

60th General Assembly

“The informal consultations the Human Rights Council”

**Statement by Ambassador Ronaldo Mota Sardenberg "Human Rights and the Rule of Law"
Permanent Representative of Brazil to the UN
New York, 11 October, 2005**

Mr. Chairman,

General comments

- Since the beginning of this political process, Brazil has fully supported the establishment of the Human Rights Council, as a contribution to the strengthening of the world-wide human rights system.
- The establishment of the HR Council must entail a significant improvement over the work currently carried out by the HR Commission in the promotion and protection of human rights.
- An early decision on the mandates and procedures of the Council should be taken, in order to ensure a smooth transition towards the next year's session of the Commission.

Mr. Chairman,

POINTS CONTAINED IN THE PRESIDENT'S LETTER OF 7 OCTOBER 2005

Concerning the specific points contained in your [the President's] letter, that could guide our discussions, I would like to offer the following remarks:

[1] STATUS

- Dealing with HR issues in a Council initially responding directly to the General Assembly - rather than in the Human Rights Commission subordinate to ECOSOC - will give a priority to human rights that is commensurate with their importance in the present-day international order and in the Charter. This arrangement should be subject to a review at an appropriate time – possibly five years.

[2] MANDATE AND FUNCTIONS

- The HR Council should build on the strengths of the Commission, amongst which its system of special procedures and its arrangements for NGO participation. Once the Council has absorbed this system, however, it may very well wish to review and further rationalize it.
- The Council should serve four main purposes, namely:

- (i) providing a forum for dialogue on human rights issues;
- (ii) acting as a mechanism for making recommendations to the General Assembly for the further development of international law in the field of human rights;
- (iii) promoting international cooperation and technical capacity-building in order to enhance the ability of Member States to implement human rights commitments;
- (iv) addressing any matters or situations related to the promotion and protection of human rights, including urgent human rights situations.

[3] SIZE, COMPOSITION AND MEMBERSHIP

- The election of members on the basis of equitable geographical distribution, would contribute to enhancing legitimate representation and the accountability of future members.
- The 2/3 majority requirement for the election of members would mean an additional electoral and financial burden for small and even for middle developing States, which would be compelled to carry out world-wide campaigns in order to secure their seats.
- The Council should be comparable in size to the Commission on Human Rights, having in mind, nevertheless, the need for a balance between legitimate representation and efficiency.
- There should be a general call for future members to abide by the highest standards of human rights. In addition, as we consider the composition of the Council, the GA must have in mind the need to ensure representation of all world legal systems in the field of HR, as well as for countries that have expressed their deep interest in this field by signing and ratifying the existing HR conventions and allowing unrestricted access to the human rights special procedures.

[4] RULES OF PROCEDURE AND METHODS OF WORK

- The Council should benefit from the preparation of an annual global report on human rights by the Office of the High Commissioner for Human Rights, as called for in the report of the High-Level Panel on Threats, Challenges and Change. The report, which would be based on information gathered by the special mechanisms and the treaty bodies, could greatly contribute towards ensuring objectivity and non-selectivity in the “peer review”. It should be noted that the High Commissioner herself, in her plan of action, has called for the elaboration of a global report, albeit of a thematic nature.
- Brazil favours considering the establishment of a “peer review” mechanism. It must be ensured, however, that all countries, without discrimination and with similar frequency, be subject to such a “peer review”. That mechanism would

address the issues of politicisation, selectivity and double standards that have undermined the work of the Commission on Human Rights.

These comments are presented by the Delegation of Brazil as a contribution to the drafting and negotiation of the requisite resolution on this matter, which should be adopted on the basis of wide acceptance.

We are ready to work within the timetable suggested by you this morning, under the able guidance of your co-chairs, Ambassadors Arias and Kumalu.

Thank you, Mr. President.

[http://www.un.int/brazil/speech/005d-rms-
agnuHuman%20Rights%20consultations%201110-.htm](http://www.un.int/brazil/speech/005d-rms-
agnuHuman%20Rights%20consultations%201110-.htm)