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Second session of the Human Rights Council (18 September-6 October 2006)

The Office of the United Nations High Commissioner for Human Rights presents its compliments to all Permanent Missions in Geneva, United Nations departments and bodies, specialized agencies, intergovernmental and non-governmental organizations and has the honour to transmit the European Union's proposal for the second session of the Human Rights Council to be considered under the segment entitled "Other issues including initiatives/issues/decisions/resolutions".

A handwritten signature in black ink, appearing to be the initials 'OL'.

12 September 2006



eu2006.fi

H.E. Mr. Luis Alfonso de Alba
President of the Human Rights Council
Office of the United Nations
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Fax No: 022 917 9011

11 September, 2006

Excellency,

Since the establishment of the Human Rights Council, the European Union has been committed to developing new, innovative working methods of the Council, geared towards implementation and operational follow-up, based upon open and constructive dialogue and building upon the achievements of the Commission on Human Rights.

During the second session of the Human Rights Council, a meaningful consideration of the reports of the Special Procedures and other reports before the Council will be a priority for the European Union. The EU deems it important to devote ample time and attention to the dialogues with each of the Special Procedures in order to allow for a substantive consideration and analysis of their findings and recommendations.

Secondly, it is important to secure adequate operational follow-up to the recommendations made in the various reports. The European Union is supportive of the idea put forward by the President of the Human Rights Council that these issues be addressed in omnibus texts by the Council containing both substantive and operational elements. Such texts would be a basis for the Council's future action on the various issues, where possible. The European Union will contribute to this process by submitting elements to the President of the Council to be included in such omnibus texts. Individual member states of the EU will also do so in relation to a number of other reports.

In discussing the reports before it, the Council will address a full range of issues relating to the promotion and protection of all human rights - civil, political, economic, social and cultural rights. The European Union believes that the Council should pay particular attention towards identifying ways to ensure equal enjoyment of all human rights by all, as a cross-cutting theme in the dialogues.

The European Union will participate actively in all the dialogues, and will here highlight just a few priority areas relating to the reports by Special Procedures:

1. For a number of years, the EU has introduced a draft resolution on the elimination of all forms of intolerance and of discrimination based on religion or belief in the General Assembly and in the Commission of Human Rights. We believe that this text, adopted traditionally by consensus, should continue to be the basis for discussions. The European Union continues to pay particular attention to this issue and finds it important that the Council addresses the recommendations of the Special Rapporteur on the Freedom of Religion and Belief. As the Special Rapporteur has noted, the 25th Anniversary of the Declaration on Freedom of Religion and Belief this autumn serves as an occasion to reiterate the importance of promoting the freedom of religion and belief.
2. Human rights defenders from all parts of the world are key partners of the Council. It is important that the Council devotes attention to the recommendations of the Special Rapporteur on Human Rights Defenders, and also continues its direct and close interaction with human rights defenders.
3. The UN will also receive a comprehensive study on violence against women this autumn. The EU considers this as another area requiring particular attention by the Council.
4. The European Union will participate actively in the dialogues with the Special Procedures on issues relating to the rights of the child and will seek to ensure that their key recommendations are reflected in the omnibus texts. The EU also believes that the Council should devote attention to the UN Study on Violence against Children, which will be officially launched shortly after the conclusion of the Council's second session.
5. Protection and promotion of human rights while countering terrorism requires particular vigilance in all parts of the world, and the EU underlines the importance for the Council to welcome the General Assembly global strategy against terrorism and to devote attention to the recommendations of the Special Rapporteur on this topic.
6. As regards reports by country rapporteurs, the EU would like to emphasise the importance of open and frank dialogue with the Special Procedures. The Council should, *inter alia*, identify ways to assist States in their efforts to implement the recommendations given by the Special Procedures. Key issues that are addressed during these dialogues should be reflected in writing, if possible, in the Council's resolution. For this purpose, some key issues in the Council's omnibus texts must be highlighted building on the good cooperation between the state concerned and the Special Procedures. The EU also considers useful a summary of the dialogues in which key challenges faced by States in the implementation process could be noted and needs for technical cooperation, capacity building and other measures to assist them in this task identified.

The resolution establishing the Council underlines the duty of States to cooperate with the Council. In this spirit, the EU believes it is important for the Council to urge all States to cooperate with the Special Procedures and to allow access to their countries. The European Union regrets, for instance, that the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, the Special Rapporteur on the situation of human rights in Myanmar and the Special Rapporteur on the situation of human rights in Belarus, whose mandates were established with the participation of the European Union, have not been able to visit the countries concerned. We note that a number of countries have not cooperated with the Special Procedures. The European Union believes that the Council should make a serious effort during the second session to encourage the establishment of cooperation between the Special Rapporteurs and the countries concerned.

7. The Council should also devote its attention to the visit reports by the thematic special procedures, which contain important information for the consideration of the Council about developments in states. A summary of the dialogue as mentioned in para. 6 above, could be useful also for the thematic special procedures.

In addition to the reports of the Special Procedures, the second session has many other important reports before it. Dealing with recommendations contained in the reports of the 1503 procedure is a high priority for the EU. The European Union finds it important that the Council addresses the reports of the various country offices of the High Commissioner for Human Rights and all reports of the Secretary-General, including those prepared by the Office of the High Commissioner for Human Rights, and expresses its support for the continuation and further strengthening of this important work.

The European Union would also like to highlight the report of the Secretary-General on the question of the death penalty, and underlines the importance it attaches to continuing the practice of receiving yearly supplements to the Secretary-General's quinquennial report. The EU will continue to work with others towards the objective of the abolition of the death penalty.

The Human Rights Council, mandated to prevent human rights violations and respond promptly to human rights emergencies, needs to be attentive to developments around the world. It is important that the Council addresses situations where there are clear signs of degradation of the human rights situation. Dealing with such situations should be a joint effort of the Council and the countries concerned. Given the importance the EU places on approaching all such situations in a spirit of dialogue and cooperation, we will be pursuing discussions with those states most directly concerned before making public announcements.

The working methods of the Council will continue to develop during the second session, and as stated earlier, the EU is supportive of the President's idea of omnibus texts provided that such texts would address the key issues in a meaningful way, and providing for the necessary results oriented follow-up. In addition, the EU and its member states are prepared to contribute to the work of the President of the Council by submitting draft texts during the session for the consideration of the Council. The EU welcomes open consultations on draft texts as soon as possible.



Vesa Himanen
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