

**UNITED NATIONS HUMAN RIGHTS COUNCIL**

**INSTITUTIONAL BUILDING**

**PRESIDENT'S TEXT**

**JUNE 13, 2007**

## Universal Periodic Review Mechanism

### I. Basis of the Review

- The Charter of the United Nations;
- The Universal Declaration of Human Rights;
- Human rights instruments to which a State is party;
- Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the Human Rights Council;
- **In addition to the above and given the complementary and mutually reinforcing nature of international human rights law and international humanitarian law, the review shall take into account applicable international humanitarian law.**

### II. Principles and Objectives

#### a. Principles

The Universal Periodic Review (UPR) should:

- Promote the universality, interdependence, indivisibility and interrelatedness of all human rights;
- Be a cooperative mechanism based on objective and reliable information and on interactive dialogue;
- Ensure universal coverage and equal treatment of all States;
- Be an intergovernmental process, United Nations Member-driven and action-oriented;
- Fully involve the country under review;
- Complement and not duplicate other human rights mechanisms, thus representing an added value;
- Be conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner;
- Not be overly burdensome to the concerned State or to the agenda of the Council;
- Not be overly long. It should be realistic and not absorb a disproportionate amount of time, human and financial resources;
- Not diminish the Council's capacity to respond to urgent human rights situations;
- Ensure that a gender perspective is fully integrated in the UPR;
- UPR should, without prejudice to the obligations contained in the elements provided for in the basis of review, take into account the level of development and specificities of countries;
- Ensure participation of all relevant stakeholders, including non-governmental organizations (NGOs) and national human rights institutions (NHRIs), in accordance with General Assembly (GA) resolution 60/251 and Economic and Social Council resolution 1996/31, as well as any decisions that the Council may take in this regard.

#### b. Objectives

- Improvement of the human rights situation on the ground;
- Fulfillment of the State's human rights obligations and commitments and assessment of positive developments and challenges faced by the State;
- Enhancement of the State's capacity and technical assistance;

- Sharing of best practices among States and other stakeholders in consultation with and with the consent of the State concerned;
- Support for cooperation in the promotion and protection of human rights;
- Encouragement of full cooperation and engagement with the Council, other human rights bodies and the OHCHR.

### III. Periodicity and Order of the Review

- Review begins after the adoption of the UPR mechanism by the Council;
- The order of review should reflect the principles of universality and equal treatment;
- The order of review should be established as soon as possible in order to allow States to prepare adequately;
- All member States of the Council shall be reviewed during their term of membership;
- The initial members of the Council, especially those elected for one or two-year terms, should be reviewed first;
- A mix of member and observer States of the Council should be reviewed;
- Equitable geographic distribution should be respected in the selection of countries for review;
- The first member and observer States to be reviewed will be chosen, from each regional group in such a way as to ensure full respect for equitable geographic distribution, by drawing of lots. Alphabetical order will then be applied beginning with these countries, with the exception of those who volunteer to be reviewed;
- The period between review cycles should be reasonable so as to take into account the capacity of States to prepare and the capacity of other stakeholders to respond to the requests arising from the review;
- The periodicity of the review for the first cycle will be of four years. This will imply the consideration of 48 States per year during three sessions of the **Working Group** of two weeks each.<sup>1</sup>

### IV. Process and Modalities of the Review

#### a. The documents on which the review would be based are:

- Information prepared by the State concerned on the basis of General Guidelines to be adopted by the Council at its sixth session (First session of the second cycle), and any other information considered relevant by the State concerned, which could be presented either orally or in writing; provided that the written presentation summarizing the information will not exceed 20 pages, to guarantee equal treatment to all States and not to overburden the mechanism. States are encouraged to prepare **the information** through a broad consultation process at the national level with all relevant stakeholders;
- A **compilation** of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents, prepared by the OHCHR, which shall not exceed 10 pages;
- In the review, the Council **should** also take into consideration additional credible and reliable information provided by other relevant stakeholders to the UPR. The OHCHR will prepare a summary of such information that shall not exceed 10 pages;

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<sup>1</sup> As the UPR is an evolving process, the Council, after the conclusion of the first review cycle, may review the modalities and the periodicity of this mechanism, based on best practices and lessons learned.

- The **documents** prepared by the OHCHR should be elaborated following the structure of the General Guidelines adopted by the HRC for the **information prepared by the State concerned**;
- Both, the State's written presentation and the summaries prepared by OHCHR shall be ready six weeks in advance to the review by the **Working Group** to ensure the distribution of documents simultaneously in the six official languages of the General Assembly, in accordance with the General Assembly resolution 53/208 of January 14, 1999.

b. The modalities of the **review** shall be as follows:

- The review will be conducted in one Working Group, chaired by the President of the Council and composed of the 47 member States of the Council. Each member State will decide on the composition of its delegation;<sup>2</sup>
- Observer States can participate in the review, including in the interactive dialogue;
- Other relevant stakeholders can attend the conduct of the review in the Working Group;
- A group of three rapporteurs, selected by drawing of lots among the members of the Council and from different regional groups (troika) will be formed to *facilitate* each review, including the preparation of the report of the **Working Group**. The OHCHR will provide the necessary assistance and expertise to the rapporteurs;
- The concerned country may request that one of the rapporteurs be from its own regional group and may also request the **substitution of a rapporteur** in only one occasion;
- A rapporteur may request to be excused from its participation in a specific review process;
- Interactive dialogue between the country under review and the Council will take place in the **Working Group**. The rapporteurs **could identify issues or questions to be transmitted to the State under review to facilitate** its preparation and focus the interactive dialogue, while guaranteeing fairness and transparency.
- The duration of the review will be three hours for each country **in the Working Group**. Additional time of up to one hour will be allocated for the consideration of the outcome by the Council plenary;
- Half an hour will be allocated for the adoption of the report of each country under review in the Working Group;
- A reasonable timeframe should be allocated in between the review and the adoption of the report of each State in the Working Group;
- The final outcome will be adopted by the plenary of the Council.

## V. Outcome of the review

### a. Format of the outcome

A report consisting of a summary of the proceedings of the review process; recommendations and/or conclusions; and voluntary commitments.

### b. Content of the outcome

The UPR is a cooperative mechanism. Its outcome could include, inter alia:

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<sup>2</sup> A UPR Voluntary Trust Fund should be established to facilitate the participation of developing countries, particularly LDCs, in the UPR mechanism.

- Assessment in an objective and transparent manner of the human rights situation in the reviewed country, including positive developments and challenges faced by the country;
- Sharing of best practices;
- Emphasis on enhancing cooperation for the promotion and protection of human rights;
- Provision of technical assistance and capacity-building in consultation with and with the consent of the country concerned;<sup>3</sup>
- Voluntary commitments and pledges made by the country reviewed.

#### c. Adoption of the outcome

- The reviewed country should be fully involved in the outcome;
- Before the adoption of the outcome by the plenary of the Council, the State concerned should be offered the possibility to present replies to questions or issues that were not sufficiently addressed during the interactive dialogue;
- The State concerned and the member States of the Council, as well as observer States, will be given the opportunity to express their views on the outcome of the review before the plenary takes action on it;
- Other relevant stakeholders will have the opportunity to make general comments before the adoption of the outcome by the plenary;
- Recommendations that enjoy the consent of the State concerned will be identified as **such. Other recommendations**, together with the comments of the State concerned thereon, **will** also be reflected. Both will be included in the outcome report to be adopted by the **Council**.

#### VI. Follow-up to the review

- The outcome of UPR, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders;
- The subsequent review should focus, inter alia, on the implementation of the preceding outcome;
- The Council should have a standing item on its agenda devoted to UPR;
- The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with and with the consent of the country concerned;
- In considering the UPR outcome, the Council will decide if and when any specific follow-up would be necessary;
- After exhausting all efforts to encourage a State to cooperate with the UPR mechanism, the Council will address, as appropriate, cases of persistent non-cooperation with the mechanism.

### Special Procedures

#### I. Selection and appointment of mandate-holders

The following general criteria will be of paramount importance while nominating, selecting and

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<sup>3</sup> A decision should be taken by the Council on whether to use existing financing mechanisms or to create a new mechanism

appointing mandate-holders: a) Expertise; b) Experience in the field of the mandate; c) Independence; d) Impartiality; e) Personal integrity; and f) Objectivity.

Due consideration should be given to gender balance and equitable geographic representation, as well as to an appropriate representation of different legal systems.

Technical and objective requirements for eligible candidates for mandate-holders will be approved by the Council at its sixth session (First session of the Second Cycle), in order to ensure that eligible candidates are highly qualified individuals who possess established competence, relevant expertise and extensive professional experience in the field of human rights.

The following entities may nominate candidates as special procedures mandate-holders: a) Governments; b) Regional Groups operating within the United Nations human rights system; c) International organizations or their offices (e.g.: Office of the United Nations High Commissioner for Human Rights (OHCHR)); d) Non-governmental organizations (NGOs); e) Other human rights bodies; f) Individual nominations.

The OHCHR shall immediately prepare, maintain and periodically update a Public List of eligible candidates in a standardized format, which shall include personal data, areas of expertise and professional experience. Upcoming vacancies of mandates shall be publicized.

The principle of non-accumulation of human rights functions at a time shall be respected.

Mandate holder's tenure in a given function, whether thematic or **geographic**, will be no more than six years (**two terms of three years for thematic mandate holders**).

Individuals holding decision-making positions in government or in any other organization or entity which could **give rise to** a conflict of interest with the responsibilities **inherent to** the mandate shall be excluded.

A Consultative Group would be established to propose to the President, at least one month ahead of the beginning of the session in which the Council would consider the selection of mandate-holders, a list of candidates who possess the highest qualifications **for the mandates in question** and meets the general criteria and particular requirements.

**The Consultative Group would also serve as an appeal mechanism for exclusion of nominated candidates from the public list of eligible candidates.**

At the beginning of the annual cycle of the Council, regional groups would be invited to appoint a member of the Consultative Group, who would serve in his/her personal capacity. The Group will be assisted by the OHCHR.

The Consultative Group will consider candidates included in the Public List; however, under exceptional circumstances and if a particular post justifies it, the Group could consider additional nominations with equal or more suitable qualifications for the post. Recommendations to the President shall be **public and substantiated**.

The Consultative Group **should** take into account, **as appropriate**, the views of **stakeholders**, including the **current or outgoing** mandate holders, in determining the necessary expertise, experience, skills, and other relevant requirements for each mandate.

On the basis of the recommendations of the Consultative Group and following broad consultations, in particular through the *regional coordinators*, the President of the Council will identify appropriate candidates for each vacancy. The President will **present to** member States and Observers a **preliminary list of candidates** to be proposed at least two weeks prior to the beginning of the session in which the Council will consider the appointments.

**If necessary**, the President **will** conduct further consultations to ensure the endorsement **of the proposed candidates, to be presented for the approval of the Council**. Mandate-holders shall be appointed before the end of the session.

## II. Review, rationalization and harmonization of mandates.

The review, **rationalization and harmonization of mandates, as well as the creation of new ones**, must be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.

The review, **rationalization and harmonization of** each mandate would take place in the context of the negotiations of the relevant resolutions. An assessment could take place in a separate segment of the interactive dialogue between the Council and special procedures mandate holders.

The review, **rationalization and harmonization** of mandates would focus on the relevance, scope and contents of the mandates, having as a framework the internationally recognized human rights standards, the system of special procedures, and General Assembly resolution 60/251.

Any decision to streamline, merge or eventually **discontinue** mandates should always be guided by the need for improvement of the enjoyment and protection of human rights.

The Council should always strive for improvements:

- Mandates should always offer a clear prospect of an increased level of human rights protection and promotion as well as of coherence within the system of human rights.
- Equal attention to all human rights should be given. The balance of thematic mandates should broadly reflect the accepted equal importance of civil and political rights and economic, social and cultural rights, including the right to development.
- Every effort should be made to avoid unnecessary duplication.
- Areas which constitute **thematic** gaps will be identified and addressed, including by means other than the creation of special procedures mandates, such as by expanding an existing mandate, bringing a cross-cutting issue to the attention of mandate holders or by requesting a joint action to the relevant mandate holders.
- Any consideration of merging mandates should have regard to the content and predominant functions of each mandate, as well as to the workload of individual mandate holders.
- In creating or reviewing mandates, efforts should be made to identify whether the structure of the mechanism (expert, rapporteur or working group) is the most effective in terms of increasing human rights protection;

- **New mandates should be as clear and specific as possible, so as to avoid ambiguity.**

It should be considered desirable to have a uniformed nomenclature of mandate holders, titles of mandates **as well as a selection and appointment** process, to make the whole system more understandable.

**Thematic mandates periods will be of 3 years. Geographic mandates periods will be of 1 year.**

**Mandates included in Annex I will be renewed until the date on which they will be considered by the Council according to the program of work.**

Current mandate holders could continue serving, provided they have not exceeded the 6 years term limit (**Annex II**). On an exceptional basis, the term of those mandate holders who have served more than 6 years will be extended until **the relevant mandate is considered by the Council and the selection and appointment process has concluded.**

**(Additional criteria for geographic mandates to be included).**

### **Human Rights Council Advisory Committee**

The Human Rights Council Advisory Committee, composed of 18 experts acting in their personal capacity, will function as a think-tank to the Council and work at its direction. The establishment of this subsidiary body and its functioning will be executed according to the guidelines stipulated below:

#### I. Nomination

All member States of the UN can propose or endorse candidates from their own region. When selecting their candidates, States **should** consult their national human rights institutions and civil society organizations and, in this regard, to include the names of those supporting their candidates.

The aim is to ensure that the best possible expertise is made available to the Council. For this purpose technical and objective requirements for the submission of candidatures will be established and approved by the Human Rights Council at its sixth session (First session of the second cycle). These should include:

- Recognized competence and experience in the field of human rights;
- High moral standing;
- Independence and impartiality.

Individuals holding decision-making positions in government or in any other organization or entity which could **give rise to** a conflict of interest with the responsibilities **inherent to** the mandate shall be excluded.

The principle of non-accumulation of human rights functions at a time **shall** be respected.

#### II. Election

The HRC shall elect **the** members of the Advisory Committee, **in secret ballot**, from the list of candidates whose names have been presented in accordance with the agreed requirements.



The list of candidates shall be closed two months prior to the election date. The Secretariat will make available the list of candidates and relevant information to member States and to the public at least one month prior to their election.

*Due consideration should be given to gender balance and to an appropriate representation of different civilizations and legal systems.*

The geographic distribution will be:

- African States: 5
- Asian States: 5
- Eastern European States: 2
- Latin American and Caribbean States: 3
- Western European and Other States: 3

The members of the Advisory Committee shall serve for a period of three years. They shall be eligible for re-election once. In the first term, one third of the experts will serve for one year and other third for two years.

### III. Functions

The function of the Advisory Committee is to provide expertise to the Council in the manner and form requested by the Council, focusing mainly on studies and research-based advice. Further, such expertise shall be rendered only upon the latter's request, in compliance with its resolutions and under its guidance.

The Advisory Committee should be implementation-oriented and the scope of its advice should be limited to thematic issues pertaining to the mandate of the Human Rights Council; namely promotion and protection of all human rights.

The Advisory Committee shall not adopt resolutions or decisions. The Committee may propose within the scope of the work set out by the Council, for the latter's consideration and approval, suggestions for further enhancing its procedural efficiency, as well as further investigation proposals within the scope of the work set out by the Council.

The Council shall issue specific guidelines for the Advisory Committee when it requests a substantive contribution from the latter and shall review all or any portion of those guidelines if it deems necessary in the future.

### IV. Methods of Work

The Advisory Committee shall convene up to two sessions for a maximum of ten working days per year. *Additional sessions may be scheduled on an ad hoc basis with prior approval of the Council.*

The Council may request the Advisory Committee to **undertake** certain tasks **that could be performed** collectively, through a smaller team or individually. **The Committee will report on such efforts to the Council.**

**Members of the Advisory Committee are encouraged to** communicate intersessionally, individually or in teams. However, the Committee shall not establish **subsidiary bodies** unless the Council authorizes it.

In the performance of its mandate, the Advisory Committee is urged to establish interaction with States, national human rights institutions, NGOs and other civil society entities in accordance with modalities of the Council.

Member States and Observers, including States that are not members of the HRC, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations shall be entitled to participate in the work of the HRCAC based on arrangements, including ECOSOC resolution 1996/31 of 25 July 1996 and practices observed by the Commission of Human Rights and the Council, while ensuring the most effective contribution of these entities.

As for those working groups that still have unfinished business or of continuing nature (Working Groups on Indigenous Populations, Minorities, Social Forum and Contemporary Forms of Slavery), the Council shall decide upon the status of each in its sixth session (First session of the Second cycle).

## **Complaint Procedure**

### **I. Objective and Scope**

A complaint procedure is being established to address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

ECOSOC Resolution 1503 (XLVIII) of 27 May 1970 as revised by ECOSOC resolution 2000/3 of 19 June 2000 served as a working basis and was improved where necessary, so as to ensure that the complaint procedure be impartial, objective, efficient, victims-oriented and conducted in a timely manner. **The procedure will retain its confidential nature, with a view to enhancing cooperation with the State concerned.**

### **II. Admissibility Criteria for Communications**

A communication related to a violation of human rights and fundamental freedoms, for the purpose of this procedure, shall be admissible, unless:

- It has manifestly political motivations and its object is not consistent with the UN Charter, the Universal Declaration of Human Rights and other applicable instruments in the field of Human Rights Law; or
- It does not contain a factual description of the alleged violations, including the rights which are alleged to be violated; or
- Its language is abusive. However, such communication may be considered if it meets the other criteria for admissibility after deletion of the abusive language; or
- It is not submitted by a person or a group of persons claiming to be the victim of violations of human rights and fundamental freedoms or by any person or group of persons, including NGOs acting in good faith in accordance with principles of human rights, not resorting to politically motivated stands contrary to the provisions of the UN Charter and claiming to have direct and

reliable knowledge of those violations. Nonetheless, reliably attested communications shall not be inadmissible solely because the knowledge of the individual authors is second-hand, provided they are accompanied by clear evidence; or

- It is exclusively based on reports disseminated by mass media; or
- It refers to a case that appears to reveal a consistent pattern of gross and reliably attested violations of human rights already being dealt with by a Special Procedure, a Treaty Body or other UN or similar regional complaints procedure in the field of human rights; or
- The domestic remedies have not been exhausted, unless it appears that such remedies would be ineffective or unreasonably prolonged.

**The National Human Rights institutions (NHRIs), when they work under the guidelines of the Paris Principles including in regard to quasi-judicial competence, may serve as effective local remedies.**

### III. Working Groups

Two distinct working groups shall be established with the mandate to examine the communications and to bring to the attention of the Human Rights Council consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms.

Both **working groups** shall, to the greatest possible extent, work on the basis of consensus. In the absence of consensus, decisions shall be taken by simple majority of the votes. They can establish their own rules of procedure.

#### a. Working Group on Communications (WGC): composition, mandate and powers

The Human Rights Council Advisory Committee (HRCAC) shall appoint five of its **members, one** from each regional group, **with due consideration to gender balance**, to constitute the WGC.

In case of a vacancy, the HRCAC shall appoint an independent and highly-qualified expert of the same Regional Group from the HRCAC.

Since there is a need for independent expertise and continuity with regard to the examination and assessment of the communications, the independent and highly qualified experts of the WGC shall be appointed for three years. Their mandate is renewable only once.

The Chairperson of the WGC is requested, together with the Secretariat, to undertake initial screening of the communications. Manifestly ill-founded or anonymous communications shall be screened out by the Chairperson and shall therefore not be transmitted to the State concerned. In a perspective of accountability and transparency, the Chairperson of the WGC shall provide all members of the WGC with a list of all communications rejected after initial screening. This list should indicate the grounds of all decisions having resulted in the rejection of a communication. All other communications, which have not been screened out shall be transmitted to the State concerned, so as to obtain the views of the latter on the allegations of violations.

The members of the WGC shall decide on the admissibility of a communication, **and** assess the merits of the allegations of violations, including whether the communication alone or in combination with other communications appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. The WGC shall provide the Working Group on Situations (**WGS**) with

a file containing all admissible communications as well as recommendations thereon. When it requires further consideration or additional information, the WGC may keep a case under review until its next session and request such information from the State concerned. **The WGC may decide to dismiss a case.** All decisions of the WGC shall be based on a rigorous application of the admissibility criteria and shall be duly justified.

When the WGC examines a communication concerning a State of which one of the members is a national, the latter shall not take part in the decision-making process.

#### b. Working Group on Situations (WGS): composition, mandate and powers

**Each regional group** shall appoint a representative of a member State of the Council, **with due consideration to gender balance**, to constitute the WGS. They shall be appointed for one year. Their mandate can be renewed once, if the State concerned is a member of the Council. **Members of the WGS shall** serve in their personal capacity. In order to fill a vacancy, the **respective Regional Group to which the vacancy belongs, shall** appoint a representative from member States of the same Regional Group.

The WGS is requested, on the basis of the information and recommendations provided by the WGC, to present the Human Rights Council with a report on consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms and to make recommendations to the Council on the course of action to take, normally in the form of a draft resolution or decision with respect to the situations referred to it. When it requires further consideration or additional information, members of the **WGS** may keep a situation under review until its next session.

All decisions of the WGS shall be duly justified and indicate why the consideration of a situation has been discontinued or action recommended thereon. Decisions to discontinue should be taken by consensus; if not possible, by simple majority of the votes.

When the WGS examines a situation concerning a State of which one of the members is a national, the latter shall not take part in the decision-making process.

#### IV. Working Modalities and Confidentiality

Since the complaint procedure is to be, inter alia, victims-oriented and conducted in a confidential and timely manner, both Working Groups shall meet at least twice a year for five working days each period, in order to promptly examine the communications, including replies of States thereon, as well as the situations which the Council is already seized of under the complaint procedure.

The State concerned shall cooperate with the complaint procedure and make every effort to provide substantive replies in one of the UN official languages to any of the requests of the WG or of the Human Rights Council. It shall as well make every effort to provide a reply not later than three months after the request has been made. If necessary, this deadline may however be extended at the request of the State concerned.

The Secretariat is requested to make the confidential files available to all members of the Council, at least two weeks in advance, so as to allow sufficient time for the consideration of the files.

The Human Rights Council shall consider consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms brought to its attention by the WGS as frequently as needed, but at least once a year.

The reports of the WGS referred to the Human Rights Council shall be examined in a confidential manner, unless the Human Rights Council decides otherwise. When the WGS recommends to the Council to consider a situation in public, in particular in case of manifest and unequivocal lack of cooperation, the Human Rights Council shall consider such recommendation on a priority basis at its next session.

So as to ensure that the complaint procedure be victims-oriented, efficient and conducted in a timely manner, the period of time between the transmission of the complaint to the State concerned and the consideration by the Human Rights Council shall not, in principle, exceed 24 months.

#### V. Involvement of the Complainant and of the State Concerned

The complaint procedure shall ensure that both the author of the communication and the State concerned are informed of the proceedings at the following key stages:

- When the communication is deemed inadmissible by the WGC or when it is taken up for consideration by the WGS; or when his/her communication is kept pending by one of the WG or by the Human Rights Council.
- At the final outcome.

In addition, the complainant shall be informed when his/her communication is registered by the complaint procedure.

Should the complainant request that his/her identity be kept confidential, the latter will not be transmitted to the State concerned.

#### VI. Measures

In accordance with the established practice the action taken in respect of a particular situation should be one of the following options:

- Discontinue considering the situation when further consideration or action is not warranted;
- Keep the situation under review and to request the State concerned to provide further information within a reasonable amount of time;
- Keep the situation under review and appoint an independent and highly-qualified expert to monitor the situation and report back to the Human Rights Council;
- Discontinue reviewing the matter under the confidential complaint procedure in order to take up public consideration of the same;
- Recommend to the OHCHR to provide technical cooperation, capacity building assistance or advisory services to the State concerned.

# Agenda

## I. Principles

- Universality
- Impartiality
- Objectivity
- Non-selectiveness
- Constructive dialogue and co-operation
- Predictability
- Flexibility
- Transparency
- Accountability
- Balance
- Inclusive/comprehensive

## II. Agenda for the human rights council

### Item 1 Organizational and procedural matters

- Election of the bureau of the Human Rights Council
- Adoption of the annual work programme
- Adoption of the work programme of the session
- Adoption of the Report of the session
- Adoption of the yearly report

### Item 2 Annual report of the United Nations High Commissioner for Human Rights and reports of the OHCHR and the Secretary General

### Item 3 Promotion and protection of Human rights:

- Economic, social and cultural rights
- Civil and political rights
- Rights of peoples and specific groups and individuals
- Cross-cutting thematic human rights issues
- Human rights situations that require the Council's attention

### Item 4 Right to development

### Item 5 Human Rights Bodies and Mechanisms

- Expert advice body
- Complaint Procedure

### Item 6 Universal Periodic Review

### Item 7 Human rights situation in Palestine and other occupied Arab territories:

- Human rights violations and implications of the Israeli occupation of Palestine and other occupied Arab territories.
- Right to self-determination of the Palestinian people.

Item 8 United Nations conferences and summits related to Human Rights:

- Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action
- The Vienna Declaration and Programme of Action

Item 9 Technical assistance and capacity building

Item 10 Follow-up of decisions of the Human Rights Council

Item 11 Other issues

### Methods of Work

**The methods of work, based on resolution 60/251 of the General Assembly, should be transparent, impartial, equitable, fair, pragmatic; lead to clarity, predictability, and inclusiveness. They can also be updated and adjusted through time.**

#### I. Institutional arrangements

##### a. Briefings on prospective resolutions or decisions

These briefings would be informative only, whereby delegations would be appraised of resolutions/decisions tabled or intended to be tabled. These briefings will be organized by interested delegations.

##### b. President's open-ended information meetings on resolutions, decisions and other related business

These meetings shall provide information on the status of negotiations on draft resolutions/ decisions so that delegations can gain a "bird's eye point of view" on the status of such drafts. These consultations shall have a purely informational function, combined with information on the extranet, and shall be held in a transparent and inclusive manner. They shall not serve as a negotiating forum.

##### c. Informal consultations on proposals convened by main sponsors

Informal consultations shall be the primary means for the negotiation of draft resolutions/decisions, and their convening shall be the responsibility of the sponsor(s). At least one informal open-ended consultation should be held on each draft resolution/decision before it is considered for action by the Council. Consultations should, as much as possible, be scheduled in a timely, transparent and inclusive manner that takes into account the constraints faced by delegations, particularly smaller delegations.

#### d. Role of the Bureau

The Bureau shall deal with procedural and organizational matters. The Bureau shall regularly communicate the contents of its meetings through a timely summary report.

#### e. Other work formats could include panel debates, seminars, and roundtables

Use of these formats, including topics and modalities, would be decided by the Council on a case-by-case basis. They would serve as tools of the Council for enhancing dialogue and mutual understanding on certain issues. They should be utilized in the context of the Council's agenda and annual work programme, and reinforce and/or complement its intergovernmental nature. They shall not be used to substitute or replace existing human rights mechanisms and established methods of work.

#### f. High-Level Segment

The High-Level Segment shall be held once a year during the March/ April (main) session. It shall be followed by a General Segment wherein delegations that did not participate in the High-Level Segment can deliver general statements.

### II. Working culture

#### **There is need for:**

- Early notification of proposals;
- Early submission of draft resolutions/decisions, preferably by end of penultimate week of a session;
- Early distribution of all reports, particularly those of Special Procedures, to be transmitted to delegations in a timely fashion at least 15 days in advance of their consideration by the Council in all official UN languages;
- Restraint in resort to resolutions in order to avoid proliferation of resolutions without prejudice to the right of States to decide on the periodicity of presenting their draft proposals by:
  - i. Minimizing unnecessary duplication of initiatives with General Assembly/Third Committee;
  - ii. Clustering of agenda items;
  - iii. Staggering of tabling of decisions/resolutions and consideration of action on agenda items/issues;

### III. Outcomes other than resolutions and decisions

These could include recommendations, conclusions, summary of discussions, and President Statement. As such outcomes would have different legal implications, they should supplement and not replace resolutions and decisions.

### IV. Special Sessions of the Human Rights Council

The following shall complement the general framework provided by UNGA resolution 60/251 and the rules of procedure of the Human Rights Council.



The rules of procedure of special sessions shall be in accordance with the rules of procedure applicable for regular sessions of the Human Rights Council.

The request for a special session of the Human Rights Council in accordance with the requirement established in OP 10 GA Res. 60/251 shall be submitted to the President and to the Secretariat of the Council. The request shall specify the issue to be addressed in the meeting and include any other relevant information the sponsors may wish to provide.

The special session shall be convened as soon as possible after the formal request is communicated, but, in principle, not earlier than 2 working days, and not later than 5 working days after the formal receipt of the request. The duration of the special session shall not exceed 3 days (6 working sessions), unless the Council decides otherwise.

The Secretariat of the Council shall immediately communicate the request and any additional information in the request provided by the sponsors, as well as the date for the convening of the special session, to all UN member States and make available the information to the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as to non-governmental organizations in consultative status by the most expedient and expeditious means of communication. Special session documentation, in particular draft resolutions and decisions, should be made available in all official UN languages to all States in an equitable, timely and transparent manner.

The President of the Council should hold open-ended informative consultations before the special session on its conduct and organization. In this regard, the Secretariat may also be requested to provide additional information, including, *inter alia*, on previous special sessions' methods of work.

Members of the Council, concerned States, observer States, specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations in consultative status may contribute to the special session in accordance with the rules of procedures of the Council.

If the requesting or other States intend to present draft resolutions or decisions at the special session, texts should be made available in accordance with the Council's relevant rules of procedure. Nevertheless, sponsors are urged to present such texts as early as possible.

The sponsors of a draft resolution or decision should hold open-ended consultations on the text of their draft resolution(s) or decision(s) with a view to achieving the widest participation in their consideration and, if possible, achieving consensus on them.

A special session should allow participatory debate, be results-oriented and geared to achieving practical outcomes, the implementation of which can be monitored and reported on at the following regular session of the HRC for possible follow-up decision.

## Rules of Procedure

### SESSIONS

#### *Rules of Procedure*

##### Rule

The Council shall apply the rules of procedure established for the Main Committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council.

### REGULAR SESSIONS

#### *Number of sessions*

##### Rule

The Human Rights Council shall meet regularly throughout the year and schedule no fewer than three sessions per Council-year, including a main session, for a total duration of no less than ten weeks.

#### *Assumption of membership*

##### Rule

Newly-elected Member States of the Human Rights Council shall assume their membership on the first day of the Council-year, replacing Member States that have concluded their respective membership terms.

#### *Place of the Council*

##### Rule

The Human Rights Council shall be based in Geneva.

### SPECIAL SESSIONS

#### *Convening of special sessions*

##### Rule

**The rules of procedure of special sessions of the Human Rights Council will be the same as the rules of procedure applicable for regular sessions of the Human Rights Council.**

##### Rule

The Human Rights Council shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council.

## PARTICIPATION OF AND CONSULTATION WITH OBSERVERS OF THE COUNCIL

### *Rule*

The Council shall apply the rules of procedure established for committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council, and the participation of and consultation with observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations, shall be based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities.

**Participation of national human rights institutions shall be based on arrangements and practices agreed upon by the Commission on Human Rights while ensuring the most effective contribution of these entities.**

## ORGANIZATION OF WORK AND AGENDA FOR REGULAR SESSIONS

### *Organizational Meetings*

#### *Rule*

At the beginning of each Council-year the Council shall hold an organizational meeting to elect its Bureau and to consider and adopt the agenda, programme of work, and calendar of regular sessions for the Council-year indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item.

The President of the Council shall also convene organizational meetings two weeks before the beginning of each session and, if necessary, during the Council sessions to discuss organizational and procedural issues pertinent to that session.

## PRESIDENT AND VICE-PRESIDENTS

### *Elections*

#### *Rule*

(a) At the beginning of each Council-year, at its organizational meeting, the Council shall elect a President and four Vice-Presidents from among the representatives of its members. The President and the Vice-Presidents shall constitute the Bureau. One of the Vice-Presidents shall serve as Rapporteur.

(b) In the election of the President of the Council, regard shall be had for the equitable geographical rotation of this office among the following regional groups: African States, Asian States, Eastern European States, Latin American and Caribbean States, and Western European and other States. The four Vice-Presidents of the Council shall be elected on the basis of equitable geographical distribution from the regional groups other than the one to which the President belongs. The selection of the Rapporteur shall be based on geographic rotation.

## *Bureau*

### *Rule*

The Bureau shall deal with procedural and organizational matters.

## *Term of Office*

### *Rule*

The President and the Vice-Presidents shall, subject to Rule \_\_ (on replacement of President or Vice-President), hold office for a period of one year. They shall not be eligible for immediate re-election to the same Post.

## *Absence of officers*

### *Rule*

If the President finds it necessary to be absent during a meeting or any part thereof, he/she shall designate one of the Vice-Presidents to take his/her place. A Vice-President acting as President shall have the same powers and duties as the President. If the President ceases to hold office pursuant to Rule \_\_, the remaining members of the Bureau shall designate one of the Vice-Presidents to take his/her place until the election of a new President.

## *Replacement of the President or a Vice-President*

### *Rule*

If the President or any Vice-President ceases to be able to carry out his/her functions or ceases to be a representative of a member of the Council, or if the Member of the United Nations of which he/she is a representative ceases to be a member of the Council, he/she shall cease to hold such office and a new President or Vice-President shall be elected for the unexpired term.

## SECRETARIAT

## *Duties of the Secretariat*

### *Rule*

The Office of the High Commissioner for Human Rights shall act as Secretariat for the Council. In this regard, it shall receive, translate, print and make available in all official UN languages documents, reports and resolutions of the Council, its committees and its organs; interpret speeches made at the meetings; prepare, print and circulate the records of the session; have the custody and proper preservation of the documents in the archives of the Council; distribute all documents of the Council to the Members and observers and, generally, perform all other support functions which the Council may require.

## RECORDS AND REPORT

### *Report to the General Assembly*

#### *Rule*

The Council shall submit an annual report to the General Assembly.

## PUBLIC AND PRIVATE MEETINGS OF THE HUMAN RIGHTS COUNCIL

### *General principles*

#### *Rule*

The meetings of the Council shall be held in public unless the Council decides that exceptional circumstances require the meeting be held in private.

### *Private meetings*

#### *Rule*

All decisions of the Council taken at a private meeting shall be announced at an early public meeting of the Council.

## CONDUCT OF BUSINESS

### *Working Groups and other arrangements*

#### *Rule*

The Council may set up working groups and other arrangements. Participation in these bodies shall be decided upon by the members, based on Rule \_\_ (on participation of and consultation with observers). The rules of procedure of these bodies shall follow those of the Council, as applicable, unless decided otherwise by the Council.

### *Quorum*

#### *Rule*

The President may declare a meeting open and permit the debate to proceed when at least one third of the members of the Council are present. The presence of a majority of the members shall be required for any decision to be taken.

### *Majority required*

#### *Rule*

Decisions of the Council shall be made by a simple majority of the members present and voting, subject to Rule \_\_ (on quorum).

June 13, 2007