

Joint written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC) and Franciscans International (FI), non-governmental organizations in general consultative status, and the Lutheran World Federation (LWF), Dominicans for Justice and Peace, and Pax Christi International, non-governmental organizations in special consultative status

Title:

A new era in the promotion and protection of human rights?

Text:

From the experience and perspective of the churches, it has long been clear that peace, development and human rights are inseparably inter-connected foundations for the promotion of the God-given human dignity of every individual, and for the wellbeing of the communities in which we all live. The recognition of human rights as one of the main pillars of the United Nations – alongside security and development – accords well with this experience and perspective. The co-sponsors of this statement therefore welcome the establishment of the Human Rights Council as an organ within the UN system with the status and authority to reflect this priority.

The Commission on Human Rights, though now almost universally vilified, made contributions to the struggle for human rights the significance of which is now too easily forgotten or understated. The Commission's formulation of the Universal Declaration of Human Rights – and of many other foundational instruments of international human rights law – was a true landmark in the development not only of international law, but also of the very nature of human societies and politics. The idea that legal tools and systems could be created to hold governments accountable for the basic preconditions for human dignity was – and remains – an inspired and courageous innovation in national and global governance.

The Commission ultimately proved itself (despite recent impressions to the contrary) to be creative and adaptable in responding to the voices of victims of human rights violations. Although always hobbled by the prevailing international political environment, the Commission exceeded the vision and expectations of its founders by creating a system of 'special procedures' to monitor, report and make recommendations on specific human rights issues and situations. Moreover, the Commission and its subsidiary bodies established practices with regard to the participation of non-governmental organizations (NGOs) that now provide models of best practice in UN-civil society relations.

Of course, what the Commission was able to achieve in terms of practical implementation of the standards it had worked to create was, by common consensus, too little and often too late. An increased focus on effective implementation of these standards is not only desirable, but essential. On paper, the Human Rights Council may have some additional potential in this regard. Whether it realizes this potential will be judged by the extent to which it actually increases the chances for life in dignity and in sustainable communities for people suffering discrimination, deprivation, oppression and violence.

The system of **special procedures** established by the Commission on Human Rights has become a key vehicle for promoting the implementation of international human rights standards. General Assembly resolution 60/251, operational paragraph 6, appropriately identifies “a system of special procedures” as the first aspect of the *acquis* inherited from the Commission on Human Rights to be maintained by the Council. The co-sponsors of this statement wish to underline their support for a strong, independent and adequately resourced system of special procedures. The special procedures brought the work of the Commission on Human Rights closest to the grassroots, and – together with NGOs participating in the Commission’s sessions – brought the grassroots most directly into the deliberations of the Commission. However, the Commission failed to adequately respect its own special procedures, and did not provide either sufficient resources for the mandates or sufficient time for the proper consideration of their reports and recommendations. Those shortcomings must be addressed by the Council in its review of the system of special procedures it has inherited. Steps had been taken by the Commission towards improved consideration of the reports of special procedures, through the vehicle of ‘interactive dialogue’. This approach should be further enhanced by the Council, including by providing for NGO inputs in such dialogues.

We hope that during its first session the Council will extend for at least one year all of the mandates inherited from the Commission, in order to avoid ‘protection gaps’ and procedural lapses during the review period. It will also be important for the Council to consider and act upon the pending reports of the Commission’s five intergovernmental working groups, and to adopt the draft international convention on enforced disappearances and also the draft declaration on the rights of Indigenous Peoples. This would bring to a successful conclusion the **pending standard-setting initiatives** of the Commission, and give an early and clear sign of the Council’s commitment to the effective advancement of human rights around the world.

The introduction of a ‘**universal periodic review**’ process promises to eliminate any valid complaints of ‘selectivity’, and therefore it is a welcome innovation. On the one hand, it is important for the credibility and efficacy of this process that it be more than a superficial token of a review. On the other hand, the process must not overwhelm the Council’s time and capacity. Accordingly modalities should be established whereby as much as possible of the preparation for and follow-up of reviews pursuant to this process be undertaken by a subsidiary body or bodies, ideally composed of independent experts. The direct role of the Human Rights Council should be focused on the adoption of recommendations prepared for the Council’s consideration by such subsidiary body/ies. Clearly, relevant recommendations/observations by special procedures and treaty bodies

should provide part of the basis for such reviews. Provision should also be made for NGOs to contribute to the review process. In addition, the implementation of voluntary pledges and commitments made by countries in the context of elections to the Human Rights Council could provide a useful basis for review, regardless of whether the country concerned was elected.

The practice of making **voluntary pledges and commitments** was universally adopted by candidate countries during the first election to the Human Rights Council. We welcome the establishment of this precedent, which bodes well for the culture of the new body and the accountability of its members. We hope that it will continue to be universally followed in all future elections to the Council. The **election process** itself has created a new dynamic of accountability, through the separate and individual election of each member of the Council. We are more optimistic, in the light of these developments, about the emergence of a new and more positive culture in this new body.

We commit ourselves to working with the new Human Rights Council as a key international instrument for the promotion of justice and human dignity. We expect that the Human Rights Council will reciprocate this commitment, and offer a truly open space for NGOs and for the voices of the victims of human rights violations, the poorest and the most vulnerable. The Commission had established important precedents through its practices with regard to **NGO participation**. These practices – and the formal arrangements on which they are based – set a baseline that we hope that Human Rights Council will surpass.

In conclusion, we pray that the first session of the Human Rights Council will indeed usher in a new era in the promotion and protection of human rights, which builds on the achievements of the past and addresses past failings. We pray that the driving force in the Human Rights Council will be people, not politics – and its chief and genuine objective respect for the inherent human dignity of all.