

Mr President,

The Acceding Countries Bulgaria and Romania, the Candidate Countries Turkey, Croatia and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Serbia, and the EFTA country Liechtenstein, member of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this declaration.

The EU welcomes this opportunity to have an exchange of views on the review process mandated by GA resolution 60/251. The EU also appreciated the debate last Friday, during which many interesting ideas and suggestions were put forward including by the representatives of the various mechanisms and non-governmental organisations, aimed at strengthening the effectiveness of human rights protection under the Human Rights Council.

As to the objective of the review, the General Assembly resolution states that the Human Rights Council shall maintain a system of special procedures, expert advice and a complaint mechanism. The EU supports the proposal by you, Mr. President, to establish an open-ended inter-sessional consultative process to implement this important task, starting immediately with preliminary consultations building the base for the deliberations in the more formal format of a working group. The principles of inclusiveness and transparency should guide us throughout the process.

Participation and input of all stakeholders, including the Special Procedures, NGO's and national human rights institutions, is crucial and should therefore be ensured in all stages of the process. It is also important that the process draws on the expertise of the Office of the High Commissioner for Human Rights.

I would now like to elaborate on the various parts of the review process.

Special procedures

Mr President,

The Special Procedures system is an indispensable mechanism of the United Nations for the promotion and protection of human rights worldwide. The EU has continuously underlined the importance of the Special Procedures, both country and thematic mandates.

* *Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.*

The EU will participate constructively and actively in the review of the system of Special Procedures as mandated by OP6 of GA resolution 60/251.

Increased cooperation by States is essential for achieving the goal of enhancing the capacity of Special Procedures to effectively protect victims of human rights violations. The review should also aim at greater synergy between the special procedures and the entire UN system for the protection of human rights. The Special Procedures themselves should have a key role in the review process.

The Chairperson of the Coordination Committee put forward a number of concrete proposals on how to ensure a direct and effective interaction with the Council, based on the recognition of the essential role of Special Procedures, which the EU welcomes.

It is important to keep in mind that the Special Procedures were created to provide independent, objective, expert advice. These fundamental features of the system must be maintained.

Bearing in mind that the Council has assumed all the mandates of the Special Procedures, it is of utmost importance that the Special Procedures can continue to implement their mandates effectively and without any interruption also during the review process. The EU calls upon all states to fully cooperate with the Special Procedures.

The Special Procedures should have the opportunity to participate actively in all sessions of the Council also during the first year, including through interactive dialogues, and the Council should consider the recommendations contained in their reports.

Expert advice

Mr President,

In the view of the EU, the setting up of a system of expert advice of the Council should begin with an analysis on the achievements and shortcomings of the Sub-Commission. Based on such an analysis, the Council should take a fresh approach, and consider what type of expert advice would be most effective in today's human rights architecture.

The EU would like to offer some preliminary thoughts on this matter. The expert advice system could consist of an action-oriented think-tank, allowing for genuinely interactive discussions and exchanges. The experts should be independent and recognised in the area of human rights. In order to balance the benefits of continuity and renewal, the experts should serve the maximum of two consecutive terms.

In order to avoid the reporting difficulties faced by the current Sub-Commission, the Council should adopt more flexible working methods, allowing for a timely consideration of the inputs of the experts.

The new system of expert advice should continue the close co-operation with the NGOs and maintain the practice of allowing NGOs and national human rights institutions to contribute to the work of the system.

Complaint mechanism

Mr President,

The EU is of the opinion that there is a clear need for a complaint mechanism in the framework of the Human Rights Council. However, in our view the 1503 procedure in its current form, including its methods and functions should be reviewed, and improved.

Setting up an effective complaints mechanism is a very complex issue, requiring thorough consideration, and should be seen in conjunction with the review of the Sub-Commission, due to the fact that the current 1503 procedure and the Sub-Commission are linked through the Working Group on Communications. The EU would welcome an expert input paper from the Office of the High Commissioner documenting the methods and results of the 1503 procedure to provide a useful basis for the deliberations in the review process.

It is important that the functioning of the 1503 procedure should continue while the review is ongoing, so that the screening of the petitions arriving to the system is not stalled and the complaints are registered. Action on the recommendations of the report of the Working Group on Situations should be taken at the September session of the HRC.

Finally, Mr President, I would like to underline the overall goal of the review process, namely the strengthening of the UN human rights protection system. We are at a historic juncture, with a unique opportunity to achieve greater coherence between the different components of the UN human rights system. The EU is looking forward to actively participate in the review process, with a view to achieving these goals.
