

November 1, 2005

H.E. Mr. Jan Eliasson
President of the 60th Session of the U.N. General Assembly
Office of the President of the General Assembly
United Nations
New York, N.Y. 10017

Dear President Eliasson,

At the September 2005 World Summit, heads of state and government took a historic step towards strengthening the protection of human rights worldwide by agreeing to establish a Human Rights Council. The challenging task of implementing that decision through negotiations at this year's General Assembly was placed in your capable hands. At this crucial moment in the negotiations process, the undersigned organizations and individuals, all deeply committed to the promotion and protection of human rights, would like to emphasize our shared view regarding the key elements of a new Human Rights Council that we would consider indispensable to a credible outcome.

We start from the premise that the result of this reform must be substantially more than a change in name. The Human Rights Council must significantly enhance the U.N.'s existing capacity to protect and promote human rights. We would also stress that the key elements of the council should be adopted by the end of this year in order to allow it to begin its work in early 2006.

We believe that the following essential points must be included in the resolution creating the Human Rights Council:

Status: The HRC should be elevated to principal organ status within five years and should have transitional status as a subsidiary body of the General Assembly in the meantime.

Mandate: The HRC should address any matters relating to the protection and promotion of all human rights in any country, including specific situations of gross, systematic, continuing or urgent violations. The HRC should be empowered to make recommendations and report on all such matters to member states and bodies within the United Nations system, including to the Security Council and the General Assembly.

Composition: At a minimum, states seeking election to the Human Rights Council must commit to abide by the highest standards of human rights and to cooperate fully with the HRC and its mechanisms, and should put forward a platform that describes what they seek to accomplish during their term of membership.

Elections and Voting: Members of the HRC should be elected by an individual and direct vote of two-thirds of the General Assembly. Regional groups should be required to put forward more candidates than the number of seats allocated to their region. When voting, member states should give due regard to the positive contribution which the member state seeking election has made to the protection and promotion of human rights, as well as to the pledges it makes.

Working Methods: The HRC should be a standing body which meets regularly throughout the year and is able to respond in a timely fashion to any matters involving the protection and promotion of human rights. Meetings of the HRC in addition to the regular sessions could be called by one-third of HRC members, the HRC chair, the Secretary-General, or the U.N. High Commissioner for Human Rights.

Special Procedures: The system of special procedures should be transferred to the HRC with enhanced coherence and support, as well as greater participation in HRC meetings.

NGO Participation: The HRC should ensure a level of participation by NGOs at least as high as that at the Commission on Human Rights by retaining the existing rules and practices for participation by NGOs.

We believe that by incorporating each of the above elements the Human Rights Council will be able to fulfill the promise that engendered this reform. Given the inter-relationship of many of these issues, failure to secure any of these key points would compromise the entire effort.

We look forward to continuing to work with you and the co-chairs to support the establishment of an effective, credible, and authoritative Human Rights Council.

Sincerely,

Helen Darbishire, Executive Director
Access Info Europe (Spain)

Yvonne Terlingen, AI Representative at the United Nations
Amnesty International

Albert Musliu, Executive Director
Association for Democratic Initiatives (Macedonia)

Roberto P. Saba, Executive Director
Association for Civil Rights (Argentina)

Bani Dugal, Principal Representative
Bahá'í International Community, UN Office

Dr. Wajeeha S. Albaharna, President
Bahrain Women's Society

Emma Bonino, Member of the European Parliament (Italy)

Karin D. Ryan, Senior Advisor for Human Rights
The Carter Center

Denis Caillaux, Secretary General
CARE International

Lene Schumacher, Director of Programs
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Charlotte Bunch, Executive Director
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cc: H.E. Mr. Ricardo Alberto Arias, Co-Chair, Human Rights Council negotiations
H.E. Mr. Dumisani Shadrack Kumalo, Co-Chair, Human Rights Council negotiations
Mr. Kofi Annan, U.N. Secretary-General
Ms. Louise Arbour, U.N. High Commissioner for Human Rights