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Non-Governmental Organizations (NGOs) Must Become Full Partners in The Human Rights Council¹

Benefits of NGO Participation

We welcome the establishment of the Human Rights Council (Council) and believe that NGO participation is critical to ensuring the Council's effective operation. NGOs are uniquely positioned to provide the Council and its related mechanisms information on country situations, urgent issues, and specific incidents of human rights abuses. They are able to draw attention to issues that might otherwise be overlooked by the international community, and to supplement or counter government claims. Perhaps most importantly, when the Council or its related bodies issue resolutions or recommendations, NGOs are able to monitor compliance at the national level.

Non-governmental organizations have contributed significantly to the United Nations' human rights system since the world body's creation. Because of NGO efforts, new experts have been appointed, working groups convened, and reports produced. Among other things, NGOs were active in lobbying for human rights language to be included in the United Nations Charter. They pushed for the establishment of a Commission on Human Rights, the post of High Commissioner for Human Rights, Working Groups on Disappearance and Detention, the Declaration on Human Rights Defenders, and Special Rapporteurships on Torture, Arbitrary and Extrajudicial Killing, Violence against Women, and Racism. Finally, NGOs played a critical role in drafting parts of the Convention on the Rights of the Child and are now playing a leading role in the Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

The Council Should View the "Arrangements" and "Practices" of ECOSOC and the Commission as Minimum Standards from Which to Further Develop NGO Participation

We believe that if the Council is to succeed, it must immediately guarantee the ongoing, substantive participation of NGOs. To this end, we welcome the decision, in General Assembly Resolution 60/251, that NGOs will retain the same access as was provided by

the Commission on Human Rights (Commission), and specifically that the participation of and consultation with “non-governmental organizations shall be based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities.”

The arrangements and practices of ECOSOC and the Commission should be continued and expanded. NGOs must be ensured access to all of the Council’s public sessions and be permitted to make oral interventions, as they did before the Commission. They must be allowed to submit written statements, which the Council should then distribute to all its members, as the Commission did. As under the Commission, NGOs must be able to hold parallel events during the Council’s sessions. NGOs must be allowed access to the Council’s negotiations over draft resolutions, as they did at the Commission. NGOs were granted substantial access to governmental delegates at the Commission, and they must be guaranteed at least as much access at the Council.

In addition, NGOs’ ability to bring partners, who often are best positioned to speak about their experiences, to Council sessions must not be curtailed. Indeed, the Commission provided a unique forum for victims of human rights abuses to speak directly to the international community about their concerns. During the Taliban’s reign in Afghanistan, for example, Global Rights facilitated the attendance of a number of Afghan women at the Commission, where they spoke about the human rights violations being committed in their country. This provided a rare chance for Afghan women to speak for themselves before the international community about their own experiences under Taliban rule.

The Council should consider holding expanded hearings and briefings at which NGOs could engage with Council members. They should provide NGOs with early access to draft negotiating texts. NGOs should be given increased time for oral interventions, ensuring an opportunity for substantive input. (NGOs’ time allotment before the Commission was drastically cut in recent years.) NGOs should have an opportunity to contribute items for the Council’s agenda. Additionally, during this critical time, NGOs should be involved in all discussions related to the rules and procedures of the Council.

Ensuring Participation of a Diverse Group of NGOs

We welcome the fact that, as is provided in General Assembly Resolution 60/251, “the Council shall meet regularly throughout the year and schedule no fewer than three sessions per year, including a main session, for a total duration of no less than ten weeks.” We also recognize that this expanded schedule will place additional financial and human resources burdens on NGOs without a presence in Geneva. We believe that the Council should work to enhance the ability of NGOs outside of Geneva, and particularly those from underrepresented countries, to participate in Council processes by providing funding for groups from these regions to attend. This is critical for ensuring that interaction with the Council is not left only to wealthier international organizations with a permanent presence in Geneva.

In addition, the Council must ensure that Switzerland (or, if the Commission meets elsewhere on occasion, the relevant host country) issues visas to NGO representatives

and partners in a timely and transparent fashion, ensuring that people from a wide variety of countries are able to participate in Council sessions. Immigration problems must not pose an obstacle to the work of this new institution. Finally, the Council must make its agenda available in as timely a manner as possible so that groups may have adequate time to prepare to attend.

Transparent and Inclusive Accreditation of NGOs

We welcome the fact that under General Assembly Resolution 60/251, accreditation of NGOs before the Council will be conducted in accordance with ECOSOC Resolution 1996/31, and that the Council will thus recognize all NGOs accredited by ECOSOC. However, to increase collaboration between NGOs and the Council, we believe that Council should make the accreditation process even more transparent and inclusive.

Specifically, the Council should allow NGOs not accredited by ECOSOC to participate in at least some, if not all, Council activities, such as submitting information to the Universal Periodic Review process. The Council may also want to consider whether individual NGOs could be accredited for specific meetings relevant to their area of expertise, and should consider involving NGOs in the accreditation process. Regardless of any changes made, NGOs that already have ECOSOC accreditation must maintain this status. Finally, the Council should review the accreditation process under 1996/31 with a view to streamlining it and limiting any arbitrary or discriminatory practices; NGOs should play a role in this review process.

NGO Participation in Universal Periodic Reviews

NGOs have much to contribute to the Universal Periodic Review (UPR) process, and must be guaranteed a substantive role in this system. Among other things, the Council should consider including NGOs on relevant review committees, offering them a chance to present information on the country in question during the review, and soliciting their reports and questions. NGOs should be given a voice in shaping the UPR process, and in ensuring that any recommendations that emerge out of the reviews are conveyed and implemented at the domestic level.

NGO Contribution to the System of Special Procedures

The Special Procedures make significant contributions to the human rights field through their on-the-ground investigations and reports. Their capacity to devote extensive time to researching and monitoring specific situations, their ability to conduct country visits and investigate cases of human rights abuses, and their role as independent advocates for change make them a critical element of the United Nations' human rights system. But their effectiveness is largely dependent on the contributions and follow-up of NGOs.

Indeed, Special Procedures benefit considerably from the involvement of NGOs—both those with consultative status and those without—in conducting country visits and in implementing recommendations. NGOs regularly help Special Procedures understand how human rights violations affect diverse communities on the ground and identify the best avenues for change. This must be maintained before the Council. Building on this, the Council should consider permitting NGOs to participate in, or contribute questions to, the Interactive Dialogue with Special Procedures. Finally, if a review is conducted of Special Procedures, NGOs must have a voice in this process.

Conclusion

We encourage the Council to ensure the ongoing, substantive input of NGOs in all of the United Nations' human rights bodies and mechanisms. It is only through such robust interaction that the Council and its related bodies may be truly informed of the human rights situation around the world and that their recommendations may have a real impact. Simply put, the United Nations' human rights system cannot function without robust NGO participation.

ⁱ The following NGOs and individuals in their personal capacity share the views expressed in this statement:

- Action Canada for Population and Development (Canada)
- Sheldon Munihire Hangi, Action Sociale pour la Paix et le Développement (ASPD) (DRC)
- Professor Julie Mertus, Co-Director Ethics, Peace and Global Affairs Program, American University (USA)
- Cholpon Akmatova, Information and Communications Officer, Asia Pacific Forum on Women, Law and Development (APWLD) (Thailand)
- Association des Femmes Juristes du Burundi (Burundi)
- Maoundonodji Gilbert, Président du Conseil de Gouvernance Associatif, Association pour la Promotion des Libertés Fondamentales au Tchad (APLFT) (Chad)
- Catholics for a Free Choice (USA)
- Center for Democracy and Development (Nigeria)
- Centre for Democracy and Human Rights (Sierra Leone)
- Center for Human Rights and Development (Mongolia)
- Charlotte Bunch, Center for Women's Global Leadership (USA)
- Children's Legal Rights and Development Center (Philippines)
- Civil Resource Development and Documentation Centre (CIRDDOC) (Nigeria)
- Prof. Peter Juviler, Columbia University (USA)
- Ted Piccone, Democracy Coalition Project (USA)
- Electoral Reform Network (Nigeria)
- Freedom House (USA)
- Raphael Upelele, Haki Za Binadamu (DRC)
- Maureen Byrnes, Executive Director, Human Rights First (USA)
- International Women's Health Coalition (USA)
- Elizabeth Maguire, President and CEO, IPAS (USA)
- Liberia Democracy Watch (Liberia)
- Media Rights Agenda (Nigeria)
- D.Enkhjargal, National Center Against Violence (Mongolia)
- Network of Asia Pacific Youth (NAPY) (Azerbaijan, Cambodia, Fiji, India, Indonesia, Japan, Korea, Kyrgyzstan, Malaysia, Mongolia, Nepal, Pakistan, Philippines, Thailand, and Vietnam)
- Open Society Foundation (Mongolia)
- Morton H. Halperin, Director, U.S. Advocacy, Open Society Institute (USA)
- Sameena Nazir, Potohar Organization for Development Advocacy (PODA) (Pakistan)
- Maryum Saifee (USA)
- Maryam Elahi, Human Rights Program, Trinity College (USA)
- Women for Women's Human Rights (WWHR)- NEW WAYS (Turkey)
- Agnes F. Kortimai, Zorzor District Care Women, Inc. ZODWOCA (Liberia)