



BAHÁ'Í
INTERNATIONAL
COMMUNITY



Letter from Civil Society Organizations to Representatives of Member States of the United Nations General Assembly: Human Rights Council Status Review Should Support Creation of Public Pledge Review Mechanism

31 March 2011

Excellency,

As the General Assembly's review of the status of the Human Rights Council gets underway, we write to ask your government to use the process as an opportunity to give full effect to the election-related provisions in Resolution 60/251, including by supporting the establishment of a public pledge review mechanism, and committing to a competitive and principled electoral process for future Human Rights Council elections.

General Assembly Resolution 60/251 stipulates that candidate States' contribution to the promotion and protection of human rights should inform voting by members of the General Assembly. Council elections to date, however, have often been characterized by vote-trading and a lack of competition. While some of the worst human rights abusers have rightfully been kept off the Council during the previous five years, many candidates for election to the Council and Council members still fail to meet the membership standards in Resolution 60/251, including the obligations to "uphold the highest standards in the promotion and protection of human rights" and "fully cooperate with the Council". The creation of a pledge review procedure by the General Assembly is crucial if Member States are committed to seriously evaluating which candidates for election to the Council and Council members satisfactorily meet the membership threshold.

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 missed. We consider nonetheless that there is still an opportunity for those who believe that the Council is not condemned to settling for the least common denominator to respond in a meaningful way to the hopes and expectations of victims of human rights violations and human rights defenders all over the world.

Indeed, the disappointing outcome in Geneva should spur the General Assembly to discharge its review mandate under operative paragraph 1 of Resolution 60/251 in a way that meets these expectations.

During ongoing negotiations on the status review of the Council, we therefore urge your government to commit to:

- Support the establishment a public pledge-review mechanism to improve Council members' accountability to their pledges and the standards in the election-related provisions of Resolution 60/251, and encourage those candidates that have made a serious and demonstrable commitment to human rights to run for election to the Council. The mechanism should require candidates to present their pledges and vision of the Council in public discussion in the General Assembly, with the participation of National Human Rights Institutions and non-governmental organizations. The hearings should take place 15 days prior to the election. Member States elected to the Council should be required to report within one year of their election to the Council on their progress in implementing their pledges and commitments.
- Endorse an annual 'cooperation audit' as a central element of the procedure, where the General Assembly reviews and assesses the state of cooperation with the Council and the special procedures of candidate countries and members of the Council. To help evaluate the records of Member States who sit or aspire to have a seat on the Human Rights Council, Member States cooperation with special procedures should be kept in a public up-to-date record.
- Request the Council to define and elaborate the meaning of cooperation, and to set guidelines on how to measure if members are abiding by pledges and commitments. Minimum benchmarks for Member State cooperation with the special procedures should include issuing standing invitations, responding within a specific timeframe to requests for visits, accepting the standard terms of reference for such visits and responding to all communications in a timely and substantive manner. The Council and the General Assembly must be prepared to hold States accountable for demonstrating persistent non-cooperation.
- Support 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. In addition, support adherence by Member States to the Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council, prepared by the Office of the High Commissioner for Human Rights, when drafting their pledges.

On other aspects of the review, such as the reporting line between the Council and the General Assembly, we encourage your government to support the Council reporting directly to the plenary of the General Assembly. This is an approach that acknowledges the Council as the principal body with responsibility for human rights, and reflects the importance of human rights as one of the three pillars of the United Nations (UN). 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 respond adequately to human rights violations around the world.

We also encourage your government to put forward or back proposals that ensure that the Council receives dedicated and personnel resources from the UN's regular budget in order to function effectively and implement its decisions. This could include support for the creation of an unforeseen and emergency fund for financing of Council decisions.

The Council adopted the review outcome document last week. The closing of one chapter of the process in a conference room in Geneva will not silence the calls from victims and defenders for a more

responsive Council. The way forward now lies with the General Assembly. We urge Member States to seize the unique opportunity of the status review to enforce the high membership standards envisaged by Resolution 60/251. Any endorsement of the Council's outcome document should also include a call for the Council to work towards better fulfilling its mandate, including continuing to improve in key areas where it performs inconsistently, as in its response to human rights situations. If something is to be salvaged from the review process, the General Assembly must commit to doing nothing less.

Sincerely,

Amnesty International
Asian Forum for Human Rights and Development (FORUM-ASIA)
Baha'i International Community
Cairo Institute for Human Rights Studies
Human Rights Watch
International Federation for Human Rights (FIDH)
International Service for Human Rights

CC:
Co-facilitators
United Nations High Commissioner for Human Rights