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One important difference between the Human Rights Council and the former Commission on Human Rights resides in the mechanism for the election of its members. The Ecosoc formerly elected the members of the Commission on Human Rights. In contrast, the members of the Human Rights Council are elected by the 193 members of the General Assembly 'directly and individually' by secret ballot, although in order to ensure equitable geographical representation, each group of States (divided along geographical lines into groups that have remained unchanged since 1963) is allocated a predefined number of seats (see para. 7 of UN General Assembly Resolution 60/251).

During the discussions preceding the adoption of Resolution 60/251 on the Human Rights Council, there were proposals to ensure that only candidates with a clean human rights record should be allowed to stand as candidates for membership in the Council. While this proposal was not retained – a major factor explaining the negative vote of the United States –, para. 8 of Resolution 60/251 provides for the possibility of suspending a member of the Human Rights Council that commits 'gross and systematic violations of human rights': this provision was applied when the General Assembly, acting at the request of the Human Rights Council, suspended Libya from the Council on 1 March 2011. The vote was cast at a time when lethal force was being used indiscriminately by the security forces loyal to Colonel Gaddafi, in an attempt to suppress the uprising in large parts of the country that would finally lead to his removal.

Moreover, the same paragraph of Resolution 60/251 also refers to the need to 'take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto'. Thus, when presenting their candidacy to the Council, governments describe their record in the field of human rights. They also make certain pledges that may play a role, subsequently, under the universal periodic review process, which we examine further below.

Should countries applying for membership in the Human Rights Council be subjected to a stronger form of scrutiny? When the UN General Assembly voted on 1 March 2011 to suspend Libya's rights of membership in the Human Rights Council, Ambassador Ulibarri from Costa Rica, while supporting the country's suspension from the Human Rights Council as being 'in full compliance with international law and the United Nations memberships' responsibility to protect lives and fundamental rights', at the same time 'reminded the Assembly ... that the Libyan Government had already been "a voracious repressive machine" when it was elected to the Human Rights Council last year. The lesson to be learned was the importance of improving the parameters of Council integration to prevent such situations from developing'.

Do you agree? *Should countries that apply for membership in the Human Rights Council have their human rights records examined, to ensure that they comply with at least certain minimum requirements? If so, how should such a screening be conceived?*

States stated that their refusal to join the consensus was motivated by the fact that they were uncertain that the Human Rights Council would be any better than its predecessor, given that the worst human rights violators could still be members:

The United States ... proposed an exclusionary criteria to keep gross abusers of human rights off the Council. This proposal would have excluded Member States against which measures are in effect under Chapter VII of the UN Charter related to human rights abuses or acts of terrorism. We also expressed a willingness to consider alternatives to satisfy the need for a strong mechanism to exclude the worst human rights violators.

Sadly, these suggestions were not included in the new text. The resolution before us merely requires Member States to 'take into account' a candidate's human rights record when voting. And the provision for the General Assembly to suspend an elected member of the Council requires a two-thirds vote, a standard higher than that for electing members.

Our position on the need for a strong, credible membership is one of principle, and one we know that others here today share. We extend our appreciation to those Member States that agreed with our assertion that there should be no place on the new Council for countries where there is objective evidence of systematic and gross violations of human rights, or where United Nations sanctions have been applied for human rights violations. Some Member States have signed letters and plan to make statements to this effect. Although these commitments could not ultimately change our position on this draft resolution, they represent a welcome and appropriate effort on behalf of many dedicated Member States.

INSTRUCTIONS: In responding to the above questions, **DO NOT click on 'New Post'**. Click on '**Show discussion**', and then, in the first discussion thread, called '**[8.1.2] Requirements for membership in the Human Rights Council - Debate!**', click on '**View discussion**' and then on '**Add a response**' to propose your views to the community. If you want to comment on a peer's opinions in that thread then click on '**Add a comment**' in his response. You can also watch the tutorial (<http://youtu.be/SINSJKdez6g>) (see also, the updated (<http://youtu.be/TNoOB8q19kQ>) version) in order to make the best use of the interface.

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