

March 30, 2005

OPEN LETTER TO MEMBER GOVERNMENTS OF THE UN DEMOCRACY CAUCUS

Cc: Foreign Ministers of the Community of Democracies Convening Group
Convening Group Permanent Representatives in New York and Geneva
Convening Group Ambassadors in Washington, D.C.

We write to you as concerned members of the international democracy and human rights community that supports reform of the United Nations' human rights system. We strongly endorse UN Secretary-General Kofi Annan's report, entitled *In larger freedom: towards development, security and human rights for all*, which follows the release of the Secretary-General's High-Level Panel Report on Threats, Challenges, and Change.

We agree with the Secretary-General's conclusion that allowing abusive governments to serve on the UN Commission on Human Rights profoundly discredits the Commission's ability to effectively carry out its mandate. Indeed, as the Secretary-General wrote, "the Commission's capacity to perform its tasks has been increasingly undermined by its declining credibility and professionalism [as] States have sought membership of the Commission not to strengthen human rights but to protect themselves against criticism or to criticize others."¹ Such candid remarks by the Secretary-General reflect the critical need for a major overhaul of the UN Human Rights Commission.

We applaud the Secretary-General's recommendation to create a human rights body composed of states which "undertake to abide by the highest human rights standards."² Replacing the 53-member commission with a smaller Human Rights Council ("Council") will enable the UN to have a more effective response to human rights crises and a greater consistency to monitor global human rights developments. Additionally, the newly formed Council will be able to follow through on resolutions and recommendations as regularized meetings will enhance its authority.

Furthermore, we support the Secretary-General's call for Member States to match their commitment to human rights with increased resources to the Office of the High Commissioner for Human Rights so that it may be involved in the whole spectrum of UN activities.

Because we believe a credible mechanism for advancing respect for human rights and dealing with human rights violations is critical for the expression and realization of UN Democracy Caucus values, we call on all member countries of the Democracy Caucus to endorse and work for approval of the Secretary-General's recommendations.

We also call on the Democracy Caucus to take the lead in ensuring this new Human Rights Council upholds the most valuable aspects of the current system while emphasizing the need

¹ *In larger freedom: towards development, security and human rights for all*, page 45, Section V, Part B, paragraph 182

² *In larger freedom*, page 46, Section V, Part B, paragraph 183

for standards and guidelines that will lead to a more credible human rights body. In particular, guidelines for an effective Council should include:

- Clearly defined membership criteria for a country to be eligible to join the Council (this point is discussed further below);
- A requirement that governments which have been censured in recent years for systematic or widespread abuses cannot be elected to this body until the Council has found the violations have been remedied;
- The extension of NGO consultative status with ECOSOC to the Council, ensuring that the participation of NGOs in the work of the UN in this critical area is not restricted or hindered;
- A recommendation that all delegations to the Council name a prominent and experienced human rights figure as head of their delegation; and
- Harmonized guidelines for reporting on violations of human rights and democratic norms.

With regards to standards for membership, we urge the UN Democracy Caucus to support creating a Human Rights Council led by states which themselves demonstrate a commitment to uphold democratic norms and human rights standards. Specifically, a number of factors should be considered when developing the criteria for membership to the Council, for example:

- Dedication to improving respect for human rights in their respective countries;
- Ratification of the core human rights treaties and their optional protocols and a record of timely submissions of periodic reports to the treaty monitoring bodies;
- Cooperation with UN human rights experts and special rapporteurs;
- Implementation of recommendations of UN human rights bodies; and
- Satisfaction of the criteria for invitation as a participant to the Community of Democracies.

We also welcome Secretary-General Annan's emphasis on issues related to promoting democracy, establishing the rule of law, and strengthening links between governance and development. As his report notes, the *Universal Declaration of Human Rights* and the Community of Democracies have "contributed greatly to the eventual global acceptance of democracy as a universal value."³

Consequently, we urge members of the Community of Democracies to support each other when seeking to be elected to the Council and to support among its members those with the strongest human rights records. It is essential that membership to the Council, as with the

³ *In larger freedom*, Page 38, Section IV, Part C, paragraph 148

Democracy Caucus itself, be limited to those countries which meet the criteria for invitation as full participants to the Community of Democracies Ministerial meeting in Santiago, Chile.

We thank you for your consideration of these requests and hope that, under Chile's leadership, the Convening Group and members of the UN Democracy Caucus will undertake these important actions to strengthen the United Nations' ability to ensure respect for democracy and human rights.

Sincerely,

Emma Bonino, Member of the European Parliament

John Bradshaw, Director, Freedom Investment Project

Charles J. Brown, President, Citizens for Global Solutions

Morton H. Halperin, Executive Director, Open Society Policy Center

Louise Kantrow, Executive Director, International League for Human Rights

Marco Pannella, Member of the European Parliament

Ted Piccone, Executive Director, Democracy Coalition Project

John D. Podesta, President and Chief Executive Officer, Center for American Progress

Michael Posner, Executive Director, Human Rights First

Kenneth Roth, Executive Director, Human Rights Watch

Richard C. Rowson, President, Council for a Community of Democracies

Sergio Stanzani, President, Transnational Radical Party

Jennifer L. Windsor, Executive Director, Freedom House

Timothy E. Wirth, President, Better World Fund