General Assembly.

We also call for putting in place mechanisms and procedures by which the decisions of the General Assembly on the report of the Council, especially those

with financial implications, can be acted upon quickly by shortening the time for consideration of the financial implications by the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee so as to minimize the time lag currently being experienced.

India attaches considerable importance to the promotion and protection of human rights. India remains committed to making the Human Rights Council a strong, effective and efficient body, capable of promoting and protecting the human rights and fundamental freedoms of all.

I would also like to say that a spirit of cooperation and mutual understanding should guide the work of the Human Rights Council. We reiterate our commitment to continuing to engage constructively with all Member States and to strive to ensure that the Council retains its pre-eminent place in the international human rights arena.

Mr. Al Habib (Islamic Republic of Iran): At the outset, I would like to thank the President of the Human Rights Council for his presentation, which has provided us with an overview of the developments and activities of the Council and the challenges that it is facing.

We welcome today's meeting to consider the reports of the Human Rights Council (see A/65/53), including that of its fifteenth session (A/65/53/Add.1), which contain a number of important resolutions, including the reference to the reports concerning the Israeli regime's attacks on the flotilla of ships, as well as its brutal assault on the innocent Palestinian people in Gaza.

The establishment of the Human Rights Council was one of the most significant initiatives taken in the United Nations, not only for its contribution to the improvement of the United Nations human rights structure, but also and fundamentally for its capacity and ability to change the environment of confrontation between Governments that characterized the former Commission on Human Rights, which ultimately gave way to the Human Rights Council as a forum for dialogue and cooperation.

The Islamic Republic of Iran, along with other developing countries, actively participated and positively contributed to the reform process of the United Nations human rights machinery and the

establishment of the Council with a view to putting an end to the long-standing politicization and manipulation of the United Nations mechanism by a few countries. In establishing the Human Rights Council, we all intended to create a mechanism devoid of selectivity, double standards and political pressure when it comes to human rights and their promotion and protection.

We maintain that the review of the Council's functions and status, as required by resolution 60/251, is a great opportunity to assess its performance in order to identify its weaknesses and strengths. We need to examine the Council's functions, based on key and objective criteria. We are of the view that the Council's work will not bear fruit unless partiality, selectivity, double standards and politicization are prevented. The review must be pursued in an open, transparent, non-politicized, constructive and consensual process. The full engagement of Member States in that process maintains their confidence in the final outcomes.

Moreover, the reappraisal process of the Council must be implemented to review and not to reform the working and functions of the Human Rights Council and should not reopen the institution-building package. The reform process should concentrate on removing shortcomings and maintaining the present capabilities of the Council, including the enhancement of its efficiency and credibility in the promotion and protection of human rights in a fair and impartial manner.

There is unanimity among States that the Universal Periodic Review constitutes a breakthrough in the work of United Nations intergovernmental human rights activities. The rationale behind creating such a mechanism was to ensure universality, objectivity, non-selectivity and impartiality in the work of the Human Rights Council. The real advantage of that mechanism, in a logical setting, is to allow the human rights machinery to act beyond the monopoly of a few in monitoring the human rights situations of Member States.

In that context, it is unfortunate that, despite the existence of the Universal Periodic Review mechanism in the Human Rights Council, certain countries still continue to table country-specific draft resolutions in the Third Committee of the General Assembly. Everyone in the room is fully aware of the fact that such resolutions are politically motivated exercises to

serve the political purposes and interests of their sponsors. Tabling country-specific resolutions in the Third Committee first and foremost undermines the credibility of the Human Rights Council as the specialized United Nations organ responsible for the consideration of human rights situations in all countries.

The national report of the Islamic Republic of Iran was considered at the seventh session of the Working Group on the Universal Periodic Review in February 2010. My Government made comprehensive arrangements with all national stakeholders, including governmental and non-governmental institutions, to draw up and submit our national report for the consideration of the Working Group. The Islamic Republic of Iran fully and closely cooperated with the Universal Periodic Review mechanism by submitting a comprehensive and detailed national report, as well as by dispatching a high-ranking delegation that actively and constructively participated in the review of Iran's national report in order to play its part in enhancing and promoting the newly established mechanism. From a total of 188 recommendations, 123 were accepted, which clearly indicates both our openness and our commitment to the promotion and protection of human rights at the national and international levels. Furthermore, 20 recommendations were considered for further action.

The Islamic Republic of Iran's human rights policy has continuously emphasized the significance of an interactive and cooperative approach in the promotion and protection of human rights, as stipulated in the purposes and principles of the United Nations Charter, as well as the avoidance of confrontations, double standards and politicization. Iran's firm commitment for the promotion and protection of human rights includes, *inter alia*, taking measures leading to a further convergence of values and principles held by various countries with different cultural, social and historical backgrounds on human rights questions. In that regard, we look forward to continuing our close cooperation with the Council and its members to realize our shared objectives of attaining greater global justice, equity and development through the enhancement of all human rights for all.

Mrs. Morgan Sotomayor (Mexico) (*spoke in Spanish*): I would like to thank the President of the Human Rights Council for presenting the Council's report to the General Assembly, in accordance with the

relevance that must be given to the protection and promotion of human rights as one of the pillars of our Organization. We welcome the report on the activities of the Human Rights Council that covers the work done by that body between September 2009 and June 2010 (A/65/53) and the report on its most recent session, held in September (A/65/53/Add.1).

We agree that the Council's last working cycle was particularly fruitful. I would like to highlight some of the decisions related to its important regulatory work, such as the establishment of a working group to draft a United Nations declaration on human rights education and training and the extension of the mandate of the Open-ended Working Group on a protocol to the Convention on the Rights of the Child on a communications procedure.

Regarding the strengthening of the system of special procedures, the decision to appoint a special rapporteur on the rights to freedom of assembly and of association should be mentioned, as should the establishment of a working group of experts on the elimination of discrimination against women in law and in practice. We are sure that the new group of experts, whose creation was brought to the consideration of the Council by my country, will work in a spirit of cooperation with States and various relevant stakeholders and in coordination with other United Nations entities, particularly the Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women, to compile and disseminate best practices to eliminate discrimination against women before the law.

Mexico is fully committed to strengthening the United Nations Human Rights Council as the Organization's pre-eminent body responsible for promoting and protecting human rights. In the few years that have passed since its creation, the Human Rights Council has made a substantial contribution to the protection of human rights, and some of its tools, such as the Universal Periodic Review mechanism, will have a greater impact in the future, once the second reporting cycle begins. That is why we believe that the 2011 review process is an opportunity to programmatically, pragmatically and realistically identify the areas in which the Council's work can be strengthened. We must build on the accomplishments achieved while we identify areas for improvement.

As part of its commitment to promoting the review process, Mexico, along with France, encouraged an informal discussion group that involved 21 countries, the Office of the High Commissioner and civil society organizations in order to engage in a constructive dialogue on the ways in which this body can be strengthened. I would like to note that all delegations in Geneva were informed of the results of that informal process.

The 2011 review will test our ability to achieve, through a collaborative perspective, the changes necessary to ensure the Council's effectiveness in promoting and protecting human rights. We are convinced that the international community is ready to overcome that challenge. With that goal in mind, Mexico will use that opportunity to make proposals aimed at endowing the mechanisms and procedures that the Council has at its disposal with greater efficiency and impact.

I would like to renew Mexico's commitment to work constructively with all delegations in the review process.

Mrs. Waffa-Ogoo (Gambia): Allow me to thank the President of the Human Rights Council for his presentation of the annual report of the Council (A/65/53) and to express our appreciation to its members for their efforts in making that Council function as mandated by Assembly resolution 60/251, entitled "Human Rights Council".

It is now almost five years since the adoption of that landmark resolution, and since then we have witnessed the rapid evolution of the Council from a fledgling institution to a very vibrant subsidiary organ of the General Assembly. Over the years, we have also noted the increase in the volume of the Council's work, given the number of special sessions it has held since its creation and the number of countries that have undergone their Universal Periodic Reviews. We urge the Council to continue to fine-tune the work of the Universal Periodic Review mechanism as a tool for greater cooperation in the promotion and protection of human rights throughout the world. The Council has also created a lot of new mandates.

The Gambia underwent its Universal Periodic Review for the period under review and has carefully studied the conclusions of the Working Group. I can assure the Assembly that we are studying various human rights instruments and conventions to which we

are not party with a view to becoming party to some of them, in line with our constitutional and international obligations. We are looking forward to the next review cycle.

Let me say that perhaps the cycle of reviews should be extended to five years. The business of human rights promotion and protection is ongoing, and we are committed to that. My delegation therefore urges the Council to remain true to its mandate as defined in its founding resolution.

Assembly resolution 60/251 called for two reviews, first, a review of the status of the Council within five years by the Assembly itself, and second, a review by the Council of its work and functioning five years after its establishment, followed by a report to the General Assembly. We take note of the appointment of facilitators for those purposes in both New York and Geneva and look forward to actively contributing to the review processes.

My delegation is particularly interested in the outcome of the Geneva process. Let me caution that no review should attempt to undermine the critical role of the General Assembly's Third Committee as the main expert committee dealing with human rights and related issues. The overarching role and universal character of the Third Committee allow all States to deliberate on human rights questions without the usual limitations of cost of participation and non-membership in the Human Rights Council — hindrances that will continue for the foreseeable future.

Without prejudice to the outcome of the two review processes, it is our considered view that the Council has functioned well as a subsidiary organ of the Assembly. The current roles of the Assembly and its Third Committee should rather be enhanced, as they allow for greater participation of all States without exclusion. My delegation equally looks forward to the report on the review taking place in Geneva. We intend to study the report and contribute to any final decisions the Assembly may take on the outcome.

Ms. Martina (Ukraine): While my delegation aligns itself with the statement by the representative of the European Union, I would like to add a few remarks highlighting some specific issues.

During the period covered in the report (A/65/53), the Human Rights Council dealt with a wide range of thematic and specific human rights issues. The

Council maintained its important role as a forum for dialogue and cooperation. At the same time, it should do more to improve its ability to address all human rights situations in a comprehensive and timely manner. We welcome the cross-regional initiatives advanced within the Council, which, we believe, unite countries and strengthen the Council's work. It is noteworthy that consensus was reached on some issues that had previously divided States.

We are pleased to note the increasing attention given within the Council to the issue of prevention and its role in promoting and protecting human rights. We hope the Council will strengthen the preventive aspect of its activities and make better use of its prevention potential in promoting universal respect for and observance of human rights and fundamental freedoms worldwide.

We welcome the work of the Open-ended Working Group on the Human Rights Council review and the active involvement of United Nations Member States in that process. The first session of the Working Group took place in Geneva last week and marked the formal launch of the review process. We hope that a variety of recommendations and proposals submitted during that session will help find the best way of increasing the Human Rights Council's efficiency. The importance of coordinating the New York and Geneva reviews should be underlined. It is also important that the review of the Council not hinder its substantive work on human rights violations.

Mr. Ali (Malaysia): With the establishment of the Human Rights Council in 2006 and its subsequent operationalization, we have witnessed a key paradigm shift that clearly distinguishes the Council from its predecessor. In establishing the Council, United Nations Member States also decided to reject negative practices such as a coercive or adversarial approach, politicization, and naming and shaming, and have instead worked together to build an institution based on the principles of dialogue, cooperation, consultation and mutual respect.

As we approach the mandated review of the Council next year, it is Malaysia's view that Member States should focus on reinforcing the strengths of the Council and not on reconstructing, reframing or unravelling existing arrangements. The review is an opportunity to take stock and, where necessary, to make appropriate adjustments to the institution-

building package, with a view to enhancing the Council's effectiveness and efficiency in discharging its mandate.

It cannot be denied that the establishment of the Council and its many achievements to date, among which is the successful implementation of the Universal Periodic Review mechanism, stand out as concrete and positive examples of the international community's success in promoting and protecting human rights for all. Of course, more can always be done to ensure protection for the victims of human rights violations.

With such considerations in mind, we also believe that as the Council matures into its intended role, some thought should be given to streamlining its work and increasing its visibility, as well as improving its working methods. On the latter issue, we disagree with criticisms that the Council lacks the capacity to respond to human rights situations. In our view, its responsiveness has been clearly demonstrated through its convening of numerous special sessions and urgent debates on pressing issues of our times.

My delegation looks forward to the completion of the ongoing work in Geneva by the intergovernmental working group on the review of the work and functioning of the Human Rights Council. We extend to them our support both here in the General Assembly and through our active participation as a member of the Council.

Mindful of the parameters for the current review process, which confine it to the work and functioning of the Council, my delegation wishes to contribute the following comments. Firstly, on the Universal Periodic Review, it is clear that the Review mechanism must be urgently reviewed, including with regard to its scope and desired impact, in time for the second Review cycle. It is important that the principles that underpin our engagement under the Review process, including objectivity, dialogue and cooperation, non-selectivity, non-politicization and transparency, be respected and adhered to within the context of the Review process. We reaffirm that the basis of the Review, as well as its intergovernmental nature, must be retained. Regarding the possibility of a gap between the first and second Review cycles, we stress that spreading future Review cycles over a five-year period could yield practical benefits, including in terms of enhancing stakeholder participation, and that the current order of the Review

should be preserved to the extent possible, so as to ensure predictability for all States and to enable them to make adequate preparations for the next Review. Given that the second and future Review cycles are a continuing process, my delegation wishes to emphasize the importance of closer cooperation and coordination between States and the Office of the High Commissioner for Human Rights, including in the preparation of the compilation documents.

Secondly, on special procedures, my delegation reiterates the importance for the special procedures to respect and adhere to the code of conduct in discharging their mandates. In that connection, my delegation wishes to stress that its request and others like it should not be misinterpreted as seeking to interfere with the independence of the special procedures. The positive gains achieved in the process of nominating, selecting and appointing special procedures should be preserved, *inter alia* through further refining the process of consultation currently in place as well as the technical and objective requirements for prospective candidates, where appropriate. My delegation is of the view that the current duration of country-specific mandates provides sufficient flexibility for all concerned parties to revisit particular situations within one calendar year.

Similarly, on the thematic mandates, my delegation envisages no changes and proposes that the current duration of three years for such mandates be retained. Additionally, while States are expected to provide almost immediate responses to requests for visits by the special procedures, the special procedures should also reciprocate in a similar fashion when extended invitations to undertake country visits.

Thirdly, on the Advisory Committee and complaints procedure, my delegation is of the view that the Advisory Committee has provided and continues to provide a valuable expert component to better inform the work of the Council, including on proposals for the implementation and operationalization of the Council's decisions. Given its relatively recent establishment and mindful of the nature of its work, which requires significant time to develop and mature, my delegation is of the view that the Advisory Committee should be allowed to function along the present lines. On the complaints procedure, the effectiveness of that particular mechanism should not be judged purely on quantitative grounds. With a view to strengthening the principles of dialogue and cooperation that underpin

the work of the Council and its mechanisms, my delegation proposes that current administrative arrangements, which appear discriminatory towards States' representatives appearing before the Council under the complaint procedure, be revisited and changed as appropriate.

Here in the General Assembly, we have been facing, since the establishment of the Council, the issue of its relationship vis-à-vis the Assembly. This has shown itself to be a divisive political question and one that has been avoided through the practice of splitting the item, so that the report of the Council is considered by both the General Assembly and the Third Committee, with the Council's recommendations considered by the Third Committee. That method was devised in the past as a stopgap, but seems to have achieved our initial overarching goal, namely, to allow for the General Assembly to consider and take action on all reports and recommendations from the Council. We are, therefore, of the view that the practice can be retained, as the alternatives would lead to contentious debates that would split the Assembly, not necessarily leading to concrete outcomes, and risk making the Council a tool for the politicization of human rights, as opposed to being the genuine human rights body it was intended to be.

On a final note, we wish to acknowledge the contribution of non-governmental organizations and national human rights institutions to the promotion and protection of human rights. One of the highly notable features of the Council is the increased space for the participation of non-governmental organizations and national human rights institutions in its work. In order to ensure the most effective contribution of both non-governmental organizations and national human rights institutions, their participation should be effected in accordance with the relevant Economic and Social Council and Human Rights Council resolutions governing their involvement.

Mr. Ntwaagae (Botswana): I wish to thank the President of the Human Rights Council for the report (A/65/53) under consideration. My delegation welcomes the opportunity to participate in deliberations under agenda item 63 on the report of the Human Rights Council. We thank the President of the Council for his detailed introductory statement.

My delegation attaches great importance to the promotion and protection of human rights and, in that

regard, we welcome the update on the work carried out by the Council during the period under review. We note that the Human Rights Council has continued to respond expeditiously to emerging human rights situations around the world, including through special sessions such as the one convened in January this year following the tragedy of the earthquake in Haiti. We further note that the Council has also taken decisions on other pressing situations, including that in the occupied Palestinian territory and the international probe on the flotilla raid.

It is important to ensure effective implementation and follow-up of the decisions and outcomes of Human Rights Council sessions, if the Council is to meet the expectations of the victims of human rights violations on the ground. In that connection, while we welcome the establishment of new mandates and mechanisms by the Council during its fifteenth session, we wish to emphasize the importance of maintaining a delicate balance with existing mandates in order to avoid undue duplicity. In many cases, it is more important to seek to strengthen existing mechanisms and mandates rather than have a proliferation of mechanisms when the implementation of existing ones already poses challenges, especially in terms of funding.

Botswana also welcomes the briefing on the process for the review of the Human Rights Council's work and functioning through the open-ended intergovernmental working group consultations held from 25 to 29 October 2010. It is encouraging to note that the overall assessment of the work of the Council thus far has been largely positive.

That positive assessment was in part due to its new mechanisms, including the Universal Periodic Review, the complaint procedure, the special procedures and the Advisory Committee — in all a very strong institutional framework that has been put together to ensure that the Council delivers effectively on its mandate. It was the product of a carefully negotiated institution-building text, and we hope its balance will be maintained while seeking to strengthen its implementation during the review exercise.

We view the introduction of the Universal Periodic Review mechanism as a major innovation and believe that, while many challenges still remain to be addressed, the Review has provided sufficient proof of a departure of the Council from its predecessor, the Commission on Human Rights, in terms of

depoliticizing human rights, upholding objectivity and avoiding selectivity and the application of double standards in the treatment of human rights.

Special procedures have also been a very effective tool in advancing the global human rights agenda. In that regard, we are pleased to state that Botswana has cooperated with the mandate holders at the Human Rights Council, including through facilitating their country visits to Botswana. We believe that the special procedures play a crucial role in the work of the Human Rights Council. Their thematic reports and recommendations have assisted Member States in many ways with respect to approaches to the promotion and protection of human rights.

There are general concerns regarding the conduct of some special procedures mandate holders that have surfaced, both in sessions of the Human Rights Council and in the Third Committee deliberations. Member States have increasingly pointed to the tendency of mandate holders to go beyond the mandates that they have been given by the Council and, as a result, produce reports that do not meet expectations.

Botswana is convinced that that observation is valid to the extent that it does not discount the fact that Member States may in some instances hold views that differ with the recommendations of the special procedures mandate holders. Furthermore, it is important to emphasize that the concerns of Member States in that regard should not be misconstrued as an affront on the integrity and independence of the mandate holders.

We remain concerned that a few delegations continue to try to perpetuate such unprofessional conduct by invoking the independence of mandate holders. That approach will only serve to undermine the system of special procedures, the work of the Human Rights Council and the United Nations human rights system in general.

My delegation recommends that the Human Rights Council consider instituting strict standards of professional conduct for the implementation of mandates through special procedures in order to mitigate such unprofessionalism. That will ensure that the Council is compensated for its time and other resources, as the special procedures process would thus produce reports and recommendations solely to serve multilateral interests rather than the narrow agenda of a few.

Allow me to conclude by reaffirming Botswana's commitment to support the work of mandate holders in the discharge of their mandates as part of our overall conviction that the work of the Human Rights Council remains valuable to the United Nations human rights system.

We do so trusting that strengthening the participation of stakeholders, including civil society representatives, is a way to respect the intergovernmental nature of the United Nations system and to acknowledge the responsibility of Member States to implement their obligations.

As the global human rights watchdog, the Human Rights Council has a very important mandate to discharge. Expectations on that score are high. The burden remains on all of us to ensure that the ideals contained in the Council's founding resolution 60/251 of the General Assembly and the institution-building framework contained in Human Rights Council resolution 5/1 are fully implemented, including through the ongoing review process.

Mr. Errázuriz (Chile) (*spoke in Spanish*): I welcome the introduction made today by the President of the Human Rights Council to the Assembly, as well as the Council's significant and comprehensive reports (A/65/53).

Promoting and respecting human rights is one of the three pillars of the United Nations and one of the major pillars of Chile's foreign policy. Thus, Chile played a prominent role in the negotiations leading up to the Council's establishment. When the review process called for in founding resolution 60/251 started in New York, Chile lent its full support to the task of improving the work of the Council. The result after these five years has been positive.

Chile is ready to examine the issue of whether the composition of the Council is best suited to meet the requirements of protecting and promoting human rights and whether it should be one of the principal organs of the United Nations, as are the Councils responsible for peace and security and for economic and social affairs.

However, without referring to prior events, Chile believes that the New York process must be approached with pragmatic criteria, not with an effort to reinvent the resolution that established the Council, but rather by making the necessary adjustments to improve its functioning and render it more effective in the field of

human rights and in its ability to address any emergencies that may arise in that sector.

Chile believes that civil society has a primary role to play in the review process. Here, the seminars that have been held with the active participation of civil society representatives are of the greatest importance. We trust that those exercises will be held in a timely fashion in this forum.

Of essential importance to the smooth functioning of the Council is cooperation among Member States. That is one of the fundamental differences between the Council and the former Commission of Human Rights. Chile believes that, despite the many endeavours undertaken by the Council, it is possible to do more. Without any doubt, Member States primarily and in the final analysis bear responsibility for protecting and promoting human rights in their countries and for agreeing to cooperate when necessary.

The first five years of the Council's life have shown clear progress in ways that human rights can be dealt with by Member States, in particular through the Universal Periodic Review mechanism, to which all Member States are subject. That is a universal, transparent and inclusive process that avoids double standards and selectivity. Chile submitted its report this year.

This year, my country also introduced its first report on the implementation of Convention No. 169 of the International Labour Organization, and Chile's Human Rights Institute was established.

On 8 December 2009, under the aegis of the Human Rights Council, Chile deposited its ratification instrument for the International Convention for the Protection of All Persons from Enforced Disappearance. By that act and pursuant to article 32 of the Convention, Chile acknowledged the Committee's competence to receive and consider communications when a Member State charges another Member State with not observing the obligations of the Convention. My Government has reiterated its open invitation to the rapporteurs of the United Nations human rights system to visit our country.

Lastly, with respect to the review of working methods, I wish to draw attention to the Chilean and Argentinean proposal submitted in Geneva to improve the efficiency of the special procedures while continuing to protect their independence. Chile's firm

commitment to promoting and defending human rights has been fully expressed through its role as a member of the Human Rights Council, and we trust that we will be able to continue to do that in the coming years, if so decided by the Member States of the General Assembly.

Mrs. Aitimova (Kazakhstan): Let me thank His Excellency Ambassador Sihasak Phuanketkeow, President of the Human Rights Council, for his well-grounded and comprehensive report on human rights issues. My delegation highly appreciates the devoted and substantive work of the Human Rights Council on a broad range of rights issues involving various social groups, as well as human rights in pressing situations. It should be recognized that considerable work was done by the Council during its fourth cycle. My delegation would like to underline the thorough and prompt reaction of the Council aimed at promoting the protection of human rights in numerous emergency situations and armed conflicts, as well as at mitigating the adverse impacts of the economic and financial crisis.

First of all, let me touch upon issues relating to the internal functioning of the Council. My delegation supports the establishment of an open-ended intergovernmental working group to review the work and functioning of the Human Rights Council. The forthcoming review of the methodology and strategic approaches of the Council places additional responsibilities on the members of that body.

My delegation fully supports the request to provide the working group with the necessary resources and facilities for it to carry out its mandate. In that regard, Kazakhstan expects that all relevant stakeholders, such as civil society, academia and United Nations Member States, will be fully engaged in the review process, including by providing their reflections and interests in the future activities in the updated mandate. My delegation looks forward to considering the working group's outcome document, which will be drafted in Geneva.

Further, Kazakhstan expresses its support for the newly established mandates of the Special Rapporteur on the right to freedom of association and peaceful assembly and a working group on the elimination of discrimination against women in law and in practice. We believe that those mandates will bridge the existing gap between internationally agreed commitments and

their implementation on the ground. At the same time, in accordance with the code of conduct for mandate holders, Kazakhstan calls upon United Nations special procedures to remain committed to exercising their functions in accordance with the framework of their mandate. That will avoid duplication and deviation from mandates.

My country fully recognizes and supports the authority of United Nations representatives and mechanisms in the field of human rights as effective tools with which to leverage the promotion and protection of rights and basic freedoms. Confirming its willingness to strengthen and pursue transparent and constructive cooperation with all partners, Kazakhstan has issued an open invitation to all mandate holders of Human Rights Council special procedures.

Thanks to our Government's ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, the citizens of Kazakhstan have gained the opportunity to appeal to the United Nations Commission on Human Rights regarding alleged violations of their civil and political rights. In that area, Kazakhstan has also taken measures to improve the available national human rights protection mechanisms in order to deal with a significant number of complaints before they are sent to the international institution of human rights protection, thereby addressing citizens' appeals and complaints within the country. As of January 2007, Kazakhstan has made efforts to improve the national law entitled "On the Procedure for the Investigation of the Appeals of Physical and Legal Persons" and to enhance the effectiveness of the consideration of citizens' appeals by judicial and local executive bodies.

It should be noted that Kazakhstan successfully introduced, at the February to March 2010 session of the United Nations Committee on the Elimination of Racial Discrimination, its combined fourth and fifth national reports on the implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. In November 2008, the United Nations Committee against Torture considered Kazakhstan's second national report on the implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, along with a shadow report submitted by non-governmental human rights organizations.

In its Concluding Observations based on Kazakhstan's second report and the shadow report, the United Nations Committee against Torture made more than 20 recommendations regarding the legislative, institutional and procedural aspects of preventing and effectively combating torture. The United Nations Human Rights Council welcomed the information of the representative of the Government of my country on the measures undertaken by my country to implement the recommendations made by the United Nations Committee against Torture.

Kazakhstan has also ratified a range of international documents in the sphere of human rights protection. In harmonizing its national legislation with international standards, Kazakhstan signed the Optional Protocol to the International Convention on Economic, Social and Cultural Rights and ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. In order to improve human rights protection mechanisms, a national action plan for 2009-2012 and the Outline of a Legal Policy of the State for 2010-2020 were adopted.

Kazakhstan commends the constructive activities of the Human Rights Council. Recognizing the human dimension as a pillar of a stable society, Kazakhstan presented its candidature to that Charter-based body for the term 2012-2015. If elected, Kazakhstan pledges to further enhance the credibility and effectiveness of the Human Rights Council and to strengthen the capacity of the Universal Periodic Review, the first cycle of which Kazakhstan successfully underwent last February. My Government intends to make every effort to fully implement the recommendations of the Universal Periodic Review suggested by United Nations Member States, non-governmental organizations, United Nations treaty bodies and the special procedures of the Human Rights Council.

Mr. Seck (Senegal) (*spoke in French*): I would first of all like to commend the remarkable work done by the Human Rights Council this year and to express my delegation's sincere appreciation to its President, His Excellency Ambassador Sihasak Phuangketkeow, for the quality of his report.

Thanks to the joint efforts of its members and the entire international community, the Human Rights Council is, after only five years in existence, sending positive signs of its capacity to meet the expectations

of its members by constantly improving its working methods to make itself more efficient. Indeed, the important resolutions and decisions adopted during its fifteenth ordinary session not only clearly demonstrate the progress made by the Council, but also reflect its dynamism.

Moreover, in the context of that positive dynamism, it is worth noting the establishment, during the recent session of the Council, of a working group of experts to examine the issue of discrimination against women in law and in practice, which will certainly help, through its recommendations, to further promote the rights of women. That is an extremely welcome milestone, on the heels of which we should note and welcome the appointment of the Special Rapporteur on the right to freedom of association and peaceful assembly, which is likely to strengthen our optimism about the future of the Human Rights Council.

Such results and the many others that have preceded them demonstrate — if there were still any need to do so — that, after just a few years, the Human Rights Council is on the right track to provide appropriate responses to the situations that need its attention. However, rather than allowing us to rest complacently on our laurels, the positive developments, which give rise both to hopes and to expectations, should encourage us to step up our efforts to strengthen the Council and to improve its functioning, where necessary.

From that standpoint, while continuing its work to promote dialogue and respect for cultural diversity and to raise awareness of human rights, the Human Rights Council should focus more on the various aspects linked to the right to development, including the question of combating poverty, which is an obstacle that a large part of humanity faces.

We are convinced that respect for all human rights without distinction, including the right to development, is one of the main guarantees of peace and stability at the national and international levels. That is why my delegation believes that the Council should focus more on issues such as the impact of the global economic and financial crises on the realization of human rights. That would enable it to focus its work even more closely on the daily realities throughout the world.

Another reason for the satisfaction felt by my delegation and many actors on the international scene is, without any doubt, the Universal Periodic Review mechanism, which the Secretary-General described as opening a new chapter in human rights promotion and underscoring the universality of those rights.

After having reviewed more than 120 countries, that mechanism has confirmed our hunch that, by pooling our efforts, it would be possible to establish, among the various actors, an objective, constructive and transparent dialogue that could help strengthen the credibility of the Human Rights Council. The Universal Periodic Review has demonstrated that it is possible to consider the issue of human rights in an impartial approach free of any politicization.

However, the capacity of that mechanism to effectively contribute to the promotion and protection of human rights will be measured only by the implementation of the recommendations it makes. It is our joint responsibility to work for the success of that undertaking, which will make it possible to ensure a better protection of human rights and preservation of human dignity.

In order to preserve and strengthen the achievements of the Human Rights Council, but also to reaffirm its commitment to the principles of the universality, interdependence, non-selectivity and indivisibility of human rights, Senegal will continue, as in the past, to seek to bolster the foundations for a frank and constructive dialogue within the Council.

In accordance with the provisions of paragraph 16 of resolution 60/251, we will undertake, during the present session, a review of the functioning of that body, the enlargement of which would ensure that all States Members of the United Nations are represented. The first meeting of the working group on the review of the functioning of the Human Rights Council, held in Geneva last week, will show that, although that new body has certainly achieved positive results, some imperfections, inherited from the former Human Rights Commission, hamper its smooth operation.

Thus, for us, the review process must provide the opportunity for a frank evaluation of the work of the Human Rights Council in order to make the necessary changes enabling it to better deal with the challenges that we must address in the area of human rights.

My delegation expresses its readiness to provide its support and cooperation to the two co-facilitators appointed by the President of the General Assembly to conduct that process. We would like, in that connection, to express our sincere congratulations and wishes for every success to the Permanent Representatives of Morocco and Liechtenstein.

Mr. Waxman (Israel): It is with dismay and disappointment that I address this gathering as we consider the recent report (A/65/53) of the Human Rights Council. According to its founding instruments, that Council — one of the leading United Nations human rights bodies — is required to conduct its work based on the principles of universality, impartiality, objectivity and non-selectivity without distinction of any kind and in a fair and equal manner. It is, therefore, most unfortunate that the Human Rights Council has, time and again, betrayed its responsibility and its founding principles by turning a blind eye to the worst human rights violations throughout the world, while conveniently and obsessively focusing on Israel.

Today's report and the series of draft resolutions that it contains show just how far the Human Rights Council has strayed from those founding principles. Once again, that forum has been manipulated to serve the most cynical of political motivations. Once again, it has failed to live up to its responsibility to address human rights abuses around the world, while at the same time pursuing a narrow, politicized agenda.

Any objective examination of the Council's recent report would confirm its prejudice against Israel. About half of the country-specific resolutions contained in the report that do not deal with technical assistance are targeted exclusively at Israel. That is a glaring example of the Council's profound institutional bias. Furthermore, since the creation of the Council, 12 of its 15 regular sessions have adopted one-sided resolutions condemning Israel and six of the 13 special sessions of the Council have been devoted specifically to singling out my country.

I would also note that the Human Rights Council's agenda item 7 is its only standing agenda item concerned with a particular country situation, singling it out from all other 191 country situations. That fact stands in marked contrast to the basic notions of fairness and impartiality and is inconsistent with the letter and spirit of the Council's constitutive

instrument, embodied in General Assembly resolution 60/251.

The politicized nature of that Council was demonstrated again by its response to the 31 May incident involving vessels bound for the Gaza Strip. The Council found it appropriate to adopt resolution 14/1 condemning Israel only two days after that incident, without any verifiable factual information about what had actually occurred. The Council's report (A/HRC/15/21) on that incident embodies the same spirit of wilful ignorance, making it clear that the Council prefers to perpetuate inflammatory language and a politicized agenda instead of pursuing the truth.

The biased manner in which the Human Rights Council handled that incident is simply unacceptable. In contrast, even as we speak, an objective, thorough and independent investigation of the incident is taking place in Israel. Furthermore, Israel has agreed to participate in the Secretary-General's Panel of Inquiry on that matter and will share the findings of its internal investigation with the Panel's experts.

Israel, a vibrant democracy with an active civil society and an internationally respected independent judiciary, has demonstrated, time and again, its strong commitment to engaging in a candid and professional dialogue in various United Nations forums, including before the Council's Universal Periodic Review and its special rapporteurs. However, one cannot accept such a misguided report.

Countless victims of human rights around the world cry out for their plight to be heard. All too often, the Human Rights Council is silent. That should, however, come as no surprise, considering that some of the world's worst human rights violators sit on the Council and, all too often, dictate its proceedings.

By failing to fulfil its fundamental mandate, the Human Rights Council undermines not only its own legitimacy, but also the ability of the United Nations to effectively promote and protect its founding values.

Mr. Barton (United States of America): We join our fellow members in welcoming the President of the Human Rights Council, and we thank him for the report of the Council's activities during the past year (A/65/53), the first report during the United States membership on the Council.

The report before us is a reflection of both the Council's strengths and its weaknesses. Over the past

year, we have been proud to participate in many of the Council's resolutions, particularly those establishing special procedures for the freedom of association and discrimination against women, and also those regarding freedom of opinion and expression, violence against women, trafficking in persons, the protection of human rights defenders, and the protection of the human rights of those with HIV and AIDS. We have also been encouraged by several instances of cross-regional players working together to address human rights problems.

Furthermore, we were pleased to participate in the adoption of several resolutions that called attention to human rights situations in specific countries, most recently through the renewal of the mandate of the independent expert on the situation of human rights in the Sudan. Those resolutions will help protect and promote human rights around the world and are examples of what we can accomplish when we work together.

However, we continue to be disappointed by the Council's unbalanced and one-sided approach to the human rights situation in Israel and the Palestinian territories. The Council should treat all countries in an unbiased, objective manner. As the report notes, in the past year the Council has passed multiple resolutions that target Israel. The United States could not, and does not, support those resolutions for many reasons, largely because they attempt to delegitimize the Government of Israel and make no mention of the serious violations of international law deliberately committed by Hamas.

That continuing bias is further evident in the Council's hasty resolution establishing a fact-finding mission with a flawed mandate to investigate the tragic incident aboard the Gaza-bound ships in late May and the Council's resolution following up on the fact-

finding mission's report. We also oppose the follow-up resolution's recommendation that the General Assembly consider the report of the fact-finding mission (A/HRC/15/21), which itself did not recommend further United Nations action. We commend the Secretary-General's constructive initiative in convening a panel that will receive and review the results of Israel's and Turkey's investigations, and we welcome the spirit of cooperation that it represents. We continue to regard that panel as the primary method for the international community to review the incident.

When we joined the Council last year, we came willing to support what the Council does well, but we also promised to challenge old habits that undermine its effectiveness and its mandate. It is in that spirit that we will engage actively in the 2011 review. In addition to improving the mechanics and procedures of the Council, we look to working with other Member States to strengthen the Council's response to gross and systemic violations of human rights wherever they occur, to establish methods of work to better implement the existing criteria for Council membership, and to strengthen the independence and functioning of special procedure mandate holders.

Our work on the Council will continue to be guided by the ongoing steadfast commitment of the United States to human rights and to the four tenets that we espoused when we took our seat on the Council: the universality of human rights, dialogue among nations and people, principled engagement, and fidelity to the truth. We will continue to work together with our fellow Council members to strengthen the Council's work in order to fulfil its mission and to realize the aspirations and principles embodied in the Universal Declaration of Human Rights.

The meeting rose at 1.05 p.m.