

Geneva, Nov 8, 2024

To: 2024 Co-Facilitators of the track on the contribution of Geneva to the General Assembly process to review the status of the Human Rights Council

Subject: Civil society organisations' position on the contribution of Geneva to the General Assembly process to review the status of the Human Rights Council

On 17 June 2011, the General Assembly adopted a [resolution](#) which decided “to maintain the status of the Human Rights Council as a subsidiary body of the General Assembly and to consider again the question of whether to maintain this status at an appropriate moment and at a time no sooner than ten years and no later than fifteen years”.

In 2024, the Human Rights Council (HRC) President established a group of Co-facilitators tasked to “lead open-ended informal brainstorming to take stock of the Council's achievements regarding each of the key areas of the mandate of the HRC”.

Our organisations wish to reiterate their positions regarding the consideration of this question by the General Assembly between 2021 and 2026, **including our in-principle support for the elevation of the HRC to a primary organ of the UN.**

While recognising the political difficulties of an amendment to the UN Charter, the elevation of the HRC to a principal organ of the UN could have a positive effect, reflecting the importance and interdependence of human rights with respect to peace, security and development, elevating the HRC's influence and strengthening its contribution to the improvement of human rights on the ground, and enhancing political and possibly financial support for the UN's human rights pillar. At a minimum, if a Charter amendment to elevate its status is not considered feasible, **the General Assembly should rectify its current practice and have the HRC report directly to the Plenary** rather than the General Assembly's Third Committee. Reporting to the plenary would reduce duplication and better reflect the vital importance of human rights to the UN and to international peace, security, and development. Regardless of the status of the Council, however, **the full and meaningful participation of civil society organisations is essential to its relevance, effectiveness and impact.**

At the same time, we would like to emphasise that the most significant shortcomings in the work of the Council to promote and protect human rights worldwide **are not due to limitations in its mandate or status, but rather a consequence of the lack of political leadership by States** on key issues such as applying human rights in a principled and consistent manner, non-competitive slates in the election of HRC members, addressing particular human rights situations in countries of concern, and ensuring full cooperation in good faith with the HRC and its mechanisms. The lack of adequate financial resources for

the HRC, and the UN's human rights pillar more generally, also substantially limit its effectiveness. In April 2024, over 100 organisations [called on States](#) to prevent the instrumentalisation of the cash flow crisis to create further restrictions on civil society participation and engagement with the HRC. The liquidity crisis has also had a significant impact on the functioning and start-up of HRC-mandated mechanisms.

Furthermore, we would like to underline that, in line with General Assembly [resolution 65/281](#), the scope of the General Assembly's consideration **should remain focused purely on the question of the status of the HRC**, and not be further expanded to cover its work and functioning.

We consider that a more extensive 'review' of the HRC's work and functioning carries serious risks for its impact, accessibility and effectiveness, and would be a major drain on the resources of small State delegations and civil society. Such processes are particularly challenging to manage for civil society organisations, specifically for those not based in Geneva, who always have to expend considerable efforts at simply getting a seat at the table. At the same time, **we consider at this point that much more can be done to protect and promote human rights worldwide without a formal review of the HRC's mandate or working methods.**

More formal review and reform processes, including the institution-building process and the 5-year review of the HRC's work and functioning, while time and resource-intensive, **failed to achieve consensus on meaningful reforms.** Many of the improvements to the HRC's work methods to date have been a result of incremental and practical strengthening¹.

Around the COVID-19 pandemic, for example, while civil society's physical access was disproportionately restricted, **the implementation of remote participation allowed for greater inclusivity.** Civil society [continues to call](#) for the institutionalisation of these measures: **maintaining hybrid modalities for States and civil society organisations as complementary to in-person participation.**

In addition to calling for the maintenance of hybrid modalities, we reiterate key [proposals](#) by several civil society organisations to enhance the impact of the HRC. None of these proposals would require institutional reform but could be achieved with sufficient political will and individual State and civil society leadership within the current institutional framework.

A more extensive review of the HRC's work and functioning, going beyond the limited scope intended by the General Assembly, would entail significant risks. These risks include **renewed attempts to limit civil society participation and to weaken the HRC's functioning, particularly in relation to its protection and accountability mandates.** We are specifically concerned by the possibility of revisiting attempts to

¹ For example, the use of intersessional panels, side events, informal briefings by the High Commissioner, joint reports by the Special Procedures, as well as civil society efforts such as the UPR pre-sessions.

reduce the HRC's ability to address country situations and the independence of mandates of Special Procedures².

There are therefore valid concerns that a 'review' of the HRC's work and functioning would result in a less, rather than more, effective, accessible and responsive HRC. States committed to strengthening the work of the HRC should instead prioritise taking the following actions:

- Respond to human rights situations based on their merits, **applying objective and human rights-based criteria in determining whether and how the HRC should respond to a situation of concern**, and take leadership and responsibility in initiating action to prevent and respond to violations when such criteria are met;
- **Encourage competitive elections** for all regional groups in HRC members' elections, and refrain from any collaboration within regional groups to arrange noncompetitive slates;
- **Pledge to only vote for State candidates that fulfil membership criteria** as outlined in General Assembly Resolution 60/251. This includes pledging to refrain from voting for any State credibly accused of committing gross and systematic violations of human rights, engaged in widespread repression or civil society, or flagrantly refusing to cooperate with the HRC and its mechanisms, including for committing reprisals;
- Do more to **hold HRC member States accountable** to their human rights obligations and commitments, including in regard to membership pledges;
- Engage robustly to **prevent and address acts of intimidation and reprisals** by raising particular cases in HRC debates, ensure that the HRC Presidency and Bureau consistently address and follow up on cases of reprisals related to HRC engagement;
- Ensure **meaningful and broad civil society participation** at the HRC, including through remote participation.
- **Pay their dues to the UN in full and without delay**, both now and in future years and strengthen the human rights pillar of the UN by substantially increasing its regular budget.

Finally, we reiterate that any and all processes to review the status of the Human Rights Council should provide for safe, diverse, meaningful and effective civil society participation at all stages.

Signatories:

1. American Civil Liberties Union (ACLU)
2. Amnesty International
3. Anti-Slavery International
4. Asian Forum for Human Rights and Development (FORUM-ASIA)
5. Cairo Institute for Human Rights Studies
6. Center for Reproductive Rights

² Given past efforts by some States during the institution building phase and the 2011 review to remove country mandates or impose qualified majorities for creating new ones, and the high risk of imposing measures to restrict civil society participation which, unfortunately, have been hallmarks of previous institutional reform processes.

7. Centro de Estudios Legales y Sociales (CELS)
8. Child Rights Connect
9. CIVICUS
10. Commonwealth Human Rights Initiative (CHRI)
11. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
12. Egyptian Initiative for Personal Rights (EIPR)
13. FIDH
14. Franciscans International
15. Gulf Centre for Human Rights
16. Hawai'i Institute for Human Rights
17. Human Rights Watch
18. Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú (IDEHPUCP)
19. ILGA World
20. Instituto Brasileiro de Direitos Humanos
21. International Bar Association's Human Rights Institute (IBAHRI)
22. International Commission of Jurists
23. International Network for the Prevention of Elder Abuse
24. International Service for Human Rights
25. KIOS Foundation
26. Privacy International
27. RESEAU OUEST AFRICAINE DES DEFENSEURS DES DROITS HUMAINS
28. Sexual Rights Initiative (SRI)
29. Women's International League for Peace and Freedom (WILPF)