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**PERMANENT MISSION OF PAKISTAN
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No.Pol/NGOs/2012

31 July 2013

Dear Ambassador Henczel,

I am addressing this letter to you, on behalf of a like-minded group of countries, and in light of your role as the President of the Human Rights Council as stipulated in rule 10 of the rules of procedure enshrined in HRC resolution 5/1 and rule 68 of the rules of procedure of the UN General Assembly. In this context, we would like to reiterate our appreciation for the important efforts you exert in conducting the work and deliberations of the Council, and the wisdom you have shown since the start of your term in dealing with issues of sensitive and delicate nature.

2. We acknowledge the important role played by civil society and NGOs in the promotion and protection of human rights at the national and international levels, and value their constructive interaction that often enriches the discussion in the Council. We also welcome constructive criticism from all NGOs.

3. We note that all NGOs participating in the Council receive their consultative status from ECOSOC. This status is granted on the basis of the understanding that these organizations meaningfully contribute to the aims and objectives of the promotion and protection of human rights.

4. According to ECOSOC resolution 1996/31, which stipulates the consultative relationship between the United Nations and NGOs participating in Council sessions, the participation of NGOs in the UN activities must be in conformity with the spirit, purposes and principles of the UN Charter and criteria established under the resolution which in no ways undermines the sovereignty or territorial integrity of Member States. We are happy to note that a majority of NGOs follow these principles.

5. However, it has been observed that certain NGOs and members of civil society have regrettably deviated from these principles and have deliberately attempted to politicize human rights issues in the Council, and in some cases showing disrespect to countries and its officials. In this regard, we wish to bring to your kind attention the following matters of concern with regard to the

conduct and participation of certain NGOs and members of civil society (as well as certain individuals posing as members of civil society) in the Human Rights Council, which has been the experience of several delegations among the undersigned.

- i. It is a matter of regret that some NGOs and members of civil society have resorted to politically motivated action and interventions during Council sessions including undermining the sovereignty and territorial integrity of States, which violate the letter and the spirit of the UN Charter, the terms relating to NGOs in the Institution Building Package and ECOSOC resolution 1996/31.
- ii. We have also noted that the periodicity of action by some NGOs in the Council as well as in side events, is aimed at unduly influencing action against certain States through a politicized process rather than through objective, evidence-based criteria, in violation of ECOSOC Resolution 1996/31.
- iii. We have noted with concern instances where panelists, special procedures mandate holders and other speakers have been the target of personal attacks and verbal abuse by certain NGO representatives during the conduct of Council sessions, in violation of the mandate of the Council.
- iv. We have also noted the lack of transparency in the accreditation process of members of civil society and NGOs to participate in Council sessions which has led to the setting of an incremental and unhealthy trend of certain extreme elements as well as persons with questionable credentials and affiliations gaining accreditation to the Council using non-transparent methods to further their politicized agenda against certain States in the Council.

6. The incidents elaborated above contravene the principles of the UN Charter, the founding principles of the Council of ensuring impartiality and fair play that govern the methods of work of the Council, as well as ECOSOC resolution 1996/31 which govern the consultative status of NGOs.

7. Considering the above, it is our earnest submission to you that the President of the Council, the UNOG, the High Commissioner, and the Secretariat of the Council should not in any way facilitate action that leave the Council's work, as well as the engagement of its members, vulnerable to politicization.

8. In this context, you would appreciate that the concerns elaborated above need to be addressed by the President of the Council and other relevant stakeholders responsible for the accreditation of participants to Council sessions

and their attitude during sessions, in a comprehensive manner, with a view to seeking sustainable solutions.

9. We therefore call upon the President of the Council, the High Commissioner, the Director-General of UNOG, and the Secretariat of the Council to consider appropriate actions to prevent such untoward incidents and action in the future.

10. Similarly, the current process of accreditation of NGOs and civil society which allows NGOs as well as delegations to take advantage of the system's lack of transparency to violate the ECOSOC consultative status governing NGOs to the Council, needs to be rectified.

11. Lack of transparency in the accreditation process also gives rise to security concerns which directly impact the participants of the Council, Member States of the UN as well UN officials and premises. We request UNOG to take note of such concerns.

12. We believe that laying grounds for constructive engagement of NGOs and civil society members can help us successfully reach the aim of promoting and protecting human rights, which we, the governments also strive for. It is in this perspective, we believe that any action that leads to politicization of the work of the Human Rights Council needs to be prevented. We would in this regard like to make the following specific proposals:

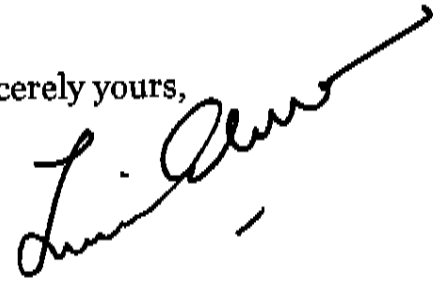
- i. That the process of accreditation of members of NGOs and civil society participating in Council sessions be better streamlined, making such accreditation transparent in order to counter politically motivated acts against Member States of the UN by some NGOs or individuals. In this context we also request that a full list of accreditation of NGOs and civil society to successive Council sessions be prepared and made available to delegations prior to the Council session. This would go a long way in enhancing transparency, and comes in consistent with the practice adopted in other UN fora.
- ii. Request that the guidelines for approval for the holding of Side Events be made available to delegations.

13. We look forward that you take the necessary action to deal with the concerns of our group of countries in collaboration with the relevant stakeholders. Also, we would like to seek a meeting with you at a time mutually convenient to discuss this submission in greater detail with a view to addressing the concerns elaborated above in a satisfactory manner.

14. We would in conclusion like to reassure you of and reiterate our continuing and constructive engagement with NGOs and members of civil society in the proceedings of the Council.

15. Please find attached a list of the countries signing to this letter.
16. Finally, I would like to seize this opportunity to renew to you my highest appreciation.

Sincerely yours,



(Zamir Akram)
Ambassador & Permanent Representative

H.E. Mr. Remigiusz Henczel,
President of the Human Rights Council,
Geneva

Copy to :

- i. Ms. Navi Pillay, UN High Commissioner for Human Rights.
- ii. Mr. Kassym-Jomart Tokayev, Director-General of the UN Office in Geneva.
- iii. Mr. Eric Tistounet, Chief of the HRC branch at the OHCHR.
- iv. Committee on NGOs Accreditation, New York.

List of Countries

| <u>No.</u> | <u>Name of Country</u> |
|-------------------|-------------------------------|
| i. | Pakistan |
| ii. | China |
| iii. | Russia |
| iv. | Cuba |
| v. | Sri Lanka |
| vi. | Bangladesh |
| vii. | Uganda |
| viii. | DPR Korea |
| ix. | Belarus |
| x. | India |
| xi. | Nicaragua |
| xii. | Venezuela |
| xiii. | Islamic Republic of Iran |