

August 13, 2009

To: The Member States of the UN General Assembly

Your Excellency,

As the Human Rights Council prepares for its 12th regular session, the first session with the new members elected in May 2009, we write to ask your government to commit itself publicly as a matter of national policy to support a competitive, genuinely-contested and principled electoral process for future Human Rights Council elections.

General Assembly resolution 60/251, which established the Council, specifies that Council members shall be elected directly and individually, and that, in casting their ballots, Member States “shall take into account the contribution of candidates to the promotion and protection of human rights.” These provisions reflect the spirit of the resolution: UN Member States must be given a real choice in order to elect members that will “uphold the highest standards in the promotion and protection of human rights” and “fully cooperate with the Council.”

The election of Council members this year failed to live up to these principles. There were serious impediments to electing the countries most clearly committed to human rights that each region has to offer. These impediments included: lack of candidates and competition; endorsed regional slates; late, absent or insubstantial pledges and commitments; and widespread vote trading.

With only twenty countries running for eighteen seats this year, governments—including your own—were deprived of a real choice of candidates. In three out of five regions, “clean slates” (where the same number of candidates is presented as seats available for the region) undermined the substantial progress made by resolution 60/251 over the election process of the former Commission on Human Rights. Formal endorsement by the Asian Group of the slate for the region and de facto endorsement by other regional groups of their regional slates further reinforced the lack of choice. The lack of competition also made it practically futile to assess candidates on the basis of their human rights records and pledges. Numerous candidates running on non-competitive slates submitted their pledges within days of the election, and a couple failed to submit public pledges at all.

Vote trading by member states also marred this election. Representatives of many governments complained about countries’ claiming to support human rights, while secretly trading votes with human rights abusers to the detriment of candidates committed to the promotion and protection of human rights. Vote trading effectively means that countries are elected based on their ability to provide a swing vote in other elections, rather than their rights records.

We call on all UN Member States to bring vote trading arrangements and uncompetitive elections for the Council to an end. The electoral process established in resolution 60/251 was to ensure a more human-rights-committed membership and was a large part of what was to make the Human Rights Council an improvement over the Commission on Human Rights. The international community must act urgently to fulfill its commitment to competitive, genuinely-contested and principled elections, consistent with the spirit of resolution 60/251, and to give effect to the reforms of 2006. The credibility of the Human Rights Council and its ability to respond to human rights violations hang in the balance.

In preparation for next year's election, we call on your government to publicly commit itself as a matter of national policy to competitive, genuinely-contested and principled elections for the Human Rights Council. We ask that your government state its commitment to:

- Only vote for those candidates whose human rights record and election pledges meet the membership requirements set forth in resolution 60/251;
- Uphold the principle of competitive elections for the Human Rights Council both by indicating openness to competition if your government is a candidate for membership and by encouraging other countries committed to human rights in all regional slates to stand for election;
- Present any candidacy for Council membership individually rather than as part of a regional slate, and encourage more states to seek election to the Council than seats allocated to the regional group;
- Avoid regional endorsements of slates, as these go against the principle of contested election by the universal membership of the United Nations envisaged by resolution 60/251;
- Cast votes in Council elections taking into consideration candidates' rights records, rather than political or economic considerations;
- Refuse to exchange votes to elect members to the Human Rights Council or disclose voting intentions through formal or informal commitments;
- Issue concrete and specific pledges and commitments publicly and at least 30 days before the election, when seeking election to the Council, to allow UN Member States to evaluate candidacies properly; and
- Consult with local and national civil society in formulating pledges and commitments on pressing human rights issues and in their subsequent follow-up and implementation.

This commitment could be expressed in the General Assembly this fall in connection with the consideration of the report of the Human Rights Council.

We commend Mexico's announcement of a policy along these lines to the General Assembly in its statement of March 15, 2006 and urge your government to follow that example.

Several governments have already declared their intention to seek election to the Council next year. We call on all states to contribute to ensuring robust competition for 2010's Human Rights Council election with the goal of a more effective Human Rights Council.

With assurances of our highest regard,

1. Acobol, Bolivia
2. Actions for Genuine Democratic Alternatives (AGENDA), Liberia
3. African Centre for Democracy and Human Rights Studies, The Gambia
4. African Democracy Forum, Africa region
5. Amanitare Sexual Rights Network Africa, South Africa
6. Amnesty International
7. Asia Pacific Forum on Women, Law and Development (APWLD), Thailand
8. Asian Forum for Human Rights and Development (FORUM-ASIA), Thailand
9. Asian Legal Resource Centre, China
10. Bahá'í International Community
11. Bahrain Center for Human Rights, Bahrain
12. Cairo Institute for Human Rights Studies, Egypt
13. The Canadian HIV/AIDS Legal Network, Canada
14. The Carter Center, United States
15. Center for Legal and Social Studies (CELS), Argentina
16. Centro sobre Derecho y Sociedad (CIDES), Ecuador

17. The Coalition Against Trafficking in Women and Girls in Latin America and the Caribbean (CATWLAC), Mexico
18. Committee for Peace and Development Advocacy (COPDA), Liberia
19. Commonwealth Human Rights Initiative, India
20. Conectas Human Rights, Brazil
21. Congreso Visible, Colombia
22. Consorcio Desarrollo y Justicia, Venezuela
23. Convite, Venezuela
24. Dalit Women's Network for Solidarity, India
25. Democracy Coalition Project, United States
26. Droits Humains Sans Frontières, Democratic Republic of Congo
27. East and Horn of Africa Human Rights Defenders Project, Uganda
28. Egyptian Initiative for Personal Rights, Egypt
29. Espacio Civil, a.c., Venezuela
30. FAVIM Acción Ciudadana, Argentina
31. FIDH – Fédération internationale des ligues des droits de l'Homme/International Federation for Human Rights, France
32. Fondation Humanus, Cameroon
33. Franciscans International, Switzerland
34. Fundación Boliviana para la Democracia Multipartidaria (FBDM), Bolivia
35. Fundación Espoir, Haiti
36. Fundación Nueva Generación Argentina, Argentina
37. Fundación para la Unión Democrática del Pacífico-Costa Rica, Costa Rica
38. Gender Empowerment and Development (GeED), Cameroon

39. Hagamos Democracia, Nicaragua
40. Human and Environmental Development Agenda, Nigeria
41. Human Rights Commission of Pakistan, Pakistan
42. Human Rights Watch, United States
43. Ibn Khaldun Center for Development Studies, Egypt
44. Institute of Human Rights and Humanitarian Law (IHRHL), Nigeria
45. Instituto Centroamericano de Gobernabilidad (ICG), Costa Rica
46. Instituto Nicaragüense de Estudios Humanísticos (INEH), Nicaragua
47. International Alliance of Women, Switzerland
48. International Women's Rights Action Watch Asia Pacific, Malaysia
49. Latin American and Caribbean Network for Democracy
50. Legal Education Society, Azerbaijan
51. MARUAH (Singapore Working Group for ASEAN Human Rights Mechanism), Singapore
52. Masimanyane Women's Support Centre, South Africa
53. The Miguel Agustín Pro Juárez Human Rights Center/ Centro de Derechos Humanos Miguel Agustín Pro Juárez (Centro Prodh), Mexico
54. Mouvement Citoyen, Senegal
55. Mujer y Ciudadanía, Venezuela
56. The National Union of Somali Journalists (NUSOJ), Somalia
57. Nepal International Consumers Union A. P. Gautam, Nepal
58. Observancia-Centro Interdisciplinario, Bolivia
59. Open Society Institute, United States
60. Participa, Chile

61. Partnership for Justice, Nigeria
62. Physicians for Human Rights, United States
63. ProVoto, Nicaragua
64. Quê Me: Action for Democracy in Vietnam, France
65. RESOCIDE (Civil society organizations network for development), Burkina Faso
66. Rights & Democracy (International Centre for Human Rights and Democratic Development), Canada
67. Socrates, a.c., Venezuela
68. Students for Global Democracy Uganda, Uganda
69. Vietnam Committee on Human Rights, France
70. Voices for a Democratic Egypt, United States
71. West African Human Rights Defenders Network, Togo
72. World Federalist Movement - Institute for Global Policy, United States
73. World Organisation Against Torture (OMCT), Switzerland
74. Zimbabwe Human Rights Association (ZimRights), Zimbabwe