



STRENGTHENING THE UN HUMAN RIGHTS COUNCIL FROM THE GROUND UP

Report of a one-day dialogue, held on 22 February 2018

**AMNESTY
INTERNATIONAL**



HUMAN
RIGHTS
WATCH



ISHR | INTERNATIONAL SERVICE
FOR HUMAN RIGHTS



Strengthening the UN Human Rights Council from the Ground Up

Report of a One-Day Dialogue held on 22 February 2018

Introduction	1
Approach to Council Strengthening	3
Credibility, Visibility and Accessibility.....	5
Credibility.....	5
Visibility.....	8
Accessibility.....	10
Responding Effectively to Human Rights Violations	13
Follow Up and Implementation	16

Amnesty International, Human Rights Watch and the International Service for Human Rights would like to thank the Permanent Mission of Canada to the United Nations in Geneva for hosting the dialogue, the Permanent Missions of the United Kingdom and Uruguay, and HRC-net for cosponsoring, and all the participants for their valuable contributions to the discussions.

Introduction

The UN Human Rights Council (“HRC” or “the Council”) is a vital mechanism for preventing and monitoring human rights violations and abuses, supporting the implementation of commitments and obligations, contributing to accountability for perpetrators, and enhancing access to justice and remedies for victims. In the final analysis, its success will be measured by its impact on the ground.

The Council is approaching a critical juncture in 2018: efficiency measures will be considered to address a budget shortfall; the Bureau has launched discussions on the programme of work, rationalization of initiatives, and use of modern technologies; and various States are advancing proposals to “reform” or “strengthen” the Council.

The UN General Assembly (“UNGA” or “GA”) is not scheduled to undertake its next formal review of the Council, focused on the HRC’s status as a subsidiary body, until at least 2021. The Council itself, however, should continually reflect on, and seek to strengthen, its impact and ability to promote and protect human rights on the ground, in particular its approach to the complementary objectives of prevention, implementation and accountability.

The experience of the Council’s 5-year review of its work and functioning, and of subsequent efforts, has been that incremental and practical improvements can achieve as much as more formal processes, which are time and resource-intensive and often result in limited tangible outcomes due to a lack of consensus on meaningful reforms.

To be credible, any discussion of Council strengthening should focus primarily on enhancing its contribution to the promotion and protection of human rights – i.e. its human rights impact on the ground. It is therefore imperative that discussions on Council reform or review be informed by the experience and expertise of national and regional level actors – including rights-holders, human rights defenders and other civil society actors, victims/survivors and their representatives (including family members), national human rights institutions (NHRIs), OHCHR country teams, and UN resident coordinators. They offer unique perspectives in assessing the outputs and impact of the Council and its mechanisms and identifying how they could be improved. The input of such actors, who have contributed to, and benefited from, action by the Human Rights Council, is essential for all meaningful discussions of strengthening this vital body.

Against this backdrop, Amnesty International, Human Rights Watch, and the International Service for Human Rights convened a dialogue on 22 February 2018, bringing together national and regional level actors with a cross-regional group of State representatives, OHCHR officials and international civil society organizations, to discuss opportunities and priorities for strengthening the Council’s human rights impact on the ground. The dialogue was hosted by the Permanent Mission of Canada to the United Nations in Geneva, and was co-sponsored by the United Kingdom and Uruguay. The convening was not intended to reach agreed decisions, but to inform continuing discussions. This report provides an overview of the issues raised, and key recommendations made, with particular focus on those which are concrete and implementable, and which do not require institutional reform.

Approach to Council Strengthening

Participants at the dialogue included human rights defenders, lawyers, and representatives from civil society organizations and NHRIs, from a diversity of regions. Many of them shared their experiences of working at the national or local level with the Human Rights Council and its mechanisms. These participants affirmed the value and relevance of the Council in responding to human rights crises, including by creating mechanisms such as Commissions of Inquiry and Fact-Finding Missions. Participants also provided positive examples of engagement with both thematic and country-specific Special Procedures, highlighted the Universal Periodic Review (UPR) as a valuable tool for encouraging a broad range of human rights reforms and State commitments, and welcomed the Council's work to bring attention to issues of concern through resolutions, joint statements and other tools.

At the same time, participants shared concerns about factors which limit the Council's ability to deliver effectively on its mandate, including:

- the erosion of the Council's credibility when States responsible for gross and systematic rights violations are elected as members;
- lack of cooperation with the Council and its mechanisms, including attacks on Special Procedures mandate holders;
- selectivity and politicization resulting in some countries escaping scrutiny for serious human rights violations;
- attempts by some States to limit civil society access to, and participation in, the Council;
- reprisals against human rights defenders seeking to engage with the UN; and
- lack of visibility and implementation of Council resolutions and other outcomes.

Human Rights Council strengthening was therefore welcomed as a continuing process of building a body better able to deliver on its mandate. At the same time, some participants expressed concern at the possibility of institutional reform processes resulting in a less (rather than more) effective and accessible Council, a concern particularly acute in the context of current discussions on efficiency. Many participants noted that improvements to the Council's work methods to date have tended to be a result of incremental and practical strengthening. More formal review or reform processes, it was noted, often deliver limited results, and risk being undermined by attempts to limit civil society participation, reduce attention to country situations, or weaken the system as a whole.

Some pointed out that attempts to seek additional resources to meet the Council's current budget shortfall had been blocked by the same States now seeking to use the budget shortfall to cap civil society participation. Others underlined that civil society has an interest in all aspects of Council strengthening, not just those which touch upon civil society participation.

A number of principles were identified to guide Council strengthening efforts:

- All reform initiatives should be measured against the mandate of the Council, including “promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind, and in a fair and equal manner,” “addressing situations of violations of human rights, including gross and systematic violations” and “[promoting] the effective coordination and the mainstreaming of human rights within the United Nations system.”
- Measures to strengthen the Council's efficiency should not be separated from efforts to enhance its effectiveness. This requires an approach centered on the primary beneficiaries of the Council's work: rights-holders and victims/survivors of human rights violations.
- To be credible, any discussions on “strengthening” or “reforming” the Council (including through “efficiency” measures) should be fully inclusive of key stakeholders – including international, regional and national-level civil society, NHRIs, victims/survivors and their families, UN country offices and experts. Without buy-in and inputs from these stakeholders, reform is unlikely to result in an HRC that is more fit for purpose.
- No reform should be adopted which would unduly disadvantage civil society – particularly national or regional-level NGOs or human rights defenders – or limit their effective participation in the Council.
- States should be encouraged to raise the bar on Council participation through good practice, pledges and joint initiatives.
- Outcomes requiring institutional reform should be based on the same consensual processes through which the Council's institution-building package was adopted.

Credibility, Visibility and Accessibility

Participants addressed the interlinked issues of the Council's credibility, visibility and accessibility, noting that national and local level buy-in is essential for impact and sustained implementation of Council outcomes.

The engagement and provision of information by national level actors – including rights-holders, human rights defenders, civil society organizations, NHRIs, relevant ministries and local authorities – are also key to ensuring the Council is responsive to the situation on the ground. It is therefore crucial for the Council to be accessible and visible to those groups.

Credibility

The credibility of the Council is affected by how well it responds – and is perceived to respond – to the needs and demands of rights holders at the national and local levels.

Conversely, the Council's credibility is undermined when General Assembly members do not respect the criteria in GA resolution 60/251 when electing States to the Council, or when Council members commit gross and systematic human rights violations during their terms. There is a case to be made that no State has a perfect human rights record, and that all States can be encouraged to address their shortcomings through Council participation. This argument does not apply, however, to Council members who are in breach of the GA criteria through committing gross and systematic human rights violations, who use their position on the Council to block scrutiny of themselves and others, or who consistently fail to respect their membership obligation of cooperation with the Council and its mechanisms.

Having States that commit gross and systematic human rights violations sitting on the Council negatively impacts its credibility in the eyes of people around the world.

Some participants noted that competitive elections, rather than closed slates, are an important prerequisite to enabling members of the General Assembly to apply the membership criteria in resolution 60/251 when casting their ballot. It was also

mentioned that even on a closed slate, States should refrain from casting a vote in favour of candidates who do not meet the membership criteria.

To encourage greater focus on membership criteria during Council elections, a few participants noted the need for deeper scrutiny of candidate countries, and of the human rights records of Council Members throughout their terms, to reflect that membership comes with responsibilities. Some noted favourably [the report presented by the High Commissioner to the 35th session of the Council in June 2017](#), which focused on issues of cooperation and access.

The founding GA resolution also anticipates the suspension of the membership rights of States who commit “gross and systematic human rights violations”. To date, this has only been done in one case (following a recommendation in a Council [Special Session resolution](#) adopted by consensus, that the General Assembly “in view of the gross and systematic violations of human rights by the Libyan authorities, consider the application of the measures foreseen in paragraph 8 of General Assembly resolution 60/251.”)

Some participants noted that the GA may not need to immediately suspend members committing gross and systematic human rights violations, but could use consideration of the membership criteria to encourage improved conduct by, for example, setting out reforms or actions required of the Council Member in order to avoid suspension (e.g. by cooperating with a Council-mandated Commission of Inquiry or similar mechanism and implementing its recommendations), while standing ready to apply the suspension provision if such actions are not taken within a specified timeframe.

Recommendations:

- When electing members to the Council, States should base their votes on the criteria set out in GA resolution 60/251: “the contribution of candidates to the promotion and protection of human rights” and “their voluntary pledges and commitments made thereto.” Members of the General Assembly could affirm their commitment to applying these criteria through a joint statement, and renounce practices such as vote-swapping.
- During their term, there should be particular attention to the human rights situation in Council Member States, to ensure compliance with the membership obligation that they “shall uphold the highest standards in the promotion and protection of human rights” and “fully cooperate with the

Council” (GA resolution 60/251, OP9). An expectation of heightened scrutiny, as envisaged by GA resolution 60/251, could itself serve as a deterrent to rights violators seeking Council membership. Such scrutiny could be applied through an annual report by the High Commissioner focused on cooperation by Council members with UN mechanisms, and other membership criteria, which could be considered under item 5.

- Candidates for election to the Council should be encouraged to develop pledges in a more transparent manner, in conjunction with civil society and individual rights-holders, while the OHCHR could provide an objective assessment of each candidate’s compliance with the membership criteria in GA resolution 60/251.
- Candidate pledging events should be maintained and strengthened in both New York and Geneva, and should continue to be accessible to national level civil society (e.g. through making comments or raising questions remotely). Some participants proposed a more formal pledging process in New York, potentially facilitated by the President of the General Assembly. This could be supported by OHCHR materials on levels of compliance by candidates with the membership criteria, and with the opportunity for States and civil society to make comments and raise questions. The candidacy of States which decline to participate should be discussed *in absentia*.
- Australia indicated its intent to develop a pledge in consultation with other incoming members, based on principles laid out in the [Dutch-led joint statement](#) at the 35th session of the Council. It was suggested that this incoming members’ pledge (which was [subsequently delivered](#) on behalf of a cross-regional group of States at the 37th session of the Council) could also be endorsed by existing Council members, and by candidates at pledging events.
- Where there is evidence of a Council Member State committing gross and systematic violations, the GA should take action to consider suspension of its membership, in line with OP8 of GA resolution 60/251. This need not require immediate suspension, but could also take the form of identifying actions to be taken by the State to ensure compliance with its membership obligations within a prescribed timeframe.

Visibility

For the Council to have more impact and relevance for rights-holders, it is essential that its work be more visible at the national level, and that national level actors be effectively consulted and able to contribute to Council outputs.

Many participants highlighted the need for those involved in the work of the Council and its mechanisms to better communicate important outcomes to a wide range of stakeholders working at the local, national and regional levels, including relevant ministries tasked with implementation, local government officials, civil society and human rights defenders, NHRIs, and UN country teams. As one participant put it,

“We need to think not just about bringing national-level actors to Geneva, but also about bringing the Council to the national level.”

Effective communication would involve sharing key outcomes and messages in a timely and relatable manner, and ensuring that these are disseminated in the relevant languages. Better communication on this level would contribute to implementation and follow-up of Council outputs, and may encourage more dynamic engagement with the Council by a broader range of stakeholders.

A few speakers noted that Special Procedures’ country visits may be one of the most visible elements of the Council’s work at the national level. Concerns were raised about the time lag that often exists between country visits and Council reporting which may reduce momentum, and diminish the preventive and early warning value of Special Procedures’ in-country work. There was also discussion of how consideration of the country visit report during the interactive dialogue could be made more meaningful.

A number of participants felt that thematic resolutions are rarely effectively communicated, and that the thematic content is often abstract, not accompanied by measurable or implementable goals, or insufficiently applied to specific country situations.

Others mentioned “UPR screenings” (i.e. live viewing of the webcast, sometimes accompanied by tweeting, media commentary etc.) as a good way of bringing the

Council “closer to the ground.” UPR screenings in-country have been organized by the OHCHR, NHRIs, civil society and other stakeholders.

Participants welcomed efforts to make the Council website more user-friendly. Some noted that many statements delivered by Members and Observers are not uploaded to the extranet, resulting in a lack of transparency.

Recommendations:

- States, NHRIs, UN country teams, and civil society should effectively communicate the outcomes and recommendations of the Council and its mechanisms, including by translation.
- States are encouraged to actively consult with national level stakeholders, and invite their contributions into Council outputs (a good practice already applied by some Foreign Ministries).
- The Council’s presence on social media platforms, in Geneva and in the OHCHR’s regional offices, should be improved. Social media should be used in a way which is responsive to local contexts, to more effectively communicate with relevant populations.
- The communications capacities of the Special Procedures and other mandate-holders should be increased, with a view to publicising their findings and reports in a timely manner.
- Where possible, the time span between the conclusion of mandate-holders’ country visits and the presentation of their reports at the Council should be reduced. Reports should be published as soon as they are available. If these reports reveal early warning signs of gross and systematic human rights violations, consideration of the report should be expedited, for example through an informal briefing or urgent debate, to enable the Council to discharge its preventative mandate.
- Participants expressed appreciation for efforts to make the Council website more accessible and user-friendly, and encouraged continuation of this work in consultation with civil society and other stakeholders. All statements should be uploaded to the extranet to provide a complete record of Council proceedings.

Accessibility

A number of participants underlined that an effective Council is one that is accessible to a broad range of actors, including victims, rights-holders, civil society, and human rights defenders.

Greater accessibility would enhance the Council's ability to engage on the basis of timely information on the situation on the ground, including in relation to practical challenges, progress and opportunities.

There was some consideration of the practical barriers to access to the Council and its mechanisms, including lack of awareness, the cost of participation, and the failure to adequately address the participation needs of certain groups – for example children, victims/survivors and human rights defenders at high risk of reprisals. The costs involved in attending a session in Geneva were identified as a significant barrier to access, especially for civil society and human rights defenders based in the Global South. There was discussion of ways in which financial barriers could be overcome, including through the facilitation of remote participation, to increase Global South voices at the Council.

Some noted that the ECOSOC NGO Committee is routinely misused to block accreditation to NGOs which meet the relevant criteria set out in ECOSOC resolution 1996/31, barring them from effectively participating in the Council's work.

Some human rights defenders from the national level gave personal testimonies of the positive impact of international attention to individual cases by Special Procedures and others, including through contributing to the release of defenders arbitrarily detained and the withdrawal of charges.

Many participants from the national level shared their concerns, however, about the dangers of engaging with the Council and its mechanisms, and the lack of adequate follow-up when cases of reprisals are not sufficiently addressed or remain unresolved.

While the President and Bureau have a particular responsibility to address cases of reprisals, it was noted that reprisals go to the core of the Council's integrity as an institution, and therefore appropriate action and follow-up is also a responsibility of the membership as a whole.

Recommendations:

- Work to ensure that the Council is a safe space for civil society engagement, including by adopting a zero-tolerance policy on reprisals, harassment and intimidation against persons, groups and organizations cooperating or seeking to cooperate with the Council and its mechanisms. This would involve:
 - States speaking out on cases of reprisals to express concern, request information, and seek appropriate follow-up;
 - The President of the Council maintaining a database on cases of alleged intimidation and reprisals, consulting with victims, and regularly updating the Council on action taken and the status of such cases during each session (e.g. at the session opening, closing, or under a relevant agenda item such as item 5);
 - The creation of a standard procedure for dealing with unresolved cases of reprisals, with clear timelines and reporting to the Council;
 - Active State engagement with the report of the Secretary General on reprisals, including in relation to specific cases, and oral updates at each session by a representative of the Secretary General on new cases and developments;
 - Consideration by the Council of action needed to address persistent violators, particularly where these are Council members, acting in breach of their membership obligations.
- States should consider establishing funds and/or providing technical assistance to local and national level civil society organizations to enable them to better engage with the Council – including through the provision of information and follow-up on implementation – in a similar fashion to the provision of assistance to States through the Voluntary Technical Assistance Trust Fund for Least Developed Countries and Small Island Developing States.
- States and OHCHR should strengthen human rights education and activities that raise awareness about the Council's mandate, value, and actions at the national level, including through supporting national actors to engage in

these activities. Guidance should be provided to all civil society organisations engaging with the Council, to allow them to make their interventions and advocacy at the Council more impactful.

- States with positive records on safeguarding space for civil society should stand as candidates for the NGO Committee, and ECOSOC members should only vote for States with such a record.

Responding Effectively to Human Rights Violations: Prevention, Early response and Accountability

A number of speakers underlined that the Council should take early action as crises develop, in line with its mandate to “respond promptly to human rights emergencies,” rather than waiting for the situation to escalate or become entrenched. In this regard, a number of speakers highlighted the importance of the [“Irish principles”](#) – principles articulated in a joint statement delivered by Ireland on behalf of 32 States from all regional groups at the Council’s 32nd session. The statement elaborated a number of objective criteria that could be used to identify situations warranting the attention of the Council, with a view to better enabling it to respond quickly to human rights situations of concern, in a less selective manner. The Irish Principles were further endorsed by a cross-regional group of 48 States in a [joint statement](#) delivered by the Netherlands at the Council’s 35th session in June 2017.

While welcoming the Irish Principles, a number of participants expressed concern that signatory States have yet to operationalize them, and proposed the development of processes to ensure that the principles are applied so that the Council more consistently addresses emerging crises and other situations where the criteria are met.

Participants reflected that the Council should be more creative and make better use of all the tools available to address neglected country situations. For example, some felt that Urgent Debates were underutilized, and informal briefings by the High Commissioner could occur more regularly, as could briefings involving other UN agencies, Special Procedures or other relevant stakeholders. It was noted in this regard that the [joint statement on prevention](#), led by Norway and Switzerland on behalf of 69 States at the 36th session of the Council, specifically underlined that “the High Commissioner, as per his mandate, should have the tools and resources necessary to gather, process and synthesise ‘early warning’ information about patterns of violations in a timely and effective manner and to brief the Council, either during or outside of its regular sessions.”

It was noted that the Council is better at responding to human rights crises than to chronic or continuing rights violations. The Council’s responses should be tailored to particular situations, rather than applying a one-size-fits-all model. In this regard, some participants noted that country mandates should develop as the situation unfolds, to meet the specific needs, including in terms of justice and accountability.

The Council’s response to violations should be as concrete as possible, setting benchmarks and clear timelines, to enable monitoring of progress or deterioration of the situation.

A number of participants reflected on the importance of considering how the Council and its mechanisms could better contribute to accountability for gross human rights violations. One participant noted that accountability should be broadly understood, as it has many components – encompassing not only criminal justice at national and international levels, but also transitional justice and truth telling. It should always be asked what justice and accountability mean in a given context for the victims/survivors of violations and their families.

In addressing country situations, the need for timely information from UN experts and civil society on the ground was emphasized – both at the Council, and at the GA and UN Security Council. Only with such information can these bodies make truly informed decisions. Greater linkages between the Human Rights Council and the GA and Security Council should be encouraged.

Recommendations:

- A number of ideas were proposed with a view to applying the “Irish principles” more consistently, including the creation of a standing core group of States to apply the criteria, and/or a group of experts to apply them to situations for referral for action.
- Regular inter-sessional or pre-sessional briefings by the High Commissioner could contribute to both the application of the Irish Principles and fulfillment of the Council’s prevention mandate, by providing a vehicle for bringing to the Council’s attention situations which meet the criteria in the Principles or where ‘early warning’ information suggests a need for a Council response. Such briefings could also include other relevant actors, such as Special Procedure mandate-holders, treaty bodies, or OHCHR regional offices, and could be held alongside the Organizational Meeting, as resources are already committed and the timing before each Council session is ideal.

- The Council should make more effective use of existing tools to respond to situations as they develop, for example through Urgent Debates and Special Sessions to address priority situations requiring attention, including those arising between sessions.
- States should explore ways for the Council to make better use of Special Procedures, including by encouraging joint reports, and of treaty bodies, whose outputs can provide valuable analysis of country situations.
- The Council should take action to bridge the New York-Geneva gap, including through more consistently mandating Council mechanisms (such as Special Procedures, Fact-Finding Missions or Commissions of Inquiry) to present their reports to the GA or brief the UNSC.
- The Council and resolution sponsors should strengthen the contribution of Council mechanisms to accountability, including by designing mandates and allocating resources so that information and evidence gathered by such mechanisms inform effective accountability processes.
- The Council and its Bureau could strengthen the role of UN Country Teams and UN Resident Coordinators in the area of human rights, including in addressing the root causes of violations, and reporting to the Council on progress or obstacles in this regard e.g. UN Resident Coordinators could report to the Council under items 5 or 6, or as inputs to the UPR Working Group review.

Follow Up and Implementation

To have impact on the ground, follow-up and implementation are key, though often neglected, priorities.

All resolutions should be action-oriented. [Resolution 16/18](#) on combatting religious intolerance was cited as a good example of this, with its built-in action plan which lends itself to implementation, and which inspired a stand-alone implementation process (the “Istanbul process”, which encourages regular cross-regional dialogue on challenges and good practices to combat religious intolerance). Clear action points and benchmarks facilitate monitoring of progress on implementation.

Council [resolution 30/1](#) on Sri Lanka was also cited as a positive example of a resolution which set out specific and actionable reform commitments, co-sponsored by Sri Lanka and adopted by consensus, and which included a request to the High Commissioner to report on progress towards implementation of those commitments.

Council [resolution 31/24](#) on Myanmar, adopted by consensus at the Council’s 31st session in March 2016, specifically requested the Special Rapporteur to “work with the Government of Myanmar to identify benchmarks for progress”. A year later, these specific reform benchmarks were attached as an annex to the Special Rapporteur’s report, and the resolution adopted at that session ([resolution 34/22](#)) called on the government of Myanmar to “work with the Special Rapporteur to develop a work plan and time frame for the swift implementation” of these benchmarks. Although progress towards implementation of these benchmarks was overtaken by the crisis in Rakhine State, and the government’s subsequent withdrawal of cooperation with the Special Rapporteur, the model provided a constructive example of incorporating within a Council resolution a process for identifying specific measurable indicators which could then be applied to assess progress towards implementation.

It was noted that while some UPR recommendations are quite specific, others are vague and over-broad, making follow-up and implementation difficult. Communicating Council outcomes to national level actors is essential to effective follow-up and implementation. This should include relevant ministries, civil society, NHRIs, UN country teams and rights-holders.

Some felt that thematic resolutions tend to receive less attention than country resolutions, and often are less specific in terms of identifying actionable outcomes. Those working on the Council put significant energy into drafting, negotiating, influencing and adopting resolutions, but often put too little energy into communicating them – and their recommendations – to those outside Geneva. A few participants suggested that resolution core groups had a responsibility to raise awareness about these resolutions outside Geneva after they are adopted, and to follow up on their implementation, through the UPR and exploring additional creative means. The UN and civil society should also think of how to better communicate Council outcomes at regional and national levels in a way that is relevant.

A number of participants noted the importance of improving the provision of technical assistance and capacity building to support implementation for States which request it, and which show the political will to benefit from it. The UPR may be a useful forum for such discussions, though additional resources are required. To ensure that technical assistance is effective, and to avoid politicizing item 10, a few participants noted the importance of distinguishing between situations where technical assistance would be helpful, and situations where the government lacks the political will and uses such requests as a shield for scrutiny. Developing or applying indicators to measure the impact of technical assistance was mentioned as critical in this regard. One participant noted that such assistance may be best provided independently by OHCHR, though funding was clearly an issue. Participants also noted that more could be done on follow-up and implementation in collaboration with regional human rights bodies and mechanisms.

Recommendations:

Technical assistance and capacity building

- OHCHR should identify concrete criteria for the provision of technical assistance, and Council resolutions should require States to report back on the tangible impacts of technical assistance to the enjoyment of human rights in the country, in order to monitor and evaluate their impact.
- Focal points, such as Resident Coordinators, could be designated for technical assistance from the UN system as a whole, providing support to States to implement Council resolutions and recommendations from the Council and its mechanisms.

Follow up on recommendations and resolutions

- Resolutions should identify reforms and next steps that are as concrete and implementable as possible, to assist with follow-up. Lead sponsors should consider incorporating processes for identifying benchmarks, and reporting on implementation, into resolutions.
- UPR recommendations should be concrete, based on “S.M.A.R.T.” criteria (Specific, Measurable, Achievable, Relevant and Time-bound).
- States that lead on resolutions should develop a communications strategy for the national level, and follow up on their implementation, for example through subsequent reporting or advanced questions in the UPR.
- Sponsors of resolutions, and States involved with their implementation, could use side events or briefings to reflect in concrete terms on how the resolutions have been implemented, or have sparked change, and to share challenges, lessons learned and good practices.
- Lead sponsors could take a more integrated approach by considering how the outcomes of the Council could be followed up by other parts of the UN system, and integrating such processes into their resolutions.

Implementation and cooperation with the Council and its mechanisms

- States should report to the Council on the actions they have undertaken as a result of cooperation with it and its mechanisms – for example the impact of their engagement with a Special Procedures visit – and share their experience of implementation, in terms of challenges, obstacles and achievements. The item 5 General Debate could be a useful forum for such discussions.
- A space to meaningfully discuss implementation and cooperation with the Council and its mechanisms should be created. This could be done, for example, through:
 - discussion of the reports of the Special Procedures system, notably the communications reports and the report of the annual meeting;
 - inviting the President of the Council to address persistent cases of non-cooperation; and
 - publishing an annual report on this issue, linking the outcome of this report to the election of future Council members.
- Concrete criteria for what cooperation with the Council and its mechanisms means in practice should be developed, such as by translating the principles in the joint statement on Council participation and/or incoming

members' pledge into specific measurable commitments (e.g. responding to Special Procedures' urgent appeals, communications and country visit requests substantively, and within a specified time-frame).

- Each State and/or OHCHR should maintain a comprehensive monitoring database, bringing together relevant recommendations from Special Procedures, Treaty Bodies, the UPR and Council resolutions, and report on implementation of these recommendations.

STRENGTHENING THE UN HUMAN RIGHTS COUNCIL FROM THE GROUND UP

Report of a one-day dialogue, held on 22 February 2018

The UN Human Rights Council is a vital mechanism for preventing and monitoring human rights violations and abuses. Its success will be measured by its impact on the ground.

In 2018, the Council is approaching a critical point: efficiency measures will be considered to address a budget shortfall, and various States are advancing proposals to reform or strengthen the Council, while others seek to scale back civil society involvement and limit debate on substantive human rights concerns.

To be credible, any discussion of strengthening the Human Rights Council should focus primarily on enhancing its contribution to the promotion and protection of human rights. “Efficiency” cannot be separated from effectiveness. It is therefore imperative that Council reform or review discussions be informed by the experience and expertise of national and regional level actors.

Against this backdrop, Amnesty International, Human Rights Watch, and the International Service for Human Rights convened a dialogue on 22 February 2018, hosted by the Permanent Mission of Canada in Geneva, and co-sponsored by the United Kingdom and Uruguay. This dialogue brought together a cross-regional group of national and regional human rights defenders and NHRI representatives, with Geneva-based State delegates, OHCHR representatives and international NGOs, to discuss opportunities for strengthening the Council’s human rights impact on the ground.

Their discussions and recommendations offer a vision for a Human Rights Council that is proactive and effective, addressing human rights violations, responding to crises, and supporting States to meet their human rights obligations, while putting the needs of victims and rights-holders first.



© Anne-Laure Lechat/UNPhoto

hrw.org

| www.amnesty.org

| www.ishr.ch