



**Permanent Mission of
the Kingdom of the Netherlands**

31-33, av. Giuseppe-Motta
1202 Genève

Tel. 022 748 18 00

Statement by H.E. Dr Bernard Bot

**Minister of Foreign Affairs
of the Kingdom of the Netherlands**

1st Session of the United Nations Human Rights Council

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Statement by H.E. Dr Bernard Bot, Minister of Foreign Affairs of the Kingdom of the Netherlands, at the High Level Segment of the 1st Session of the UN Human Rights Council, Geneva, 19 June 2006

Mr President, Excellencies, distinguished delegates, ladies and gentlemen,

1. It is a privilege for me to address the very first session of the Human Rights Council of the United Nations. This session is an important achievement, but at the same time only a relatively modest first step. The many sceptics who thought this Council would never be created have been proved wrong. But of course the Council has yet to prove its true value.
2. Before I present my country's views on how this Council can become the Human Rights cornerstone that many people in this world hope it will be, let me first congratulate you, Ambassador De Alba, on your election as president, and let me congratulate the other members of the Bureau on their election. I would also like to thank you, Mr President, for guiding the preparation process.
3. In addition, let me commend the President of the General Assembly, Mr Jan Eliasson, for his important work in leading the negotiations on the establishment of the Human Rights Council. I would also like to thank the Secretary-General of the United Nations, Mr Kofi Annan, and the High Commissioner for Human Rights, Ms Louise Arbour, for their invaluable support for the establishment of this Council. Finally, I also wish to acknowledge the dedicated non-governmental organisations and individuals who helped to make this Council a reality.
4. Let me reiterate my country's strong support for mainstreaming human rights into all United Nations organisations and activities, including the field of development cooperation. A strong Human Rights Council could serve as a catalyst and a watchdog in this effort.

Ladies and gentlemen,

5. Today we celebrate the official opening of the first meeting of the new Human Rights Council. This is truly a historic day. The Council makes human rights a top priority

within the United Nations, on an equal footing with security and development. This is fully in line with the views you expressed, Mr Secretary-General, in your much praised report 'In Larger Freedom'.

6. Across the continents, expectations for the new Council are high. It is our responsibility to turn expectations into reality. Politics is the art of the possible, it is often said. But sometimes it is better to think of politics as the art of making things possible.
7. The new Council clearly has the potential to become a great improvement on the Commission on Human Rights. But practical results, not good intentions, will be the yardstick by which the effectiveness and legitimacy of the Council are measured.
8. To achieve meaningful results, we should focus on practical improvements in human rights situations. We should focus on content rather than form, on implementation rather than on procedural issues. It is better to discuss how to end torture and how to combat impunity than to debate whether to issue a declaration or a resolution. It is through practical steps that we can make the greatest difference in people's lives.
9. Let us learn from each other in this respect. One of the great misunderstandings of our time is that human rights are a modern Western invention. In fact, there is ample evidence that human rights are much older and, in fact, universal.
10. For example, the Babylonian king Hammurabi laid down a legal code around 1752 B.C. – 3,758 years ago – with provisions for removing biased judges and combating violence against women. It states that the poor, the weak, widows and orphans must be protected. We usually think of such ideas as very modern.
11. Or take the Ottoman Empire, which granted its Christian and Jewish citizens the right to life, immunity from arbitrary state interference, independent administration of justice, freedom from torture, freedom of expression, the right to privacy and freedom to travel.
12. At the core of the Council's mandate, and hopefully at the heart of its work, will be the assessing and addressing of country-specific situations. While it will not always be easy to accept the Council's criticism, we should all recognise that the Council has

the legitimate authority to make statements about the human rights situation in our countries.

13. Moreover, the Council should assess the situation in all countries, whether or not they are members of the Council. But the Netherlands believes that the focus should always remain, as I said before, on practical implementation of human rights, and should always include clear, pragmatic and positive recommendations aimed at improving the human rights situation on the ground. No country is a human rights paradise, but that does not mean we should not all strive for high standards.
14. I hope we will develop an open and flexible agenda for the Council, with plenty of opportunities to deal with human rights issues, including both thematic issues and country situations. The Council should be prepared to act whenever and wherever the need arises, even when controversial issues are at stake.
15. An important innovation in dealing with country situations is the universal periodic review. The modalities for this new system are still to be elaborated, but the aim must be to subject all countries to the most objective form of scrutiny that is humanly possible, based on the same criteria for all.
16. In my opinion, the following elements are crucial for the success of the review system:
 - First, the Council should assess the human rights situation in every country once every four years.
 - Second, a separate, standing chamber or working group should be created to conduct these reviews, so that they will not take up all of the ten weeks allocated for the Council's work.
 - Third, the working group should produce a report for each country under scrutiny, based on information from different sources, such as the government of the country in question, the Office of the High Commissioner for Human Rights, the UN special procedures, NGOs, national human rights institutes and other human rights experts.
 - Fourth, the Council should take a decision based on the report of the working group. That decision should include conclusions and recommendations aimed at improving the human rights situation of the country under review.

- Finally, the working group should closely monitor the implementation of the recommendations. When a country fails to comply with the recommendations and conclusions, the working group should be able to refer the situation in question to the plenary session of the Council.

Mr President,

17. I wish you and all the delegates to the first session of the Human Rights Council great success in meeting the high expectations of the international community and making the Council an effective and efficient human rights body. Let us join forces to ensure that the Council's work will benefit every nation and every human being.

Thank you.