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Statement by H.E. Ambassador Remigiusz A. Henczel

President of the Human Rights Council

Third Committee
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Mr. Chairman, Excellencies, distinguished delegates, ladies and gentlemen,

It is with great pleasure that I come before you today to present the annual report of the Human Rights Council and to participate in an interactive dialogue with the Third Committee.

Distinguished delegates,

The year 2013 marks the seventh year since the establishment of the Human Rights Council and it has achieved significant progress in dealing with human rights issues in different parts of the world.

Syria has continued to be high on the agenda of the Council throughout the year and the mandate of the Commission of Inquiry on Syria has been again extended. The Council has also established a Commission of Inquiry to investigate the systematic, widespread and grave violations of human rights in the DPRK with a view to ensuring full accountability, in particular where these violations may amount to crimes against humanity. The Council has also extended existing special procedures mandates on the DPRK, Myanmar, Iran, Belarus and Eritrea.

Allow me to underline here the creativity demonstrated by the Council with regard to its methods of work which has greatly facilitated the dialogue of concerned countries with the Council. Two interactive dialogues, one on the Central African Republic and the other on Somalia, were held with the participation of the Minister of Justice and judicial reform and the Minister of Territorial administration, decentralisation and regionalisation of the CAR and the Prime Minister of Somalia. These dialogues were held at the initiative of concerned countries themselves, welcomed by the Council for their commitment and willingness to address serious human rights concerns in an international forum.

The Council continued discussing the human rights issues in the Occupied Palestinian Territories, including the report of the international fact-finding mission to investigate the implications of the Israeli settlement on the human rights of the Palestinian people at its March session.

A number of other country specific resolutions have also been adopted in the framework of technical cooperation and capacity building, including on Cambodia, Central African Republic, Côte d’Ivoire, DRC, Guinea, Haiti, Libya, Mali, Somalia, South Sudan, Sudan and Yemen.

Mr. Chairman, distinguished delegates,

During its past three regular sessions, among other debates, the Council has held a total of 13 panel discussions, on themes such as the impact of corruption on human rights, the contribution of parliaments to the work of the Council and its Universal Periodic Review, business and human rights, democracy and the rule of law, the human rights of children of parents sentenced to the death penalty or executed, gender integration, indigenous peoples, rights of children, rights of persons with disabilities as well as the promotion of technical cooperation in the field of the administration of justice. The Council also held a high-level panel discussion to mark the twentieth anniversary of the Vienna Declaration and Programme of Action during which we heard a video address by the Secretary General. The discussion focused on the implementation of the Vienna Declaration and a review of the achievements, best practices and challenges in this regard. In addition, this year’s high-level panel on human rights mainstreaming with the heads and senior officials of UN agencies focused on human rights and the post-2015 development agenda, with a particular focus on the right to education. The participation of the Secretary General in this panel demonstrated his commitment to ensuring the integration of human rights in development efforts. The panels held throughout the year have benefitted from the expertise and perspectives of panellists including representatives from governments, parliaments, human rights mechanisms, international and regional organizations, academia, the civil society representing affected communities, UN agencies and journalists.

At its 25th session in March 2014, the Council will hold a number of panel and thematic discussions on a variety of issues, including, inter alia, the right to education of persons with disabilities, access to justice of children, prevention and punishment of the crime of genocide and the question of the death penalty.
Finally, the Council has established new **special procedures mandates**, both country and thematic mandates, bringing the total number of mandates to 51. The new mandates include the Independent Expert on the enjoyment of all human rights by older persons, the Independent Expert on the situation of human rights in Mali and the Independent Expert on the situation of human rights in the Central African Republic.

**Mr. Chairman, distinguished delegates,**

In 2013, the Council adopted a total of 107 resolutions, decisions and President’s statements. Also, the number of **cross-regional initiatives** has continued to increase, affirming the capacity of the Council to take action on important human rights issues by overcoming different political positions. For instance, the proposals on local government and human rights, on elimination of child, early and forced marriages, on the role of freedom of opinion and expression in women’s empowerment, on the question of the death penalty, as well as country-specific issues were submitted by cross-regional groups of States. Many of these resolutions have been adopted without a vote. At the September session, for instance, of 40 resolutions and decisions, 33 were adopted without a vote. This also demonstrates the increased capacity of the Council to agree on issues relating to the protection of those most in need.

During the past year, the Council has further discussed issues related to the right to development, private military and security companies, right to peace, and the enjoyment of the cultural rights, as well as the rights of vulnerable groups such as persons with disabilities and minorities. The number of cross-regional joint statements has also increased covering a wide range of topics.

**Distinguished delegates,**

The number of dignitaries addressing the Council during the high-level segment of the March session remains high demonstrating the growing influence of the Council as the main UN body dealing with human rights issues. This is further testified by the increasing number of civil society representatives attending the Council proceedings as well as that of the side-events organized in the margins of the Council: on average there has been more than two hundred NGOs accredited and a hundred side-events organized at each session. The Council has continued to make use of video messaging to increase access to those far away from Geneva in the case of national institutions or NGOs taking part in interactive dialogues or panels.

Active participation and contribution of civil society organizations is central to the work of the Human Rights Council and makes it a unique forum among other UN intergovernmental organs. It is therefore essential that representatives of civil society operate in a free, open and safe environment that protects and promotes their own human rights. I have personally condemned acts of reprisals in the context of Council and UPR sessions and have repeatedly stated that any acts of intimidation or reprisals against individuals and groups who cooperate or have cooperated with the United Nations and its representatives are unacceptable and must end. It is the Council’s and its President responsibility to address effectively all cases of intimidation or reprisals and to ensure an unhindered access to all who seek to cooperate with the UN mechanism. Such cooperation is a **sine qua non** condition of an effective and proper functioning of the Council and its mechanism. In this regard, Council resolution 24/24 adopted last September on cooperation with the United Nations in the field of human rights is of utmost importance. It requests the Secretary-General, in cooperation with the High Commissioner for Human Rights, to designate a United Nations-wide senior focal point on reprisals and aims at promoting the prevention of, protection against and accountability for reprisals and intimidation related to cooperation with the United Nations.

**Mr. Chairman, distinguished delegates,**

I am also pleased to inform you that we have made some progress on the issue of making the work of the Council accessible to persons with disabilities pursuant to the legal obligations arising from the
Convention on the Rights of Persons with Disabilities and in line with the mandate given to the Council's Task Force on this issue.

Together with my Vice-President, Ambassador Luis Gallegos Chiriboga of Ecuador, whom I have appointed as a Facilitator on accessibility issues, I met with the Chairperson of the Committee on the rights of persons with disabilities and the Chairperson of the Committee's Working Group on Accessibility and agreed to combine our efforts to continue exerting pressure at the highest levels for improvements to ensure full accessibility of premises and documentation to persons with disabilities on an equal footing with others.

At every session of the Council, one panel was made accessible, in addition to the annual panel on the rights of persons with disabilities. At the most recent session of the Council in September, the annual panel on the rights of indigenous peoples which focused on the World Conference on Indigenous Peoples was made accessible through the provision of international sign-language interpretation, captioning and webcast of these services.

We remain committed at the Council through the Task Force to share best practices on accessibility. The Task Force will continue to report to the Council on progress on this issue.

**Mr. Chairman, distinguished delegates,**

Now, I would like to draw your attention to Chapter II of the Council's annual report and its addendum. It contains Council resolutions and decisions which make specific recommendations or suggestions to the General Assembly.

The Council's decision 22/115 on the Human Rights Council Webcast of March 2013 recommends that the General Assembly consider ways to ensure sustainable live webcasting and subsequent storage of the meetings of the Human Rights Council held in the framework of the sessions of the Council and of the Working Group on the Universal Periodic Review. In the absence of summary records, webcasting serves as the only official record of Council proceedings. Therefore, it is of great concern to the Council that its webcast operates without any regular budget funding and on ad hoc arrangements using extra budgetary resources of OHCHR. Those resources are under pressure and may not always be sufficient to provide for this essential service. The webcast has also proven to be an invaluable outreach tool, in particular for the UPR.

In July this year, I sent a letter to the President of the General Assembly, seeking the GA’s support in adopting a decision to officially provide for webcasting of the Council’s meetings with a view to including the necessary resources in the 2014-2015 biennium budget proposals. I also requested that my letter be shared with member states’ delegations in New York. It is an important and urgent need and I hope that member States will consider this favourably.

Resolution 22/22 on the follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict renews its recommendation that the General Assembly remain apprised of the matter until it is satisfied that appropriate action with regard to implementing the recommendations contained in the report of the Independent International Fact-Finding Mission on the Gaza Conflict is taken at the domestic or international level in order to ensure justice for victims and accountability for perpetrators, and to remain also ready to consider whether additional action within its powers is required in the interests of justice.

In resolution 23/17 concerning national institutions for the promotion and protection of human rights, the Council welcomes the endorsement by the General Assembly of the strengthening of opportunities for national human rights institutions compliant with the Paris Principles to contribute to the work of the Human Rights Council in its resolutions 65/281 and 66/169, and recommended that the Assembly explore the feasibility of enabling national human rights institutions compliant with the Paris Principles to participate in the Assembly based on practices and arrangements agreed upon in Assembly resolution
60/251, Human Rights Council resolutions 5/1 and 5/2, and 16/21 of 25 March 2011, and Commission on Human Rights resolution 2005/74, while ensuring their most effective contribution.


Finally, in resolution 24/26 entitled “From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance”, the Council underlines the need for the General Assembly to proclaim the International Decade for People of African Descent and, within that context, to adopt the draft programme of action for the International Decade for People of African Descent elaborated by the Working Group of Experts on People of African Descent, as mandated by the Assembly in its resolution 66/144. It also requests the Secretary-General to resuscitate the work of the independent eminent experts before the end of the sixty-eighth session of the General Assembly, consistent with their mandate, and, in this regard, to recommend further initiatives and actions.

Chapter II also contains the resolution on the composition of OHCHR staff, encouraging the General Assembly to consider further measures to promote geographical balance in the staff of the OHCHR.

Mr. Chairman and distinguished delegates,

Let me now make a few remarks relating to the Universal Periodic Review. We are now firmly engaged in the second cycle of the UPR. The process continues to get positive feedback from all actors involved. However, I have to point out that we have faced a number of challenges, such as upholding the principle of universality by ensuring the participation of all States and avoiding that issues of a bilateral, territorial nature negatively impact on a process.

To preserve the integrity of the process, I have felt it necessary to remind all States that first, the Working Group report is of a factual nature and should reflect what was said in the room by the State under review and participating delegations; second, all conclusions and/or recommendations contained in the UPR Working Group report reflect the position of the submitting State(s) and/or the State under review and they should not be construed as endorsed by the WG as a whole; third, all recommendations made during the review should be treated equally and listed only once in the body of report in its conclusions/recommendations section; fourth, all recommendations should constitute a part of the outcome of the UPR and as such the State under review should clearly communicate to the Council its position on all received recommendations; and lastly, all recommendations should focus on the human rights issues and comply with the basis of review as defined in Council resolution 5/1. These principles have to be respected and I appeal to all of you here to provide your support in preserving the integrity of the UPR mechanism.

It is my firm conviction that by applying all existing practices and rules in a consistent manner to all States under review, we will contribute to strengthening the UPR’s credibility and to the successful second cycle of the UPR, taking into account one of its principles, which is that of an equal treatment of all States under review.

I would also like to acknowledge the fact that the constructive, consensual and non-politicised approach maintained by the Council throughout this year has encouraged Israel to re-engage with the UPR. And I welcome Israel’s reengagement as it upholds the integrity and the universality of this important process.

Universal participation is essential to this process and many among the distinguished participants today have been involved in securing the presence of delegations coming from countries far away from Geneva and without a Permanent Mission in that city. I would like to thank them for their endeavours. In this regard, as the Council’s President, I participated in the interregional seminar to facilitate the participation of Least Developed Countries and Small Island Developing States in the Human Rights Council and its Universal Periodic Review, held from 30 to 31 July in Mauritius.
This is the first time that such a seminar was organised. It focused on facilitating the participation of small-island developing states and least developed countries in the work of the Human Rights Council and its Universal Periodic Review mechanism. 23 delegates from 14 LDCs/SIDs participated in the two-day seminar during which they were provided with comprehensive information and tools on the Human Rights Council and its subsidiary mechanisms, particularly the UPR. They also had the opportunity to build up their knowledge and capacity on various aspects of the Council activities which will enable them to develop a better understanding of how the Council works. It will help their engagement with the Council whether from their capital or in Geneva. I take this opportunity to thank the Government of Mauritius for having hosted this seminar as well as the Office of the High Commissioner for Human Rights for having organised the seminar with success. Such outreach and capacity-building efforts will enhance the capacity of LDCs/SIDs so that all States, regardless of their size and geographical location, can participate in the work of the Council on an equal footing. In this connection, I am pleased that the Trust Fund to Support LDCs/SIDs in the work of the Human Rights Council established by Council resolution 19/26 has become operational following the finalization and approval of its Terms of Reference by the UN Controller last July. I would like to take this opportunity to thank those States which have made contribution to the Fund and encourage others to do so, with a view to supporting programmes of capacity-building and outreach focusing on LDCs/SIDs.

Excellencies, distinguished delegates,

Before concluding, I would like to touch briefly upon the significant challenges faced by the Human Rights Council in terms of resources required to continue its activities.

As I said earlier, the Council continues to adopt a high number of resolutions/decisions, giving rise also to new mandates for OHCHR to implement, carrying significant resource implications. Indeed, while the OHCHR is requested to comply with an increasing number of mandates stemming from Council’s decisions, its regular budget has not kept pace with that growth. The OHCHR therefore often has to rely on voluntary contributions to implement mandated activities.

Although I am fully aware of the current financial situation, I would like to seek cooperation and support from all Member States to address this issue, through the Fifth Committee, by positively considering options on how to address the funding of new mandates arising from resolutions and decisions of the Council.

In conclusion, as my mandate terminates at the end of the year, I trust you will all continue to work hand in hand with my successor in 2014.

I thank you for your attention and look forward to listening to your questions and comments in the framework of this interactive dialogue.