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HUMAN RIGHTS COUNCIL
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IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”

**Written statement* submitted by Human Rights Advocates, Inc. (HRA),
a non-governmental organization in special consultative status**

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

[19 February 2007]

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

Statement Regarding the Work of the Human Rights Council

1. Human Rights Advocates would like to address two issues related to the work of the Council: whether there should be a predictable or flexible agenda and whether to keep both thematic and country specific items. Human Rights Advocates has been an ECOSOC accredited NGO for over 25 years. It has participated regularly at the meetings of the Commission on Human Rights for the past ten years and in the first two sessions of the Council. As an overall suggestion, we would urge the Working Group to look at the procedures that were useful in the Commission since they were based on 60 years of experience.

2. With respect to the agenda, it is very helpful for participants to the Council, especially for NGOs who are not based in Geneva, to have a set agenda. However, the agenda should also be flexible enough to allow new issues and human rights problems to be raised as they arise. This goal can be accomplished by having broad categories of agenda items that would keep relatively few items with broad reach for each. So for example, the Commission agenda items on the right to development, the rights of the child, Economic Social, and Cultural Rights, Civil and Political Rights, and group rights such as the rights of migrant workers and children, allowed for a broad discussion. The rapporteurs and working groups could report under the agenda items relevant to their topic. The Sub-Commission for Promotion and Protection of Human Rights likewise effectively made use of broad agenda items that could accommodate a variety of issues.

3. The broad agenda of the Commission facilitated the discussion of topical items such as the death penalty for juveniles, which has been raised by Human Rights Advocates for years. The resulting discussion proved very helpful for changing the practice in a number of countries. In the United States, for example, the Supreme Court made specific reference to discussions and resolutions on that topic in ruling that the death penalty for offenders under 18 violated the United States Constitution. While this was based on a general item of the agenda, it proved very helpful for helping to mobilize change to end the practice in other countries as well.

4. We also would find it beneficial to have the main session in March focus on the wide variety of agenda items in order to allow NGO participants who are not based in Geneva to attend at least that one meeting where a broad number of issues could be discussed. The universal review and other special procedures could then be scheduled for the other meetings.

5. Human Rights Advocates also considers that it is helpful to have country specific items for addressing human rights violations. While often special rapporteurs and working groups are able to address individual problems as well as broader general issues under their mandates, it is sometimes necessary to have the ability to address broader human rights violations in particular countries. While the universal review might help to address the fact that often only a few countries were the subject of country specific action, there should still be something like the 1235 and 1503 procedures to address patterns of gross violations of human rights when they arise in countries that are not subject to universal review in the immediate future.

6. During the first three sessions of the Council, various rules have been enacted to ensure the fairness of the process. For example, NGOs are now able to sign up to speak via fax in order to make it fair to those who are not in Geneva and cannot attend the whole session. Human Rights Advocates urges the Council to look at other procedures developed by the Commission on Human Rights that recognized the contributions of NGOs and ensured that their participation was effective and fair. Examples include rules that ensured that all NGOs got an equal voice by setting time limits on oral statements to facilitate the involvement of as many groups as possible and set the number of times one NGO could speak for session. For example, in a 6 week session each NGO was allowed to speak under 6 out of 21 agenda items. Joint statements could be used to increase the amount of time for each oral statement as well as the proportionate number of statements each NGO could make, but should not be required as sometimes they have the effect of watering down the voice of NGOs.

7. In conclusion, Human Rights Advocates recommends that the Working Group adopt a specific agenda for the Council meetings, but define the items in general terms to allow for a broad discussion. Further, both thematic and country specific items should remain on the agenda so that the broadest number of options remains available for addressing human rights violations. And finally, procedures should continue to be refined in order to maximize the equitable participation of NGOs in all the meetings.
