

Review of the Work and Functioning of the Human Rights Council

Open-Ended Intergovernmental Working Group

Item 4.4: Agenda and framework for Programme of Work and Methods of Work

27 October 2010

Statement on behalf of the European Union

Thank you Mr President.

The EU would like to address the programme of work (PoW) of the Council with the aim to improve conditions for dialogue. The programme should be balanced and predictable, while leaving room for flexibility to address urgent situations. We should all aim at making it more manageable and focussed.

In this context the EU proposes that the PoW should provide for

- expanded time for interactive dialogues with special procedures;
- de-clustered, individual dialogues with each of the special procedures;
- expanded time for the consideration of the outcome reports of the UPR working group sessions.

A major aspect of the discussion on a better organisation of the programme of work relates to an enhanced involvement of smaller delegations. We thank Mauritius for its contribution on this aspect. We want to listen to the needs and proposals of these delegations and work closely with them to develop consensual solutions. In that context the EU joins calls for a bi-annualisation of resolutions on commonly established criteria in order to facilitate the full participation of all UN members.

We share the objective to rationalize the PoW and noted with interest the proposal of NAM to devote the third session exclusively to UPR, *i. e.* item 6, and thereby give more space for work on other items in the other two sessions. We would have to see, however, how to relate this once a year UPR outcome session to the three annual sessions of the UPR working group.

We thank Mauritius for submitting the interesting idea to hold only two regular sessions of four weeks and link the adoption of the outcome documents to the UPR Working group sessions.

The EU is ready to explore with all interested delegations options to redistribute the existing ten Agenda-items. In this context we note with interest the proposal, submitted by the US, to group items 4, 10 and 7 as well as items 3 and 9.

The EU approaches this discussion with the aim to facilitate the access by all delegations through streamlining the debates, while at the same time fully preserving the possibility to address the relevant issues.

The EU could imagine that follow-up be included more explicitly under Item 8, both on a regular and on voluntary basis.

We can also support the suggestion to include an element of mainstreaming to item 2, including by having an annual panel with heads of different UN organisations

Turning now to the methods of work:

Mr President,

The Human Rights Council has a clear mandate under OP3 of UNGA Resolution 60/251 to address urgent and chronic situations of violations of human rights, including gross and systematic

violations, in a timely and adequate manner and make recommendations thereon. Regrettably, the Council has not been able to deliver consistently on this mandate. Many urgent situations have not been addressed. This has had a negative impact on the Council's credibility.

Monitoring and addressing urgent and chronic human rights issues and situations is essential to prevent further escalation of violations. The EU would like the HRC to play a more active role as an early warning and preventive mechanism. This does not require revolution: the Council through its institution building package has many of the tools required to deal with country situations. Several aspects of its work and functioning relate to this central element of the Council's mandate. However, all member states have failed often to live up to their responsibilities.

The Council should make more systematic use of its toolbox of mechanisms to address urgent and chronic human rights situation. In this regard, the EU proposes that the Council might further elaborate its methods of work.

- The EU proposes that the HRC develop a set of both criteria for addressing human rights situations and also better identification of the range of tools by which such situations could be addressed may help to ensure a more consistent approach.
- The EU proposes further that the HRC develops a system of automatic independent initiation mechanisms for the holding of Special Sessions and to determine the need to address an urgent situation during regular sessions.
- The EU also proposes that the HRC should identify more clearly its tool kit for dealing with urgent and chronic situations. We have some additional suggestions to add to the current toolkit of action.

We have included more detail on these suggestions in a written proposal presented to the working group for its consideration.

On other matters related to methods of work, the EU is open to reflect on ways to facilitate and improve the work of the HRC President.

The EU supports the proposal from Japan that information about the budgetary implications of proposed initiatives at the HRC be made available in a more timely fashion. The EU proposes that main sponsors of initiatives should present an assessment of the likely budgetary implications of a resolution at an early stage in negotiations, and at least a week before the adoption of a resolution. The EU recognizes that the final PBI will be dependent on the outcome of negotiations but early information would improve the transparency of the negotiating process and the accountability of this body.

We note that in some circumstances, including in panel discussions, it has not been possible for all HRC member and observers to intervene in debate because of time limitations. The EU proposes that the HRC consider how better to ensure that all contributions are reflected in future, either through expanding the time available for such debates to ensure participation for all, or consideration of how best statements that could not be delivered owing to time limits can be publicly recorded.

The EU places great importance on the need to foster the participation of all stakeholders in the Human Rights Council. We note that the Institution Building text does not address the needs of disabled participants in terms of better facilitating their participation. The EU proposes that, working with UNOG and in consultation with persons with disabilities, the HRC should consider this matter further, including consideration of the elaboration of an accessibility plan to ensure a more inclusive and accessible Council.

Thank you, Mr President.