

**REPUBLIC OF POLAND  
MINISTRY OF FOREIGN AFFAIRS**



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*Address to the Human Rights Council*

*by Her Excellency  
Madam Anna FOTYGA*

*Minister of Foreign Affairs  
of the Republic of Poland*

**Geneva, 13<sup>th</sup> of March 2007**

**Address**  
**by the Minister of Foreign Affairs of the Republic of Poland**  
**H.E. Madam Anna Fotyga**  
**High-level segment of the 4<sup>th</sup> session of the Human Rights Council**  
**Geneva, March 13 2007**

Mr. President,

Ladies and Gentlemen,

A year ago we had high hopes when the UN General Assembly adopted the resolution which established the Human Rights Council. We still believe that the Council will invigorate the protection of human rights and help to improve the lives of millions across the world. We also believe that the Council will become a platform for the most effective cooperation for human rights protection.

Yesterday, the Minister of Foreign Affairs of Germany spoke about the main expectations addressed to the Council by the European Union. Poland fully endorses those views.

Now, I would like to use this opportunity for a more detailed presentation of the Polish position concerning the primary challenges facing the Council.

Mr. President, Distinguished delegates,

We have a unique chance within our grasp. The process of building the institutional structures of the new organ is nearing conclusion. Shortly, decisions will have to be taken on issues of pivotal importance for the future of the Council.

The principle of international solidarity – particularly close to the people of Poland – is crucial in the process of building new institutions of the Human Rights Council. Its key aspect is solidarity with the victims of human rights violations. For this reason the international system of human rights protection and promotion should

focus on the interests of the victims, rather than on the political interests of states. It is the victims and their needs that should be at the heart of the system.

I wish to underline the significance of a consensual approach in the construction of the institutional structures. It would be an extremely negative signal to the international community if - after having established the Council as a forum of dialog and cooperation – we were unable to reach agreement on such fundamental issues as the principles of its operation.

The expectations connected to the creation of the Council remain very high. It is our primary hope that the Council will be credible, objective and effective in solving problems related to the violation of human rights. We are confident that short-term political interests of the respective states or groups will be pushed into the background, and everyone's attention will truly focus on the universal, indivisible and mutually interlinked human rights.

Mr. President,

As concerns the institutional structures of the Council, Poland attaches particular importance to the mechanism of the universal periodic review (UPR) in all countries, starting with the member states of the Council. The review has the objective of improving human rights implementation on the ground. It should be based on the principles of universality and equal treatment of all states. The principle of transparency is equally important to the credibility of the process – hence, it is essential to ensure the participation in it of all the stakeholders, including NGOs, representatives of national human rights institutions and independent experts.

The universal review of human rights should not excessively encumber the work of the Council itself. For that reason the UPR should be conducted within working groups and only its final phase should be held during plenary sessions of the Council. The review procedure should not be burdensome so that states are not assigned additional reporting duties. In essence, the review should involve an interactive dialogue with the concerned state, aimed at determining the main human

rights challenges and basic needs. Such a dialogue would permit the elaboration of the review outcome, containing specific recommendations, and its adoption during a plenary session of the Council.

GA resolution 60/251 provides for the preservation by the Council of the main achievements of the Commission on Human Rights, prominently including the system of special procedures. The system should incorporate both thematic and country procedures. It is crucial that they have the ability to act as early warning mechanisms and to represent victims of human rights violations. Admittedly, the effectiveness of the special procedures needs to be upgraded - and their review is intended to achieve precisely that.

Let me underline the great significance we attach to keeping the special procedures unbiased, objective and independent. Special emphasis should be placed on ensuring full collaboration of governments with the respective procedures. A lack of collaboration must not lead to a lack of scrutiny: on the contrary, it should be treated as a signal that something worrying is happening with human rights in a given country. Therefore, it is necessary to define procedures that would be invoked in the event of a lack of collaboration or its refusal.

The new Council institutions should be based on knowledge, experience and professionalism of independent experts. They are the most qualified to protect the rights of victims. Consequently, the special procedures, the new expert body and the complaints mechanism intended to replace procedure 1503 should be based on independent experts, guaranteeing objectivity, and not on persons selected by states, that are not always willing to look beyond short-term political interests.

Mr. President, Distinguished Delegates,

The Human Rights Council should be equipped with effective mechanisms permitting rapid response to crisis situations involving mass violations of human rights. Sadly, despite the efforts of the international community, we have not been able to remedy the crisis in Darfur. Last December, during its fourth special session,

the Council decided to send a high-level international mission to Darfur. Despite the agreement of all states to form the mission, its members were not admitted into Darfur. The situation there remains tragic. The killing, rapes and forced displacements constitute a reality on the ground. We call on the international community to work with the Sudanese authorities to bring about a radical improvement of the situation in Darfur.

The fact that the Council should be a forum for cooperation and dialogue may not deprive it of the possibility of effectively influencing states that persistently violate human rights. Country resolutions are the mechanism designed for this function. Poland strongly supports the maintenance of country resolutions and, in justified cases, of country mandates. Cooperation of states with country and thematic rapporteurs is a vital condition for the Council's effectiveness. We feel that country mandates cannot be replaced by the UPR or the mechanism of special sessions. These three elements will constitute a coherent system of human rights protection only when they operate in a complimentary way. The country mandates do not have the role of denouncing the respective states. Their task is to bring about improvement in the human rights situation.

Mr. President, Distinguished Delegates,

The struggle for human rights has always been exceptionally important in the history of our nation - and it has brought tangible results. It allowed us to discard a totalitarian system and to build a free and modern democratic society.

We are convinced that such values as democracy, good governance and the rule of law constitute essential components of an environment in which human rights are universally respected and promoted. These values also include the fight against corruption. Corruption is having an extremely negative impact on the observance of human rights. It is a universal phenomenon, prevalent across the world. For that reason it is necessary to coordinate the actions of governments, societies and international institutions. In this context we welcome the report of the High

Commissioner for Human Rights on the international conference on corruption, good governance and human rights, held in Warsaw last November. We expect that coordinated anti-corruption measures, on national and international levels, including the Human Rights Council, will be resolutely continued.

When building the institutional framework of the Human Rights Council, let us be mindful of the prominent role that the civil society should play in this process. We must not forget that NGOs have a pivotal role to play in the protection of human rights. Thus, their presence in the Human Rights Council is essential and should not be questioned.

Mr. President, Ladies and Gentlemen,

To conclude I would like to appeal to all States represented here in this august Council, to spare no efforts in trying to put into practice the thoughts expressed by the greatest of Poles - John Paul II, often called the "Pope of Human Rights" who stated that: "we should continuously strive to achieve a state where ratified commitments would guarantee that human rights shall constitute the fundamental rule of our work for the benefit of Humanity". The Holy Father was convinced that "in the modern world there are no such social, political or civilization programs which, even in the context of opposed ideological backgrounds, would question the primary importance of the Human being".

Thank you for your attention.