



**SOUTH AFRICAN PERMANENT MISSION TO THE UNITED NATIONS AND
OTHER INTERNATIONAL ORGANISATIONS**

**STATEMENT BY THE SOUTH AFRICAN DELEGATION DURING THE 2ND SESSION OF
THE OPEN-ENDED INTERGOVERNMENTAL WORKING GROUP ON THE REVIEW OF
THE WORK AND FUNCTIONING OF THE HUMAN RIGHTS COUNCIL**

PALAIS DES NATIONS: ROOM XX

07 FEBRUARY 2011

Mr. President,

The South African delegation wishes to express its appreciation to you for the transparent and inclusive manner in which you sought to conduct the review process of the Human Rights Council. We hope that we will be able to conclude the review process and adopt its outcome, as a supplement to the IB package, by consensus. We therefore look forward to the President's proposals in the coming week.

Similarly, Mr. President, our delegation expresses its appreciation to the facilitators for their hard work and proposals aimed at contributing to the effective functioning of the Council.

Mr. President, our delegation endorses the comments presented by Egypt and Nigeria on behalf of the Non-Aligned Movement and the African Group respectively, on the compilation document under consideration.

Furthermore, our delegation wishes to make the following comments:

On the Universal Periodic Mechanism and the Agenda and Programme of Work,

Our delegation is of the opinion that these two segments of the Institution-building Package (IBP) present much scope for consensus. We are cognisant that an intergovernmental process will of necessity, be undertaken to finalize and adopt the modalities for the 2nd and future sessions of the UPR. Similarly, the modalities for the operationalization of the UPR Trust Fund will need to be finalised and adopted by the Council. We also look forward to a transparent, fair and inclusive process of nominating the members of the Board of Trustees of the aforesaid UPR Trust Fund.

We also look forward to the proposals to be submitted by the Secretariat on the allocation of time for the de-clustered interactive dialogues. We must also reiterate that as far as the agenda of the Human Rights Council is concerned, it is best left unchanged.

The Advisory Committee is, the only Human Rights Council mechanism that has provided for equitable geographical representation in the constitution of its membership, allowing for a broader approach to human rights issues within the work of the Council. Our delegation is of the view that the facilitator of this segment ought to have made recommendations aimed at availing the necessary resources to the Council. We note the facilitator's proposals to Member States and regional groups regarding the nomination to the Advisory Council. We wish to recall that all issues referred to the Advisory Council are done through a Council resolution. Our delegation is of the view that the specific guidelines for the Advisory Committee outlined in the IBP are adequate to ensure that it fulfils its mandate optimally. What the Council should be considering, is the availability of adequate resources to facilitate its work.

On the Complaints procedure, we wish to reiterate that the admissibility procedure should remain consistent with the provisions of paragraph 87(f) of the IBP. It is ironic that while the Council seeks to reduce its workload and streamline its work, proposals to add to its work by considering the same issues that are being considered by other Council mechanisms are submitted. Furthermore, such an approach would be inconsistent with the principle of constructive international dialogue, the elimination of double standards and politicization.

Mr. President,

Our delegation is of the view that the establishment of criteria for determining what constitutes a human rights emergency will serve the Council better, rather than seeking to create new tools while the predominant view is that the Council has adequate tools which it has yet to utilize.

The segment on special procedures needs to be completely reworked if consensus is to be garnered. There is undue emphasis on the duties and obligation of States, without highlighting responsibilities that special procedures mandate holders have to live up to. The facilitator has sought to endorse the self-regulation of special procedures mechanism, while relegating the Code of Conduct of Special Procedures to the periphery of their work. Our delegation has yet to know of an institution that adjudicates its own conduct.

Our delegation has called for the integration of the developmental agenda into the human rights agenda. We however, surprised that the facilitator opted to omit the right to development in the human rights enumerated in this segment, this at a time when we should be marking the 25th Anniversary of the Declaration on the Right to Development.

Mr. President, a number of delegations including our own, have called for the establishment of a system of regional special procedures to ensure parity in our assessment of human rights violations in any part of the world. These proposals have been left out completely, from the segment on special procedures in this compilation. Our delegation will continue to pursue this issue in the forthcoming sessions.

There was also broad agreement that the Office of the President be established and be allocated the necessary resources. However, it is also to underscore that the Office will maintain a procedural and administrative mandate.

Finally, we support the proposal to align and strengthen reporting of the Human Rights Council to the General Assembly, as our delegation had submitted such a proposal during the institution-building phase of the Council. We look forward to further details to operationalize this proposal. Our delegation also looks forward to proposals on the relationship between the Office of the High Commissioner for Human Rights and the Human Rights Council.

I thank you, Mr. President.