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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 the 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 Human Rights Council at 10 – access by civil society, managing workload, strengthening UPR, Presidency and Bureau (3/3)

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;
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; (this statement).***

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. Enhancing safe and effective access by civil society and HRDs

To enhance access to the HRC by HRDs, civil society and victims, and improve the impact of civil society input to its work, the following steps should be taken:

1. States must **refrain from any acts of intimidation or reprisals** related to cooperation with the HRC or its mechanisms, and ensure that any allegations are promptly and thoroughly investigated, remedies provided to victims and perpetrators held to account. The HRC President should keep the Council informed under item 5 of any unresolved allegations of reprisals, and afford an opportunity to the State concerned to provide an update on progress towards addressing the issue.
2. NGO speakers should be **interspersed with those from States** within all debates and dialogues of the HRC (e.g. alternating 10 states, 2 NGOs, etc), thereby allowing NGOs to more effectively participate in the debate and reflecting real civil society integration into the work of the Council.³ This is already the practice for panels, and should at a minimum be extended to interactive dialogues, enabling also greater interaction with mandate-holders and panellists.
3. **Remote participation**, for NGOs not based in Geneva, should be actively encouraged. This could be enhanced by a coordinated approach between OHCHR's regional offices and UN country teams.
4. The trend of **shrinking physical space** for NGO representatives in Room XX should be reversed, restoring or preferably increasing the number of dedicated civil society desks, which existed prior to the electronic voting system.⁴
5. NGOs and civil society should have greater freedom and space to **independently hold side events**, such as through UNOG reserving a minimum number of rooms and prime time slots for NGO side-events, and be free to promote events at the Palais des Nations, including in high-traffic areas and common spaces in the building.
6. Side events and slots for oral statements should **be confirmed with sufficient advance notice** to allow proper travel arrangements for organisations not based in Geneva.

B. Ensuring lasting benefit from the Universal Periodic Review (UPR)

The Universal Periodic Review is one of the HRC's innovations and after two cycles has emerged as one of the key drivers and rallying points for civil society engagement with the UN human rights system and at the national level. However, with its emphasis on the State under review, the peer nature of the review and the heavy workloads on reviewing States, it risks degenerating into a purely notional or 'ritualistic' review.

Better quality control, more expertise, and more independent, credible information about implementation (or lack thereof) are needed to ensure more lasting benefits from the UPR process.

The following steps could contribute to this:

³ Note that in an 'interoffice memorandum' of June 2006, the ASG for Legal Affairs indicated that while resolution 60/251 sets the minimum participation rights for civil society (as being those observed by the Commission on Human Rights), the view of the Legal Adviser is that 'the HRC should enhance that participation in order to ensure their "most effective contribution" to its work'. Interspersing NGO speakers with States would not require a formal change in the Council's rules of procedure, but rather would be an evolution of the practice consistent with 60/251 and the above interpretation of the OLA view.

⁴ Since August 2013, the number of assigned NGO seats was reduced from 22 to 2, representing a reduction in physical space for NGOs of more than 90% in 2.5 years.

1. Reviewing States should **enhance the seniority and level of expertise** of their representation in the Working Group, thereby giving additional weight to their recommendations.
2. The compilation report of UN sources, produced by OHCHR, should contain an assessment of **the level of implementation of prior recommendations** accepted, and thus serve as an independent opinion on progress of implementation, including by soliciting and compiling the views of all relevant stakeholders. The assessment should also cover noted recommendations. This could take the form of a separate report, based on information sourced from UN country teams, Special Procedures, treaty bodies, civil society and NHRIs and bilateral partners of the State under review. The compilation report should also contain, for each State, information on HRC resolutions co-sponsored and the steps taken to implement HRC resolutions (see point A.2, in the second written statement).
3. All stakeholders (including States, civil society and UN mechanisms) should ensure that their reports in future UPR cycles contain information on **levels of implementation** of prior recommendations, in addition to new information about the situation on the ground.

C. Workload of the HRC

The **programme of work** of the HRC should be made more sustainable, which would increase the quality of its work and would lead to more predictability:

1. The programme of work of HRC sessions should be rearranged so as to ensure that dialogues and debates relevant to resolutions to be considered for the current session are moved towards the beginning of the program of work for the session.⁵
2. For each week of the HRC programme of work there could be one ‘waiting’ day, which could be used for informal negotiations and side events. This would mean that for a three-week session, the programme of work would be suspended every Thursday (for example), and thus the session would last three days longer, without increasing the number of working days.
3. The adoption of UPR outcome reports could be moved to a specially convened HRC plenary session immediately after the subsequent UPR Working Group meeting. This would free up time on the Council’s regular session agenda.
4. States should continue their efforts, in cooperation/coordination with the President and the HRC calendar of initiatives, to biennialise and triennialise relevant thematic resolutions.

D. Strengthening the HRC President and Bureau

1. The Secretary-General should create the position of an **independent legal counsel** in Geneva who would be at the ready disposal of the President (and Vice-Presidents) on the podium to advise on legal questions arising in the work of the HRC, including during meetings.
2. Consistent with their moral and legal duty to prevent and respond to acts of intimidation or reprisals against those cooperating with the HRC or its mechanisms, the President and Bureau of the HRC should **develop and consistently implement a comprehensive policy on intimidation and reprisals**. This policy should ensure any alleged acts of intimidation or reprisal are thoroughly investigated, remedies provided to victims, and perpetrators held to account, through effective processes that are accessible and transparent to complainants, States and civil society. Such a policy should be elaborated in a consultative process involving civil society and

⁵ This could include moving the UPR and all of the Panel debates to the end of the programme of work, and would ensure that debates that impact - or should impact - on resolutions being negotiated actually take place at a moment when they can influence those resolutions (note: currently, much of item 10, which includes several reports on country situations, is discussed in the last week, immediately prior to the adoption of resolutions when resolutions are mostly agreed upon, and thus the impact of the debate is very limited).

experts. The President and Bureau should maintain a clear and accessible record of correspondence relating to allegations of intimidation or reprisals brought to the President's attention, and provide the Council with regular updates on the status of such allegations.

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