



**UNITED NATIONS HUMAN RIGHTS COUNCIL
Second Session
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**Progress report of the Working Group on the implementation of
operative paragraph 6 of General Assembly resolution 60/251**

**Statement by the Representative of Finland
Mr Lasse Keisalo
First Secretary**

on behalf of the European Union

Geneva, 3 October 2006

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Mr. President,

I am speaking on behalf of the European Union.

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, Montenegro, Serbia, as well as Ukraine and the Republic of Moldova align themselves with this declaration.

We welcome the report on the progress made in the work on the Review of Mandates and take note of the time allocation for further work in the framework of the Working Group. The consultative process leading up to the establishment of the Working Group has been very helpful to exchange views and to set the process in motion. The EU will continue to play an active role in the review process which should equip the Human Rights Council with the most effective set of tools for fulfilling its mandate in protection and promotion of human rights. As we are only at the beginning of this process, it is of particular importance to avoid prejudging its outcome at this stage. Transparency, predictability and inclusiveness, as well as allowing for participation of all stakeholders, including NGOs, National Human Rights Institutions, as well as representatives of the Coordination Committee of the Special Procedures, should remain the guiding principles of this process.

During the facilitation process leading up to the establishment of the Working Group, the EU has expressed its views on the objectives and modalities of the review. We would like to reiterate some of our priorities.

Special Procedures

In the review of the Special Procedures, it is important to identify ways to further strengthen and improve the system of Special Procedures, in particular the capacity and effectiveness of the system to effectively protect victims of human rights violations. Further, it is important to ensure a direct and ongoing engagement between the Special Procedures and the Council and greater interaction and complementarity between the special procedures and the entire UN system for the protection of human rights. The comprehensiveness of the system needs to be secured.

The system of Special Procedures is indispensable for the protection and promotion of human rights. A strong system encompassing both thematic and country mandates is necessary for the Council to implement its mandate effectively, to bring the debates closer to the reality on the ground, and to alert the international community to human rights violations as spelled out in the resolution creating this Council. To this effect, increased cooperation by States is essential. It is crucial that the Special Procedures be accorded full, free and timely access to and inside all countries. Moreover, to produce real effect on the ground, implementation of the recommendations by Special Procedures should be improved.

The EU notes the efforts undertaken thus far by the Coordination Committee to enhance and strengthen their methods of work in order to carry out their mandates in the most effective way, as well as the openness and transparency of these efforts. The EU sees this process as separate from the review process. This work should indeed be conducted predominantly by the Special Procedures and the High Commissioner. In this regard, we welcome the fact that the revised manual for Special Procedures has been placed in the internet, on which everyone is invited to comment. The EU will be ready to contribute to this ongoing process through providing comments directly to the Coordination Committee.

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

Independence, integrity and objectivity are essential to ensure the credibility and effectiveness of the Special Procedures. It is therefore important to ensure that Special Procedures are able to conduct their activities without control or interference by anyone, including States. We believe that the review process must take full account of these principles in order to maintain the credibility of the HRC.

Expert advice

An effective independent expert advice function should serve the purpose of broadening and deepening the Council's debates on specific human rights issues, and providing the expertise and guidance that the Council believes would improve the quality of its decisions.

The Council should consider drawing on expert advice in new ways, and various options need to be explored in this regard. To carry out the research needs of the Council, a roster of appropriately qualified and independent experts could be used on an *ad hoc* basis. Throughout every aspect of its work, the expert advice system should seek the widest possible participation in its activities of NGOs, as well as National Human Rights Institutions.

It should be ensured that the expert advice function interacts regularly with the Council, that it is efficiently mandated by the Council, and that the contributions of the system are considered by the Council in a timely manner. In order to keep spending on the expert advice to a reasonable level and to avoid duplication within the human rights mechanism of the Council, there is a clear need to prioritize the areas on which expert advice is sought.

Complaint procedure

In the framework of the Council there is a clear need for a complaint mechanism that addresses and responds in an efficient and timely manner to gross and systematic human rights violations in any part of the world. The new mechanism should assist the Council in the fulfilment of its mandate relating to the prevention of violations of human rights.

The 1503 procedure in its current form, including its methods and functions, should be reviewed and improved. The new mechanism must ensure impartiality, objectivity and effectiveness of the procedure, as well as a balance between the need of transparency and confidentiality in the complaint process.

The setting up of an effective complaints mechanism is a very complex issue, requiring thorough consideration. In establishing the complaint mechanism, account should be taken of experiences of existing UN and regional human rights complaints mechanisms.

We look forward to the deliberations of the inter-sessional Working Group. Transparency, predictability and inclusiveness, as well as allowing for participation of all stakeholders, should remain the guiding principles of this process.

Thank you, Mr. President.