

**United Nations General Assembly**

**Informal consultations of the Plenary on the Human Rights Council**

**Statement on behalf of the European Union**

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To the United Nations**

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**(Check against delivery)**



Co-chairs

The European Union would like to thank the Co-chairs for the new text and we welcome the opportunity to discuss it today.

We are now tasked to work hard to come to a conclusion that meets our common goal - set out by our Heads of State and Government - to strengthen the United Nations human rights machinery. We all have the responsibility to create a Human Rights Council that represents a clear improvement and strengthening over the Commission on Human Rights. We must live up to the expectations of our Heads of State and Government in this regard.

We need a Human Rights Council that is equipped with the status, mandate, structures and membership necessary to give human rights the central role foreseen by the Charter of the United Nations. This is in the interest of all of us.

As for the text before us, we are well aware of the difficulties you were faced with trying to accommodate differing views and positions. The EU is prepared to continue to work closely with you, the President and the other delegations in order to come to an agreement in the coming days. However, for the European Union the current text clearly falls short of our expectations and further improvements are needed.

There are many issues that the EU does not see reflected. Let me just mention the most important ones:

With regard to Op 5 d) the EU prefers to refer to the promotion of the implementation of "human rights instruments" rather than "obligations undertaken by States". We believe that the Council should not be limited in this regard and not duplicate the work of the treaty bodies. We can not refer only to human rights obligations and not to human rights standards.

On op 5 e) the EU remains concerned that the periodic review – if accepted – would consume the work of the Council. We want a review that has added value and is not a burden on the Council. We welcome in this respect the notion in the text that such a mechanism shall complement and not duplicate the work of the treaty bodies. In this respect, we feel that the universal review should not only look at the fulfilment by each State of its human rights obligations and commitments but also of international human rights standards. We think that the universal review should be carried out in an appropriate format to be decided by the Council and result in a summary report with a view to further follow-up as appropriate. Last but not least, there should be a time-limit to the universal review so that the Council itself would consider the summary reports for a maximum duration of two weeks per year.

On op5 i) the EU needs a clear reference that the Council can make recommendations to the "UN system". We have consistently argued that the Council in order to act effectively and swiftly must have the ability to address recommendations to the entire UN system. The EU insists on reverting to the language of old op 5 k) of your previous draft.

On op 6 the EU believes that it is important to retain "the" rather than "a" system of special procedures. The special procedure system is clearly one of the achievements of the Commission

on Human Rights that we should preserve and build upon. The EU does not see any reason to carry out a serious review of all mandates, mechanisms, functions and responsibilities within one year.

Op7 and Op8 are, as you have observed, crucial elements of a package. The EU has always argued for having members of the Council elected directly and individually by a 2/3 majority of the members present and voting. We consider the 2/3 majority to be an essential prerequisite for an acceptable package. It would ensure the legitimacy and authority of the members of the Council. It gives each member of the council the confidence that they have the support of 2/3 of the UN membership. On the question of size and distribution of seats in OP 7 the proposed package is not acceptable and must be discussed further. It must be seen in light of the uncertainty of having 2/3 majority for the elections of members and the proposed expectations of membership in op 8. All of these elements must be brought into an acceptable package. Possibly, the need to present more candidates than seats by regional groups (no clean slates) also requires further consideration in this context.

The EU strongly supports the notion in op 8 with regard to the expectations on the membership in the Council. But we need to see this paragraphs strengthened to clearly state what candidates have to commit themselves to when presenting their candidatures and which candidates are not eligible.

On op 9 we are of the opinion that members of the Council should not only be guided by the highest standards but rather abide by them.

Op 10 contains an essential element for the EU. The EU has always maintained that this Council should be of a standing nature and meet throughout the year. Clearly 3 meetings per year for a total of ten weeks does not meet these concerns. At a very minimum the Council should have not fewer than 4 to 6 meetings per year and it must have a total duration of no less than 12 weeks. A maximum of 2 weeks out of this could be devoted to the universal review as outlined earlier. The EU would also like to retain the language on the request for additional meetings as contained in co-chair's text of 19 December. We propose furthermore to add at the end of the paragraph after "membership of the Council", the words "or its Chair with the agreement of the Bureau, or the Secretary General".

As you know, the participation of NGOs is of particular importance for the functioning of the HRC. We want to make sure that NGOs will participate in the work of the Human Rights Council according to the present rules and practices of the Commission from the very start. It is our clear understanding that this participation will be continued without any interruption and that steps are taken to ensure and strengthen the direct involvement of NGOs in the daily work of the Council. With regard to the last phrase the EU has some doubts about the meaning of it. We believe that it is ambiguous and open to interpretation and should be deleted.

On OP 13 and with reference to the transition we need to be very clear on the transfer of all mandates, functions and responsibilities from the Commission to the new Council in order to facilitate a smooth transition between the two bodies. The EU therefore asks for retention of the language of OP 15 of the previous draft from 19 December.

On the new op 16 we do not see the need for having the review explicitly mentioned in the resolution. The Council can and should review itself in order to further improve its functions on an ongoing basis.

In conclusion let me stress that the EU remains committed to work hard and constructively in order to find an agreement that we can all support. Let me also reiterate the full confidence of the EU in the Co-Chairmen's efforts and the way you have and are conducting this exercise.

