

OPTIONS PAPER

HUMAN RIGHTS COUNCIL

I. PREAMBLE

- a) Reaffirmation of the purposes and principles contained in the Charter of the United Nations,
- b) Reaffirmation of the Universal Declaration on Human Rights and recalling other human rights instruments,
- c) Reaffirmation of the Vienna Declaration and Programme of Action
- d) Reaffirmation of the commitment of the High-Level Plenary Meeting of the General Assembly to further strengthen the United Nations human rights machinery and to this end its resolve to create a Human Rights Council,
- e) Acknowledgement 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. Recognition that development, peace and security and human rights are interlinked and mutually reinforcing. (Outcome Document para 9)
- f) Reaffirmation that that civil, political, economic, social and cultural rights, including the right to development, are universal, indivisible, interdependent and interrelated
- g) Reaffirmation that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis (Outcome Document para 121)
- h) Reaffirmation that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms, (Outcome Document para 121)
- i) Recognition of the historic achievements of the United Nations Commission on Human Rights, beginning with the promulgation of the Universal Declaration of Human Rights, and continuing with the subsequent development of a rich legacy of human rights standards and mechanisms over six decades of attention to the promotion and protection of human rights
- j) Determination to ensure that all activities of the Human Rights Council shall be undertaken in a manner which is non-selective and depoliticized and that they are principally directed to the benefit of rights-holders
- k) Determination to ensure that the Human Rights Council shall work in a manner that is based on cooperation and genuine dialogue

II. STATUS

1. Decision to create a Human Rights Council based in Geneva in replacement of the Commission on Human Rights as a
 - a) principal organ (pending the entry into force of Charter amendments, it shall be a subsidiary organ of the General Assembly)

OR

 - b) subsidiary organ of the General Assembly

OR

 - c) subsidiary organ of the General Assembly + review of the status within five years
2. The Human Rights Council shall:
 - a) be a standing body that meets throughout the year

OR

 - b) have regular sessions (one session of 6 weeks OR 2 to 4 sessions of 2 to 4 weeks)

AND

 - c) in addition to regular sessions, have the ability to meet in resumed / special session, at the request of:
 - i. a certain number/majority of its members
 - ii. its Chair
 - iii. the Secretary General
 - iv. the High Commissioner for Human Rights

III. MANDATE AND FUNCTIONS

1. MANDATE:

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. (Outcome Document, para 158)

2. FUNCTIONS:

The Council will:

- a) promote international cooperation through programmes of advisory services, technical cooperation and capacity-building and human rights education as well as undertake advocacy activities related to the promotion and protection of human rights
- b) serve as a forum for dialogue on thematic issues on civil, political, economic, social and cultural rights, including the right to development
- c) make recommendations to the General Assembly for the further development of international law in the field of human rights

- d) undertake a universal periodic review of the fulfillment by each State of its human rights obligations
 - i. through a cooperative mechanism
 - ii. based on reports submitted by Member States and the High Commissioner for Human Rights, including an annual global report
 - iii. review should not duplicate the work of the Treaty Bodies
- e) undertake a global thematic review
- f) work for the prevention of human rights violations and respond to human rights emergencies, including by dispatching fact-finding missions
- g) *address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon. (Outcome Document, para 159)*
- h) *promote effective coordination and the mainstreaming of human rights within the United Nations system. (Outcome Document, para 159)*
- i) maintain a system of special procedures
- j) work in close cooperation in the field of human rights with regional organizations, national institutions and civil society
- k) assume, review and rationalize the mandates, functions and responsibilities of the Commission on Human Rights, including the Sub-Commission on the Promotion and Protection of Human Rights and the 1503 Procedure, with the objective of preserving its strengths
- l) make recommendations to Member States and the United Nations system, including to the General Assembly, the Security Council and the Economic and Social Council
- m) report annually to the General Assembly

IV. SIZE, COMPOSITION AND MEMBERSHIP

1. SIZE

The Council shall comprise

- a) a smaller number of members than the Commission on Human Rights
- OR b) the same number of members as the Commission on Human Rights
- OR c) a larger number of members than the Commission on Human Rights

2. COMPOSITION

- a) In the establishment of the membership of the Council, due consideration shall be given to the principle of equitable geographical distribution
- OR b) The establishment of the membership of the Council shall be based on the principle of equitable geographical distribution
- c) In the establishment of the membership of the Council, due consideration shall be given to the contribution of Member States to the promotion and protection of human rights

3. MEMBERSHIP

- a) all Member States should have the opportunity to serve in the Council
- OR b) Member States seeking membership shall present letters of commitment and regional endorsement and no Member State against which measures under art. 41 and 42 of the Charter may serve in the Council
- c) Member States seeking membership shall abide by the highest standards for the protection and promotion of human rights and present voluntary commitments and pledges
- d) Members of the Council shall undertake to cooperate fully with the Council
- e) Members of the Council should be the first to undergo the universal periodic review (if universal periodic review is approved)

4. ELECTION

- A. The Members of the Council shall be elected by
 - a) a simple majority of the General Assembly
 - OR b) a two-thirds majority of the General Assembly
- B. Other options:
 - a) each candidate should be elected directly and individually in the General Assembly
 - b) a higher number of candidates than seats should be presented (no clean slate)
 - c) regional groups presenting a higher number of candidates than the fixed number of seats available to that group will be given an additional seat (if an additional seat is not awarded to a regional group, it could either remain temporarily unfilled or be filled as a floating seat).
 - d) some seats shall be attributed to regional groups, other seats shall be attributed to the general UN membership ("free seats")

5. DURATION OF TERMS AND REELIGIBILITY

A. The Members of the Council shall be elected for a term of

a) two years

OR

b) three years

B. The Members of the Council

a) shall be eligible for immediate reelection

OR

b) shall not be eligible for immediate reelection

OR

c) shall not be elected for more than two consecutive terms

6. FIRST ELECTION ARRANGEMENTS

a) The General Assembly will elect the new members of the Council (the term of the member elected shall be staggered)

OR

b) 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

V. RULES OF PROCEDURE AND METHODS OF WORK

1. RULES OF PROCEDURE

The Council shall:

a) adopt its own rules of procedure

OR

b) apply the rules of procedure of the subsidiary organs of the General Assembly

AND

c) make suitable arrangements for the participation of observer States

AND

d) make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence, and adopt the arrangements and practices for non-governmental organization participation observed by the Commission on Human Rights

2. METHODS OF WORK

- a) the Council shall adopt its own methods of work
- OR* b) the General Assembly shall endorse the methods of work of the Council
- AND* c) methods of work shall be transparent and enable genuine dialogue
- AND* d) methods of work shall be result-oriented and allow subsequent follow-up discussions to recommendations
- AND* e) methods of work shall build on the arrangements of the Commission on Human Rights regarding special procedures and allow for substantive interaction

VI. TRANSITIONAL ARRANGEMENTS

- a) Recommendation to the ECOSOC to request the Commission to meet for a final session of short duration in order to conclude its work
- b) Recommendation to the ECOSOC to transfer all mandates, functions and responsibilities of the Commission on Human Rights to the Human Rights Council
- c) Decision to establish a date for the election of the members of the Council
- d) Decision to establish a date for the first meeting of the Council