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HUMAN RIGHTS COUNCIL  
Fourth session  
Item 2 of the provisional agenda

**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251  
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Inter-sessional open-ended intergovernmental working group on the agenda, annual  
programme of work, methods of work and rules of procedure of the Human Rights Council  
established pursuant to Council resolution 3/4**

**SUMMARY OF THE DISCUSSION PREPARED BY THE SECRETARIAT**

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## Introduction

1. By its resolution 60/251 of 15 March 2006, the General Assembly established the Human Rights Council (the Council) and decided that it shall, *inter alia*, “apply the rules of procedure established for committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council”. It also decided “that 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” (operative paragraph 11). Further, it decided “that the methods of work of the Council shall be transparent, fair and impartial and shall enable genuine dialogue, be results-oriented, allow for subsequent follow-up discussions to recommendations and their implementation and also allow for substantive interaction with special procedures and mechanisms” (operative paragraph 12).

2. At its third session held from 29 November to 8 December 2006, the Council, in its resolution 3/4 of 8 December 2006, decided “to establish an open-ended intergovernmental, intersessional working group to formulate concrete recommendations on its agenda, its annual programme of work, its methods of work as well as its rules of procedure in accordance with General Assembly resolution 60/251, and to undertake transparent, well-scheduled and inclusive consultations, with the participation of all stakeholders” (operative paragraph 1). In the same resolution, the Council also decided “that the working group shall have at its disposal 10 days of fully serviced meetings, half of them to be scheduled before the fourth session of the Council and half of them before its fifth session, which shall allow sufficient time and flexibility for the fulfilment of its mandate” (operative paragraph 2). The Council further requested “the President of the Council to chair the working group, with the assistance, if necessary, of one or more facilitators” (operative paragraph 3).

3. Pursuant to this resolution, the President of the Council appointed the Permanent Representative of Guatemala, Mr. Carlos Ramiro Martínez, and the Permanent Representative of the Philippines, Mr. Enrique A. Manalo, as facilitators (the Facilitators) of the aforementioned working group (the Working Group).

## I. ORGANIZATION OF THE SESSION

4. The Working Group held its first session from 15 to 19 January 2007.
5. The organization of work was divided in the following two segments:
  - a) Agenda and annual programme of work: facilitated by Mr. Carlos Ramiro Martínez (Guatemala); and
  - b) Methods of work and rules of procedure: facilitated by Mr. Enrique A. Manalo (Philippines).
6. The Working Group's segment on the agenda and annual programme of work held five meetings and the one on the methods of work and rules of procedure held three meetings.
7. To assist the Working Group, the following non-papers and contributions by the Secretariat, States and groups of States were circulated to all permanent missions in Geneva. They are reproduced in full in annex III and listed below in the chronological order of their submission:
  - JUSCANZ's paper on proposed ground rules for special sessions of the Council dated 24 August 2006;
  - Philippines' draft rules of procedure for the Council dated 12 October 2006;
  - Asian Group's non-paper on working methods of the Council dated 17 November 2006;
  - Secretariat's preliminary non-paper on some issues relating to working arrangements of the Council throughout the year dated 21 November 2006;
  - European Union's non-paper on the future agenda for the Council dated 22 November 2006;
  - NAM's contribution on the agenda of the Council dated 6 December 2006, with revision dated 12 January 2007;
  - NAM's non-paper on ground rules for special sessions of the Council dated 8 December 2006;
  - African Group's contribution on the agenda of the Council dated 12 January 2007.
8. The session was attended by representatives of States members of the Council, observer States, observers for non-member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities and non-governmental organizations.

## II. AGENDA AND ANNUAL PROGRAMME OF WORK

### *Opening remarks by the Facilitator*

9. In his opening remarks, the Facilitator (Guatemala) reflected on the need for the Working Group to ensure that the objectives formulated in General Assembly resolution 60/251 be addressed both by the agenda and the annual programme of work of the Council. He also emphasised the Working Group's contribution to the institution-building of the Council by its aim in ensuring its predictability, certainty and flexibility. To guide the work of the Working

Group, the Facilitator indicated that the agenda and programme of work were complementary and therefore one could not be defined without keeping the other in mind. Without proposing to prioritise the two issues, he suggested to begin with the agenda as the programme of work should be the translation of it. He therefore suggested to differentiate one from the other in view of making them coincide in the future. He also invited delegations to reflect on the way in which the Council should plan and distribute its work, the cycle and duration of sessions and the best ways for it to meet the challenges in terms of promotion and protection of human rights of all and in every part of the world.

10. Based on the Facilitator's suggestion, the Working Group mainly discussed the issue of the agenda of the Council. In that respect, many delegations welcomed the establishment of a Working Group as it would enable the Council to organise its work through a predictable and flexible agenda. Indeed, several delegations mentioned the decisive institution-building phase of the Council during its first year of existence. In this regard, the need to ensure a proper linkage with the two processes undertaken by the intergovernmental working groups on the universal periodic review (UPR) and on the review of mandates was highlighted by a number of delegations.

#### **A. AGENDA**

11. As suggested by the Facilitator, the Working Group segment on the agenda and programme of work, began its discussion on the issue of the agenda. During the discussion, delegations mostly based their comments on and referred to, *inter alia*, the non-paper by the European Union (EU) and the contribution by the Non-Aligned Movement (NAM). For ease of reference, they are summarized below in their chronological order of submission.

12. According to the EU proposal of 22 November 2006, supported also by JUSCANZ, a light, well-structured agenda in combination with a renewable annual programme of work will ensure that the future agenda of the Council is both predictable and flexible:

- a) Predictable so that all stakeholders are provided with the clarity that certain issues of key interest to them will be discussed and acted upon during the course of a year. Also, it would allow all stakeholders to plan their activities in preparation for handling those issues and non-governmental organisations and national human rights institutions to plan their attendance;
- b) Flexible to enable issues to be spread through the year in a manner that makes operational sense (e.g. coinciding with events/reports on related issues). Also, it would enable the Council to be responsive to developments on the ground and require States to reflect annually on what issues they most want to raise, rather than assuming that every year and every session will bring the same specific issues.

13. Furthermore, in view of the EU, the agenda of the Council should be a basic one to be used for every session in order to avoid the need to renegotiate it every time. The only exception to this would be the High-level segment, which would occur only once a year and at the main session.

14. More specifically, the EU proposed that basic agenda should include the following items:

- a) Report/update by the High Commissioner for Human Rights followed by interactive dialogue (report at main session, update at others) and other reports by the High Commissioner and the Secretary-General;
- b) Urgent situations (to be notified to the President preferably 7 days prior to the start of the Council session). This would provide the necessary flexibility to complement the annual programme of work with (unforeseen) issues arising at a later stage;
- c) Reports from Special Procedures and interactive dialogue (the presentation of reports by Special Procedures to be evenly distributed throughout the year);
- d) Promotion and protection of human rights (the specific issues to be addressed would change at each session in accordance with the mechanism outlined below);
- e) Recommendations from the UPR and complaints mechanisms for decisions by the Council;
- f) Expert advice (receipt and discussion of expert advice solicited by Council);
- g) Adoption of the report of the session.

15. It was further explained that the agenda proposed by the EU would not in any manner stand in the way of the discussion of specific issues, as these would be spelled out in the detailed annual programme of work. The mechanism proposed by the EU to allocate the specific issues to be addressed under “promotion and protection of human rights” across the sessions is aimed at providing predictability and flexibility. The mechanism would function as follows: prior to the March main session, all delegations would submit to the President the issues they wish to see addressed in the Council sessions over the coming year. Then, the Bureau would agree an allocation of these issues across the sessions, taking into account the length of the session, the time available at each session, when the issue was last considered, and an even distribution of issues over the year. This would be without prejudice to: (a) the ability of delegations to withdraw proposed initiatives at any time; (b) the ability of delegations to raise urgent situations or issues, preferably 7 days prior to any session, for inclusion in the programme of work; and (c) special sessions on urgent issues that may be convened at any time, subject to the conditions set out in GA resolution 60/251. Finally, under this mechanism, the Council would agree on the preliminary annual programme of work proposed by the Bureau before the end of its March session. Therefore, with this mechanism, the Bureau would act in a manner similar to the General Committee of the General Assembly.

16. According to the proposal by NAM of 6 December 2006, also supported by the African Group, the League of Arab States, and the Organization of the Islamic Conference, the agenda should be a standard one and items on the agenda should be allocated to each of its sessions in an equitable and balanced manner and also allow for effective participation of developing countries and non-governmental organisations. Further, the agenda of the Council should promote and advance sustainable development, through programmes and partnerships with governments and it should also promote the eradication of extreme poverty and hunger and the achievement of internationally agreed development goals, including the Millennium Development Goals. In this regard, the NAM called the Council to agree on a program that will lead to the elevation of the

right to development to the same level and on a par with all other human rights and fundamental freedoms, elaborated in the core human rights instruments.

17. NAM's proposal of principles guiding the definition of the agenda is as follows:
  - a) Predictability to provide all stakeholders with the clarity of the program of work of the Council, and to allow for all stakeholders to plan their activities and attendance to the meetings of the Council;
  - b) Transparency to strengthen the confidence building process and the climate of genuine dialogue and cooperation needed;
  - c) Accountability to facilitate the preparation for interactive dialogues with mandate holders, and the interaction with the rest of the components of the UN human rights machinery;
  - d) Balance to ensure that all human rights, civil, cultural, economic, political, social and the right to development, be universal, indivisible, interdependent and interrelated and treated in an equal footing and with the same emphasis;
  - e) Objectivity, impartiality and non-selectivity to eliminate double standards and political manipulation, to avoid confrontation and promote cooperation, genuine dialogue and respect for cultural and religious diversity as well as national and regional particularities;
  - f) Flexibility to enable the Council to consider emerging issues as needed. Further, that the Council should have only one agenda.
  
18. It is explained in the NAM proposal that the Council will decide in an annual programme of work allocating the consideration of its agenda items throughout the year. The only exception to this would be the High-level segment, which would occur only once a year at the main session.
  
19. The agenda as proposed by the NAM, incorporating also its revision dated 12 January 2007 (highlight in bold), includes the following:
  - a) Implementation of General Assembly resolution 48/141, including the annual report of the High Commissioner for Human Rights (report at the main session) and the effective functioning of the Office of the High Commissioner for Human Rights;
  - b) The realization of the right to development;
  - c) Economic, social and cultural rights;
  - d) Civil and political rights;
  - e) Racism, racial discrimination, xenophobia and related intolerance. Comprehensive follow-up to and implementation of the Durban Declaration and Program of Action

(sub-items under this agenda will be developed in the future. The **issue** of incitement to racial and religious hatred **could be considered both under item d) and e)**);

- f) Promotion and protection of the rights of peoples, groups and individuals (children, women, indigenous peoples, minorities, migrants, migrant workers, persons with disabilities, human rights defenders, human rights of civilians in armed conflict and others recognized as such **in the United Nations Charter and** in international human rights law);
- g) Situation of human rights in the occupied Palestinian territory and the occupied Syrian Golan:
  - 1. Violations of human rights in the occupied Palestinian territory and the occupied Syrian Golan;
  - 2. Right to self-determination of the Palestinian people.
- h) Report of the expert advice body and the complaint mechanism;
- i) Effective functioning of human rights mechanisms;
- j) Universal Periodic Review;
- k) Capacity-building and technical cooperation;
- l) Adoption of the report of the session.

#### *Distinction between agenda and annual programme of work*

20. It was felt that a distinction should be made between the agenda and annual programme of work so as to avoid any confusion during the discussion. It was stressed that the agenda should provide the basic and general framework for the Council's work, while the programme of work should define at which session to discuss each substantive theme. Further elaborating on this distinction, it was stated that the agenda should dictate the programme of work and not the other way round, and that by looking at the agenda one should be able to tell generally what issues are to be discussed without looking into the programme of work, which is more technical in nature.

21. Whilst the distinction between the agenda and the programme of work appeared clear to most participants, there were different views on what to include in each document. It was suggested to draft in parallel the agenda and the programme of work by including the latter as an annex to the agenda.

#### *Guiding principles*

22. With regard to the general principles that should guide or inspire the agenda and programme of work of the Council, frequent reference was made to the principles contained in General Assembly resolution 60/251, and more specifically to operative paragraph 4 which states that "the work of the Council shall 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”.

23. Additional general principles that were mentioned included accountability, balance, clarity, comprehensiveness, equity, flexibility, focused on implementation, foreseeable, inclusiveness, non-discrimination, of generic character, participation, predictability, responsibility, results-oriented, transparency.

24. There was further elaboration on these general principles, especially on how to ensure that the agenda is both predictable, so that all stakeholders can participate, and flexible, so that any issue can be raised at any time. Views diverged on whether the agenda of the Council should be broad and basic or well-structured and detailed. Those in favour of the proposal referred to in paragraphs 9 to 12 above stated that a basic, generic and broad agenda would avoid the Council renegotiating every year its agenda and that it would ensure predictability both through the agenda itself and the programme of work. In their view, the main advantage of a basic agenda would be the Council's ability to deal with issues in a comprehensive and holistic manner. Also, it was stressed that flexibility would be ensured as the Council would be able to address any issue at any time and at any session. Those in favour of the proposal detailed in paragraphs 13 to 16 above mentioned that a standard, well-structured and detailed agenda would ensure predictability and transparency by enumerating all the substantive items that the Council should address as matter of priority throughout the year.

25. The need was emphasized for the agenda to address all rights on an equal footing, and reference was made to the universality, indivisibility, interdependence and interrelatedness of all human rights. Furthermore, the need was stressed for a balance in the treatment of all human rights, by highlighting both civil and political rights and economic, social and cultural rights, including the right to development.

#### *Items and themes*

26. The Facilitator suggested to the participants to explain what they understood by generic and specific items and/or themes. The respective merits of the two proposals presented by the EU and the NAM (see paragraphs 9 to 16 above) were discussed. Those in favour of the NAM proposal pointed out that the item proposed by the EU on “promotion and protection of human rights” was not appropriate as an agenda item because it was in fact the very mandate of the Council as established by the General Assembly. Those in favour of the EU proposal pointed out that the item “promotion and protection of human rights” covered all human rights issues and that in this proposal there was a specific mechanism to address all issues in the course of a year, whereby the Bureau of the Council acts in a similar manner to the General Committee of the General Assembly. Reference was also made to issues contained in the agenda of the former Commission on Human Rights. It was also suggested that specific themes under the item “promotion and protection of human rights” should be determined on an annual basis as proposed in advance by States.

27. In addition to the above mentioned proposals by groups of States, suggested items or themes by one or more delegations to be included in the agenda and/or programme of work

included the following, listed in alphabetical order, and to the extent possible, reproduced *verbatim*. It was, however, repeatedly pointed out that any such list would not be exhaustive.

- Adoption/approval of agenda and/or programme of work of the session;
- Any situations;
- Capacity building and technical cooperation;
- Child/children;
- Civil and political rights;
- Complaint procedure, report of;
- Conscientious objection to military service;
- Country-specific situations, including occupied territories and the right to self-determination;
- Current themes and situations, including the occupied Palestinian territory;
- Death penalty;
- Defamation of religions and incitement to religious and racial hatred;
- Disability/disabled;
- Disappearances and summary executions;
- Discrimination, racial and religious;
- Displaced persons;
- Durban Declaration and Programme of Action, follow up and implementation;
- Economic, social and cultural rights, including the right to development, and civil and political rights, also links between;
- Economic, social and cultural rights, including the right to development;
- Education;
- Effective functioning of human rights mechanisms;
- Emerging themes/issues;
- Expert advice, report of;
- Follow-up to all those mandated to make recommendations to the Council;
- Follow-up to conferences and summits of the UN;
- Follow-up to Council's decisions, recommendations, and/or resolutions;
- Follow-up to Council's special sessions;
- Follow-up to Council's working groups;
- Follow-up to/implementation of recommendations of special rapporteurs;
- Foreign occupation, especially in the occupied Palestinian territory;
- Freedom of expression;
- Gender;
- High Commissioner, update/report and interactive dialogue;
- High-level segment;
- Human rights defenders;
- Human rights education;
- Human rights situation in Palestine and other occupied Arab territories;
- Human rights situations requiring the attention of the Council;
- Illiteracy;

- Implementation of General Assembly resolution 48/141, including the annual report of the High Commissioner and the effective functioning of the Office of the High Commissioner;
- Implementation, of human rights instruments;
- Implementation, such as follow-up measures and cooperation among stakeholders;
- Impunity;
- Incitement to racial and religious hatred;
- Independence of the judiciary;
- Indigenous peoples/issues;
- Innovative ways, seminars, panel discussions;
- Migrant workers;
- Migrants;
- Minorities;
- New initiatives or situations;
- Office of the High Commissioner, administrative report/report on administrative activities;
- Office of the High Commissioner, report;
- Other issues;
- Paedophilia;
- Panel discussions on implementation challenges interspersed with interactive dialogue of special procedures mandate holders;
- Poverty/extreme poverty;
- Presentation of reports; including annual report of the High Commissioner, reports of the expert and complaints mechanisms;
- Procedural actions/decisions, including mandate extensions;
- Promotion and protection of human rights and fundamental freedoms;
- Promotion and protection of human rights, specific issues or themes;
- Promotion and protection of human rights: Economic social and cultural rights, including the right to development; Civil and political rights; Country-specific situations, including occupied territories and right to self-determination;
- Promotion and protection of the rights of peoples, groups and individuals as enshrined in the United Nations Charter;
- Promotion and protection of the rights of peoples, groups and individuals (children, women, indigenous peoples, minorities, migrants, migrant workers, persons with disabilities, human rights defenders, human rights of civilians in armed conflict and others recognised as such in the UN Charter and in international human rights law);
- Promotion and protection of the rights of various vulnerable groups;
- Racism, racial discrimination, xenophobia and related intolerance;
- Racism, racial discrimination, xenophobia and related intolerance. Comprehensive follow-up to and implementation of the Durban Declaration and Program of Action;
- Religion;
- Religious tolerance/intolerance;
- Report of the session, adoption;
- Report of the Working Group on Situations;

- Reports of inter-governmental working groups (effective implementation/follow-up of the Durban Declaration and Programme of Action, right to development, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights);
- Right to development, also realisation of;
- Right to education;
- Right to food;
- Right to health;
- Right to truth, justice and reparation;
- Secretary-General, reports of;
- Self-determination; also right to; and right to self-determination of the Palestinian people;
- Sexual orientation;
- Situation of human rights in the occupied Palestinian territory and the occupied Syrian Golan: 1. Violations of human rights in the occupied Palestinian territory and in the occupied Syrian Golan; 2. Right to self-determination of the Palestinian people;
- Situation of human rights in the occupied Palestinian territory and the occupied Syrian Golan;
- Situations and subjects of current concern;
- Special procedures, follow-up and implementation;
- Special procedures, reports of and interactive dialogue;
- Specific situations of human rights violations;
- States of emergency;
- Technical assistance and capacity building;
- Torture and detention;
- Trafficking in women and girls;
- UPR, reports/recommendations/decisions, including technical capacity;
- Urgent situations or emerging issues or other issues;
- Violations of human rights in the occupied Palestinian territory and the occupied Syrian Golan;
- Violence against women and children;
- Vulnerable groups and individuals;
- Women, also violence against;
- Working groups, reports/recommendations and other consultative mechanisms.

28. It was also suggested that the consideration of reports of special rapporteurs and the interactive dialogues with them may be spread out throughout the year and that they should be scheduled under the relevant items or themes.

29. On the specific issue of the human rights situation in Palestine and other occupied Arab territories, a need for a separate and permanent or standing item on the situation of human rights in the occupied Palestinian territory and the occupied Syrian Golan was emphasised by all those in support of the proposal referred to in paragraphs 13 to 16 above. This permanent or standing item would include two sub-items, namely, 1). violations of human rights in the occupied Palestinian territory and the occupied Syrian Golan, and 2). the right to self-determination of the Palestinian people. It was stated that the human rights situation in the occupied Palestinian

territory required the full attention of the Council until such time as the occupation ends due to the gravity of the human rights violations on the ground. Reference was also made to Council's decision 1/106 adopted at its first session, in support of incorporating this issue in the following sessions of the Council.

30. Those in support of the proposal referred to in paragraphs 9 to 12 above were opposed to establishing a standing item on specific country situations. It was stated that no specific human rights situation should be singled out as a permanent item on the agenda.

31. In the course of the discussion, alternative proposals were put forward by individual delegations. In one instance, it was proposed that the issue of human rights situation in the occupied Palestinian territory could be dealt with under a specific agenda item on "urgent situations", "emerging themes or issues", or "current issues", but this was opposed by those who argued that the issue of Palestine is not an "emerging" issue. In another instance, a suggestion was made that the agenda could include an item on foreign occupation, in particular with regard to the occupied Palestinian territory, and possibly an item on self-determination.

32. More generally, it was pointed out that the determination of what is "urgent" is subjective, and a more neutral term was proposed, such as "any situations". The view was also expressed that an agenda item on "other issues" could be used as a means for delegations to raise any issue at any time and at any session.

33. At the 3rd meeting, on 17 January 2007, the Facilitator presented and distributed a non-paper entitled "Document for guiding the dialogue and discussion" dated 16 January 2006 10 a.m. (see annex IV) in which he tried to include comments and suggestions made at the first meetings of the Working Group devoted to the agenda and programme of work.

34. In the course of the discussion, the question was also raised as to whether the Council should use other means to address thematic issues through, for example, panels, seminars or round-tables. Some reservations were expressed in this regard, and the relevance and added-value of such mechanisms were questioned. The methods of selection of topics for such discussions were queried. Those in favour of such mechanisms commended their merit in opening up discussion on thematic issues with a specific focus.

## **B. PROGRAMME OF WORK**

35. The Working Group segment on the agenda and annual programme of work also addressed the issue of the number, frequency, duration and cycle of sessions.

36. In relation to number and frequency, there were different views as to whether the Council should hold three or four sessions per year. Those in favour of four sessions per year advanced the argument that the Council should be able to have a better distribution and thorough discussion of issues and items throughout the year. At the same time, reference was made to the workload and resource constraints of small delegations and delegations from developing countries.

37. In connection with the duration of the sessions of the Council, it was pointed out that the main session of the Council should be the longest one. Some delegations stated that they were open and flexible on the number and duration of the sessions of the Council.

38. It was pointed out that the time allocated to plenary meetings should also include the UPR which may be either spread among the sessions or allocated to a specific session. The issue was also discussed whether or not the UPR should be included in the annual ten-week total of Council meetings. It was stated that this also depended on the role, if any, of sub-committees or other subsidiary body of the Council, and those in favour of such proposal stated that only the outcome of such body should be considered by the Council during its plenary session(s). However, many delegations reserved their position on the issue until the process of developing the UPR is finalised.

39. In relation to the annual cycle of the Council, there was no common view as to whether it should run from June to June, March to March, or January to December. However, it was pointed out that this matter should be considered in conjunction with the issues of the annual report by the Council to its parent body and the membership cycle. It was also pointed out that the scheduling of the main session of the Council should not coincide with annual sessions of the General Assembly and meetings of its Third Committee.

40. Other issues discussed included the scheduling of the main session, and whether or not it should include the consideration of the report of the High Commissioner for Human Rights and the High-level segment.

### **III. METHODS OF WORK AND RULES OF PROCEDURE**

41. In his opening statement, the Facilitator (Philippines) outlined that there inevitably existed cross-cutting issues between the two segments of the Working Group. Therefore, the Facilitator expressed the wish to avoid duplications to the extent possible. To this end, he submitted a non-paper/discussion paper, identifying the following topics to serve as a basis for the discussion (see annex IV):

- I. Scope of work on working methods;
- II. Rules of procedure;
- III. Special sessions.

42. During the discussion, a number of delegations based their comments on and referred to the written contributions and proposals which had been circulated prior to the meetings of the Working Group, reproduced in full (in the chronological order of their submission) in annex III for ease of reference.

#### **A. METHODS OF WORK**

43. With regard to the first item, the non-paper set out a strategy for the discussion highlighting the need for the Council to develop an “Institutional structure, including informal arrangements or new formal arrangements” of its work, as well as the possibility to explore

“Innovative ways of working: new working ethics” and “New outcomes (other than resolutions)” such as recommendations, findings or conclusions. The non-paper also made reference to the issue of “How to deal with working methods outcome”, namely, whether it should be reflected in a resolution or decision, or directly in the rules of procedure. The Asian Group proposal on working methods of the Council was also referred to during the course of the discussions.

44. During the discussion, it was generally agreed that the methods of work should be transparent, fair, impartial and result-oriented. Methods of work should enable genuine dialogue, promote cooperation and understanding with a view to enhancing transparency, predictability, inclusiveness and the efficiency of the Council. Methods of work should also be geared towards implementation and follow-up. It was stressed however that the Council’s working methods remain flexible in order to adjust to changing situations.

45. On issues of institutional structure, the role of the Council Presidency was discussed. Views were expressed in support of the President of the Council or the Bureau holding open-ended consultations on resolutions, decisions and other initiatives. The holding of open-ended organisational meetings before the opening of each session of the Council devoted, for example, to issues such as the election of members of the Bureau or the adoption of a programme of work was also discussed. The proposal for a possible role of an expanded Bureau was stressed by the African Group in this regard.

46. Diverging opinions were expressed on the possibility of holding meetings limited to the members of the Council. Those in favour of such a proposal considered that members of the Council could meet on matters relating to urgent issues of a non-substantive nature. Those who did not support the proposal noted that very few issues dealt with by the Council are of a non-substantive nature.

47. While there was a general positive view of the proposal in the Facilitator’s non-paper on open-ended consultations of the President on resolutions, decisions, *et cetera*, it was felt that these consultations and meetings should exclusively serve as information-sharing *fora* in order to allow delegations to assess the status of negotiations from “a bird’s-eye point of view”. It was felt that any use of them as negotiating *fora* was inappropriate.

48. It was also expressed that open-ended consultations convened by the President to give an update on the status of draft texts should be limited to those cases in which such consultations represent a real added value, as information on draft texts is made available to all delegations by the Secretariat, in particular through the Council’s extranet page. At the same time, it was stated that the convening of open-ended consultations should primarily remain the responsibility of the main sponsor of a text and not of the President of the Council.

49. The debate also seemed to highlight the idea of holding at least one open-ended informal consultation on each text. In these circumstances, the possibility to establish a specific deadline for delegations to submit draft texts before the Council was discussed. A proposal was put forth that delegations submit their draft texts preferably no later than the penultimate week of the Council’s session. However, the opportunity to consider some exceptions was also stressed.

50. There was discussion on the proposal in the Facilitator’s non-paper on the holding by the President of informal consultations or meetings on prospective resolutions and decisions. In this

regard, the Facilitator stated this proposal was based on a similar practice used in preparing for the former Commission on Human Rights. Delegations who spoke on this seemed receptive to the proposal.

51. Reference was made to the need to ensure effective participation of all delegations, especially those with limited staff, in all Council's activities, including informal consultations. In this respect, it was proposed to inform all delegations of the schedule of informal consultations in a timely manner.

52. On the organisation of work, delegations exchanged views on the number of sessions that should be held during the year. While it was recalled that the Council should hold no fewer than three sessions of at least ten weeks per year, with equitable distribution of work and reasonable intervals between the sessions, it was also pointed out that the number of sessions as well as their duration would also depend on issues, such as the outcome of the discussions on the UPR. Any assessment of the issue would accordingly be premature at this stage.

53. It was suggested that the interactive dialogues with the special procedures, the High Commissioner and other experts take place during each session of the Council in order to provide for spacing of meetings with the special procedures. In this respect, the need to set specific timings, indicated in advance, with a view to facilitate the participation of all concerned, was discussed. Delegations also debated the issue of holding high-level segments.

54. On the issue of new methods of work, delegations evaluated the proposal of establishing panel discussions with States, the Office of the High Commissioner for Human Rights, national human rights institutions, non-governmental organisations and other relevant stakeholders. Reference was made in this regard to the panel discussion on the challenges of implementing human rights programmes, held during the third regular session of the Council.

55. Those in favour of such a proposal considered that panel discussions could help the Council to deal with human rights issues and to enhance collaborative rather than confrontational modes of behaviour. They also referred to the strengthened participation of non-governmental organisations in the interactive dialogues held during the second regular session and, more generally, to the need of ensuring the effective participation of all stakeholders during regular and special sessions of the Council.

56. Those who did not support such a proposal, felt that the Council should aim at achieving operational outcomes. It should focus on its intergovernmental nature and seek to adopt new methods to achieve substantive outcomes. In this respect, they noted that panel discussions were not an entirely new proposal. Reference was made to the past practice in the former Commission on Human Rights as evidence that panel discussions or similar arrangements tended to complicate its work, since even the choice of the subject of panel debates triggered complex and lengthy discussions. Delegations welcomed the proposal of the Secretariat to circulate a compilation of special debates held by the former Commission on Human Rights. It was also stated that the second regular session of the Council should not be taken as an example and should not serve as precedent.

57. Another option that was put forward in the debate was to have panel discussions only if and when necessary. However, it was stressed that panel discussions should not substitute the



traditional ways of pronouncing positions on issues through resolutions or decisions. Panel discussions should be used as *fora* for open, not outcome driven, dialogue on various thematic issues.

58. Delegations also exchanged opinions on how to rationalize the work of the Council by, for example, exercising restraint in resorting to repetitive resolutions every year. The debate highlighted that delegations generally favoured such an approach. However, it was stressed that no limitations should be imposed on the right of delegations to submit texts.

59. The relationship between the Council and the General Assembly, namely, the issue of whether and how to ensure a better coordination of initiatives of the Council and the General Assembly, with particular regard to the Third Committee, was also discussed.

60. The debate also touched upon the status of recommendations by special procedures, the High Commissioner or the Secretariat which are not formally endorsed by the Council. Whilst it was recognised that such recommendations could not be binding, it was also felt that, regardless of their nature, such recommendations provide valuable expert input and should be taken into account by all parties concerned.

## **B. RULES OF PROCEDURE**

61. With regard to the rules of procedure, there were delegations which expressed the opinion that the Council was presently working in a transitional period, during which General Assembly rules of procedure, and other rules and practices, have been used. Hence, for the sake of transparency and predictability there was an urgent need for codifying the Council's own rules of procedure.

62. On the other hand, opinions were expressed favouring that the Council should continue to work on the basis of the rules of procedure established for committees of the General Assembly, as the recent practice had shown that this framework provides for an effective basis and sufficient ground for the work of the Council.

63. In relation to the rules of procedure, the issue of the *quorum* in the work of the Council as it appeared in the non-paper proposed by the Philippines was discussed.

64. On the issue of special sessions, the JUSCANZ, supported by the EU, considered it beneficial to elaborate a separate set of ground rules for special sessions. The proposed rules, as contained in the JUSCANZ's paper of 24 August 2006, were as follows:

- a) States initiating the convening of a special session should accompany their request with a specific description of the human rights violations that give rise to the request;
- b) In determining the date for holding a special session, the urgency of the situation must be balanced against the need to allow for adequate preparation. To promote predictability, a benchmark time period, for example four working days, should be established between the receipt of the request for a special session and its convening;

- c) If the requesting States, or any other State, intend to present a draft resolution or decision, this text should be made available as soon as possible and not later than 48 hours (two working days) prior to the convening of the special session;
- d) At least one open-ended consultation on the text of any draft resolution or decision should be held before the convening of the session to permit amendments to be considered prior to formal tabling of text in plenary with a view to achieving consensus if possible;
- e) The Office of the High Commissioner should, where feasible, provide a background note regarding the situation that is the subject of the request for a special session, including information on any relevant UN organs and mechanisms already seized of the matter and circulate this note prior to the convening of the session. Special session documentation should be made available to all States in a transparent manner;
- f) The High Commissioner or her representative should address the situation at the beginning of a special session;
- g) If the President needs to consult on the conduct of a special session before and/or after its opening, this should be done in a manner that provides for equitable regional representation and involves all the key concerned parties to the issue at hand;
- h) A special session should be result-oriented and geared to achieving practical outcomes, the implementation of which can be monitored and reported on at the next regular session of the Council;
- i) As a general principle, once a special session has been held on a given subject, no further special sessions should be convened on the same subject until a regular Council session has taken up the issue.

65. The NAM, supported also by the interventions of the African Group, League of Arab States and the Organization of the Islamic Conference, considered the JUSCANZ's proposal as being incompatible with the flexibility that the Council should enjoy to promptly and effectively respond to urgent matters. They proposed the following ground rules for special sessions, as contained in NAM's non-paper of 8 December 2006.

- a) The request for a special session of the Council following the requirement established in paragraph 10 General Assembly resolution 60/251 will be submitted to the President and to the Secretariat of the Council. The request shall specify the title of the meeting;
- b) The Secretariat of the Council shall immediately communicate the request 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 with ECOSOC by the most expeditious means of communication;

- c) The special session will be convened as soon as possible, not earlier than two working days and not later than five days after the request has been formally submitted as established in paragraph 1;
- d) The duration of the special session shall, in principle, not exceed three days (six working sessions);
- e) The President of the Council will make consultations, including with the key concerned States, on the conduct of the special session. Members of the Council and concerned States shall be given sufficient time for delivering their statements. Observer States should also be granted the opportunity to duly participate in the debate. The specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations in consultative status with ECOSOC could also contribute to the special session as decided by the Council;
- f) The rules of procedure of special sessions shall be the rules of procedure applied for regular sessions of the Council.

66. The discussion highlighted that the two proposals did not seem to be totally incompatible and that areas of convergence could be identified. The Facilitator offered to try bridging the differences.

67. The issue of the starting date of the term of membership of Council members was also discussed. Delegations mainly considered three possibilities: the date of the election of the members of the Council (9 May 2006), the date of the convening of the first session of the Council (19 June 2006), or the date when the Commission on Human Rights ceased to exist (16 June 2006).

68. As requested, the Secretariat confirmed that the effective date of membership was 19 June 2006.

69. Another issue raised by delegations was the nature of the Council. In this connection, it was stressed that the use of the phrase "standing body" was inappropriate and contradictory with the tenor of General Assembly resolution 60/251.

#### **IV. FINAL REMARKS**

70. With regard to the segment dedicated to the agenda and the annual programme of work, the Facilitator (Guatemala) made the following remarks on the subsequent work of the Working Group:

- a) That there is a need to arrive at a common understanding on the relationship between the agenda and the programme of work;
- b) Proposals were presented as input for the work of the first session of the Working Group, which turned out to be the basis on which a constructive debate about the

agenda and the programme of work was initiated. Now, at the end of the first session, it will be healthy to continue discussions on the basis of a new document;

- c) Before the second session of the Working Group, scheduled to begin in April 2007, the Facilitator will prepare a new document which will take into account the views expressed during this first session of the Working Group. The Facilitator hopes that this new document can serve as the basis for future discussions to reach consensus on the matter; and
- d) During the fourth session of the Council, the Facilitator will present his progress report on the work carried out during the first session of the Working Group with a view to inform the Council on the status of the debate.

71. With regard to the segment dedicated to the methods of work and rules of procedures, the Facilitator (Philippines) made the following remarks on the subsequent work of the Working Group:

- a) The Facilitator will prepare a revised discussion paper taking into account the views expressed on the Facilitator's initial discussion paper and on related issues in the deliberations of the Working Group in order to carry the work forward in the second session of the Working Group in April 2007;
- b) The Facilitator intends to continue work on the rules of procedure. To facilitate consideration of this matter by the Working Group, the Facilitator will prepare documentation as well as use the non-paper prepared by the Philippines, to help focus discussions, especially on those procedures that are already being followed by the Council but not contained in the rules of procedure for Committees of the General Assembly; and
- c) On special sessions, the Facilitator will prepare a text that would seek to marry the NAM and JUSCANZ proposals on ground rules for special sessions, for consideration by the second session of the Working Group, with a view to reaching a consensus on this issue.

## ANNEXES

### ANNEX I

#### **Council resolution 3/4. Implementation of General Assembly resolution 60/251: agenda, annual programme of work, methods of work and rules of procedure of the Human Rights Council**

*The Human Rights Council,*

*Recalling* its decisions 1/103, 1/104 and 1/105 of 30 June 2006,

*Underlining* the importance of a comprehensive implementation of General Assembly resolution 60/251 of 15 March 2006,

*Taking into account* the debate held during its third session on these issues,

1. *Decides* to establish an open-ended intergovernmental, intersessional working group to formulate concrete recommendations on its agenda, its annual programme of work, its methods of work as well as its rules of procedure in accordance with General Assembly resolution 60/251, and to undertake transparent, well-scheduled and inclusive consultations, with the participation of all stakeholders;
2. *Decides also* that the working group shall have at its disposal 10 days of fully serviced meetings, half of them to be scheduled before the fourth session of the Human Rights Council and half of them before its fifth session, which shall allow sufficient time and flexibility for the fulfilment of its mandate;
3. *Requests* the President of the Council to chair the working group with the assistance, if necessary, of one or more Facilitators;
4. *Requests also* the Office of the United Nations High Commissioner for Human Rights to provide the working group with any background information it may require on these issues;
5. *Requests further* the working group to report to the Council at its fourth session on progress made thereon.

*Adopted without a vote*  
*13<sup>th</sup> meeting*  
*8 December 2006*

ANNEX II

**Timetable of meetings of the Working Group**

	<b>Morning</b>	<b>Afternoon</b>
<b>Monday 15 January</b>	Agenda & annual programme of Work <i>Facilitator: Guatemala</i>	Methods of work & rules of procedure <i>Facilitator: Philippines</i>
<b>Tuesday 16 January</b>	Agenda & annual programme of Work <i>Facilitator: Guatemala</i>	Methods of work & rules of procedure <i>Facilitator: Philippines</i>
<b>Wednesday 17 January</b>	Agenda & annual programme of Work <i>Facilitator: Guatemala</i>	Methods of work & rules of procedure <i>Facilitator: Philippines</i>
<b>Thursday 18 January</b>	Agenda & annual programme of Work <i>Facilitator: Guatemala</i>	
<b>Friday 19 January</b>	Agenda & annual programme of Work <i>Facilitator: Guatemala</i>	

## ANNEX III

### **Written contributions considered by the Working Group**

(listed in the chronological order of their submission)

#### **JUSCANZ's paper on proposed ground rules for special sessions of the Council, dated 24 August 2006**

In order to promote effective use of the special session provision of the HRC it would be beneficial to elaborate some ground rules or best practices in keeping with the guidance of UNGA60/251:

1. States initiating the convening of a special session should accompany their request with a specific description of the human rights violations that give rise to the request.
2. In determining the date for holding a special session, the urgency of the situation must be balanced against the need to allow for adequate preparation. To promote predictability, a benchmark time period, for example 4 working days, should be established between receipt of the request for a special session and its convening.
3. If the requesting (or other) States intend to present a draft resolution or decision before the special session, this text should be made available as soon as possible and not later than 48 hours (2 working days) prior to the convening of the special session.
4. At least one open-ended consultation on the text of any draft resolution or decision should be held before the convening of the session to permit amendments to be considered prior to tabling in plenary with a view to achieving consensus if possible.
5. The OHCHR should, where feasible, provide a background note regarding the situation that is the subject of the request for a special session, including information on any relevant UN organs and mechanisms already seized of the matter and circulate this note prior to the convening of the session. Special session documentation should be made available to all States in a transparent manner.
6. The HCHR or her representative should address the situation at the beginning of a special session.
7. If the President needs to consult on the conduct of a special session before and/or after its opening, this should be done in a manner that provides for equitable regional representation and involves all the key concerned parties to the issue at hand.
8. A special session should be results oriented and geared to achieving practical outcomes, the implementation of which can be monitored and reported on at the next regular session of the HRC.

As a general principle, once a special session has been held on a given subject, no further special sessions should be convened on this same subject until a regular HRC session has taken up the issue.

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**Philippines' draft rules of procedure for the Council  
dated 12 October 2006**

I. SESSIONS

REGULAR SESSIONS

*Number of sessions*

**Rule 1 [OP10, GA resolution 60/251]<sup>1</sup>**

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

*Place of meeting*

**Rule 2 [3]**

The Human Rights Council shall meet in the United Nations Office in Geneva, Switzerland.

*Notification of session*

**Rule 3 [5]**

The Office of the High Commissioner shall notify the Members and observers<sup>2</sup> of the United Nations, at least \_\_\_days in advance, of the opening of a regular session of the Council.

*Temporary adjournment of session*

**Rule 4 [6]**

The Human Rights Council may decide at any session to adjourn temporarily and resume its meetings at a later date.

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<sup>1</sup> [denotes based on relevant rule of GA Rules of Procedure unless stated otherwise]

<sup>2</sup> see Rule 9



## SPECIAL SESSIONS

### *Summoning of special sessions*

#### **Rule 5 [OP10, GA resolution 60/251]**

The Human Rights Council shall be able to 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.

### *Notification of special session*

#### **Rule 6 [8]**

Special sessions of the Council shall be convened within \_\_\_\_ days of the receipt by the Office of the High Commissioner of a request for such a session as provided in Rule 6.

#### **Rule 7 [18]**

The Office of the High Commissioner shall notify the members and observers at least \_\_\_\_ days before the date fixed for the opening of a special session.

## II. PARTICIPATION OF NON-MEMBERS OF THE COUNCIL

#### **Rule 8 [OP11, GA resolution 60/251]**

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.

## III. ORGANIZATION OF WORK AND AGENDA FOR REGULAR SESSIONS

### *Organization of work*

#### **Rule 9 [new]**

At the beginning of each Council-year, the Council shall adopt a program of work for each session for the 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.

*Adoption of the agenda*

**Rule 10 [12]**

At each session the provisional agenda shall be submitted to the Council for approval as soon as possible after the opening of the session.

*Amendment and deletion of items*

**Rule 11 [13]**

Items on the agenda may be amended or deleted by the Council by a majority of the members present and voting.

*Debate on inclusion of items*

**Rule 12 [23]**

Debate on the inclusion of an item in the agenda, when that item has been recommended for inclusion by the Council, shall be limited to three Members in favour of, and three against, the inclusion. The President may limit the time to be allowed to speakers under this rule.

**IV. DELEGATIONS**

*Composition*

**Rule 13 [25]**

The delegations of each Member and observer shall consist of not more than five representatives and five alternate representatives and as many advisers, technical advisers, experts and persons of similar status as may be required by the delegation.

*Alternates*

**Rule 14 [26]**

An alternate representative may act as a representative upon designation by the chairman of the delegation.

**V. CREDENTIALS**

*Submission of credentials*

**Rule 15 [27]**

The credentials of representatives and the names of members of a delegation shall be submitted to the Office of the High Commissioner if possible not less than one week before the

opening of the session. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.

## **VI. PRESIDENT AND VICE-PRESIDENTS**

### *Temporary President*

#### **Rule 16 [30]**

At the first session of each Council year, the chairman of that delegation from which the President of the previous session was elected shall preside until the Council has elected a President for the year.

### *Elections*

#### **Rule 17 [para 1, Rule 18, ECOSOC]**

(a) Each year, at the commencement of its first meeting, the Council shall elect a President and four Vice Presidents<sup>3</sup> from among the representatives of its members. The President and the Vice-Presidents shall constitute the Bureau.

(b) One of the Vice-Presidents shall serve as Rapporteur. [new]

### *Term of Office*

#### **Rule 18 [new]**

The President and the Vice-Presidents shall, subject to Rule 20, hold office for a period of one year. They shall not be eligible for re-election.

### *Absence of officers*

#### **Rule 19 [105]**

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 20, 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 [para 2, Rule 20, ECOSOC].

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<sup>3</sup> 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.

*Replacement of the President or a Vice-President*

**Rule 20 [22 of ECOSOC]**

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.

*Functions of the President*

**Rule 21 [106]**

The President shall declare the opening and closing of each meeting of the Council, direct its discussions, ensure observance of these rules, accord the right to speak, put questions and announce decisions. He/she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings at any meeting and over the maintenance of order thereat. The President may, in the course of the discussion of an item, propose to the Council the limitation of the time to be allowed to speakers, the closure of the list of speakers or the closure of the debate. He/she may also propose the suspension or the adjournment of the meeting or the adjournment of the debate on the item under discussion.

**Rule 22 [107]**

The President, in the exercise of his/her functions, remains under the authority of the Council.

*The President shall not vote*

**Rule 23 [104]**

The President of the Council shall not vote, but another member of his/her delegation may vote in his/her place.

**VII. SECRETARIAT**

*Duties of the Secretariat*

**Rule 24 [47]**

The Office of the High Commissioner shall act as Secretariat for the Council. In this regard, it shall receive, translate, print and distribute 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 work which the Council may require.

## VIII. LANGUAGES

### *Official and working languages*

#### **Rule 25 [51]**

Arabic, Chinese, English, French, Russian and Spanish shall be both the official and the working languages of the Council.

### *Interpretation*

#### **Rule 26 [52]**

Speeches made in any of the six languages of the Council shall be interpreted into the other five languages.

#### **Rule 27 [53]**

Any representative may make a speech in a language other than the languages of the Council. In this case, he/she shall provide for interpretation into one of the languages of the Council. Interpretation into the other languages of the Council by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

### *Languages of verbatim and summary records*

#### **Rule 28 [54]**

Verbatim or summary records shall be drawn up as soon as possible in the languages of the Council.

### *Languages of resolutions and other documents*

#### **Rule 29 [55]**

All resolutions and other documents shall be published in the languages of the Council.

### *Publications in languages other than the languages of the Council*

#### **Rule 30 [56]**

Documents of the Council shall, if the Council so decides, be published in any language other than the languages of the Council.

## IX. RECORDS AND REPORT

### *Records and sound recordings of meetings*

#### **Rule 31 [58]**

(a) Verbatim records of the meetings of the Council shall be drawn up by the Secretariat. The Council shall decide upon the form of the records of the meetings.

(b) Sound recordings of the meetings shall be made by the Secretariat.

### *Resolutions*

#### **Rule 32 [59]**

Resolutions adopted by the Council shall be communicated by the Secretariat to the Members and observers within \_\_\_\_days after the close of each session.

### *Report to the General Assembly*

#### **Rule 33 [OP5(j), GA resolution 60/251]**

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

## X. CONDUCT OF BUSINESS

### *Working Groups and Informal arrangements*

#### **Rule 34 [new]**

The Council may set up working groups, or other informal arrangements. Participation in these bodies shall be decided upon by the members, taking into account operative paragraph 11 of General Assembly resolution 60/251. The rules of procedure of these bodies shall follow those of the Council, as applicable, unless decided otherwise.

### *Universal Periodic Review*

#### **Rule 35 [new]**

The Council shall establish a Universal Periodic Review. The modalities of which are as follows:

*Quorum*

**Rule 36 [new]**

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 one-third of the members shall be required for any decision to be taken.

*Speeches*

**Rule 37 [109]**

No representative may address the Council without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

*Statements by the Secretariat*

**Rule 38 [112]**

The High Commissioner, or a member of the Secretariat designated by him/her as his/her representative, may at any time make either oral or written statements to the Council concerning any questions under consideration by it.

*Points of order*

**Rule 39 [113]**

During the discussion of any matter, a Representative of a delegation of a Council Member State may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A member may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the members present and voting. A member rising to a point of order may not speak on the substance of the matter under discussion.

*Time-limit on speeches*

**Rule 40 [114]**

The Council may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. Before a decision is taken, two representatives may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a representative exceeds his/her allotted time, the President shall call him/her to order. In this regard and in accordance with Rule 8, representatives of entities other than members and observers shall be accorded appropriate time limits on speeches. [new]

*Closing of list of speakers, right of reply*

**Rule 41 [115]**

During the course of a debate, the President may announce the list of speakers and, with the consent of the Council, declare the list closed. He/she may, however, accord the right of reply to any member or observer [new] if a speech delivered after he/she has declared the list closed makes this desirable.

*Adjournment of debate*

**Rule 42 [116]**

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two members may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

*Closure of debate*

**Rule 43 [117]**

A member may at any time move the closure of the debate on the item under discussion, whether or not any other representative has signified his/her wish to speak. Permission to speak on the closure of the debate shall be accorded only to two members opposing the closure, after which the motion shall be immediately put to the vote. If the Council is in favour of the closure, the President may limit the time to be allowed to speakers under this rule.

*Suspension or adjournment of the meeting*

**Rule 44 [118]**

During the discussion of any matter, a member may move the suspension of the adjournment of the meeting. Such motions shall not be debated but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

*Order of procedural motions*

**Rule 45 [119]**

The motions indicated below shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;



- (d) To close the debate on the item under discussion.

*Proposals and amendments*

**Rule 46 [120]**

Proposals and amendments shall normally be submitted in writing to the Secretariat which shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Council unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.

*Decisions on competence*

**Rule 47 [121]**

Any motion calling for a decision on the competence of the Council to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

*Withdrawal of motions*

**Rule 48 [122]**

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any member.

*Reconsideration of proposals*

**Rule 49 [123]**

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Council, by a two-thirds majority of the members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

*Voting rights*

**Rule 50 [124]**

Each member of the Council shall have one vote.

*Majority required*

**Rule 51 [125]**

Decisions of the Council shall be made by a majority of the members present and voting, subject to Rule 36.

*Meaning of the phrase “members present and voting”*

**Rule 52 [126]**

For the purposes of these rules, the phrase “members present and voting” means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

*Method of voting*

**Rule 53 [127]**

(a) The Council shall normally vote by show hands, but any member may request a roll-call. The roll-call shall be taken in the French alphabetical order of the names of the members, beginning with the member whose name is drawn by lot by the President. The name of each member shall be called in any roll-call, and its representative shall reply “yes”, “no” or “abstention”. The result of the voting shall be inserted in the record in the French alphabetical order of the names of the members.

(b) When the Council votes by mechanical means, a recorded vote shall replace a roll-call vote. Any member may request a recorded vote. In the case of a recorded vote, the Council shall, unless a representative requests otherwise, dispense with the procedure of calling out the names of the members; nevertheless, the result of the voting shall be inserted in the record in the same manner as that of a roll-call vote.

*Conduct during voting*

**Rule 54 [128]**

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit members to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to explain his/her vote on his/her own proposal or amendment.

*Division of proposals and amendments*

**Rule 55 [129]**

A representative may move that parts of a proposal or of an amendment should be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

*Voting on amendments*

**Rule 56 [130]**

When an amendment is moved to a proposal, the amendment shall be voted on first, when two or more amendments are moved to a proposal, the Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.

**XI. GENERAL PROVISIONS**

**Rule 57 [153]**

No resolution or decision involving expenditure shall be recommended for approval unless it is accompanied by an estimate of expenditures prepared by the High Commissioner for Human Rights.

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**Asian Group's non-paper on working methods of the Council  
dated 17 November 2006**

With a view to enhancing the transparency, predictability, inclusiveness and efficiency of the Human Rights Council, the following suggestions on the working methods of the Council are being submitted for consideration. These working methods will be applied to regular sessions of the Human rights Council and without prejudice to the rule of procedure.

***1. Structured Agenda for the Human Rights Council***

Without prejudice to the outcome of discussions on the agenda of the Human Rights Council, every session should have a structured agenda and work programme, the draft of which shall be

communicated in advance to the Members of the Council at least 2 weeks before the start of the session.

**2. *Early deadline for submission of draft resolutions/decisions***

It is important that all delegations be given adequate time to study draft resolutions/decisions. It is proposed that for future session of the Council, the deadline for submission of drafts, with a few appropriate exceptions preferably be the end of the first/second week, depending on the length of the session. This arrangement will be operative until the adoption of the agenda of the Council.

**3. *Limit the number of open-ended informal consultations during sessions***

Without prejudice to circumstances which may merit the holding of urgent consultations, it is recommended that the number of open-ended informal consultations be limited as much as possible, and all delegations be informed of the schedule of informal consultations at least 2 days in advance.

**4. *President's Open-Ended Consultations***

It is proposed that the President, or one of the Vice Presidents designated by him may hold Open-Ended consultations, when necessary, to be chaired by the President or a Vice-President to give an update on the status of all draft resolutions/decisions/proposals arising from the open-ended informal consultations by co-sponsors, informal informals, or tabled by individual countries or groups not considered in informal meetings.

The President or the designed Vice President chairing these consultations should provide a table of the most complete and updated information on drafts, allowing delegations to assess the situation of negotiations from a "bird's-eye point of view". It would not be a negotiating forum. If there were still need for delegations to discuss a certain draft, the President/Vice President could encourage discussions to continue in informal consultations on the draft in question.

**5. *Participation of non-members of the Council***

Participation of and consultation with the 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.

Any change regarding future participation in accordance with EOCOSOC resolution 1996/31 of 25 July 1996 should be endorsed by the General Assembly upon recommendation by the Council.

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**Secretariat's preliminary non-paper on some issues relating to working arrangements of the Council throughout the year dated 21 November 2006**

The present preliminary non-paper was prepared at the request of the President in preparation for the Third Council session which should dwell, according to decision 1/105, on issues relating to the Methods of work and agenda.

**1. Process:**

- a. Due to the transitional and institution-building character of the present period, the agenda of the HR Council as proposed by the President contains only one substantive item entitled "Implementation of GA resolution 60/251". As a result, the work of the Council is organized not on the basis of its agenda (which is a normal practice for UN bodies), but in accordance with the "draft framework for a programme of work of the Human Rights Council for the first year" as adopted by Council in its decisions 1/105 and 2/103.
- b. The issue of the agenda was included as a separate segment in the Council's programme of work for its November-December 2006 and March-April 2007 sessions. Should the draft resolution L.28 submitted by the Africa group be adopted, the process of elaborating the agenda of the Council for the second year onwards would be undertaken "in a structured framework by establishing an open-ended intergovernmental working group on the agenda of the Human Rights Council under the leadership of the President of the Council, which shall convene no more than two annual sessions of ten working days each and present its report to the relevant session of the Council".
- c. In view of the priority accorded under GA resolution 60/251 to the ongoing work on UPR and review of mandates which should be completed before June 2007 and bearing in mind already scheduled meetings of other inter-sessional working groups (see para. 5 below), a space for convening yet another working group on the agenda would be hard to find.

**2. Frequency and duration of the Council sessions throughout the year:**

- a. **Current practice:** The cycle of work of the HRC for its first year consists of 4 sessions amounting to 11 weeks of plenary meetings in total: 2 weeks in June, 3 weeks in September/October, 2 weeks in November/December and 4 weeks in March/April, the latter session being accepted as the main one.

- b. Without counting the special sessions (three in the first 6 months of Council's existence!) and frequent informal consultations, the above tight schedule of HRC for its first year has also accommodated 2 weeks of meetings of the working group on UPR and 4 weeks of meetings of the working group on review of mandates, as well as 8 weeks of meetings of five other intersessional working groups, thus making another 14 weeks of meetings. Coupled with over 5 weeks of meetings of Council's inherited subsidiary expert body - Sub-Commission on the Promotion and Protection of Human Rights and its working groups, the grand total of Council and Council-related meetings in the first year of its history would reach over 30 weeks, or 7 ½ months in session.
- c. **Future trends:** GA resolution 60/251 very clearly states that the Council 'shall meet regularly throughout the year and schedule no fewer than three sessions per year, including a main session, for a total duration of no less than ten weeks'.
- d. **Three sessions would be the first option to consider** but the fact that the Council would have to adopt important decisions by the conclusion of the twelve month period which started with its first session implies that a session would have to be organized in June 2007. This, in turn, implies that for the first two years of its work (2006/2007), the Council will presumably work on the basis of a four sessions per year pace. Although this may not be considered as setting a precedent **it would nevertheless creates some expectations or perceptions that the normal frequency of meetings is four sessions per year and this would be the second option to consider**
- e. In setting up a yearly calendar of meetings, it is of importance to also recognize that the May/July segment is always a very difficult period of time for the Conference Services that have to accommodate important meetings and Conferences every year in Geneva at that particular moment. Additionally, the October/November segment is usually found less palatable for a number of delegations that either send some of their experts to the Third Committee session or because of a lack of visibility for the Council at a time when the GA is in session.

Option A: Four sessions per year

- i. **Spring and Main Session: 4 weeks in March/April**
- ii. **Summer Session: (1 or) 2 weeks in June**
- iii. **Fall Session: 3 weeks in September**
- iv. **Winter Session: (1 or) 2 weeks in November /December.**

Option B: Three sessions per year:

- i. **Spring and Main Session: 4 weeks in March/April**
- j. **Fall Session: 3 weeks in September**
- k. **Winter Session: 3 weeks in November /December.**

- f. **UPR: It should be borne in mind that this proposed schedule and/or duration of Council's regular sessions will need to be changed in the near future depending on the modalities and time allocation that will be adopted for the UPR process.**

3. **Agenda, timetable and programme of work for the year:**

- a. **It is important to note that there is often a confusion made between the agenda of the Council, its programme of work and its timetable.** In the mind of the Secretariat these three documents are fundamentally different. While the agenda is of significant importance for the legal and political distribution of work of the Council under a number of items the programme of work relates to the translation into in deeds of the Council's agenda for one particular session. The timetable for each session is a living and very flexible document prepared on the basis of the programme of work and varies frequently whereby by essence the agenda should be relatively stable and not vary for a number of years to ensure consistency and predictability. The work programme is a mean to ensure that all stakeholders are fully aware of how and when the Council will deal with specific items/issues during any given year.
- b. In terms of the Council **agenda**, the Secretariat would consider that, based on many interventions by delegations, a simple and user-friendly document would be a preferred option rather than the very lengthy type of agenda which prevailed at the time of the Commission. Other delegations have however come up with different points of view. This would however have to be confirmed and drafted by the Council itself.
- c. As far as the **timetable and working programme**, the Secretariat would consider it convenient to regroup matters to be considered between those issues that have necessarily to be considered at each session of the Council and all the other ones. Additionally, in the latter group of issues, some should be considered at given sessions while others could be distributed at various moments based on precedents and preferred options. This is notwithstanding any decision of a policy or political nature that the Council may take in adopting its agenda.

i. **Standing issues to be discussed at each session:**

1. Adoption of the agenda
2. Programme of work/timetable
3. Adoption of the session's report (part of the Annual Report)
4. Updates by the High Commissioner for Human Rights
5. All other issues relating to the promotion and protection of human rights including initiatives/ issues/ decisions/ resolutions (1/105)
6. Follow up to decisions of the HRC (2/103)

ii. **Issues to be considered at given sessions throughout the year:**

1. Election of the Bureau of the Council (Summer Session)

2. Adoption of the Annual report of the Council (Summer Session – see below)
3. High Level Segment (At the start of the Spring Session)

iii. **Other issues:**

1. **Interactive dialogues (ID) with mandate-holders:** further to the reform of the special procedures, the Council will have to organize the format of the interactive dialogue with the system of special procedures taking into account the framework established by GA resolution 60/251 and the Council's decisions 1/102 (including its Annex) and 2/102. The ID could either take place in one go, for instance during the Spring session or divided in two parts (Spring and Fall sessions) on the basis of thematic clusters of issues yet to be developed. It should however be pointed out that such a clustering would be extremely difficult to undertake since many different types of clustering could be envisaged and that in turn it would make its adoption difficult.
2. **Presentation of reports prepared by the HC/SG and other reports.** This could either take place with mandate-holders' reports (see above sub-paragraph 1) or in one go at the Fall session should all ID take place during the Spring session. Some adaptations may be necessary on a case by case basis since some reports by the HC/SG are dealing with topics which are similar or comparable to the documents prepared by Special rapporteurs.
3. **General debate(s) and conclusions of the Council's work:** This may or may not be organized in the same manner as during the CHR sessions. It will be closely linked with the presentation of Special Rapporteurs and SG/HC reports.
4. Distribution of such presentation of reports, interactive dialogues and adoption of conclusions could thus be divided in the following manner  
:

**Option A:**

**Spring session:** All Interactive Dialogues with special rapporteurs, general debate on the issues raised by the Special Rapporteurs and adoption of resolutions stemming out of these debates and dialogues

**Fall session:** Consideration of most of the HC/SG and other reports, subsequent ID and general debates and adoption of resolutions stemming out of these debates and dialogues.



**Option B:**

Spring and Fall sessions to deal with specific issues and resolutions thereupon according to thematic clusters yet to be developed.

- iv. **Reports of Inter-governmental Working Groups:** In the past, all working groups were scheduled in such a manner that they would be in a position to report to the yearly session of the Commission in March. Opportunity may thus be taken to reschedule these meetings in such a manner that reports of the IWG would be spread between the Spring and Fall sessions.

4. **Annual Report of the Council:**

- a. OP5 (j) of GA Resolution 60/251 very clearly states that the Council should submit an annual report to the GA. This has been understood as implying that one report only would eventually be adopted but that this would comprise several parts, each one concerning a given ordinary or special session of the Council. Hence, there is formally only one report of the HRC to be adopted by the GA but it comprises several parts relating to different sessions.
- b. The current 10-week rule applicable to documents submitted to the GA would seem to imply that the Annual Report could be consolidated and adopted in June. However, this would also imply that the Report would be adopted at the end of the session when any new Bureau would be elected. The Council would then have to ponder whether this arrangement is appropriate or would need to be adapted. A discussion of the matter would need to take into consideration whether the report will eventually be discussed by the plenary or the 3<sup>rd</sup> Committee. In the former case the report could be also adopted in the Fall session while in the latter it should be adopted in June at the latest.
- c. This technical matter is however much less complicated and controversial than the pending issue of reporting lines and, more generally, of relations between the GA/Third Committee and the HR Council which goes beyond the scope of the present non-paper.

5. **Rules of procedures :**

- a. At present, the Council is working on the basis of Section XIII of the GA Rules of procedures and GA Resolution 60/251. It is also basing itself, as appropriate, on CHR precedents and its own emerging practice. The Secretariat would consider that, in due time, when the reform processes and the setting up of the UPR mechanism are achieved, as well as the above issues decided, it would be of use to consolidate the currently applicable rules and procedures and those new ones in one single document. At this stage it is however premature to anticipate how this would be shaped up.
- b. Some Governments have already demonstrated their interest and produced initiatives in this regard.

- c. **Council's future work on the rules of procedure could most probably be organized in the form of another intersessional working group (see above paragraph 1 (c)), which may also be requested to make recommendations on certain issues relating to the organization and methods of work of the Council, such as speaking time, interactive dialogues, modalities for HLS, guidelines on parallel events, etc.**

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**European Union's non-paper on the future agenda for the Council dated 22 November 2006**

A future agenda of the Human Rights Council needs to provide both predictability and flexibility:

**1. Predictability:**

- provides all stakeholders with the clarity that certain issues of key interest to them will be discussed and acted upon during the course of a year
- allows all stakeholders to plan their activities in preparation for handling those issues
- allows NGOs, NHRIs and other non-governmental stakeholders to plan their attendance

**2. Flexibility:**

- enables issues to be spread through the year in a manner that makes operational sense (eg coinciding with events/reports on related issues)
- enables the Council to be responsive to developments on the ground
- requires states to reflect annually on what issues they most want to raise, rather than assuming that every year and every session will bring the same specific issues

Every session should have the same **basic agenda** to avoid the need to renegotiate it every time. The only exception to this would be the High Level Segment, which would occur only once a year at the Main Session.

The basic agenda should include:

- a) report/update from the High Commissioner and interactive dialogue (report at main session, update at others)
- b) urgent situations (to be notified to the President preferably 7 days prior to the start of the Council session)
- c) reports from Special Procedures and interactive dialogue (the presentation of reports by Special Procedures to be evenly distributed throughout the year).

- d) promotion and protection of human rights (see below on detail of this agenda item)
  - e) recommendations from the Universal Periodic Review and complaints mechanisms for decisions by the Council
  - f) expert advice (receipt and discussion of expert advice solicited by Council)
  - g) adoption of the report of the session.
- 
- The **specific issues** to be addressed under 'promotion and protection of human rights' would change each session. To provide predictability and flexibility, the following mechanism could be envisaged prior to the March main session, all delegations submit to the President the issues they wish to see addressed in the Council sessions over the coming year.
  - The Bureau agrees an allocation of these issues across the sessions, taking account of the length of the session and the time available at each session, when the issue was last considered and an even distribution of issues over the year.
  - This is without prejudice to:
    - The ability of delegations to withdraw proposed initiatives at any time
    - The ability of delegations to raise urgent situations or issues, preferably 7 days prior to any session, for inclusion in the programme of work
    - Special sessions on urgent issues at any time, subject to the conditions set out in A/60/251.

The Council would agree the preliminary annual programme of work proposed by the Bureau before the end of its March session.

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**NAM's contribution on the agenda of the Council  
dated 6 December 2006, with revision dated 12 January 2007**

In its XIV Summit in Havana, the Heads of State or Government of the Movement call for the early adoption of a standard agenda for the sessions of the Human Rights Council (HRC). They request also that the items on the agenda of the Council be allocated to each of its sessions in an equitable and balanced manner and also to allow for effective participation of developing countries and NGO's.

NAM decides that the agenda of the Council should promote and advance sustainable development, through programs and partnerships with governments and it should also promote the eradication of extreme poverty and hunger and the achievement of internationally agreed development goals, including the Millennium Development Goals. In this regard, they call the Council to agree on a program that will lead to the elevation of the right to development to the

same level and on a par with all other human rights and fundamental freedoms, elaborated in the core human rights instruments.

Proposal of Principles guiding the definition of the agenda:

1. Predictability:

- provides all stakeholders with the clarity of the program of work of the Council
- allows all stakeholders to plan their activities and attendance to the meetings of the Council.

2. Transparency:

- strengthens the confidence building process and the climate of genuine dialogue and cooperation needed.

3. Accountability:

- facilitates the preparation for interactive dialogues with mandate holders.
- facilitates also the interaction with the rest of the components of the UN human rights machinery.

4. Balance:

- ensures that all human rights, civil, cultural, economic, political, social and the right to development, be universal, indivisible, interdependent and interrelated and treated in an equal footing and with the same emphasis.

5. Objectivity, impartiality and non-selectivity:

- eliminates double standards and political manipulation; avoid confrontation and promote cooperation, genuine dialogue and respect for cultural and religious diversity, as well as national and regional particularities.

6. Flexibility:

- enables the Council to consider issues as needed.
- The Council should have only one agenda.

The Council will decide in an annual program of work allocating the consideration of its agenda items throughout the year. The only exception to this would be the High Level Segment, which would occur only once a year at the Main Session.

The NAM proposes the following Agenda (\*):<sup>4</sup>

- a) Implementation of General Assembly resolution 48/141, including the annual report of the High Commissioner for Human Rights (report at main session) and the effective functioning of the Office of the High Commissioner for Human Rights.
- b) The realisation of the Right to Development.
- c) Economic, Social and Cultural Rights.
- d) Civil and Political Rights.
- e) Racism, racial discrimination, xenophobia, and related intolerance. Comprehensive follow up to and implementation of the Durban Declaration and Program of Action. (sub items under this agenda item will be developed in the future. The issue of incitement to racial and religious hatred could be consider both under item d) and e)).
- f) Promotion and Protection of the Rights of Peoples, Groups and Individuals as enshrined in the United Nations Charter.
- g) Situation of human rights in the occupied Palestinian territory and the occupied Syrian Golan:
  1. Violations of human rights in the occupied Palestinian territory and in the occupied Syrian Golan.
  2. Right to self determination of the Palestinian people.
- h) Report of the expert advice body and the complaint mechanism.
- i) Effective functioning of human rights mechanisms.
- j) Universal Periodic Review.
- k) Capacity building and technical cooperation.
- l) Adoption of the report of the session.

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**NAM's non-paper on ground rules for special sessions of the Council dated 8 December 2006**

The general framework for the convening of special sessions derives from paragraph 10 of resolution 60/251 in which the General Assembly decided that "*the Council (...) shall be able to 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*".

The following proposed rules complement the general framework:

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<sup>4</sup> This is a first contribution of NAM to the fulfillment of the mandate of the Working Group established for the elaboration of the agenda of the HRC. The Movement will continue developing this proposal in the near future.

1. The request of an special session of the Human Rights Council following the requirement established in op 10 GA Res. 60/251 will be submitted to the President and to the Secretariat of the Council. The request shall specify the title of the meeting.
2. The Secretariat of the Council shall immediately communicate the request 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 expeditious means of communication.
3. The special session will be convened as soon as possible, not earlier than 2 working days and not later than 5 natural days after the request is formally submitted as established in paragraph 1.
4. The duration of the special session shall, in principle, not exceed three days (6 working sessions).
5. The President of the Council will make consultations, including with the key concerned States, on the conduct of the special session. Members of the Council and concerned States shall be given sufficient time for delivering their statements. Observer States should also be granted the opportunity to duly participate in the debate. The specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations in consultative status could also contribute to the special session as decided by the Council.
6. The rules of procedure of special sessions shall be the rules of procedure applied for regular sessions of the Council.

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**African Group's contribution on the agenda of the Council  
dated 12 January 2007**

In its XIV Summit in Havana, the Heads of State or Government of the Movement call for the early adoption of a standard agenda for the sessions of the Human Rights Council (HRC). They request also that the items on the agenda of the Council be allocated to each of its sessions in an equitable and balanced manner and also to allow for effective participation of developing countries and NGO's.

NAM decides that the agenda of the Council should promote and advance sustainable development, through programs and partnerships with governments and it should also promote the eradication of extreme poverty and hunger and the achievement of internationally agreed development goals, including the Millennium Development Goals. In this regard, they call the Council to agree on a program that will lead to the elevation of the right to development to the same level and on a par with all other human rights and fundamental freedoms, elaborated in the core human rights instruments.

Proposal of Principles guiding the definition of the agenda:

1. Predictability:

- provides all stakeholders with the clarity of the program of work of the Council
- allows all stakeholders to plan their activities and attendance to the meetings of the Council.

2. Transparency:

- strengthens the confidence building process and the climate of genuine dialogue and cooperation needed.

3. Accountability:

- facilitates the preparation for interactive dialogues with mandate holders.
- facilitates also the interaction with the rest of the components of the UN human rights machinery.

4. Balance:

- ensures that all human rights, civil, cultural, economic, political, social and the right to development, be universal, indivisible, interdependent and interrelated and treated in an equal footing and with the same emphasis.

5. Objectivity, impartiality and non-selectivity:

- eliminates double standards and political manipulation; avoid confrontation and promote cooperation, genuine dialogue and respect for cultural and religious diversity, as well as national and regional particularities.

6. Flexibility:

- enables the Council to consider issues as needed.
- The Council should have only one agenda.

The Council will decide in an annual program of work allocating the consideration of its agenda items throughout the year. The only exception to this would be the High Level Segment, which would occur only once a year at the Main Session.

The NAM proposes the following Agenda (\*):<sup>5</sup>

- a) Implementation of General Assembly resolution 48/141, including the annual report of the High Commissioner for Human Rights (report at main session) and the effective functioning of the Office of the High Commissioner for Human Rights.
- b) The realisation of the Right to Development.
- c) Economic, Social and Cultural Rights.
- d) Civil and Political Rights.
- e) Racism, racial discrimination, xenophobia, and related intolerance. Comprehensive follow up to and implementation of the Durban Declaration and Program of Action. (sub items under this agenda item will be developed in the future. The **issue** of incitement to racial and religious hatred **could be consider both under item d) and e)**).
- f) Promotion and Protection of the Rights of Peoples, Groups and Individuals. (children, women, indigenous peoples, minorities, migrants, migrant workers, persons with disabilities, human rights defenders, human rights of civilians in armed conflict, and others recognized as such **in the United Nations Charter and** in International Human Rights Law).
- g) Situation of human rights in the occupied Palestinian territory and the occupied Syrian Golan:
  1. Violations of human rights in the occupied Palestinian territory and in the occupied Syrian Golan.
  2. Right to self determination of the Palestinian people.
- h) Report of the expert advice body and the complaint mechanism.
- i) Effective functioning of human rights mechanisms.
- j) Universal Periodic Review.
- k) Capacity building and technical cooperation.
- l) Adoption of the report of the session.

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<sup>5</sup> This is a first contribution of NAM to the fulfillment of the mandate of the Working Group established for the elaboration of the agenda of the HRC. The Movement will continue developing this proposal in the near future.



## ANNEX IV

### Non-papers circulated by the Facilitators

A. **Document for guiding the dialogue and discussion on the segment dedicated to the agenda and the annual programme of work**

version of 16 January 2007, 10 am

The present text is the result of the discussion of the first day of the Working Group, and it does not aim to be exhaustive, it gathers the principles and themes of the agenda over which delegations expressed interest and which were reiterated at different times.

#### **PRINCIPLES:**

Resolution 60/251 (operative paragraph 4) which created the Human Rights Council:

- Universality
- Impartiality
- Objectivity
- Non-selectivity
- Constructive dialogue and cooperation

In addition, principles that are not expressly included in resolution 60/251 have been put forward, which have been repeated in several written and oral presentations:

- Predictability
- Flexibility
- Transparency
- Accountability
- Balance
- Inclusiveness / Comprehensiveness

#### **AGENDA:**

There has been mention of the following characteristics that the agenda should have:

- Generic
- Basic framework
- Flexible
- Broad/General
- Functional
- Main thematic chapters (with sub-categories)
- Inclusive

**THEMES OF THE AGENDA:**

1. Economic social and cultural rights
2. Civil and political rights
3. Right to development
4. Presentation of reports and interactive dialogue:
  - Report of the High Commissioner for Human Rights
  - Reports of the Special Procedures
  - Report of the expert advisory body
  - Report of the complaints procedure (confidential)
5. Universal Periodic Review
  - Sessions for UPR
  - Sessions for the presentation of the UPR reports
6. Promotion and protection of human rights
  - NAM proposal (detailed)
  - EU proposal (general)
7. Follow-up to recommendations
8. Procedural action (renewal of mandates, election of members of the expert body)
9. Fostering of capacity building and assistance / technical cooperation
10. High Level Segment
11. Approval of the programme of work
12. Other issues / Emerging themes / Urgent situations
13. Adoption of the report of the session

**OTHER TOPICS SUGGESTED  
(arising from the discussion of the Group):**

More specifically, there was reference to different themes which are listed below:

- Children
- Gender / women
- Indigenous
- Racism
- Xenophobia
- Minorities
- Migrants
- Religious intolerance
- Torture
- Right to truth
- Right to food
- Poverty
- Persons with disabilities
- Human rights defenders
- Administrative report of the OHCHR

The following points require further discussion:

- Follow-up and implementation of the Durban Declaration and Programme of Action
- Promotion and protection of the rights of persons, groups and individuals (sub-items)
- Human rights situation in the occupied Palestinian territories and in the occupied Syrian Golan:
  - Human rights violations in the occupied Palestinian territories and in the occupied Syrian Golan
  - Right to self-determination of the Palestinian people

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**B. Document on the segment dedicated to the methods of work and rules of procedure**

**I. Scope of Work on Working Methods**

**A. Scope of Work**

Institutional application and structures

New working ethics; ways of working (culture of work)

Outcomes

Preamble: Res. 60/251, op12; transparency, clarity, predictability, inclusiveness

WMs – a catch-all phrase; need to identify scope of work

1. Institutional Structure (Incl. informal arrangements or new formal arrangements)
  - a. President's open-ended consultations on resolutions, decisions and other business (at an appropriate time during the session, i.e., after the deadline for the submission of the bulk of resolutions). To assess the status of negotiations on the resolutions/decisions and not negotiating forum (combined with extranet).
  - b. Organizational meeting of President (before the opening of each session)
  - c. Consultations on prospective resolutions (presided over by VP before each session)
  - d. Meeting of members of the Council (on particular urgent issue of non-substantive nature)
  - e. Structured Agenda and Detailed Work Programme for each year
  - f. Participation of non-members and civil society (to be in rules of procedure)
  - g. Innovative Mechanisms: Interactive dialogs on issues with Special Procedures
    - Panel debates on issues
    - Seminars on issues
    - Roundtables
  - h. Rules of preparation and conduct of special sessions (in rules of procedure)
  - i. Informal consultations on proposals convened by main sponsors
  - j. Rules of Procedure
2. Innovative Ways of Working: New Working Ethics (as Council is a year-round standing body)

Cultural Practices

  - early submission of draft resolutions/decisions
  - restraint in resort to resolutions (to avoid plethora of resolutions)
3. New Outcomes (other than resolutions) – innovative outcomes such as recommendations; findings; conclusions

Agreement on above issues in a resolution or decision paper supplemented by agreed agenda, structure of work programme and Rules of Procedure

B. How to deal with Working Methods Outcome; Where to reflect them

- A resolution or decision
- Certain issues to be included in rules of Procedure; Agenda; Work Programme

**II. Rules of Procedure**

Focus on New Rules of Procedure (and amended GA RPs); basis is op11 of res. 60/251 & other relevant paras.

To consolidate applicable rules and procedures of GA Committee & the new ones adopted over past 6 months in a single document.

Interactive dialogs; modalities & guidelines on parallel events

**III. Special Sessions**

(See proposals)

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