

8 January 2025

## **Re: Civil society access and participation at the Human Rights Council**

Dear HRC President Jürg Lauber,

Please accept our congratulations on your election as the Human Rights Council President for 2025. We look forward to working with you and your Bureau to ensure that the Human Rights Council remains accessible to civil society and to enhance its impact on the ground. For many human rights defenders and victims and survivors of violations, the Council provides a vital platform to expose injustice, garner solidarity, and seek accountability. We would therefore like to bring to your attention challenges to the meaningful and effective participation of civil society with the UN Human Rights Council and its mechanisms.

### **1. Reprisals**

ISHR remains deeply concerned about reprisals against civil society actors who engage or seek to engage with UN bodies and mechanisms and regret the increase in cases of reprisals and intimidation. All States and the Council must do more to address the situation.

**We reiterate our consistent calls on the HRC Presidency to actively follow up on allegations, maintain a publicly accessible register of cases on the extranet, and present summaries at every session. When the response of the State concerned is insufficient, the case should be brought formally to the Council's attention for action.**

### **2. Hybrid modalities**

Over 300 organisations have called in a [joint letter](#) on States to ensure that the United Nations Office in Geneva (UNOG) and the Office of the High Commissioner for Human Rights (OHCHR) have the budget and mandate to provide all stakeholders engaging with the UN human rights bodies, including the Human Rights Council and its mechanisms, as well as the Treaty Bodies and other mechanisms, with the necessary channels to participate in meetings via Zoom, WebEx or other relevant platforms.

During HRC57, civil society reiterated concern regarding the implementation of the decision announced on 30 May 2024 that informal negotiations and informal meetings taking place on the sidelines of the session would only be available on a cost recovery basis, requiring States to pay for the use of WebEx for hybrid informal negotiations on draft resolutions. Civil society had addressed this issue during HRC56, where only two informal consultations were made available for remote participation.

An inclusive approach to participation requires that the United Nations addresses the limited space for civil society engagement. In this regard, we urge States to ensure that all informal negotiations are made available on WebEx to allow for broad and diverse participation from civil society organisations and human rights defenders, particularly those at the national and regional levels, who cannot attend the session in person.

In 2022, a [survey released by HRCNet](#) on the future of civil society participation at the Human Rights Council showed that the modalities adopted by the Council in the previous years made it more accessible and overall better for the people on the ground by allowing for the benefits of remote participation to be coupled with the advantages of in-person interaction during sessions. The UN should build on the good practices adopted by the Human Rights Council, Treaty Bodies and related mechanisms in Geneva and consolidate the modalities of participation that allow for a broader, more inclusive, effective and climate-friendly human rights system.

**We urge the HRC Presidency to push for institutionalising hybrid modalities across the UN to enable inclusive participation, reduce environmental impacts, and overcome barriers such as visa denials, resource challenges, and accessibility for people with disabilities.**

### **3. Efficiency process**

While we join States in recognising the need to address the Council's growing demand for resources, we are concerned that over the past years, the reduction in speaking times and opportunities to engage, particularly for civil society, has not reduced the length of sessions. We reiterate our call for the reinstatement of General Debates in June and to uncap civil society's speaking slots in General Debates.

On the duplication of initiatives, it is crucial that any consideration on this matter be based on objective criteria and parameters to assess when initiatives are repetitive, including the [objective rights-based criteria](#), which States from all regions have committed to apply on whether a situation merits the HRC's attention.

**We urge the HRC Presidency to ensure that efficiency is not prioritised over effectiveness, expertise and inclusiveness.**

### **4. Civil society organisations' position on the contribution of Geneva to the General Assembly process to review the status of the Human Rights Council**

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.

There are 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.

**We urge the HRC Presidency to ensure the full and meaningful participation of civil society organisations in this process.**

#### **5. Chronic underfunding of the human rights pillar and the liquidity crisis**

[Over 100 human rights organisations](#) have called on all States to promptly pay their dues to address the liquidity crisis. We reiterate civil society calls for States to address the liquidity crisis and its dire consequences on the work of the Human Rights Council and related mechanisms and to prevent the instrumentalisation of the cash flow crisis to create further restrictions on civil society participation and engagement with the HRC.

Civil society has continued to call on States to ensure that the Council is provided with the resources, and remains in session, for the time that is necessary to properly deal with all relevant human rights issues and situations of concern while adopting a principled and consistent approach to international law, treating human rights considerations as paramount at the Human Rights Council. An inclusive approach to participation requires that the United Nations addresses the limited space for civil society engagement. States should prioritise securing adequate funding for the UN's human rights pillar with the understanding that the promotion and protection of human rights is indispensable to development, peace and security. States must also commit to paying their assessed contributions without delay to ensure the effective functioning of the UN's human rights bodies mechanisms, including civil society engagement with those bodies and mechanisms.

**We urge the HRC Presidency to call on States to urgently address the liquidity crisis.**

## **6. Consultations with civil society**

**We further urge the HRC Presidency to consistently consult with civil society organisations in a timely and inclusive manner** about any measures that will affect participation and ensure that decisions being made in New York are communicated and discussed with those affected in Geneva.

We look forward to working closely with you and your Bureau to ensure that the Council remains safe, accessible and responsive for human rights defenders, and effective in contributing to human rights progress, justice and accountability on the ground.

Sincerely,

International Service for Human Rights (ISHR)