

Check against delivery

15 June 2007

Human Rights Council

5th Session, 11 – 18 June 2007

General Debate on the Institution-Building of the Human Rights Council

Mr. President,

The International Commission of Jurists commends your efforts on institution-building, especially your revised paper and its comprehensive nature. Nevertheless, some important elements remain to be tackled.

Review of Special Procedures

The ICJ believes that the effective pre-screening of possible candidates for special procedure positions could improve the expertise and independence of mandate-holders. However, we consider it is essential that the Consultative Group consists of independent experts, not government representatives, to ensure the pre-screening process is not politicized.

The ICJ considers that country mandates are one essential tool for effective UN human rights machinery. We suggest that the country mandates be extended, preferably for three years, to be reviewed when each is up for renewal. In deciding action on countries, including whether to establish a country mandate, the Council should be guided, amongst other factors, by the gravity of the human rights situation and the willingness of the government to work cooperatively with the United Nations. Country resolutions and country mandates should be adopted or established by a simple majority which, after all, has been considered sufficient to be able to elect a state to the Human Rights Council under GA Resolution 60/251.

Agenda

The agenda should create a broad and predictable yet flexible framework for the work of the Council and therefore should be the same for all sessions. The ICJ considers it inappropriate and counter-productive to have a separate agenda item on any particular thematic or country situation. Proposed Agenda Item 3, the *Promotion and Protection of Human Rights*, provides the flexibility and breadth required to incorporate concerns reflected in other items. The Item 3 already includes economic, social and cultural rights, civil and political rights and thematic human rights issues. Nonetheless, it should also provide for the consideration of the right to development among cross-cutting thematic issues; the rights of peoples and individuals pertaining to specific groups; for gender mainstreaming, and also allow for current urgent and chronic human rights situations to be considered, including situations relating to the right to self-determination and foreign occupation.

To conclude, the ICJ reiterates its appreciation for the significant improvements in the President's text. However, further negotiations and improvements are needed.

Mr. President, I thank you.