

9 November 2012

To: Member States candidates to the UN Human Rights Council

Cc: Member States of the UN General Assembly

### **Open Letter to candidates to the Human Rights Council**

Excellencies,

We are a diverse group of nongovernmental organisations from all parts of the world who have contributed to the Human Rights Council (the Council) and its work since its establishment. We write to you regarding your candidacies for membership of the Council.

In establishing the Council in 2006, the General Assembly provided that Council members "shall uphold the highest standards in the promotion and protection of human rights" and "fully cooperate with the Council" (GA Resolution 60/251).

We are concerned about the failure of some candidates to comply with these criteria. Non-compliance by Council members undermines the credibility of the Council as a body that promotes and protects human rights and its authority to call for cooperation with its mechanisms. We call on candidates to ensure that they hold to these criteria, particularly in respect of the two areas below.

#### Cooperation with Special Procedures

As candidates, it is especially incumbent on you to set an example by cooperating fully with the Council's human rights mechanisms, in particular by ensuring that you do the following:

1. Issue *effective* standing invitations to Special Procedures. This requires responding promptly to all requests for visits by providing one or more sets of specific possible dates within two months, and facilitating such visits in accordance with the Terms of Reference on Fact-finding Missions by Special Procedures. Candidates should also Support the creation of a monitoring system to ensure that standing invitations are effectively implemented;
2. Act responsibly and respectfully in relations with Special Procedures and refrain from all attempts, by word or action, to interfere with the independence of mandate holders or to otherwise undermine their work;
3. Regularly provide information to the Special Procedures and to the Human Rights Council on how the recommendations arising from country visits have been implemented, and any obstacles to implementation;
4. Respond in a substantive way to urgent appeals and to letters of allegations by Special Procedures within an appropriate timeframe, taking into account the urgency of the communication; and
5. Support the creation of a mechanism to review and assess, on an annual basis, the degree of cooperation with the Council and the Special Procedures, both of Council members and candidates for Council membership.

## Reprisals

We are also gravely concerned about acts of reprisals against individuals and groups seeking to cooperate with the UN human rights systems, including the Council. These reprisals against individuals and/or groups engaging directly with the UN, or otherwise providing information on particular countries' human rights situations, take the form of smear campaigns, harassment, intimidation, direct threats, physical attacks and killings.

As the Council depends heavily on the free and safe cooperation of human rights defenders for its effective functioning, it has a concomitant duty to prevent and immediately respond to threats and reprisals that endanger defenders' lives. While the recent panel at the Council and the latest Secretary-General report (A/HRC/21/18) are positive steps, ending reprisals requires more action, political will and creative responses by all stakeholders. In an effort to safeguard the vital collaboration between human rights defenders and the UN rights mechanisms, candidates should:

1. Take positive steps to facilitate human rights defenders' safe and unimpeded access to the UN human rights mechanisms;
2. Take all necessary measures to prevent reprisals against human rights defenders and take appropriate action to provide remedies for reprisals. Inform the Council through its President and on an ongoing basis of steps taken to protect individuals mentioned in the Secretary-General's report on reprisals and to provide remedies and reparations;
3. Support the recent initiative by the President of the Council to call on States to immediately put an end to intimidation and harassment of individuals and groups;
4. Commit to and call for enhanced monitoring and action by the Council. Consider the development of an online and regularly updated registry of allegations of intimidation and reprisals, as proposed by several of the panellists during the Council's panel on reprisals;
5. Maintain pressure on States that commit or tolerate reprisals. Use bilateral and multilateral dialogue to raise cases of reprisals as documented in the Secretary-General's report and discuss follow-up; and
6. Prioritise protection for human rights defenders including those who cooperate with the UN, through missions in Geneva and embassies around the world. This should be done in close coordination with all stakeholders involved in protecting human rights defenders, including the UN, regional and national actors.

Yours sincerely,

Article 19 Eastern Africa

Asian Forum for Human Rights and Development (FORUM-ASIA)

Associação Brasileira de Lésbicas, Gays, Bissexuais, Travestis e Transexuais (ABGLT)

Associação Brasileira Interdisciplinar de AIDS (ABIA)

Bytes for All, Pakistan

Cairo Institute for Human Rights Studies (CIHRS)

Committee to Protect Journalists

Commonwealth Human Rights Initiatives (CHRI)

Conectas Direitos Humanos

East and Horn of Africa Human Rights Defenders Project (EHAHRDP)

Egyptian Initiative for Personal Rights

Endorois Welfare Council (Kenya)

Freedom House

Gabinete de Assessoria Jurídica às Organizações Populares (GAJOP)  
Gay Kenya Trust  
Human Rights Now, Japan  
Human Rights Watch (HRW)  
Instituto Brasileiro de Análises Sociais e Econômicas (Ibase)  
Instituto de Desenvolvimento e Direitos Humanos (IDDH)  
International Service for Human Rights (ISHR)  
Kenya Human Rights Commission  
Korean House for International Solidarity, Republic of Korea  
Media Legal Defence Initiative  
MINBYUN-Lawyers for a Democratic Society, Republic of Korea  
National Coalition of Human Rights Defenders of Kenya  
People's Solidarity for Participatory Democracy, Republic of Korea  
Persons Marginalized and Aggrieved (PEMA Kenya)  
South Asia Partnership, Pakistan  
Teso Peace and Human Rights Development Initiative (TEPEHURDI)  
The African Centre for Democracy and Human Rights Studies (ACDHRS)  
The Kenyan Section of the International Commission of Jurists (ICJ Kenya)  
Ushuhuda Project  
West African Human Rights Defenders Network (ROADDH/WAHRDN)  
Writers in Prison Committee of PEN International  
3IN - Inclusão, Integridade, Independência