

UN Human Rights Council – 43rd regular session

Item 10: General debate

Joint oral statement

Delivered by: Nicolas Agostini

Madam President,

In this time of global crisis, we urge all States to recommit to enhancing the promotion and protection of human rights and the fulfilment of the UN Human Rights Council's mandate, including through cooperation, dialogue, and scrutiny of specific human rights situations.

Scrutiny, along with support, is a major component of Item 10. In a recent [report](#), "No Advice without Knowledge," DefendDefenders found that Item 10 can be a powerful tool to bring about progress but that effective technical advice relies on the Council having detailed information on the situation on the ground, including the issues and needs of recipient countries and rights-holders. A large number of Item 10 resolutions contain significant monitoring and public reporting elements.

Dialogue and cooperation should also lie at the heart of Item 10. Our organisations understand credible "dialogue and cooperation" on human rights to mean good-faith engagement on the part of States and a willingness to be self-reflective and self-critical, all in order to benefit fully from the expertise and support of the Council and its mechanisms. True "cooperation and dialogue" means a willingness to cooperate with the Council, the UPR, Special Procedures, and other human rights mechanisms to address challenges faced and remedy abuses. It also means recognising the important complementary role of other stakeholders engaging with the Council and governments, such as civil society organisations, human rights defenders, journalists and national human rights institutions. It is essential that these stakeholders are able to participate, cooperate and engage in dialogues with the Council in a safe environment and without undue hindrance or fear of reprisal.

Madam President,

We are deeply concerned by the draft resolution tabled for consideration this session on "promoting mutually beneficial cooperation in the field of human rights," which we consider seeks to undermine the carefully balanced mandate of the Council. While the initiative presents itself as being about cooperation in the field of human rights, it is a deeply divisive and polarising initiative, pushing forward one singular vision of the direction of the human rights pillar at the expense of the consensus carefully forged among States over decades.

The initiative is in line with a flawed analysis set forth in a report by the Council's Advisory Committee (A/HRC/43/31), which over-emphasises, in particular, the principles of sovereignty and non-intervention (para. 104) and goes as far as referring to "so-called" universal values (para. 106). This approach, grounded in a narrative of the Council being a de-contextualised

service-provider, is not only illogical and futile, but also inconsistent with the Council's mandate and practice. It ignores the reality that the cause of serious violations may often be political in nature, rather than merely a lack of knowledge or resources, and the valuable role the Council can play if it has information at its disposal as a result of frank and open debate.

We urge China to reconsider the initiative, on the basis of the significant concerns raised during the informal negotiations. If not, we call on the Council to reject this initiative that takes aim at its core mandate.

Thank you.

Signatories:

African Centre for Democracy and Human Rights Studies (ACDHRS)

Amnesty International

Asian Forum for Human Rights and Development (FORUM-ASIA)

Cairo Institute for Human Rights Studies

Commonwealth Human Rights Initiative (CHRI)

DefendDefenders (East and Horn of Africa Human Rights Defenders Project)

International Commission of Jurists

International Federation for Human Rights (FIDH)

International Service for Human Rights

Southern Africa Human Rights Defenders Network (SAHRDN)

World Organisation Against Torture (OMCT)