



## 5<sup>TH</sup> SESSION OF THE UN HUMAN RIGHTS COUNCIL: RECOMMENDATIONS FROM SOUTHERN HUMAN RIGHTS NGOS

The undersigned human rights organizations from southern countries – Argentina, Brazil, Egypt, Ghana, Indonesia, Mexico, Peru, Philippines, South Africa and Uganda - have been following the process of construction of the United Nations Human Rights Council (HRC), as well as the positions of our delegations, at the intense first year of activity towards the Council's institutional building.

The relevance of the HRC for the work of our organizations in promoting and protecting human rights in our countries have not only allowed us to observe the developments of the Council, but also lead us to search ways to influence and collaborate with our governments and with the UN, aiming to strengthen the new body.

We believe and hope that all States that expressed the will to work for the institutional building of the HRC will be guided, at the moment they need to stand up for their position on the 5<sup>th</sup> session (June 11<sup>th</sup>-18<sup>th</sup>), not only by the principles of efficiency and efficacy of the new organ, but also by the engagement to another principle which is increasingly valued by the UN: the democratization of the participation of civil society.

We are sure that these principles are interdependent and that only the serious and engaged performance of both northern and southern countries can make the UN more efficient and democratic.

The creation of the HRC had as its sole motivation the strengthening of the UN human rights system, commitment which was assumed by every Member-State of this organ at the moment of its election.

Therefore, the decisions adopted in this 5<sup>th</sup> session must be in accordance with the objectives assumed in 2005, which is that the Council would replace the Commission without any loss of the good-practices developed during its existence.

Decisions guided by the efficiency and efficacy principles of the new organ depend on:

- Guaranteeing that the Universal Periodical Review (UPR) will be a cooperative mechanism. To do so it is necessary (1) the inclusion of concrete recommendations in the outcome document; (2) the establishment of an effective follow-up system of these recommendations; (3) the involvement, in a collaborative manner, of independent experts in the information processing of the UPR.
- Maintaining the independence of the Special Rapporteurs, to what it is indispensable: (1) that the Code of Conduct is limited to ethical parameters without interfering in the independence, flexibility, specificity and ability of response of the mandate holders; (2) that the system of selection of the mandate holders be safe from the risk of politicization that would necessarily endanger the efficacy of such mechanism.

Moreover, the credibility of the HRC depends on the approval, at the 5<sup>th</sup> session, of resolutions containing explicit elements that value and strengthen civil society participation in this organ. We hope that the States are aware that for this it is necessary:

- That in the rules of procedure appears, at least, the maintenance of the forms of participation that existed in the former Commission;
- That the participation of civil society occurs at all stages of the UPR by (1) guaranteeing the participation on the domestic level during the preparation of the report of the State concerned aiming to strengthen the local democratic practices and; (2) considering the information proceeding from civil society as official for the mechanism;
- That the participation is guaranteed to civil society in the process of selection of the Special Rapporteurs both by: (1) universalizing the possibility of indication of names to all NGOs and; (2) acknowledging non-governmental members in the consultative group that will elaborate the name list to the president of the Council; and, finally;
- That there is transparency and access to information, not only in the conduction of the works but also in the selection of the Special rapporteurs and of the rapporteurs of the UPR.

Those are the wish that we have concerning the conclusive stage of institutional building of the new Council. We hope that the delegations consider the points presented above and, overall, that the need for strengthening the international human rights system is reflected in their positions at the 5<sup>th</sup> session of the Council.

*ADC – Asociación por los Derechos Civiles – Argentina*

*AISA - African Institute for Social Accountability – South Africa*

*APRODEH - Asociación Pró Derechos Humanos – Perú*

*Cairo Institute for Human Rights – Egypt*

*CELS – Centro de Estudios Legales y Sociales – Argentina*

*CMDPDH - Comisión Mexicana de Defensa y Promoción de los Derechos Humanos – México*

*Conectas Direitos Humanos – Brazil*

*East and Horn of Africa Human Rights Defenders Project/Network - Uganda*

*IDDH - Instituto de Desenvolvimento e Direitos Humanos – Brazil*

*IKOHI - Indonesian Association of Families of the Disappeared – Indonesia*

*MFWA - Media Foundation for West Africa - Ghana*

*Task Force Detainees for Philippines – Philippines*