Informals on Friday morning.

UNITED NATIONS HUMAN RIGHTS COUNCIL

INSTITUTIONAL BUILDING

PRESIDENT'S TEXT

JUNE 4, 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;
- International humanitarian law, as and where applicable.

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.[1]

IV. Process and Modalities of 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 this presentation through a broad consultation process at the national level with all relevant stakeholders;
- A summary 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 could 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;
- The summaries prepared by the OHCHR should be elaborated following the structure of the General Guidelines as those adopted by the HRC for the report of the State;

[1] 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.

- 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 interactive dialogue 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;[2]
- 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 inclusion of an alternate 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. Prior to the dialogue, the rapporteurs, in consultation with the country under review and assisted by the OHCHR should identify issues with the aim of focusing the interactive dialogue, while guaranteeing fairness, transparency and the adequate preparation by the State under review;
- The duration of the review will be three hours for each country. 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

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:

- 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;

[2] A UPR Voluntary Trust Fund should be established to facilitate the participation of developing countries, particularly LDCs, in the UPR mechanism.

- 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;[3]
- 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 consensus recommendations. The content of those with which the State concerned does not agree should also be reflected in the report together with the comments of the State concerned thereon. Both will be included in the outcome report to be adopted by the plenary.

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

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[3] A decision should be taken by the Council on whether to use existing financing mechanisms or to create a new mechanism

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 should be respected.

Mandate holder's tenure in a given function, whether thematic or country specific, will be no more than six years.

Individuals holding decision-making positions in government or in any other organization or entity which could represent a conflict of interest with the responsibilities arising from 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 posses the highest qualifications for each mandate and meets the general criteria and particular requirements.

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 substantiated.

The Consultative Group could take into account the views of mandate holders, including the 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 inform member States and Observers about the

selection of candidates to be proposed at least two weeks prior to the beginning of the session in which the Council will consider the appointments.

The President could conduct further consultations to reach the necessary agreement and to ensure the endorsement by the Council of his or her proposals. Mandate-holders shall be appointed before the end of the session.

II. Review, rationalization and harmonization of mandates

The Council will continue the review of mandates through an individual consideration of each mandate during its sessions of 2007/2008. With this purpose, the Council will extend the mandates until they would be reviewed, in accordance with annex I.

The review 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.

a. Criteria for the review of thematic mandates

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

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

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

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 substantive 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.

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

Thematic mandates, as reviewed, would be extended for a period of 3 years.

Current mandate holders could continue serving, provided they have not exceeded the 6 years term limit. On an exceptional basis, the term of those mandate holders who have served more that 6 years will be extended until the end of 2007 in order to allow the appointment of new mandate holders, as reflected in annex I.

b. Criteria for the review of geographic mandates

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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 are encouraged to 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 represent a conflict of interest with the responsibilities arising from the mandate, shall be excluded.

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

II. Election

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

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 an 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 perform certain tasks either collectively, through a smaller team or individually, but the final recommendations and conclusions of such efforts should be approved by the Committee as a whole before they are sent to the Council.

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 adopted by the Council

The Advisory Committee shall not establish any working group on its own volition, as the creation of such groups is the exclusive prerogative of the Council. At the same time the members of this collegiate body shall communicate intersessionally, individually or in teams. The Council shall, in consultation with the Committee and at a latter date, draw a detailed method of work including a program of work for it. Such a program of work shall delineate the framework of interaction between the Committee on one hand and States, the Office of the High Commissioner for Human Rights, national human rights institutions and NGOs on another.

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 (WG on indigenous populations, Minorities, Social Forum and contemporary forms of slavery), the Council shall decide upon the status of each in its sixth session (Fist 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 confidential and timely manner;

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.

III. Working Groups

Two distinct Working Groups (WG) 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 WG 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. Both WG shall work in a confidential manner, with a view to enhancing cooperation with the State concerned. 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 independent and highly-qualified experts from each of the five regional groups to constitute the Working Group on Communications (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, 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 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. 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: composition, mandate and powers

Following consultations with the Regional Groups and with due respect to geographical representation, the President of the Human Rights Council shall appoint five representatives of member States of the Council to serve in their personal capacity and to constitute the Working Group on Situations (WGS). They shall be appointed for one year. Their mandate can be renewed once, if the State concerned is a member of the Council.

In order to fill a vacancy, the President of the Human Rights Council shall, following consultations with the Regional Group, appoint a member from among all 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 WGC 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.

III. 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.

IV. 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.

V. 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 the OHCHR to provide technical cooperation, capacity building assistance and advisory services to the country 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

They 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

- 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 meeting

Rule

The Human Rights Council shall be based in Geneva.[4]

SPECIAL SESSIONS

Convening of special sessions

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.

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[4] Without prejudice to Rule 3 and any other relevant provisions of the Rules of Procedure of the General Assembly.

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 4, 2007

Annex I

Calendar for the review of thematic mandates

September 2007 Session

Mandates to be extended until the end of the September 2007 session of the Human Rights Council, in order to proceed to the review during that session.

1. Working Group on Enforced or Involuntary Disappearances
2. Special Representative of the Secretary-General on the situation of human rights defenders
3. Working Group on Arbitrary Detention
4. Special Rapporteur on adequate housing as a component of the right to an adequate standard of living
5. Special Rapporteur on the right to food
6. Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people
7. Special Rapporteur on the sale of children, child prostitution and child pornography
8. Independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of human rights, particularly economic, social and cultural rights

November-December 2007 Session

Mandates to be extended until the end of the November-December 2007 session of the Human Rights Council, in order to proceed to the review during that session.

1. Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights
2. Independent Expert on the question of human rights and extreme poverty
3. Special Rapporteur on the right to education
4. Special Rapporteur on freedom of religion or belief
5. Special Rapporteur on extrajudicial, summary or arbitrary executions
6. Special Rapporteur on trafficking in persons, especially in women and children
7. Representative of the Secretary-General on the human rights of internally displaced persons

8. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

9. Special Rapporteur on the independence of judges and lawyers

10. Special Rapporteur on violence against women, its causes and consequences

March-April 2008 Session

Mandates to be extended until the end of the March-April 2008 session of the Human Rights Council, in order to proceed to the review during that session.

1 Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

2 Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

3 Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

4 Working Group on people of African descent

5 Independent Expert on human rights and international solidarity

6 Independent Expert on minority issues

7 Special Rapporteur on the human rights of migrants

8 Special Rapporteur on the promotion and protection of human rights while countering terrorism

9 Special Representative of the SG on human rights and transnational corporations and other business enterprises

10 Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

Annex II

Terms in office of thematic mandate-holders

June 2006- June 2007

On an exceptional basis and to avoid a protection gap, the terms of the following mandate-holders would be extended until the end of the November/December 2007 session of the Human Rights Council. The Council will consider the selection of the new mandate-holders at its November/December 2007 session.

Mandate-holder	Mandate	6 years on
Mr. Joel Adebayo Adekanye	Working Group on Enforced or Involuntary Disappearances	July 2006
Ms. Hina Jilani	Special Representative of the Secretary-General on the situation of human rights defenders	August 2006
Ms. Soledad Villagra de Biedermann	Working Group on Arbitrary Detention	August 2006
Mr. Miloon Kothari	Special Rapporteur on adequate housing as a component of the right to an adequate standard of living	September 2006
Mr. Jean Ziegler	Special Rapporteur on the right to food	September 2006
Mr. Tamás Bán	Working Group on Arbitrary Detention	April 2007
Mr. Rodolfo Stavenhagen	Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people	June 2007

June 2007- June 2008

The terms of the following mandate-holders would be extended until the end of the November/December 2007 session of the Human Rights Council. The Council will consider the selection of the new mandate-holders at its November/December 2007 session.

Mandate-holder	Mandate	6 years on
Mr. Juan Miguel Petit	Special Rapporteur on the sale of children, child prostitution and child pornography	July 2007

Ms. Leila Zerrougui	Working Group on Arbitrary Detention	August 2007
Mr. Bernards Andrew Nyamwaya Mudho	Independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of human rights, particularly economic, social and cultural rights	November 2007

June 2008- June 2009

The terms of the following mandate-holders would be extended until the end of the September 2008 session of the Council. The Council will consider the selection of the new mandate-holders at its September 2008 session.

Mandate-holder	Mandate	6 years on
Mr. Doudou Diène	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	July 2008
Mr. Seyyed Mohammad Hashemi	Working Group on Arbitrary Detention	July 2008
Mr. Ambeyi Ligabo	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	August 2008
Mr. Paul Hunt	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	August 2008
Mr. Peter Lesa Kasanda Chairperson-Rapporteur	Working Group on people of African descent	August 2008
Mr. George N. Jabbour	Working Group on people of African descent	September 2008
Mr. Stephen J. Toope	Working Group on Enforced or Involuntary Disappearances	September 2008
Ms. Irina Zlatescu	Working Group on people of African descent	October 2008

The terms of the following mandate-holders would be extended until they accomplish 6 years in office, unless the Council decides otherwise at the time of the review of their mandates.

June 2009- June 2010

Mandate-holder	Mandate	6 years on
Mr. Joe Frans	Working Group on people of African descent	July 2009
Ms. Manuela Carmena Castrillo	Working Group on Arbitrary Detention	July 2009
Mr. Saeed Rajaee Khorasani	Working Group on Enforced or Involuntary Disappearances	July 2009
Ms. Yakin Ertürk	Special Rapporteur on violence against women, its causes and consequences	July 2009
Mr. Leandro Despouy	Special Rapporteur on the independence of judges and lawyers	August 2009
Mr. Darko Göttlicher	Working Group on Enforced or Involuntary Disappearances	January 2010

June 2010- June 2011

Mandate-holder	Mandate	6 years on
Mr. Okechukwu Ibeanu	Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights	July 2010 End of first term: July 2007
Mr. Arjun Sengupta	Independent Expert on the question of human rights and extreme poverty	July 2010 End of first term: July 2007
Mr. Vernor Muñoz Villalobos	Special Rapporteur on the right to education	July 2010 End of first term: July 2007

Ms. Asma Jahangir	Special Rapporteur on freedom of religion or belief	July 2010 End of first term: July 2007
Mr. Philip Alston	Special Rapporteur on extrajudicial, summary or arbitrary executions	July 2010 End of first term: July 2007
Mr. Santiago Corcuera Cabezut	Working Group on Enforced or Involuntary Disappearances	August 2010 End of first term: August 2007
Ms. Sigma Huda	Special Rapporteur on trafficking in persons, especially in women and children	October 2010 End of first term: October 2007
Mr. Walter Kälin	Representative of the Secretary-General on the human rights of internally displaced persons	September 2010 End of first term: September 2007
Mr. Manfred Nowak	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	November 2010 End of first term: November 2007

June 2011- June 2012

Mandate-holder	Mandate	6 years on
Ms. Najat Al-Hajjaji	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2011 End of first term: July 2008

Ms. Amada Benavides de Pérez	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2011 End of first term: July 2008
Mr. Alexander Ivanovich Nikitin	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2011 End of first term: July 2008
Ms. Shaista Shameem	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2011 End of first term: July 2008
Mr. Rudi Muhammad Rizki	Independent Expert on human rights and international solidarity	July 2011 End of first term: July 2008
Ms. Gay McDougall	Independent Expert on minority issues	July 2011 End of first term: July 2008
Mr. Jorge A. Bustamante	Special Rapporteur on the human rights of migrants	July 2011 End of first term: July 2008
Mr. Martin Scheinin	Special Rapporteur on the promotion and protection of human rights while countering terrorism	July 2011 End of first term: July 2008
Mr. John Ruggie	Special Representative of the SG on human rights and transnational corporations and other business enterprises	July 2011 End of first term: July 2008

Mr. José Gómez del Prado	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	October 2011 End of first term: October 2008