

## Human Rights Council

### Organisational meeting for 5<sup>th</sup> cycle

Mr President,

We congratulate you on your election and look forward to working with you.

The challenges you inherit as President are formidable as some reflections on the Council's 14<sup>th</sup> session clearly show.

We could not in good conscience take the floor without expressing regret that last Friday saw this Council conclude its 4<sup>th</sup> cycle on a new low with the divisive appointment of special procedures mandate holders. That process was marked by regional factionalism, open politicisation, and a disturbing lack of respect for the authority of the Chair.

Mr President, you inherit a Council in which the independence of the system of special procedures is under threat, in which the systemic failure of States to cooperate with special procedures needs to be urgently addressed, and in which the Code of Conduct is routinely invoked in an arbitrary non-specific way as a tool of political intimidation.

You inherit a Council in which States also routinely invoke points of order in an attempt to restrict debate, and in which there are continued challenges to the fundamental need to address country situations throughout the Council's agenda. We trust that you Mr President will continue to ensure that all human rights issues can be discussed within the Council.

You inherit a Council in which States under review during the UPR often reject recommendations for reasons incompatible with their international human rights obligations, or try to claim that national law takes precedence over these obligations, while others take the floor merely to praise their regional and political colleagues. These practices undermine the credibility of the process as a whole.

As we enter the review year, Mr President, there are hard questions that must be asked and answered, particularly whether the Council is fulfilling the mandate entrusted to it by the General Assembly. It is clear that if this Council is to meet the expectations of human rights defenders, fundamental change to its work and functioning will be required.

Mr President, despite these concerns there are some positive developments to build upon.

The urgent debate the Council held during the first week of its 14<sup>th</sup> session provides a valuable new tool for the Council to be more responsive to urgent human rights situations. We trust that this tool will be applied in a non-selective way to enable the Council to better address human rights situations wherever they occur.

The constructive contributions by States from all regions to the recent discussion of the decriminalisation of consensual sexual conduct illustrates that this Council can and must engage in discussion of sensitive topics from a human rights perspective.

The landmark joint statement on maternal mortality, endorsed by 108 States from all regions, represented the largest ever cross-regional statement in the Council, a welcome example of the positive collaborations the Council is capable of. Such cross-regional collaboration remains fundamental to improving the Council's performance.

The joint report of four special procedures on the global practice of secret detention provided an important opportunity to consider a timely and urgent issue in the context of specific concerns in regions around the world. Both the institution-building text and the Code of Conduct for special procedures encourage cooperation amongst mandate-holders, and this is precisely the kind of innovation we should encourage in future.

The Council's somewhat increased attention to intimidation and reprisals against those that have cooperated with the UN, its mechanisms and representatives in the field of human rights is welcome. But the Council must do more to demand accountability for reprisals, including by asking States to inform the Council of efforts to investigate allegations, prosecute perpetrators and ensure reparations for victims.

In conclusion, we would like to acknowledge the many delegations that have paid tribute to human rights defender Floribert Chebeya who was killed on 2 June in the DRC. We have taken note of the information provided by the DRC about plans to investigate the killing and call on it to continue to keep the Council informed of its efforts in this regard. We encourage all States to continue to press for an independent inquiry and prosecution of those responsible for his killing.

Mr President, we wish you well for your term in office and remain committed to working constructively with you, the Bureau, and with all States and stakeholders to build a Human Rights Council that is responsive to the needs of human rights defenders and victims.

Thank you.