



STATEMENT BY

**THE PRESIDENT OF THE UNITED NATIONS
GENERAL ASSEMBLY
H.E. MR. JAN ELIASSON**

**ON THE DRAFT RESOLUTION
ON THE HUMAN RIGHTS COUNCIL**

**UNITED NATIONS HEADQUARTERS
NEW YORK
15 MARCH 2006**

Excellencies, distinguished delegates,

We are assembled this morning to take action on the draft resolution on the Human Rights Council (A/60/L.48), the text of which I first presented to you in our informal consultations of the Plenary on 23 February.

The draft is presented today in pursuance of the mandate given to us by our leaders at the 2005 World Summit. The Summit resolved to strengthen the United Nations human rights machinery. As you know, we have already taken some action on this, for example by agreeing to strengthen the Office of the High Commissioner for Human Rights.

Now it falls upon us to fulfill the other main element of our leaders' resolve to strengthen the United Nations human rights machinery, by creating a Human Rights Council. Our leaders gave us a clear mandate to do so. And they gave a specific task to the President of the General Assembly to conduct open, transparent and inclusive negotiations, to be completed as soon as possible during the sixtieth session. This I have done, and today I formally present you the result.

The draft resolution is the culmination of five months of negotiations. We are grateful to those who have contributed. To the Secretary-General, for his leadership. To the Co-Chairs, Ambassador Arias of Panama and Ambassador Kumalo of South Africa, for their skilled and selfless work. To all of you, most of all, for the energy and commitment that you have invested in the consultations and negotiations. And to civil society, for their

active contributions. The draft resolution before us today is above all the outcome of our common combined effort, intellect and aspirations.

Since the presentation of the text on 23 February, you have all had the opportunity to study the draft resolution thoroughly, with your capitals and in your various groups. I am encouraged by the very broad support that has emerged for the text as an integrated whole as a result of your deliberations.

The text before us – as a whole – represents the work of all of us. No Member State has got everything it argued for. For many of you, adopting this draft resolution today would mean compromising on some points on which you had felt – and still feel – strongly.

But we have now reached a decisive moment, both for the promotion and protection of human rights, and for effective multilateralism and the standing of the United Nations as a whole.

As our leaders acknowledged in September 2005, the three pillars of the United Nations – development, peace and security and human rights – are interlinked and mutually reinforcing. Without strength in all, we have strength in none. And the world has never needed a strong United Nations more than it needs it today. So we need a strong Human Rights Council, just as we need to achieve strong results in the other areas of Summit follow-up and reform with which our leaders entrusted us.

On development, we must now do all we can to ensure the commitments of 2005 are implemented in 2006. If we are to achieve the Millennium

Development Goals by 2015, there is no time to lose. The cost of a failure to implement our commitments on development will be measured in lives lost or blighted by poverty, disease, and lack of opportunity. And in order to deliver, we must ensure that our Organization is as strong and effective as possible. We need to finish our work on this draft resolution on the Human Rights Council, so that we have the time, energy and political space to address development, Secretariat and management reform and the other important tasks ahead of us.

Excellencies, distinguished delegates,

There are a few aspects of the text which merit highlighting today.

The draft resolution would make universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation guiding principles of the work of the Council. It recognizes that the promotion and protection of human rights should be based on cooperation and dialogue and should aim at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings.

Acknowledging the mistrust and tensions which are so evident in today's world, the language of the draft also sends a strong and uniting message on the need for dialogue and understanding among civilizations, cultures and religions – a clear signal to us all to commit to working together to prevent provocative or regrettable incidents and to evolve better ways of promoting tolerance, respect for and freedom of religion and belief. It will be important that the relevant organs of the United Nations, including the Human Rights

Council, make positive contributions in this respect and promote a much needed dialogue on these important and sensitive issues.

The draft recognizes six decades of valuable work undertaken by the Commission on Human Rights, and its commendable record of establishing norms and setting standards. It acknowledges the important role of non-governmental organizations in the promotion and protection of human rights at the national, regional and international level which the Commission has done so much to encourage.

But the draft also responds to the criticisms of the Commission. It includes a number of innovative elements which would make the Council a significant improvement on the Commission on Human Rights.

For example, the draft resolution before us would:

- Replace the Commission with a Council, elevating its institutional standing to a subsidiary body of the General Assembly;
- It would increase the frequency of meetings throughout the year, as well as establishing an efficient mechanism to convene special sessions;
- It would introduce the universal periodic review as a mechanism whereby each State's fulfillment of its human rights obligations would be assessed. Such a mechanism would ensure equal treatment with respect to all Member States and would prevent double-standards and selectivity;

- It would incorporate within the Council's mandate the mainstreaming of human rights in the UN system and the prevention of human rights violations;
- It would distribute seats in accordance with equitable geographical representation;
- It would make Council members ineligible for immediate re-election after two consecutive terms, thereby ensuring rotation;
- Members of the Council would be elected by the majority of the members of the General Assembly, in other words by an absolute majority. Each candidate would be voted on individually and directly and would have to obtain at least ninety-six votes of support in a secret ballot;
- Member States - when electing members to the Council - would take into account the candidates' contribution to the promotion and protection of human rights and their voluntary pledges and commitments made thereto prior to the election;
- The General Assembly, by a two-thirds majority of members present and voting, could suspend the rights of membership of a Council member who commits gross and systematic violations of human rights;
- Members of the Council would be expected to uphold the highest standards in the promotion and protection of human rights fully cooperate with the Council and be reviewed under the universal periodic review mechanism during their term of membership.

Excellencies, distinguished delegates,

This draft resolution represents a unique opportunity for a fresh start for human rights. The adoption of this draft would be the first step in a continued process.

The Council would be expected to assume, review and, where necessary, improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission of Human Rights within one year of its first session. Within the same timeframe, the Council would also develop the modalities and necessary time allocation for the universal periodic review mechanism.

The General Assembly would review the status of the Council within five years. The Council would also review its work and functioning five years after its establishment and report to the General Assembly. Let us also recall that the Council will submit an annual report to the General Assembly.

Excellencies, distinguished delegates,

Today, we stand ready to witness a new beginning for the promotion and protection of human rights. By adopting this draft resolution, we would establish a body which would be based on dialogue and cooperation, and would be principled, effective and fair. A body whose members would uphold the highest standards in the promotion and protection of human rights. And a body that would advance the founding principles that were

initiated by the General Assembly with the Universal Declaration of Human Rights.

The establishment of the Human Rights Council is a decision whose time has come. Many of you have told me over recent days and weeks of the importance you attach to the prompt adoption of this text as it is. I therefore propose that the General Assembly today moves to adopt the text of this draft resolution, as a whole.

Very many of you have made contributions to the draft resolution, from both national and international perspectives, over the last five months. It is the result of our common endeavors and aspirations. No one part can now be added or subtracted in isolation without jeopardizing its balance, strength and workability. This is a draft resolution whose sum is greater than its parts. It is my hope that you, Member States, will now be ready to adopt this draft resolution in its entirety in the interest of human rights.