

**April 13 2010 Joint NGO statement on status review. Comments on co-facilitators' non-paper**

This is a statement made on behalf of Amnesty International, the Baha'i International Community, Human Rights Watch, and the International Service for Human Rights.

Co-facilitators, Excellencies:

We thank the co-facilitators for their efforts in putting this paper together. We are also grateful to have the opportunity again to appeal to you to produce a meaningful outcome to the review process. Alas, the non paper, inasmuch as it provides a snapshot of member States positions on the exercise, confirms our assessment of the review process so far: it remains a timid, minimalist undertaking that is increasingly losing sight of what should be its ultimate objective, namely the improved promotion and protection of all human rights for all people.

This is not a criticism of the work of the facilitators, who after all are trying to crystallize the myriad positions of members. One of those positions -- that this is a review, not a reform -- has become a sort of leitmotif of the informals so far. But too many are using this truism to head off any meaningful change. We believe this is reflected in the structure of the non paper, where one of the few remaining possibilities during this review to enhance the work and functioning of the Council – the consideration of new options to implement operative paragraphs 8 and 9 – is considered an “element for further discussion”, and not as a “possible element of an outcome”.

Co-facilitators, Excellencies,

We urge you to use the coming weeks of negotiation and consultations as an opportunity to reaffirm the letter and the spirit of paragraphs 8 and 9 of Resolution 60/251, including by agreeing to include in the outcome a prohibition on uncontested slates and the establishment of transparent, inclusive and credible pledge review mechanism.

The obligations of States seeking membership on the Council or those who are already members -- to uphold the highest standards ... of human rights and to fully cooperate with the Council", and for States to take these commitments into account when electing Council members -- are already enshrined in 60/251. The resolution also clearly contemplates competitive elections, a major shift from the practice of the Commission on Human Rights and one agreed by consensus. These are not new requirements, nor do they imply a rewriting of 60/251. We are asking Member States only to respect the resolution and fulfil their obligations. Member States must undertake these commitments irrespective of whether a pledge review mechanism exists. However the credibility and legitimacy of the Human Rights Council depends on the accountability of its elected members. As such, candidate countries should be able to support in good faith a procedure that seeks to operationalize and better implement these commitments.

We applaud the leadership of those candidate States who are considering presenting their pledges voluntarily before this year's election. This willingness to participate indicates already a cooperative approach with the UN human rights system and should be praised. Those governments that violate the rights of their own people as a matter of routine, or those candidate Governments who are committing egregious acts against their people as we speak, clearly will have little interest in supporting the establishment of such a mechanism as an outcome of this review, or for that matter, cooperating with such a mechanism. However we believe this applies to only a small minority of States.

To the rest of the membership we say this: Let the message go out to the human rights defenders and the victims of human rights across the world that the General Assembly is not willing to let the fear and shame of the few replace the courage and commitment of the many. Instead, let this process evolve not into a victory of one political or regional group over another, but as a victory of the principles and the commitments in the resolution that founded the Council.

Thank you