

Human Rights Council

The General Assembly,

PP1 *Reaffirming* the purposes and principles contained in the Charter of the United Nations, including achieving international cooperation in solving international problems of an economic, social, cultural and humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all,

PP2 *Reaffirming* the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and recalling the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and other human rights instruments,

PP3 *Reaffirming* that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

PP4 *Reaffirming* also that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

PP5 *Emphasizing* the responsibilities of all States, in conformity with the Charter, to respect human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status,

PP6 *Acknowledging* that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

PP7 *Recognizing* the work undertaken by the United Nations Commission on Human Rights and the need to preserve and build on its achievements and to redress its shortcomings,

PP8 *Recognizing* also the importance of ensuring universality, objectivity, and non-selectivity in the consideration of human rights issues, and the avoidance of double standards and politicization,

PP9 *Recognizing* further that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and directed to the benefits of rights holders,

PP10 *Acknowledging* that non-governmental organizations play an important role, at the national, regional and international level, in the promotion and protection of human rights,

PP11 *Reaffirming* the commitment to strengthen the United Nations human rights machinery with the aim of ensuring effective enjoyment by all of all human rights - civil, political, economic, social and cultural rights, including the right to development - and to this end, the resolve to create a Human Rights Council.

OP1 Decides to establish a Human Rights Council, based in Geneva, in replacement of the Commission on Human Rights, as a subsidiary organ of the General Assembly. The General Assembly shall review the status within five years.

OP2 Decides that the Council will be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner.

OP3 Decides that the Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon. It should also promote effective coordination and the mainstreaming of human rights within the United Nations system.

OP4 Decides also that the work of the Council shall be guided by the principles of impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhance the promotion and protection of all human rights, including the right to development,

OP5 Decides further that the Council will, *inter alia*:

- a) promote human rights education and learning as well as advisory services, technical assistance and capacity-building, to be provided to Member States upon their request,
- b) serve as a forum for dialogue on thematic issues, including by the undertaking of a global thematic review on existing or emerging issues,
- c) make recommendations to the General Assembly for the further development of international law in the field of human rights,
- d) promote the full implementation and follow-up of the goals and commitments related to the promotion and protection of human rights emanating from all United Nations conferences and summits,
- e) undertake a universal periodic review of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all Member States. The review shall be a cooperative mechanism with the full involvement of the country concerned, due consideration shall be given to its capacity-building needs. Such mechanism shall contribute to the implementation of the recommendations of the treaty-bodies and special procedures and not duplicate their work. The conclusions of the review shall be presented in a Chair's

summary.

- f) contribute towards the prevention of human rights violations,
- g) assume, review, and where necessary rationalize, all mandates, functions and responsibilities of the Commission on Human Rights, including the system of special procedures and mechanisms and the 1503 procedure,
- h) consider whether it should maintain the Sub-Commission on the Promotion and Protection of Human Rights or establish a new expert advisory body,
- i) assume the role and responsibilities of the Commission on Human Rights relating to the review of the work of the Office of the High Commissioner for Human Rights, as decided by the General Assembly in its resolution 48/141,
- j) work in close cooperation in the field of human rights with governments, regional organizations, national human rights institutions and civil society,
- k) make recommendations with regard to the promotion and protection of human rights to Member States and the United Nations system,
- l) submit an annual report to the General Assembly,

OP6 Decides that the Human Rights Council shall consist of **[38] [53]** members, to be elected directly and individually by the General Assembly by **[simple majority] [two-thirds]** of the members present and voting, **[based on]** equitable geographic distribution, and their contribution to the promotion and protection of human rights.

OP7 Decides that the membership in the Council shall be open to all Member States of the United Nations. **[The elections should take into consideration the following: a) regional groups shall present a higher number of candidates than seats available to each region (no clean slate); b) voluntary pledges and commitments to advance human rights; c) no Member State/government against which measures are in effect under articles 41 and 42 of the UN Charter have been taken, for human rights-related reasons, may serve in the Council.]**

OP8 Decides that members elected to the Council shall abide by the highest standards for the promotion and protection of human rights and fully cooperate with the Council.

OP9 Decides that members of the Council shall be reviewed under the universal periodic review mechanism during their term of membership.

OP10 Decides that members of the Council will serve for a period of three years and shall be **[eligible for immediate re-election] [eligible for immediate re-election for not more than two consecutive terms]**.

OP11 The Council shall meet regularly throughout the year and schedule not fewer than **[four]** meetings per year for a total duration of no less than **[ten]** weeks, and shall be able to hold special meetings when needed at the request of a Member of the Council with the support of one-third of the membership of the Council, or its Chair with the agreement of

the Bureau, or the Secretary General.

OP12 Decides that the Council shall apply the rules of procedure established for committees of the General Assembly, as applicable, unless subsequently otherwise decided by the General Assembly or the Council; and also decides that the rules of procedures of the Council shall provide for the participation of observers, including States that are not members of the Council, specialized agencies, non-governmental organizations and national human rights institutions, based on the arrangements and practices observed by the Commission on Human Rights.

OP13 [Also decides that country specific resolutions shall be adopted by an affirmative vote of two-thirds of the members of the Council present and voting.]

OP14 Decides that the methods of work of the Council shall be transparent, fair and impartial and enable genuine dialogue, be result-oriented, and allow subsequent follow-up discussions to recommendations and their implementation, and build on the arrangements of the Commission on Human Rights regarding special procedures and mechanisms and allow for substantive interaction with them.

OP15 Recommends the Economic and Social Council to request the Commission on Human Rights to conclude its work at its 62nd session; to transfer all mandates, functions and responsibilities of the Commission on Human Rights to the Human Rights Council; and to abolish the Commission on 15 June 2006.

OP16 [Decides to elect the new members of the Council. The terms of membership shall be staggered and such decision will be done for the first election by the drawing of lots, taking into consideration geographical regional distribution.] [Decides that the members of the Commission on Human Rights shall become the first members of the Human Rights Council until the end of their current term.]

OP17 Decides that the elections of the first members of the Council shall take place on 8 May 2006 and that the first meeting of the Council shall be convened on 16 June 2006.