



# General Assembly

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## Human Rights Council

Nineteenth session

Agenda item 5

Human rights bodies and mechanisms

### **Written statement\* submitted by Liberation, a non-governmental organization on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 February 2012]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Recommendation for the reorganisation of the structure of the Human Rights Council sessions\*\***

Six years have passed since the UN Human Rights Council (HRC) replaced the UN Commission of Human Rights (CHR). It subsequently became the world's leading human rights protection mechanism. The HRC's record in promoting fundamental human rights is riddled with failure and inaction. It has not translated into an improvement in the overall promotion and protection of human rights. The HRC actions reveal a lack of commitment to human rights. The ultimate question thus becomes how best to advocate and advance human rights.

Various personnel within the UN have noted the overall failure of the HRC. The former General Secretary epitomised this view: "We have reached a point at which the Commission's declining credibility has cast a shadow on the reputation of the United Nations system as a whole, where piecemeal reforms will not be enough."<sup>1</sup>

The resolution creating the HRC required the General Assembly to review the status of the HRC within 5 years. The HRC subsequently adopted and maintained the current system of independent experts reporting on thematic rather than country specific human rights issues. This system has merit but it has weakened the HRC's ability to investigate and to report findings. The lack of sufficient information prevents a comprehensive plan of action, many abuses are inadequately or partially addressed or worse still, simply ignored. We suggest that the organisation of the HRC should be restructured to allow for a more profound contemplation of the issues in hand.

The problem became abundantly clear during the HRC's failure to deal with human rights abuses in the MENA region –where the HRC's mandates, mechanisms and action plans failed to properly predict and address in time the human rights situation before the uprisings in Egypt, Libya, Syria, Tunisia and Yemen. The events in South Yemen in particular reflect the failure of the HRC to adequately implement Security Council resolutions 924 and 931. A more efficient evaluation could have avoided this.

The failure of the HRC to correctly implement the Security Council's resolutions on Yemen merely increased violence in the area. The current Yemeni authorities indulge in discriminatory practices against the South: the removal of 70,000 southern employees, the eradication of culture, identity and the general destruction of institutions. If not checked these policies could lead to civil war or worse, crimes against humanity. The failure of the HRC to implement resolutions 924 and 931 could result in the suffering and death of thousands. This unwieldy organisation both prevented effective monitoring and hindered a timely response hence the need for immediate reform.

We propose that the reform should model the UN General Assembly. It meets annually in regular sessions and has 6 main committees working in parallel with the general meeting. Currently the HRC attempts to address all agenda items in one meeting; this often prevents an in-depth discussion and understanding of the problems. The concentrated time frame limits contributions from members and observers (including NGOs). Furthermore, NGO's lack the proper amount of time to truly address their concerns.

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<sup>\*\*</sup> International Organisation for the Least Developed Countries (IOLDC), an NGO without consultative status, also shares the views expressed in this statement.

<sup>1</sup> Secretary General's address to the Commission on Human Rights 7th April 2005 Geneva.

The HRC session should comprise of the Committee of the Whole (main committee) and of 3 special committees as follows:

1. Committee of the Whole, dealing with the matters pertaining to:  
High-Level Segment, and items;
  - Item 1, Organisational and procedural matters;
  - Item 2, Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General;
  - Item 4, Human rights situations that require the HRC's attention;
  - Item 6, Universal periodic review;
  - Item 7, Human rights situation in Palestine and other occupied Arab territories.
2. Special Committee 1 dealing with the matters pertaining to agenda item number 3, on Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.
3. Special Committee 2, dedicated to the matters pertaining to the following agenda item:
  - Item 5, Human rights bodies and mechanisms;
  - Item 8, Follow-up and implementation of the Vienna Declaration and Programme of Action;
  - Item 10, Technical assistance and capacity-building.
4. Special Committee 3, dedicated to the matters pertaining to agenda item No. 9 Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action and the issues regarding Women and Children and the Rights of Persons with Disabilities.

At the start of the last week of the session, the individual committees should provide the Committee of the Whole with a report that includes draft resolutions to be approved.

These reforms will enhance the overall performance of the HRC. The special committees as sub-divisions of the Committee of the Whole will facilitate a more profound analysis of contemporary human rights issues. It will offer members and observers (including NGOs) more time to speak on areas of concern and expertise. These reforms will create a more comprehensive, efficient and effective monitoring system and allow better follow up of the human rights situation all over the world.

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