

Statement on the conclusion of the institution building of the Human Rights Council

20 June 2007

This statement is made on behalf of:

Amnesty International, Asian Legal Resource Centre, Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network, Conectas Direitos Humanos, East and Horn of Africa Human Rights Defenders Network, Forum-Asia, Friends World Committee for Consultation (Quakers), Human Rights Council of Australia Human Rights Watch, and International Service for Human Rights.

The adoption of on the President's text is an important achievement. We thank Ambassador de Alba and congratulate him on his untiring efforts over the last year to bring the Council to this point. Without him the Council could not be where it is today. We also pay tribute to the Facilitators and many others whose common effort has enabled the Council to reach this milestone.

Recognising this however should not disguise the fact that what has been achieved as important as it is, is the minimum necessary for the Human Rights Council to have a credible basis to become an effective mechanism for the promotion and protection of human rights. This Council will eventually be judged by its contribution to human rights promotion and protection, not by what has been achieved on paper at this time.

In welcoming the consensus on the President's text we wish to share our understanding of a number of key elements within it.

We are pleased that NGO participation is provided in many parts of the President's Text. Of course these provisions must be interpreted and applied in conformity with the letter and the spirit of operative paragraph 11 of GA Resolution 60/251 to ensure the most effective contribution of NGOs to the work of the Council.

We look forward to participation in the Universal Periodic Review. In the absence of provision for independent experts to assist the UPR, we encourage States to appoint independent experts as their representatives to the Working Group.

The Text provides that, in relation to the selection of mandate holders for special procedures, the Council will determine "[t]echnical and objective requirements" for eligible candidates (page 10 paragraph 3) and that the Consultative Group will determine "the necessary expertise, experience, skills and other relevant requirements" for each mandate (page 11 paragraph 9). We look forward to seeing both sets of requirements posted on the OHCHR website and circulated widely. Only those that meet all the eligibility requirements both general and specific should be included on the list of recommendations to the President of the Council.

The Text refers twice (page 11 paragraph 2 and page 15 paragraph 4) to the “principle of non-accumulation of human rights functions”. We understand human rights functions to mean “United Nations human rights functions”.

We understand the ineligibility of “[i]ndividuals holding decision-making positions in government” for the special procedures and the Advisory Committee to cover all those in the executive and legislative branches of government.

The provision for the renewal of mandates and appointment of new mandate holders must be implemented so that the mandates remain operational throughout the process.

We consider that agenda item 8, “Follow up and implementation of the Vienna Declaration and Programme of Action” enables discussion of major institutional issues, including the report of the Annual Meeting of the Special Procedures and discussion of the promotion of national human rights institutions.

We consider that the text of the Code of Conduct must be interpreted in the context of the preambular and operative paragraphs of the resolution by which the Code was adopted. The Code, when published, should include the resolution in full.

We consider the Code of Conduct to be part of the President’s package to be adopted by the Council without vote. This is a single completed work that can only be further developed by consensus.

The President’s Text adopted today now has to be implemented. We will not be able to assess fully the Council’s foundations until the remaining work agreed in it that is in relation to the modalities for the UPR and the renewal and review of mandates has been completed and the Council begins its substantive work. The challenge to make the Human Rights Council effective is even greater than the challenge involved in reaching agreement on this package. Although we celebrate this achievement the challenge of making the Human Rights Council work for those who experience human rights violations or at risk begins today and will continue. We non-governmental organisations from North and South will continue to engage actively and participate as effectively as possible in the Council’s development.