

**Statement by Pakistan Delegation at the Informal Consultations of the General Assembly Plenary on
Working Methods - Transition Arrangements- Rules of Procedures
of the Human Rights Council
1 November 2005**

A. Working Methods

The Human Rights Council should adopt a new approach of promoting human rights through dialogue and cooperation.

2. The promotion of human rights involves at least 5 elements:

- (a) further evolution of human rights norms, especially in the economic, social and cultural areas;
- (b) advocacy and awareness-building of human rights norms at the national and international levels;
- (c) securing wider/universal adherence to human rights instruments;
- (d) building capacity – human, institutional, financial – where required for implementation of human rights standards/norms;
- (e) assessing and promoting the implementation of human rights norms and especially legally-binding instruments.

3. The promotion of each of these 5 elements can be achieved in a cooperation way mainly through thematic discussion and examination in the HRC and the Sub-Commission. UN Funds e.g. UNDP, UNFPA, could be helpful in capacity-building.

4. A “universal review” could also be useful instrument to promote each of the 5 objectives. However, such a review, if conducted on a “country by country” basis, would be difficult and impractical (How to review 191 countries?); lead to political decision and inevitable selectivity and discrimination. It would be much better therefore to organize such a “universal review” on a thematic basis, reviewing the status of various human rights (e.g. freedom of expression, gender issues, specific economic and social rights etc.) such a universal review should be conducted on the basis of (i) reports and discussions by the Sub-Commission; (ii) national reports submitted by States; (iii) contributions by the High Commissioner and, in certain areas, (iv) by Special Mechanisms (working groups, Special Rapporteurs etc.)

5. Thus, the agenda of the HRC should be organized on a thematic basis and recommendations adopted after decision, preferably by consensus, on the actions required to advance the (5) objectives in each thematic area.

6. A “universal review” implies that examination of country situations will be, normally, excluded. The Human Rights Council should be able, of course, to consider specific situations of gross and consistent violations of human rights, as indicated by the 2005 Summit Document. However, the standard for the selection of a country situation for consideration by the Human Rights Council should be set high. This standard should include:

- (a) objective evidence or information, obtained e.g. through the 1503 procedure for individual complaints or a Fact-Finding Mission;
- (b) it should be normally, undertaken on the basis of a recommendation from the Sub Commission based on the 1505 procedure;

7. Any country, which is under consideration, should be enabled to participate fully in the Human Rights Council's discussion. All decisions relating to a country-situation should be adopted by a 2/3 majority.

8. In the context of implementation, the Human Rights Council should focus especially on adherence, by all parties to an armed conflict, to international humanitarian law, especially the Geneva Conventions and Protocols. As a first step, the Human Rights Council should give standing authority to the UNSG and, through him, the High Commissioner for Human Rights, to dispatch fact-finding missions, composed preferably of members of the Human Rights Council or its sub-Commission, to areas of an armed conflict, a war on a situation of foreign occupation, to assess the observance by the parties to international humanitarian law.

9. The promotional approach to human rights will also require adjustments in the working methods and modalities of the rest of the HR machinery.

Role of the Sub-Commission

10. As outlined above, the Sub-Commission's role would encompass (a) further evolution of norms, especially on the economic and social fields; (b) thematic discussions and recommendations to the Human Rights Council; (c) the 1503 procedure to identify of gross and consistent violations of human rights.

Special Mechanisms

11. The Special Mechanisms will also need reformulation. Firstly, this number should be drastically reduced from 41 down to 10-15. They should focus on important thematic areas and issues. Their selection should be through elections held by the Human Rights Council (not by appointment). Preferably, the persons nominated/elected should be from among qualified members of the Sub-Commission and; the Human Rights Council itself. Their mandates should not be duplicative of thematic issues or country situations already under consideration by the Sub-Commission on the Human Rights Council. They should submit reports, prepared by themselves (not by the staff of the High Commissioner's Office) well in time for full consideration by the Sub-Commission or the HRC.

B. Transitional arrangements

12. Discussions regarding the HRC and related machinery can be adopted in a comprehensive package or in a step by step process. A "package" approach is like to take up-to a year. Therefore, a step by step process may be more practical.

13. In the forthcoming decisions regarding establishment of the Human Rights Council, we should elaborate/include the essential elements i.e. size, method of election, location, general moderate and overall approach. Documents regarding the Human Right Council's agenda and working methods, other machinery etc. could be elaborated subsequently, either by the Human Rights Council itself or by a working group established by the UN General Assembly.

14. For the purposes of the transition, the members of the Commission on Human Rights should be allowed to serve out the remainder of their terms as members of the Human Rights Council. (This is one more reason why the size of the Human Rights Council should be the same or similar as the Commission on Human Rights). The rests of the human rights machinery should remain unchanged until the Human Rights Council (or the UNGA) is able to adopt decisions on the changes to be made.

C- Rules of Procedures

15. As a subsidiary body of the General Assembly, the rules of procedures of the General Assembly should be applicable to the Council in the conduct of its business.