

## **Joint NGO statement on the review of the Council's status by the General Assembly**

This statement is delivered on behalf of Amnesty International, Baha'i International Community, the African Centre for Democracy and Human Rights Studies, the African Democracy Forum (ADF), the Asian Legal Resource Centre, Asian Forum for Human Rights and Development (FORUM-ASIA), Democracy Coalition Project, East and Horn of Africa Human Rights Defenders Project, Egyptian Initiative for Personal Rights, International Federation for Human Rights (FIDH), Human Rights Watch, and the International Service for Human Rights.

When the Intergovernmental Working Group on the Review of the Human Rights Council adopted its outcome document last month in Geneva, a vital opportunity to strengthen the Council's work and functioning was squandered. Human rights defenders on behalf of victims of human rights all over the world invested enormous time and energy in the process urging Governments to make the Council more responsive to their needs. Regrettably, the call to action was ignored.

We asked the Council to better implement the mandate given to it by the General Assembly in Resolution 60/251. Instead the Council chose 'business as usual'. We requested the Council to put the protection of victims of human rights violations at the forefront of the review. Instead some Governments used the process to protect themselves. We urged the Council to develop more robust and creative ways to prevent and address concrete human rights situations. Instead, the Council tinkered with the UPR speakers list.

Some say that the Working Group's decision to maintain the status quo only proves that the Council works well, and that the decisive and timely response in the recent Libyan case proves the point. However judging by the Council's overall record in the last five years, there is little guarantee that the Council will give this level of attention and urgency to other matters around the world that require its attention. Indeed, Governments that seek to avoid scrutiny of their human rights records and value loyalty to political alliances over courageous action to protect human rights will *always* celebrate a weak Council.

The New York process is concerned with the status review of the Council, and today member States are considering the Council's reporting line to the General Assembly. We apologize to the co-facilitators and member States for raising issues beyond the scope of this informal, but we are compelled to sound the alarm today about what is at stake. The review process simply must not become an exercise in tweaking technical details that ease the work of diplomats. Rather the Council's failure to deliver must serve as a wake-up call and spur the General Assembly to meaningfully discharge *its* mandate in a way that meets the expectations of human rights defenders and victims around the world. Inaction will only threaten the integrity of the review process and the credibility of the Council.

We urge the General Assembly first and foremost to direct its efforts to ensuring that Governments which aspire to or sit on the Council meet the membership standards set out in its Resolution 60/251. Council elections to date have been characterized by a lack of competition and vote-trading, despite Resolution 60/251 stipulating that candidate States' contribution to the promotion and protection of human rights should inform voting by members of the General Assembly. While some of the worst human rights abusers have rightfully been kept off the Council, many candidates for election to the Council and Council members fail to meet the membership threshold, including the obligations to uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council. It is the General Assembly's responsibility to address this credibility gap by giving full effect to the election-related provisions in Resolution 60/251.

One option could be to create a public "pledge review" mechanism to help member States evaluate which of its peers satisfactorily meet the membership threshold. This mechanism could both improve Council members' accountability to their pledges and the standards in Resolution 60/251 election-related provisions, *and* encourage those candidates that have a serious and demonstrable commitment to human rights to run for election to the Council. A central element of the procedure could be an annual 'cooperation audit' where the General Assembly would review and assess the state of cooperation with the Council and the special procedures of candidate countries and members of the Council. To this end, the General Assembly could request the Council to define and elaborate on the meaning of cooperation, and set guidelines on how to measure if members are abiding by pledges and commitments.

The General Assembly could also show its commitment to a strong and credible Council by putting in place measures to guarantee that elections are genuinely competitive and contested, such as prohibiting 'clean slates' with only as many candidates as vacancies, and requiring election pledges to be concrete, credible and measurable and submitted well in advance of the elections.

Turning to the topic of today's meeting, we hope that the review will lead to improved transparency in the reporting process, and clarity in the relationship between the Council and the General Assembly. As the principal UN body with responsibility for human rights we support the Council reporting directly to the plenary of the General Assembly. This is an approach that reflects the importance of human rights as one of the three pillars of the UN. We also fully support that the Council should be made a principle organ of the UN on the next occasion that the UN Charter is opened for amendment. Such recognition of the Council's elevated role in the UN hierarchy would not undermine the Third Committee, which is the only UN human rights body with universal membership capable of acting on the full range of human rights issues, including situations of violations of human rights. Notably, in previous years, it has performed an essential function in acting when the Council, or the former Commission

on Human Rights, has failed to act or respond adequately to human rights violations around the world.

Lastly, we encourage the General Assembly to ensure that the Council receives dedicated and personnel resources from the UN's regular budget in order to function effectively and implement its decisions. We fully support the creation of an unforeseen and emergency fund for financing of Council decisions, which has been supported by a cross-regional group of States in previous informals.

The Council will adopt the review outcome document at *the end of this month*. The closing of this chapter of the process in a conference room in Geneva will not silence the calls from victims and defenders for a more responsive and better performing Council. The way forward now lies with the General Assembly. Member States should seize the unique opportunity of the status review to enforce the high membership standards envisaged by Resolution 60/251, including by creating procedures that hold Governments accountable to their pledges and human rights commitments. If something is to be salvaged from the review process, the General Assembly must commit to doing nothing less.

AI Index: IOR 41/006/2011