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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Joint written statement* submitted by the Asian Legal Resource Centre, CIVICUS - World Alliance for Citizen Participation, non-governmental organizations in general consultative status, International Service for Human Rights, Amnesty International, Asian Forum for Human Rights and Development, Baha'i International Community, Cairo Institute for Human Rights Studies, Centro de Estudios Legales y Sociales (CELS) Asociación Civil, Commonwealth Human Rights Initiative, East and Horn of Africa Human Rights Defenders Project, Human Rights Law Centre, Human Rights Watch, International Commission of Jurists, International Federation for Human Rights Leagues, non-governmental organizations in special consultative status, Article 19 - International Centre Against Censorship, The, non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 May 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Joint Civil Society Paper: Strengthening the HRC at 10 – membership and Status of the HRC (1/3)

STRENGTHENING THE HRC AT 10

This statement is submitted as input for the HRC anniversary panel.¹

It is part of a series of **three written statements** focusing in turn on:

1. ***Enhancing, membership standards and adherence to thereto and elevating the status of the HRC within the UN system (this statement).***
2. *Focusing, on implementation, and the HRC's ability to address situations requiring attention;*
3. *Ensuring, safe and effective access by civil society and HRDs, lasting benefit from the UPR; a sustainable workload of the HRC; and strengthening the HRC President and Bureau;*

Viewed together, these statements reflect the previously published joint civil society paper, “Strengthening the Human Rights Council at 10” which is available as one paper at <http://www.ishr.ch/HRCat10>.

A broad vision for the HRC

The HRC has a vital role to play in preventing, addressing, remedying and securing accountability for human rights violations, and in contributing to the promotion, protection and realisation of human rights on the ground. This civil society paper details short- and medium-term steps to enhance its ability to fulfill its role.

The anniversary should be not only an occasion for celebrating the HRC achievements, but primarily to critically reflect on shortcomings, and to enhance its impact and effectiveness. It is imperative that civil society is able to participate and contribute fully and substantively to formal and informal discussions in this regard.

The impact and achievements of the HRC should be measured against its mandate, including “promoting universal respect for the protection of all human rights” and addressing situations of violations.²

The following proposals would contribute to moving towards a **vision of a Council where:**

1. Its outputs have a direct and positive impact on the behaviour of States and non-State actors with regard to human rights;
2. Serious human rights situations and violations are addressed in a timely, substantive and principled manner;
3. A diversity of civil society representatives and HRDs have a safe and central role in the Council's work, and are able to contribute substantively and influentially to this work; and
4. There is greater adherence to HRC membership standards.

KEY PROPOSALS TO IMPROVE THE EFFECTIVENESS OF THE HRC

These proposals are not intended as a comprehensive blueprint for reform, or launch a formal process of institutional review.

¹ Convened under the decision adopted by the 31st session of the HRC marking the occasion of the 10th anniversary (A/HRC/DEC/31/115).

² *GA Resolution 60/251, OPs 2 and 3.*

Rather, this paper sets out a range of proposals that might help to gradually turn the HRC into a more accessible, inclusive, efficient, influential, protective and effective human rights body. Some proposals will require the collaboration and possibly active decisions by HRC members, while most can be adopted through changes in practice.

A. Enhancing membership standards and adherence thereto

The HRC's founding document, *GA Resolution 60/251*, sets out criteria for membership, namely that members of the Council are expected to *uphold the highest standards in and protection of human rights*, and to *fully cooperate with the Council*.

In electing members to the HRC, *Resolution 60/251* requires the Member States of the GA to take into account the candidates' *contribution to the protection of human rights*. However, even these basic standards are currently not fulfilled.

In order to enhance membership standards and adherence thereto, the following steps should be taken:

1. Members of the GA, as States electing the members of the HRC, should develop and adhere to an '**electing members pledge**.' This informal pledge would commit co-sponsors to not trade votes for elections to human rights bodies, and contain a set of criteria that would guide their voting during HRC elections. Such criteria should include whether candidate States have...
 - a. ...demonstrated a good faith commitment and progress in the promotion, protection and fulfilment of civil, political, economic, social and cultural rights;
 - b. ...established an effective national implementation and follow-up mechanism, developed in collaboration with and including the participation of civil society, in relation to human rights treaties to which the State is already party, and committed to undertaking relevant national consultation, legislation or executive processes to expeditiously ratify those human rights treaties to which the State is not already a party;
 - c. ...fully and substantively cooperated with the HRC and its mechanisms and the UN human rights treaty bodies. This would include responding to Special Procedures' communications substantively and on time, issuing a standing invitation to Special Procedures, responding promptly and positively to visit requests and cooperating fully with country missions, and reporting to the treaty bodies in a timely and constructive manner; and
 - d. ...conducted open, transparent and genuine national consultations with civil society and the public on the content of States' overall aspirations and pledges for their term of HRC membership.
2. Candidate **standards should be progressively enhanced**, through the submission of clear, transparent and timely pledges by all candidate States, by participating in a public pledging event in New York and by organising a public pledging event in their country. Candidates' pledges should:
 - a. Be informed by a national consultation process (see 1(d) above);
 - b. Set out steps for the State to improve its respect for human rights and its cooperation with the Council;
 - c. Set out the standards that will guide the States' term as HRC member, such as criteria for a member to lead or support action to address situations of human rights violations (see B.1. on trigger mechanisms in the second written statement);
 - d. Identify ways by which the State intends to uphold the "highest standards of human rights",³ and,

³ Including by addressing concerns raised by treaty bodies, Special Procedures and the High Commissioner, commitments to cooperate with UN Special Procedures, to implement accepted UPR recommendations and file mid-term implementation

- e. If elected, addressing all human rights situations on their merit, rather than on the basis of political, economic, military or other extraneous interests.
3. All regional groups should commit to running a competitive slate for elections. There should be no closed slates.
4. Persistent **failure by States, in particular sitting members, to cooperate with the Council** and its mechanisms should be addressed through a range of measures:⁴
 - a. Cases of persistent non-cooperation should be raised by Special Procedures mandate holders (e.g. through the annual report of the Special Procedures), by treaty bodies (e.g. through a statement of the Meeting of Chairs), or by the High Commissioner for Human Rights.
 - b. In case of persistent patterns of non-cooperation, the President of the Council and the Bureau should reach out to the State concerned to express concern and to identify ways to improve the situation. If this fails, the President of the Council should publicly raise the case before the full Council (e.g. under agenda item 5).
 - c. Evidence of persistent non-cooperation should also be one of the ‘trigger’ criteria to be considered by the Council when determining which situations require its attention (item 4), and, ultimately, which Members should be considered by the GA for a suspension of membership rights under the relevant provisions of GA *Resolution 60/251*.
5. Council members should be **expected to engage substantively in the HRC’s work**, including by showing leadership on addressing critical human rights issues, supporting resolutions that increase the capacity of the international human rights system to monitor and hold States to account, or that progressively advance the promotion and protection of human rights. States should also actively oppose resolutions that fail to advance the protection of rights or which undermine existing standards, and oppose also procedural tactics designed to block consideration of human rights issues on their merits.

B. Enhancing the status of the HRC

1. States, and in particular members of the HRC, should work towards elevating the HRC to a **principal organ of the UN**, including by consistently making human rights a central pillar of their foreign policy.

The key benefits of repositioning the HRC a primary organ of the UN would be: promoting and mainstreaming human rights as a genuine and equal pillar within the UN system; enhancing the status of the Council in such a way as to enhance its political influence and capacity to fulfil its mandate; and clarifying and entrenching its institutional autonomy.

Universal Rights Group (URG) Conectas African Center for Democracy and Human Rights (ACDHRS) West African Human Rights Defenders Network (WAHRDN) Egyptian Initiative for Personal Rights (EIPR) NGO(s) without consultative status, also share the views expressed in this statement.

reports, ensuring that civil society organisations can conduct their work, including expressing views critical of State authorities, without undue restriction or fear of reprisal, harassment or intimidation, creating and supporting independent national human rights institutions, and working to advance the mandate of the Council.

⁴ Such cases can and should be dealt with within the framework provided by GA Resolution 60/251 and the Council’s institution-building package. ‘Persistent failure to cooperate’ could, for instance, mean to have failed to respond to communications in several consecutive communications reports of the Special Procedures, or to fail to respond to and investigate cases of reprisals documented in the Secretary-General’s annual report on ‘Cooperation with the UN in the field of human rights’ (‘the Reprisals Report’).