

19 January 2006

To: Foreign Ministers of U.N. Member States
U.N. Permanent Representatives

Re: Essential Elements of a Human Rights Council

We, the undersigned organizations and individuals dedicated to protecting and promoting human rights, have closely observed the discussions aimed at creating a new Human Rights Council for the United Nations, as proposed by the Secretary-General and agreed by heads of state in September. As the negotiations resume in the period 11-16 January 2006 (with the hope of a final resolution), we write to underscore the elements which we believe are absolutely essential to create a new Council that would be truly an improvement over the existing Commission on Human Rights.

Much progress is reflected in the draft resolution dated 19 December 2005. The following provisions are now included as non-bracketed text, and are of central importance to us:

- Affirmation that “the Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon,” repeating the clear language agreed by world leaders in the World Summit Outcome Document (OP3).
- Provisions stating that membership in the Council shall be based *inter alia* on the “contribution [of candidate countries] to the promotion and protection of human rights,” and that “members elected to the Council shall abide by the highest standards for the promotion and protection of human rights and fully cooperate with the Council” (OP6 and OP8).
- OP9 language that “members of the Council shall be reviewed under the universal periodic peer review mechanism during their term of membership.”
- The decision that the Council “shall meet regularly throughout the year” and that special meetings may be called as needed (OP 11).
- The decision that the rules of procedure of the Council shall provide for the participation of nongovernmental organizations and other observers based on the arrangements and practices observed by the Commission on Human Rights (OP 12).

There are three issues still presented in brackets where the choices made in final negotiations will determine whether this reform creates a stronger human rights body, a Commission on Human Rights by another name, or an even weaker body:

1. **Membership:** The resolution must ensure an improved membership in which states engaged in gross, systematic human rights violations are not elected. We believe that this objective can be secured by: (a) ensuring an individual and direct vote of two-thirds of the General Assembly; (b) requiring regional groups to put forward more candidates than the number of seats allocated to their region; and (c) stipulating that an entirely new Council should be elected rather than declaring that current members become the first members of the new Council.
2. **Meeting Schedule:** The resolution should provide that the Council should schedule no fewer than six meetings per year for a total duration of no less than twelve weeks, especially given the time and resource demands should universal review be added to the current work of the Commission.
3. **Consideration of Country-Specific Situations:** The ability of the new Council to consider country situations and adopt resolutions must not be limited. In particular, adoption of country-specific resolutions should continue to require a simple majority of Council members in accordance with usual rules.

Only a Human Rights Council that builds on the Commission's successes, strengthens the status of human rights across the U.N. system, and is a real improvement on the existing Commission will have the support of human rights and other organizations like ours, and more importantly, will fulfill the hopes of human rights stakeholders worldwide. A reform that enhances respect for human rights and demonstrates your own government's support for these universal principles will bring credit to the United Nations, and to all of us working together to bring about the new Human Rights Council. We respectfully ask your government to insist upon these essential elements in the General Assembly resolution establishing a Human Rights Council.

With assurances of our highest consideration and respect,

Sincerely,

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