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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 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 – addressing country situations and implementing effectively (2/3)

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
2. ***Focusing, on implementation, and the HRC’s ability to address situations requiring attention; (this statement).***
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.

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.

A. Focusing on implementation

One of the principal weaknesses of the international human rights system, including the HRC, is the lack of implementation of resolutions, recommendations and advice at the national level. At 10 years, the HRC should undertake a renewed effort to ‘close the implementation gap’, including through the following measures:

1. The HRC should call for, and States should support, a substantial increase in the core **financial resourcing** of the Special Procedures and the Office of the High Commissioner for Human Rights, both of which have a key role to play in independently monitoring, advising and reporting on States’ implementation. Where political will exists at the national level, the Special Procedures and OHCHR can also provide expert guidance and technical assistance to support implementation.
2. For selected thematic resolutions, the HRC could request an **implementation report** one year after the adoption of the resolution and before a follow-up resolution is adopted. OHCHR or the Secretary-General could compile such reports with input from States and other stakeholders, documenting and sharing good practice and challenges in implementation at the national level.³
3. States should draft all resolutions with a focus on implementation, including by setting clear **benchmarks** to measure progress.
4. The HRC should establish a dedicated **implementation fund**,⁴ to which States in conjunction with civil society could apply for funding for ‘implementation projects’. In order to be approved, implementation projects would have to respond to a clear standard, such as involving broad-based civil society actors, leading to sustainable institutional change and facilitating the work of national human rights defenders in contributing to the promotion and protection of the rights covered by the project.
5. The HRC could also consider the appointment of a **Special Rapporteur or Working Group of experts on implementation** that would develop the methodology (including benchmarks and indicators) and undertake independent assessment of the implementation of relevant HRC resolutions, including through facilitating the holding of inter-sessional implementation workshops to exchange good practice in implementing HRC resolutions and recommendations.

B. Enhancing ability to address contexts or country situations requiring attention

The HRC still fails to address many grave and persistent situations of human rights violations. To remedy this weakness and selectivity, the following steps should be taken:

1. Members of the HRC should develop and implement a **joint commitment** to request a special session or commence work on a situation- or country-specific initiative in situations that meet a certain threshold, or are referred to the HRC by independent actors.⁵ Such **triggers** should include:

³ There are numerous precedents for the HRC or the GA calling on the Secretary-General or relevant Special Procedures mandate holders to report on the implementation of resolutions in the context of their annual reports.

⁴ This could also be achieved by expanding the existing UPR implementation fund into a wider ‘UN human rights implementation fund’ covering recommendations from UPR, treaty bodies and Special Procedures.

⁵ In a joint statement, a group of 18 States, including Austria, Botswana, Chile, Costa Rica, Cote d’Ivoire, France, Honduras, Maldives (delivered), Mauritius, Norway, Palestine, Peru, Slovenia, Somalia, Switzerland, Ukraine, United Kingdom and Uruguay, voluntarily committed themselves to be guided by a number of independent considerations when assessing whether a situation merits the attention of the Council, including ‘whether there has been a call for action by the UN Secretary-General, the High Commissioner for Human Rights, by a group of Special Procedures, or another indication of either a chronic or urgent human rights situation; whether the State concerned has been willing to recognize that it faces particular challenges; whether the State concerned has laid down a set of proposed credible actions to respond to the situation; whether the State has been effectively engaging with Special Procedures — including allowing country visits; whether the State is facilitating or obstructing access on the part of humanitarian actors, human rights defenders and the

- a. The High Commissioner for Human Rights suggesting HRC action;
 - b. A group of four or more Special Procedures mandate holders suggesting HRC action;
 - c. Relevant regional mechanisms flagging a situation requiring the HRC's attention;⁶
 - d. The GA or the Security Council flagging a situation as requiring the HRC's attention; or
 - e. A group comprising a State's A-status NHRI, together with three or more ECOSOC-accredited NGOs, suggesting action.
2. Situation- or country-specific resolutions should – as a matter of course – be substantive, and contain **an assessment and recommendations in relation to the full spectrum of relevant human rights**, including civil, political, economic, social and cultural rights, that are being violated or at risk of being violated as a result of the situation that gave rise to the resolution.
 3. In determining its response to a context or country situation requiring attention, the HRC should include adequate **benchmarks or milestones** that can serve to measure progress or regression on the ground, and help determine the continuation or cessation of HRC mandates or reporting.
 4. Members of the HRC should only support situation- or country-specific resolutions that adequately, accurately and objectively reflect the **human rights situation on the ground**, and which accurately represent the capacity or willingness of the State concerned to address such violations.
 5. Members should ensure that Council responses are commensurate with the **nature and severity of the situation**. This means, for example, that members should not use a technical assistance and capacity building approach to respond to situations of gross violations, particularly where there is a lack of demonstrable political will to improve the situation.
 6. States should not hold the pen on resolutions concerning their own situation.
 7. Consideration should be given to establishing a cross-regional, independent Working Group on situations, to bring to the Council's attention situations in each region that warrant the Council's attention in accordance with its mandate.

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

media; whether it has been effectively cooperating with Treaty Bodies; and whether it has been constructively and transparently engaging with the HRC on the situation in question.' The statement is available at <http://bit.ly/1pjU319>.

⁶ This could include the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights, the Council of Europe or the OSCE.