

The following is an excerpt from the official meeting records of the General Assembly on March 15, 2006.

The complete transcript is available at

http://www.hrw.org/un/elections/pdfs/ga_mtg_en.pdf (English)

http://www.hrw.org/un/elections/pdfs/ga_mtg_fr.pdf (French)

http://www.hrw.org/un/elections/pdfs/ga_mtg_ar.pdf (Arabic)

Mr. Pfanzelter (Austria): I have the honour and privilege to speak on behalf of the European Union (EU). The acceding countries of Bulgaria and Romania, the candidate countries of Croatia, Turkey and the Former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and the potential candidates of Albania, Bosnia and Herzegovina, and Serbia and Montenegro, as well as the Ukraine and the Republic of Moldova, align themselves with this statement. Due to a technical oversight, Turkey's name does not appear on the text that has just been circulated, but it will appear in the final written version.

The European Union welcomes the adoption of the resolution on the establishment of the Human Rights Council. Above all, we commend you, Mr. President, and your two Co-Chairmen — Ambassador Kumalo of South Africa and Ambassador Arias of Panama — for your tireless efforts and boundless dedication in bringing our long process of consultations to a successful conclusion. We all know how difficult your task has been. You deserve our gratitude, respect and recognition.

We also wish to thank the Secretary-General and the High Commissioner for Human Rights. They have been instrumental not only in starting this process of reform but also in helping to get the resolution adopted today. We regret that not all were able to support the resolution, but we hope that all delegations will be able to come together to make the Council work as an institution that is genuinely able to advance the cause of human rights.

The establishment of the Human Rights Council marks an important step in the implementation of commitments made by our heads of State and Government at last year's Summit. We have lived up to their resolve to create a Human Rights Council. We hope our decision today will also give new impetus to the continuing United Nations reform process and will contribute to strengthening the Organization's credibility and legitimacy.

From the outset, the European Union aimed for a Council that would be equipped with the status, mandate, structures and membership necessary to give human rights the central role foreseen by the Charter of the United Nations. We want an effective and efficient body covering all human rights for all. We expect the Council to make a genuine contribution to the promotion and protection of human rights and fundamental freedoms.

Of course, not everything that the European Union aimed for is reflected in the resolution. However, in our view, it represents an improvement over the Commission on Human Rights, and we hope that it will further strengthen the human rights machinery of the United Nations. The strengthening of the Office of the High Commissioner for Human Rights has been a first important step in that regard.

The resolution contains several elements that will help to improve the credibility and effectiveness of the human rights system.

First, we have always argued for the Human Rights Council to be a standing body. The fact that the Council will meet regularly throughout the year allows for ongoing and constructive engagement on human rights questions. There is a new and more efficient mechanism for convening special sessions. These factors, together with additional time for a universal review, will enable the United Nations to devote more time to human rights than before.

Secondly, the composition of the Council and the quality of its membership will clearly have an impact on the Council's functioning and the credibility of its work. While recognizing that Council membership is open to all Member States, it is also the responsibility of all of us to elect the candidates who are qualified to fulfil the mandate of promoting and protecting human rights. The European Union takes that responsibility very seriously. Each member State of the European Union, and the countries that have aligned themselves with the Union, commit themselves not to vote their vote for a candidate that is under sanctions imposed by the Security Council for human-rights-related reasons. It is our view that no State guilty of gross and systematic violations of human rights should serve on the Council. The EU therefore welcomes the possibility given to the General Assembly to suspend, by a two-thirds majority of the members present and voting, the rights of membership in the Human Rights Council of a member of the Council that commits gross and systematic violations of human rights.

Thirdly, we welcome the new provisions for direct individual election by secret ballot by the absolute majority of the General Assembly. That means that to be elected, a candidate needs at least 96 affirmative votes. It also excludes endorsement of candidates by acclamation. Although the European Union would have preferred a requirement of a two-thirds majority, we consider this still to be an improvement over the Commission on Human Rights. In order to permit States' proper assessment of candidatures, the European Union member States will present their candidatures in writing at least 30 days prior to the elections, including their commitments and pledges with regard to human rights. We encourage others to do likewise.

Fourth, other quality elements for membership in the Council are also important for the European Union. All members of the Council will have to fully cooperate with the Council. We also welcome the provision stating that members of the Council shall be reviewed under the universal periodic review mechanism during their term of membership.

Fifth, the European Union recognizes the enhanced status of the Council as a subsidiary body of the General Assembly. The review of the status within the next five years will offer the opportunity to assess the Council's work and whether it should be elevated into a principal organ of the United Nations.

Sixth, the Council's mandate provides a solid basis for the promotion and protection of human rights and fundamental freedoms for all. It will provide guidance and assistance to all countries to achieve the highest standards of human rights protection through dialogue, cooperation and capacity-building. It has the responsibility for contributing to the prevention of human rights violations and for responding promptly to human rights emergencies. The Council will also address situations of violations of human rights, including gross and systematic violations of human rights, and make recommendations thereon. The European Union will make every effort to ensure that the Council will be able to fulfil its mandate responsibly.

Seventh, the European Union also places importance on the Council's mandate to promote effective coordination and mainstreaming of human rights within the United Nations system and to make recommendations to all relevant bodies with regard to the promotion and protection of human rights.

Eighth, all States have the primary responsibility to promote and protect human rights. The universal periodic review is a novelty that will submit all of us, beginning with the members of the Council, to special scrutiny. There will be no exceptions. The details remain to be developed by the Council itself. For the European Union, it is essential that the review have the possibility of further follow-up, as appropriate. In order to avoid this procedure's overburdening the agenda of the Council, the time allocated for the review will have to be in addition to the current provision of no less than three meetings of no less than 10 weeks per year. That will permit the Human Rights Council to focus on all relevant issues.

Ninth, the European Union has always argued for maintaining and building on the strengths of the Commission on Human Rights. The participation of non-governmental organizations will be an

important element in the deliberations of the Council and will have a positive impact on its functioning, as is currently the case for the Commission on Human Rights. Therefore, the retention of their participation according to the rules and practices of the Commission is welcome. It is important that their participation be further strengthened over time.

Tenth, we have always placed great importance on the system of special procedures and welcome the fact that it will be maintained under the Human Rights Council. In the context of the review, we will strive to improve and strengthen the system.

We have taken an important decision today and the groundwork — as you have rightly pointed out, Sir — has been laid for a fresh start. The Commission on Human Rights that will be replaced has been exposed to lots of criticism in recent months. With some of it the European Union agrees; with some of it we do not. But it is worthwhile recalling — and here we all agree — the historic achievements of the Commission on Human Rights in the field of norm-development and standard-setting, starting with the development of the Universal Declaration of Human Rights. The Council will continue to play an important role in that regard.

The Human Rights Council inherits a solid foundation of human rights instruments. The task will be to translate those norms into tangible improvements of the situation of human rights on the ground. If we cannot achieve that, the Council will not be the relevant body that we want it to be. We have to make good use of all instruments at our disposal, including dialogue and cooperation. Our common wish for enhanced dialogue will also lead to greater understanding and tolerance among all civilizations, cultures and religions. It is up to the Member States, in particular those that will serve on the Council, to live up to those expectations. Let us not forget the reality set out so clearly by the Secretary-General. We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.