Review of the Work and Functioning of the Human Rights Council
Open–Ended Intergovernmental Working Group

Item 5: Discussion on All Concrete Proposals
29 October 2010
Statement on behalf of the European Union

Mr. President,

The EU's engagement in the review process is guided by its determination to achieve a result that improves the Council's capacity to fulfil its mandate as set out in UNGA resolution 60/251. In this regard the EU is open to all proposals that aim at strengthening the Council's tools.

We welcome the constructive proposals that have been made to strengthen the UPR. Many delegations have expressed the desire to resolve the problem of inclusivity and the speaker's list. There has also been a wide range of calls for clarity of outcome, which the EU regards as vital to the practical usefulness of the UPR in the world outside the HRC.

With regard to the implementation of UPR recommendations, we support proposals to examine how UN Country Teams and other relevant actors could take more of a role, and note with interest the proposal made by the Maldives about improving structural communication between the State under Review and the UN system during the implementation phase.

The EU believes that with an emerging clear view of where the 2nd cycle of the UPR should place its focus, there is no rationale for putting an artificial halt to the process by taking a one year break.

We have taken careful note that many speakers have raised the need to increase the focus on technical assistance. Some useful proposals have been made, particularly about assisting States in better articulating their needs for technical assistance.

Some States have recommended that the HRC could elaborate further guidelines for the stakeholder and civil society reports and contributions. Our view is that this would lead to a de facto limitation of the valuable roles that both can play in the UPR process - the EU would therefore not be able to support such proposals. The EU will continue to work with partners to ensure that during its second cycle, the UPR realises the potential that it has shown in the first.

Mr. President,

The EU attaches a great importance to the work of Special Procedures and will strongly oppose any proposal aimed at questioning their independence, be it in the form of the establishment of a legal committee or any new entity designed to monitor compliance with the Code of Conduct. We would like to recall that related proposals were rejected during the IB package negotiations. We see no need to reopen this debate and distract attention from the real issues concerning special procedures.

The EU would like to reiterate its firm belief that establishing country mandates is a possibility that has to remain in the Council's toolbox. Thus we strongly oppose any proposal including introducing qualified majorities for action on country situations, or a mandatory requirement for the consent of the country concerned, that would weaken this Council's

capabilities to address human rights violations and take sufficient action to address the needs of victims.

The EU believes that the Council should more systematically address acts of intimidation or reprisals against those cooperating with special procedures. We would be keen to consider further proposals made to facilitate this. We propose a regular dedicated discussion of this topic under the relevant agenda item .

Mr President,

The EU is of the view that the Advisory Committee has not been able to fulfil its role as "think tank" efficiently and effectively. Our proposal to establish a roster of experts aims at bringing the best possible human rights expertise to the Council's disposal. Proposals were made to increase the meeting time allocated to the Committee. We believe that applying more flexible working methods, including teleconferencing would be a more sustainable and cost effective solution.

The EU has listened with interest to the proposals on the complaints procedure. The EU shares the view that the current procedure does not live up to its objective of ensuring that victims of gross human rights violations can bring their case to the Council. The EU looks forward to working with interested delegations towards improving this mechanism. The EU welcomes the concrete proposals made so far in this regard, such as the proposal by Canada that an independent expert be nominated to report on the follow-up of a complaint, or the proposal put forward by Colombia, and North South XXI to allow the working group on Communications to engage in a direct dialogue with the state concerned.

Mr. President,

In its statement on item 4.4 the EU had underlined its interest to listen and work with other, in particular smaller delegations on a rationalization of the work of the Council. We feel encouraged by an emerging consensus on the need to change the calendar of work of the Council and concretely to decouple the item 6, adoption of UPR outcomes, from the main sessions.

We noted with particular interest the proposals made by Nigeria on behalf of the African Group, to link the adoption of UPR outcome documents with the three UPR working group sessions in the form of short sessions. We are interested to explore all proposals aimed at rationalizing the programme.

The EU is willing to consider further ideas on how support is provided to the President.

The EU believes that the High Commissioner should report to the HRC at every session and not be limited as to what issues to raise. We stress the independence of the OHCHR. It is not within the mandate of the HRC to take action on either the OHCHR's strategic framework or its Strategic Management Plan. The EU believes that, as per the understanding on the agreement of the programme of work, all proposals made this week should be included in the compilation arising from this session. We would note however that proposals that focus on the HRC's institutional relationship with the OHCHR are not within the purview of this Council, do not fall under the work and functioning of the HRC and are therefore inappropriate subjects for action during this review.

In conclusion the EU would like to reiterate its readiness to continue working with all delegations and other stakeholders towards a meaningful outcome of this review process.