

Elements for an EU intervention on Programme of Work, Advisory Committee and Complaints Procedure at the second session of the working group on the review of the Work and Functioning of the Human Rights Council (18 February 2011)

On behalf of the EU ^{we would like to} express our gratitude for the President and the 2 facilitators for the valuable work they have done with regard to those clusters and we especially appreciate their efforts to try to find a middle ground in these fields.

Agenda, PoW ^{facilitator}
We would like to see the original proposal by the president with regard to rule 8 of the Rules of Procedure as this would give us sufficient flexibility in terms of the agenda of the regular sessions of the Council. proposal: add in para 52, a, at the end "while allowing for changes that may be necessary on account of contingencies."

If there is no agreement on the possibility to allow for necessary changes, we would have two sessions instead of three without any new opportunities to address emergency situations in an efficient way. In this case we ^{have no other option than} would prefer to go back to the original ^{present} program of work with three regular sessions of 10 weeks per year.

Advisory Committee:

We agree with para 42 that the best possible expertise should be made available to the Council; we find it important that the Consultative group is involved and that more candidates are proposed ^{than the number of} that there are vacant seats. (42a).

We would suggest to amend para 45 in the sense that the Advisory Committee should rather hold one two week meeting than two one week meetings.

On para 46, we would like to ask whether this interactive dialogue has been integrated in the programme of work proposals.

^{We find para 47 on the Social Forum as a good basis for further negotiations on the Relevance of the Forum.}

On para 47, we find it important to readjust the time allocated to the Social Forum, taking into account existing mechanisms that offer greater stakeholder engagement and provide better opportunities to address those themes covered by the Social Forum. We would therefore like to add, after Council resolution 6/13 "so as to adjust the amount of time allocated to the Social Forum."

Complaints Procedure

The EU believes non-duplication with other human rights mechanisms must be strictly upheld. While we see para 48 as a step in the right direction, we still find this

reading of paragraph 87/f of the IBP too narrow and would ask to amend para 48. The complaint procedure should be able to deal with a specific case even if a country is dealt with by a special procedure, a treaty body or other United Nations or similar regional complaints procedure in the field of human rights as long as this mechanism does not specifically address the case. the amended para 48 would read as follows: "The existence of a country specific mandate or the examination of the human rights situation in a country by another UN Special procedure, by a treaty body or other United Nations or similar regional complaints procedure in the field of human rights ^{should} will not preclude the consideration of a communication that fulfils the admissibility criteria listed in para 87 of the annex to the Council resolution 5/1, as long as this mechanism does not specifically address the case.