

May 17, 2018

Re: General Assembly draft resolution on “Improving the Effectiveness of the Human Rights Council”

Our organisations are deeply concerned that proceeding with a draft resolution being circulated by the United States, entitled ‘Improving the Effectiveness of the Human Rights Council’ may weaken rather than strengthen the Human Rights Council.

Our organisations are committed to a Human Rights Council which is accessible, credible and effective, particularly from the perspective of rights holders, defenders and victims/survivors of violations. While there are elements of the draft resolution that could contribute to this objective, we are concerned that the proposed changes to the agenda may diminish the capacity of the Council to deal with country situations through an appropriately tailored response, and do not appear to envisage the Council dealing in plenary with the vital issues of cooperation, reprisals, or the Universal Periodic Review.

Notwithstanding the content, our most acute concern is that in the current political climate, we consider that there are two significant risks:

1. It is highly likely that the resolution will be subject to hostile amendments that would seek to weaken the Council, including as to its ability to act effectively on country situations and as to civil society participation. Should such amendments receive sufficient support, the co-sponsors would lose the ability to withdraw the resolution. The vote-count on HRC resolution 37/23 (China’s resolution on “mutually beneficial cooperation”) offers a strong indicator of the level of support such amendments may receive, and
2. The resolution is likely to meet significant opposition and, if adopted, be passed only by a highly contested vote. In our view, institutional reforms should enjoy consensus or at least overwhelming and cross-regional support. Any changes to the institution in the face of significant opposition risk diminishing the status and integrity of the institution, provide States with cover not to cooperate, and contribute to further polarisation.

In addition to the above, the Human Rights Council President has appointed co-facilitators from the Bureau to lead a long-term process on enhancing the efficiency of the Council. The informal consultations, which were launched on 12 April, enjoy cross-regional support and participation. During the first round of consultations held on 3 May, numerous delegations presented constructive proposals and further consultations are scheduled throughout the year. The draft GA resolution is likely to lead to the undermining and/or discontinuation of these processes to strengthen the Human Rights Council and enhance its efficiency. Further, a step towards modifying the Council's work at the GA while negotiations take place in Geneva is contrary to the spirit of working between the GA and the Council. This initiative whether it succeeds or fails risks setting the dangerous precedent of undermining the Council at the GA.

Any process to improve the effectiveness of the Council should focus primarily on enhancing its contribution to the promotion and protection of human rights. Accordingly, it must be informed by the experiences and expertise of national and regional level actors – i.e. its impact on the ground –, including rights-holders, human rights defenders, National Human Rights Institutions, and other relevant stakeholders in order to enjoy credibility and legitimacy. A recent report, entitled [‘Strengthening the UN Human Rights Council from the ground up’](#), developed following consultation involving a cross-regional group of States, civil society actors and experts with expertise and a stake in the Human Rights Council,

provides a number of concrete and implementable recommendations that would improve the effectiveness of the Council without the risks associated with the present proposal.

Accordingly, and given the current political climate, our organisations urge your government to not support the tabling of this draft resolution but instead commit to enhancing the Council through principled leadership and action in accordance with the recommendations of the abovementioned report.

Signatories:

1. Amnesty International
2. ARTICLE 19
3. Asian Forum for Human Rights and Development (Forum-Asia)
4. The Asian Legal Resource Center
5. Cairo Institute for Human Rights Studies (CIHRS)
6. Centro de Estudios Legales y Sociales (CELS)
7. Child Rights Connect
8. Conectas Direitos Humanos
9. DefendDefenders (the East and Horn of Africa Human Rights Defenders Project)
10. Human Rights Watch
11. International Commission of Jurists (ICJ)
12. International Federation for Human Rights (FIDH)
13. International Humanist and Ethical Union (IHEU)
14. The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)
15. International Service for Human Rights (ISHR)
16. International Women's Health Coalition
17. OutRight Action International
18. Urgent Action Fund for Women's Human Rights