



**CHAIR OF  
THE NON-ALIGNED MOVEMENT**



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**HUMAN RIGHTS COUNCIL  
ELEVENTH SESSION**

**STATEMENT BY H.E. JUAN ANTONIO FERNÁNDEZ  
AMBASSADOR, PERMANENT REPRESENTATIVE OF CUBA,  
ON BEHALF OF THE NON-ALIGNED MOVEMENT**

(Check against delivery)

Agenda item 2. Update by the High Commissioner

Geneva, 3 June 2009

Mr. President:

I have the honour to make this statement on behalf of the Non-Aligned Movement.

At the outset allow me to thank the High Commissioner for her presence with us this morning and for her comprehensive presentation.

Mr. President:

The Human Rights Council is about to conclude its third full year of work. In three weeks time we will start a new annual cycle, with great successes achieved so far, but also with some old and new challenges to face.

Despite the irrational criticism coming from those who lost the spurious privileges they enjoyed in the former Commission, there is no doubt that so far the Council has a positive record of success. In only three years of work it has been able to complete its institution building; review all mandates inherited from the old Commission; react to urgent human rights situations through special sessions; and start the functioning of Universal Periodic Review, which is the most significant tool for the universal promotion and protection of human rights, allowing so far the review of a total of 80 countries, more than one third of the UN membership.

Most importantly, in these three years the Council has been able to set the initial foundations for a new culture of work, which needs to be consolidated to be fully based on the principles of dialogue, transparency, cooperation and non-politicization.

Allow me in this context to pay tribute to President Martin Ihoeghian Uhomoibhi, and his two predecessors, for the work done, and to encourage the incoming President, whoever is finally elected, to maintain the course of constructiveness that has so far characterized the Presidency of the Council.

Mr. President:

The Non-Aligned Movement highly values the opportunities of direct dialogue with the High Commissioner. We really appreciate Ms. Pillay's readiness to engage the Council on issues linked, both, to her role as High Commissioner, as well as in her capacity as the Head of the UN Secretariat servicing the Council.

It is within that spirit that we would like to raise some areas of concern for the NAM, and to seek the High Commissioner's views on how the Office can best contribute to redressing them.

1. The members of the Movement attended the informal meeting organized to present the 2008 report of the Office of the High Commissioner for Human Rights. Though we value the presentation made and the interesting dialogue held, it is our firm believe that in the future such presentations and exchanges should take place in formal meetings of the Human Rights Council.
2. The NAM regrets instances of incompliance by the Office of the High Commissioner with clear mandates established by resolutions of the Human

Rights Council, as it was the case of resolution 8/9 on the promotion of the rights of peoples to peace. We would like to know on which grounds the Office can take a decision not to implement a direct request by the Council, and we regret that the Council was not even informed on this decision.

3. During this session the Council will adopt the reports of the Working Group on the UPR of 16 countries. However, it is with great dissatisfaction that we noted that 13 of such reports have not been translated into all official languages, and that there is an attempt not to translate them at all. We wonder how the Secretariat, either in Geneva or in New York, can question documents agreed by an intergovernmental organ, and attempt to hamper the normal functioning of this Council. We would have also been appreciative to such information being shared formally with the Council by the Secretariat.
4. The NAM regrets the cases of in compliance with the provisions of the Code of Conduct for Special Procedures mandate holders. We call on the Office to assist mandate holders in every possible manner so as to avoid such cases. The Movement is ready to make every possible effort to ensure the respect for such an important instrument.

Mr. President:

It is clear that many of the issues raised show the need to have an improved synergy and interaction between the Council and the Office of the High Commissioner.

In this context, it is to be recalled that the debate on the relationship between the Human Rights Council and the Office of the High Commissioner was temporarily postponed in September 2008 to allow time for its better preparation on the part of the Office. The NAM is convinced that sufficient time has already passed, and that steps should be taken to start this discussion as soon as possible.

As we have said before, such exercise would contribute to reinforcing transparency, mutual cooperation and synergies in the work of the two bodies, while taking into account their respective mandates, the Status of the Council and the independence of the Office of the High Commissioner.

To conclude, Mr. President, allow me to reiterate the commitment of the Non-Aligned Movement towards the Human Rights Council, and to restate our readiness to work with all actors to make the Council and the UN human rights machinery a place where the principles of dialogue, cooperation and non politicization prevail.

Thank you