

Statement by a group 15 national, regional and international organisations delivered at the informal consultations on 'long term efficiency process' on 13 June 2018

On the 1st track- Improving the Annual Programme of Work of the Council

Our organisations consider that the framing of the discussions over efficiency measures, rather than how to make the Council more effective and more relevant, is a missed opportunity to strengthen the Council's impact on the ground. Ultimately, the Council's effectiveness must be primarily measured by its contribution to the promotion and protection of human rights.

Yet, we are also aware of the challenges faced in the management of the annual programme of work. In this regard, our organisations support the proposals made on **panel discussions** as it could result in significant time-savings without restricting civil society space or undermining the Council's mandate. Furthermore, alongside the measures to be adopted on the 2nd track on rationalisation of initiatives, the Council could reach a programme of work that is more manageable and sustainable.

In terms of the proposals on the **UPR adoptions**, we reiterate that any measures adopted should not reduce civil society participation as the adoptions in plenary are the only opportunity where civil society get a chance to speak.

Our organisations are, however, concerned that these "programme of work challenges" are being instrumentalised to serve other interests, in particular to restrict civil society participation and undermine the Council's scrutiny of country situations, under the pretext of "saving meeting times".

On the proposal of "**limiting allocated time for General Debates**": we reiterate that General Debates (GDs) are the only spaces where NGOs, particular those which have traveled in from the regions, can be assured of a chance to speak, and that the capping of GDs could have an adverse effect on decreasing legitimate voices of rights holders and human rights defenders at the Council.

Furthermore, most situations already on the Council's agenda are subject to a dedicated interactive dialogue or similar discussion with the relevant mandate-holder or body. GDs are the only place where States and NGOs can address situations in countries that aren't on the Council's agenda, but should be. This space is essential for the Council's ability to achieve its prevention mandate as States and NGOs can bring to the Council's attention situations at imminent risk of a human rights crisis.

We urge States to reject this proposal as it would have a determinant negative effect on civil society participation at the Council, which is a key and unique feature of the Council and essential to the fulfilment of its mandate.

On the rationalisation of GDs: First, we are concerned that staggering proposals would create gaps where the Council would not be able to address all issues on its regular agenda. Second,

we are concerned that those wishing to address a particular issue would face objections that the situation does not “belong” at that session and should be addressed at a future session.

This is not a hypothetical concern, as speakers have previously faced points of order for raising under item 2 situations not in the High Commissioner’s report, or for referencing country-specific concerns to illustrate the points they were making during thematic debates (e.g. engaging with the Special Rapporteur on Torture about widespread use of torture in a particular country). The responses on such points of order have not always been clear, and have depended on the particular President or Vice-President.

Third, we are also concerned that the “clustering” proposals would mean that less time is dedicated to address country situations that are not on the Council’s agenda. It could also diminish the heightened visibility of item 4 general debate, which is dedicated to bring the Council’s attention to gross and systematic violations, and which lies at the core mandate of the Council (GA resolution 60/251 OP3).

This could weaken the Council’s ability to “address situations of violations of human rights, including gross and systematic violations” and to “respond promptly to human rights emergencies”. Accordingly, we underline the importance of the Council being able to discuss all agenda items at each session as we consider this to be essential for the Council’s ability to achieve its mandate under paragraphs 3 and 5(f) of UNGA resolution 60/251.

On the proposal of “**the capping of duration of interactive dialogues**”: We urge States to reject this proposal as first, the interactive dialogues have already been clustered, and second, the Council invests significantly in the Special Procedures, and so they need to have sufficient time to present to the Council the developments of the human rights situations on the ground as they occur.

On the proposal of “**limiting country specific debates and/or Special Procedure presentations to one/year**”: We urge States to reject this proposal as it clearly intends to undermine the Council’s scrutiny of country situations. This proposal would not only go against the Council’s mandate to respond promptly to human rights emergencies but also against its prevention mandate. Special Procedures presentations can serve as “early warning” of an imminent human rights emergency and if they have to wait for one year to be able to inform the Council, then the Council’s opportunity to prevent the situation from deteriorating could be missed.

As for **concrete proposals to improve the annual programme of work and efficient use of the Council’s time**, we propose the following:

First, 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.

Second, the programme of work of the 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 programme of work for the session. This 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.

Finally, discussions on improving the effectiveness of the Council must also be part of the strengthening of the human rights pillar of the UN - which is grossly and disproportionately under-resourced in comparison with the other two pillars. Any argument of consistent UN wide budget cuts must be placed in the context of balancing UN wide budget allocation. Further restricting the resources and reach of the highest UN body dedicated to human rights is at odds with UN values and runs contrary to improving the effectiveness and impact of UN human rights bodies. It also runs counter to the Secretary-General's Human Rights Up Front initiative. Similarly, while mainstreaming human rights across the UN is needed, this cannot be a substitute for the role played by mechanisms such as the Council.

2nd track- On rationalization of resolutions and initiatives

Our organisations consider that this discussion is an important opportunity to raise concrete proposals that will strengthen the implementation of the Council's outputs and thus enhance its contribution to the promotion and protection of human rights.

We have raised in the previous informals a range of proposals that were developed following a consultation involving a cross-regional group of States, defenders working at the regional, national and international levels, national human rights institutions and OHCHR. Many of these proposals do not require institutional reform but rather State leadership.

We encourage States to raise the bar on Council participation through good practice, meaningful pledges, joint initiatives and commit to enhancing the Council through principled leadership and action.

In terms of **assessing the impact of previous resolutions and facilitating follow-up and implementation**: First, we encourage States to actively consult with wide range of stakeholders working at the local, national and regional levels, including relevant ministries tasked with implementation, local government officials, civil society and human rights defenders, NHRIs, and UN country teams.

Second: Council resolutions should require States to report back on the measures they have adopted in the framework of technical assistance, in order to monitor and evaluate their impact.

In order to assist States in **ensuring that resolutions are in line with the item they are tabled under**, the Council should request OHCHR to identify concrete criteria for the provision of technical assistance.

Furthermore, the Council needs to do more to address cases of persistent non-cooperation with its mechanisms. During the discussions on the Special Procedure's communications report, the HRC President could request the States who have not replied to communications to speak first at the debate, and to provide updates on the situations concerned. Finally, the Council should request OHCHR to publish an annual report on this issue, linking the outcome of this report to the election of future Council members.

Signatories:

1. Asian Forum for Human Rights and Development (FORUM-ASIA)
2. Asian Legal Resource Centre (ALRC)
3. Cairo Institute for Human Rights Studies (CIHRS)
4. The Center for Legal and Social Studies (CELS)
5. CIVICUS
6. Commonwealth Human Rights Initiative (CHRI)
7. Conectas Direitos Humanos
8. DefendDefenders (the East and Horn of Africa Human Rights Defenders Project)
9. Human Rights Watch (HRW)
10. International Commission of Jurists (ICJ)
11. International Federation for Human Rights (FIDH)
12. The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)
13. International Humanist and Ethical Union (IHEU)
14. International Service for Human Rights (ISHR)
15. West Africa Human Rights Defenders Network