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STATEMENT

by H.E. Dr. Elmar Mammadyarov

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Mr. President,

First, allow me to join previous speakers in extending to you our words of appreciation for the dedicated and efficient manner in which you have been steering the work of the Council for the last nine months. We believe that your vast experience, commitment and perseverance will allow you to accomplish the historic task before you in an exemplary manner.

But this is not to suggest that we try to shift the whole burden to your shoulders. It is, of course, our common task and collective responsibility as Members of the Human Rights Council to make sure that this institution lives up to the expectations vested into it and becomes an efficient universal human rights body. Let me assure you of this delegation's continued full support to your work.

Indeed, Mr. President, today, with a bit more than three months left before the deadline set out by the UN General Assembly resolution 60/251 that brought this Council into existence, we find ourselves at a crucial juncture in its evolution. Driven by sound intentions to assemble a new structure that would avoid repetition of the mistakes of the former Commission on Human Rights, we all started off and, I believe, continue to proceed with a clear understanding that this new Council should be furnished with a new spirit, based on mutual respect, dialog, ingenious cooperation and constructive interaction and should be free of over-politicisation and notorious practice of double standards.

In order for it to become in a true meaning of the word a credible and responsive global human rights body, Cooperation and Assistance should be the key words in trying to properly address the challenges in the field of human rights that demand international attention and action.

The remaining time should be used with the maximum benefit, and since we all are aware where exactly the fundamental problems lie, we would be better off if we could immediately identify the shortlist of those outstanding endemic points of divergence and concentrate our muscle on their resolution. It is of paramount importance to finalise on time the institutional building process to which we have been assigned one calendar year and no efforts should be spared to meet the deadline, simply because the integrity and credibility of the Council are at stake.

Mr. President,

While talking about credibility one has to realize that it starts from safeguarding self-respect and that means providing for strict scrutiny over the implementation of its own decisions which should be seen as a *sine qua non* for its survival and which would ensure consistency and subsequent efficiency of the Human Rights Council. At this formative stage serious thought should be given to devising necessary mechanisms to watchdog the strict implementation of the Council's decisions. Unfortunately, the experience of the first nine months gives us every reason to ponder very seriously over this aspect of the Council's work.

We all should be more serious about the evolving reputation of this new Council, its image in the eyes of its own members but no less importantly in the eyes of the outside world, first of all, of millions of victims of gross violations of human rights throughout the planet. The outside world is closely watching Geneva and while it understands that the first year is of a transitional nature, it still looks forward to tangible results of the Council's work – results that should have concrete impact on the lives of affected people on the ground.

Mr. President,

We commend the progress achieved so far with the help of facilitators in the working groups dealing with various issues in the Council's work while we also recognize the importance of stepping up this work to achieve the defined benchmarks.

Since Azerbaijan has been actively involved in the deliberations of all working groups and has made known its position on different subject matters in the course of the ongoing consultations, I would like only to briefly dwell on some of the issues.

We recognize the instrumental and important role of the special procedures in the field of protection and promotion of human rights. While reiterating our position on the significance of cooperation between the experts and Governments we underline the necessity of dialogue, the main aim of which should be to identify existing problems and shortcomings, and to address those in the spirit of understanding and cooperation.

We welcome the progress achieved in the discussions regarding the complaint procedure, and given the significant role it has played and

objective interest to it on the part of States we believe that the good services of this mechanism might be better achieved once the expert element is further explored and more professional scrutiny is ensured.

With regard to the Code of Conduct and the revised draft manual of the UN Special Procedures we believe the review of the revised draft manual of the United Nations human rights special procedures of June 2006 and the recommendations on possible additions or amendments thereto should be in strict compliance with the work on drafting a code of conduct regulating the work of the special procedures. Since these two documents are of instrumental nature for the activities of the Special Procedures, they should not undermine their effectiveness but ensure their better performance.

We expect the work on the Expert Advisory Body to lead to necessary improvement and rationalisation of its contextual and principled nature to better serve the purpose of further development of human rights standards.

Commending the progress achieved so far on a completely new mechanism - the Universal Periodic Review - we would like to underline that major challenge here lies in ensuring the workability of this innovation in practice. The mechanism in the core of which rests the principle of universality with regard to both rights and freedoms as well as all states requires effective structuring.

Finally on the agenda and methods of work we see merits in a broad but streamlined agenda that would have as its object all human rights without exception. We equally stand for the improvement of the existing working methods that should correspond to the nature and new spirit of the Council.

On a more general note, we believe that two core principles, namely *objectivity* and *non-discrimination*, should guide the work of the Council to enable it to effectively address real human rights concerns whenever and wherever they occur.

Therefore we are convinced that vulnerable groups of population should receive due attention of the Council since they are the main targets of the discrimination: indigenous people, migrants, women, refugees and IDPs, national, ethnic, religious and linguistic minorities, etc. If we have to avoid the obstacles for the return of migrants, we also need to guarantee the refugees and IDPs the right to return to their homes in safety and dignity. In this context I would also like to highlight the importance of the

comprehensive follow-up to the Durban Conference and the qualitative preparations for the Durban Review Conference.

Mr. President,

The Council should be in a position to address gross and systematic violations of human rights, whenever and by whomever there were committed. If left unattended, these violations give rise to the threat of their recurrence. The history of mankind is full of lessons when confronted with impunity at the very outset, perpetrators of these violations are encouraged to commit even more atrocious crimes, including crimes against humanity.

Practice shows that the most grave violations mainly occur in an aggravated and systematic manner during the armed conflicts. Azerbaijan here may serve as an example, when as a result of aggression of neighboring Armenia large part of our territory fell under foreign occupation and hundreds of thousand of uprooted people were subjected to notorious policy of ethnic cleansing and were forced to leave their homes to become IDPs in their own country. The fact that the conflict became protracted and therefore has partially left the radars of international attention should not imply that it does not deserve necessary scrutiny on the part of the international human rights community. Since by ignoring the plight of millions of victims of gross violations of human rights, the international community is appeasing the wrongdoers and emboldens them to proceed with impunity for the committed crimes. It is meanwhile clear that these crimes do not have expiration date and still await their proper assessment.

Mr. President,

In conclusion, going back to the beginning of my intervention let me reiterate that it is absolutely clear that without genuine political will on all sides the solemn declarations of last year on the fresh start and new spirit of the Human Rights Council are going to remain mere words. It is therefore essential that all stakeholders in this house turn down the inertia of the past thinking and opt for the spirit of compromise which is most of the time difficult to embrace but which is indispensable if a qualitatively new entity is to be given a chance. The following three months are indeed going to be a litmus test for the Council which we simply cannot and I sincerely hope will not fail.

Thank you.