

**Statement by Ambassador SHIN Kak-soo
Deputy Permanent Representative**

**Informal Consultations of the Plenary of the General Assembly
Human Rights Council**

18 October 2005

New York

<Check against Delivery>

Thank you, Mr. President.

1. Before going into detail on the mandates and functions under today's discussion, I would like to stress that we should make full use of our deliberation on this issue at the last session the General Assembly. In our view, there was little controversy over the mandates and functions of the proposed Council as provided for in the second revised draft of President Ping's outcome document. Hence my delegation is of the view that our discussion should be conducted on the basis of paragraph 140 of that document.

2. As we have already made clear, we have to create a legitimate, effective and transparent Council. The mandate and functions of the Council should serve these objectives. We should make every effort to ensure that the new Council is an improvement, not simply a re-labelling of the existing Commission on Human Rights.

Mr. President,

3. The main function of the Council should be the promotion and protection of human rights for all through the mainstreaming of human rights within the UN system and ensuring the compliance by states with international human rights law and standards. To this end, my delegation firmly believes that the Council should be broadly mandated to address effectively and efficiently the complex and expanding tasks of a main human rights body. To discharge its prime duties, the Council must have comprehensive authority over a wide array of missions — namely, policy planning and implementation, norm creation, monitoring and coordination — thus ensuring its plays a substantial role. Along these lines, I would like to make several comments on the mandate and functions of the Council.

4. First, my delegation considers it essential for the Council, as a forum for dialogue, to take up thematic issues on all human rights and fundamental freedoms. Given the long history of the development of human rights and the evolving features of modern society, we cannot overemphasize the importance of genuine dialogue among the stakeholders in the Council by means of thematic debates. It is thus expected that the Council will facilitate serious dialogue on existing and emerging human rights issues, thereby nurturing mutual understanding and common interests in human rights among the entire Membership that will serve to make each and every Member conscious of its ownership of and responsibility for human rights. Today, human rights is an agenda for all of us.

5. Second, the Council should be equipped with powers to address grave, urgent or continuous violations of human rights swiftly and effectively. Armed with stronger legitimacy, the Council is required to make substantial contributions towards preventing and halting serious violations. If this objective is to be achieved, my delegation regards it as crucial that the Council possess and exercise recommendatory powers vis-à-vis both the UN system and Member States. We also anticipate that such recommendations will bolster the authority of the Council, which will in turn strengthen its preventive functions.

6. Third, the Council should be able to implement special procedures as a means to address individual situations. It is widely agreed that though the working methods of special procedures need to be improved, they have worked well to further human rights. My delegation hopes that special procedures will be further developed in the Council, together with other strengths of the Commission.

7. Fourth, the work of the Council should be structured to strike a balance between prevention of human rights violations and ex post facto protection of human rights. We should not forget that human rights violations and delays in their redress have often occurred due to the lack of experience and knowledge in a concerned society. As a State that has gone through its own difficult times in relation to human rights, the Republic of Korea attaches importance to technical assistance and capacity building in preventing and if necessary redressing human rights violations. In this regard, my delegation wishes to underline that the power of Council to promote international cooperation on technical assistance and capacity building should not be contingent on requests by the Member States concerned. We also would like to highlight the significance of nurturing a culture of respect for human rights in each and every society. The Council should pay close attention to advocacy and education in its promotion efforts, seeking close cooperation with relevant international bodies such as UNESCO.

8. Fifth, my delegation is flexible on the periodic review mechanism, but we believe that it should not duplicate the reporting procedures under treaty bodies. We should carefully weigh the pros and cons of

such a mechanism. Certainly a universal review might help assuage the criticism of selectivity or double standards levelled against the Commission on Human Rights, but it would also saddle the Council with a considerable burden. Furthermore, if the Council is not given the means to enforce the universality of its review mechanism, the review process might devolve into nothing more than a seal of approval for those faithful Member States that maintain good records on human rights. Nevertheless, we see merit in adopting a mechanism in respect of the members of the Council.

9. Sixth, as a realistic means to pursue its objectives, the Council should be empowered to make reports, including policy recommendations, to the General Assembly, the Security Council, the ECOSOC and other UN bodies. We also think that as the primary organ for human rights, the Council should promote effective coordination within the UN system and build working relationships with regional human rights organizations.

10. Lastly, the Council should be a standing body to fulfil its expanded functions. In addition to regular sessions appropriate for accomplishing its workload, the Council should be able to hold extraordinary sessions whenever it deems them necessary to cope with urgent situations.

Thank you.

