

---

**ADVANCE EDITED  
VERSION**

Distr.  
GENERAL

A/HRC/5/16  
6 June 2007

Original: ENGLISH

---

HUMAN RIGHTS COUNCIL  
Fifth session  
Item 2 of the provisional agenda

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

**Intersessional open-ended intergovernmental Working Group on  
the implementation of operative paragraph 6 of General Assembly  
resolution 60/251 established pursuant to Human Rights Council  
decision 1/104**

**Non-paper on expert advice\***

**Prepared under the authority of the facilitator and Vice-President of the  
Human Rights Council, H.E. Mr. Mousa Barayzat (Jordan), 27 April 2007**

---

\* The present document is circulated as received.

### **Non-paper on expert advice**

The HRC decides to establish a Human Rights Experts [Body-HREB, Group-HREG], composed of [13-23] experts to function as a think-tank to the Council and work at its direction. The establishment of this body and its functioning will be executed according to the guidelines stipulated below:

(I) Selection

The selection process shall be carried out as follows:

(a) Nomination

Option 1 - States ...

Option 2 - All stakeholders, mainly states ...

can submit candidates to the Secretariat of the HRC, which shall compile a list of their names to be considered by a screening committee. There is no limitation on nomination to this list. States should consult their national institutions and civil society organizations when determining the names of their candidates.

(b) Screening

The HRC shall set up a pre-election screening committee (SC) of five members representing respective regional groups to review the candidates' credentials with the aim of ensuring that the best possible expertise is made available to the Council. The screening procedure is essentially of a technical nature. However, it must aim at ensuring that candidates are of high caliber and possess impeccable qualities; particularly independence, high moral standing, total impartiality, professionalism, competence, and expertise in one or more of the human rights domains. The screening committee shall submit its report about its proceedings to the HRC which include comments and recommendations on all candidates.

If they so wish, various stakeholders may make written submissions to the screening committee on the screening procedures and the committee shall give due consideration to those submissions when making its final recommendation to the HRC. However, the latter retains the ultimate authority as to how to dispose of such information. Notwithstanding what has been stated above, the Council will always be guided by the spirit of General Assembly resolution 60/251 when making final determination on this matter. Interactive dialogue with NGOs and civil society will be welcome but ultimate decisions on such issues remain the prerogative of the Council.

(c) Election

The HRC shall elect members of [HREB, HREG] from the list of candidates whose names have been presented by the SC in secret ballot. In taking its decision, the Council shall take into account the following:

- The term of office for membership is three years, renewable only once. Experts who served for one term only can seek election again after three years. Those who have served for two consecutive terms can stand for election again after six years;
- Respect for the principle of equitable geographic representation in a manner comparable to the composition of the Council;
- In the first term, one third of the experts will serve for one year and another third for 2 years; this being done to ensure continuity and adequate institutional memory;
- Considerations of gender balance as well as representation of main legal, cultural and civilization traditions and perspectives must be always taken into account.

## (II) General Criteria

- HREB shall be a subsidiary body of the HRC;
- Experts will be serving on the HREB in their personal capacity and should not receive any directions from any other party except the HRC;
- The Council shall issue specific guidelines for HREB when it requests a substantive contribution from the latter;
- The Council shall ensure that the selection process of HREB experts is always conducted in a fair, transparent and inclusive manner;
- The Council shall review all or any portions of these guidelines if it deems necessary in the future;

## (III) Functions

The function of [HREB, HREG] is to provide expertise to the Council in the manner and form demanded by the Council focusing mainly on studies and research-based advice. Further, such expertise shall be rendered only upon the latter's request, in compliance with its resolutions and under its guidance. The contributions of [HREB, HREG] should be implementation-oriented and the scope of its advice should be limited to thematic issues pertaining to the mandate of Human Rights Council; namely promotion and protection of all human rights. It is being understood that [HREB, HREG] shall not involve itself in any specific country situation and should not adopt any resolutions or decisions. Subject to this exclusion, the said group may propose within the scope of the work set out by the Council, for the latter's consideration and approval suggestions for further enhancing its procedural efficiency. In this context [HREB, HREG] is urged to establish interaction with, states, national institutions, NGOs and other civil society entities in accordance with modalities adopted by the Council.

(IV) Methods of Work

[HREB, HREG] shall convene one or two sessions for a maximum of twelve working days each calendar year. Any additional time should be done on an ad hoc basis and with prior approval of the Council.

The HRC may advise [HREB, HREG] to perform certain tasks either collectively, in teams or individually. But the final recommendations and conclusions of such efforts should first be approved by the body as a whole according to its work procedures before being sent to the Council.

The [HREB, HREG] shall not establish any working group on its own volition, as the creation of such groups is the exclusive prerogative of the Council. At the same time the members of this collegiate body can communicate intersessionally and individually or in teams. At any rate the Council shall, in consultation with [HREB, HREG] and at a later date, draw a detailed method of work including a program of work for it. It is being understood that such a program of work shall delineate the framework of interaction between HREB on one hand and states, OHCHR, national institutions and NGOs on another.

As for those working groups that still have unfinished business or of a continuing nature (WG on Indigenous Populations, Minorities, Social Forum, and Contemporary Forms of Slavery), the Council shall decide upon the status of each in its fifth Session.

Geneva, 27th of April 2007

Under the sole responsibility of the facilitator

-----