

MISSION PERMANENTE DE LA RÉPUBLIQUE POPULAIRE DE CHINE  
A GENÈVE

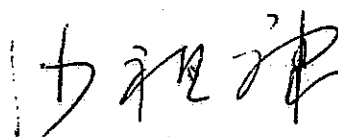
11, CHEMIN DE SURVILLE - 1213 PETIT-LANCY 2, GENÈVE  
TÉL. 022 879 56 78

Excellency,

On behalf of the member states of the Like Minded Group (LMG), namely Algeria, Bangladesh, Belarus, Bhutan, China, Cuba, Egypt, India, Indonesia, Iran, Malaysia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Sudan, Syria, Venezuela, Viet Nam, Zimbabwe, I have the honour to transfer herewith the non-paper on the Human Rights Council for your reference.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



SHA Zukang

Ambassador & Permanent Representative  
of the People's Republic of China to UNOG

H.E. Mr. Luis Alfonso DE ALBA

Chairman-designate of the Human Rights Council

Ambassador & Permanent Representative of Mexico to the UNOG

Geneve

## **Non-Paper of the Like Minded Group on the HUMAN RIGHTS COUNCIL**

### **I. General remarks:**

- 1- All details of the HRC (Agenda, working methods, number and frequency of sessions, organization of work, procedures, continuity of the Sub commission, and other pending issues) should be negotiated and defined in an inclusive, transparent intergovernmental process of negotiation, open to all delegations. To fulfill the mandate given in OP6 and OP5 e) of GA resolution 60/251, the Council could establish one or some intergovernmental working groups in its first session in June.

### **II. Proposals or options:**

#### **1- Council's Chairmanship:**

Considering the agreement on the GRULAC Chairmanship for the first year, and the designation of Ambassador of México, H. E. Luis Alfonso de Alba, as Chair-designate, and the bearing in mind the Presidency of the Council should be based on geographical rotation among the 5 Regional Groups,

- a) The rotation should continue in the following order after GRULAC Chairmanship: Eastern European Group, African Group, WEOG and Asian Group. (Proposal by African Group).

#### **2- Council's Bureau:**

- a) Members of the Bureau shall be elected on the basis of equitable geographic distribution.
- b) The Bureau shall be formed by 1 Chairman, 4 Vice-Chairmen, with one Vice-chair acting as Rapporteur.
- c) The structure of Expanded Bureau (the participation of Regional Coordinators) should be maintained.
- d) The Expanded Bureau should only deal with organizational and procedural issues, subject to the approval of the Council.

#### **4-Organization and format of sessions of the Council:**

Considering Op 10 of GA resolution 60/251 which states "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..."

##### **I. Sessions of the first year (from June 2006 to June 2007):**

Recognizing the Council shall start its work only on 19<sup>th</sup> June, 2006, and considering the need to define and agree on all details of the functioning of this new organ before entering into substantive and concrete issues,

**The first year of the Council should be seen as a transitional year:**

- A) Proposed first session (from 19<sup>th</sup> to 30<sup>th</sup> June, 2006 – 2 weeks):** Should have a ceremonial and an organizational character, particularly **laying down** the "road map" on the future work of the Council. Decisions should be taken on the implementation of OP5 e), related to the establishment of modalities of Universal Periodic Review; and OP 6 of the GA resolution 60/251, regarding the review of different mechanisms of CHR, as well as decisions to guarantee the continuity of the Sub commission, 1503 procedure and the rest of mechanisms until the reviewing process was concluded. In this regard:

**First week:** Open ceremony, election of the Bureau, adoption of agenda and High Level Segment (HLS). The HLS should be organized in its traditional format. Reasonable speaking time limits shall be allocated for the interventions of dignitaries. The modalities for the first session should not prejudice any decision for future sessions of the Council, particularly on the issue of speaking-time limits. **Only Government Representatives, as well as Heads of Specialized agencies and intergovernmental organizations should speak in the HLS.**

**Second week:** Discussions and negotiations on organizational issues, particularly the definition of the "road map" on the future

work of the Council. Decisions should be taken on the following issues:

- To extend exceptionally for one year all current mandates (pending the review process, in accordance with OP 6 GA resolution 60/251).
- A proposal could be considered directed to start the process of revision by those mechanisms whose mandates end this year. Immediate attention should be granted to those special procedures responsible for the politicization that affected the work and credibility of the Commission on Human Rights, with a view to eliminate them.
- To extend the mandate of current Experts of the Sub commission in order to allow this body to meet in August. The same would apply to its working groups, as well as to 1503 procedure.
- In accordance with OP 6 of the GA resolution 60/251, the establishment of one or more intergovernmental working groups in order to negotiate the details of the Human Rights Council – review of all mechanisms, special procedures, Sub commission, 1503 procedure; universal periodic review; agenda, working methods, and organization of the work of the Council-. These working groups should meet during the inter-session periods, and their meetings must not coincide either one another nor with other workings groups.

**B) Proposed second session (3 weeks in September 2006):** It could take up all reports which were presented to the 62<sup>nd</sup> CHR. Interactive dialogue with special procedures, general debate, and possible initiatives may be considered.

**C) Five weeks session in March:** procedural and substantive issues should be considered. Decisions could be taken on the future work of the Council from its second year.

**II. Organization of sessions from the second year (from June 2007):**

Bearing in mind OP 10 of GA resolution 60/251,

Taking into account the limited human and financial resources of developing countries,

General principles:

- The Council should hold only 3 regular sessions of a total of 10 weeks in a year (For urgent situations, according to op 10 of GA resolution 60/251, the Council is able "to hold special sessions, when needed, at a request of a member of the Council with the support of one third of the membership of the Council").
- Among these 3 regular sessions, one of them should be a main session. A High Level Segment should take place in the context of this main session.
- The Council regular sessions should not be convened in parallel with other important UN meetings, in particular, the Third Committee of the GA.
- The format and organization of the work of the Council should guarantee a balance treatment and attention to all human rights categories throughout the year.

Recommendations:

- The main session of the Council should be convened for 4 weeks in spring (March – April). Since it was the traditional time or period allocated for the CHR ordinary session, it will not coincide with other important UN meetings.
- The other 2 sessions of the Council could take place for 3 weeks in summer (June - July) and 3 weeks in autumn (September), avoiding any overlapping with the work of the GA Third Committee.
- The agenda items could be divided for consideration among the 3 regular sessions of the Council. In each session a group

of items should be considered, including general debate, interactive dialogue and the adoption of relevant initiatives on the items under consideration. In the division of agenda items, special attention should be paid to have an adequate balance between the different human rights categories in the 3 sessions. Under this format, time should also be allocated in each session to the universal periodic review.

## **2- Agenda of the Council:**

- The agenda of the Council must respect an adequate balance in the treatment of all human rights categories, civil, cultural, economic, political and social rights, in particular the right to development, as well as to individual and collective rights.
- **For drawing up the agenda for the Council there are two primary sources: (i) Resolution A/60/251, and (ii) agenda and the work done by the Commission during last sixty years. Based on this, a list of agenda items for the Council should be drawn. This should be done through consultations and consensus building and in a non-selective manner to ensure that issues of importance for all delegations are incorporated in the agenda of the Council.**
- ~~Agenda item 9 in its current format must be eliminated,~~ considering it was the main source of politicization, double standards and selectivity which motivated the credibility crisis that destroyed the CHR.

## **3- Rules of procedure of the Council:**

In accordance with OP 11 of GA resolution 60/251, rules of procedures established for Committee of the GA shall apply.

## **4- Participation of Observer States , NGOs and other actors:**

Bearing in mind OP 11 of GA resolution 60/251,

- The participation of Observer States in the work of the Council must be guaranteed, observing the same practices as the CHR.
- Rules and practices of the CHR on the participation of NGOs and other actors, such as the National Institutions of Human Rights, should be observed.
- Only those NGOs in consultative status with ECOSOC could participate in the sessions of the Council. Accredited Representatives of NGOs should be members of the NGO concerned.
- ECOSOC resolution 1996/31 shall be fully observed and respected.
- ~~NGOs should preserve their right to speak in the Council.~~ They could speak right after the Member and Observer States, and the time allocate for their statements should be less to that of the States.

**5- Relation with the G. A and its Third Committee:**

Taking into consideration OP 5 (j), of GA resolution 60/251, which states that the Council shall "submit an annual report to the G. A", and noting OP 5 (i) of the same resolution, which states that the Council shall "make recommendations with regard to the promotion and protection of human rights",

- The Council shall only make recommendations to the General Assembly, as its subsidiary body.
- The Council's report should be presented to the Third Committee of the GA, with a view to be discussed in this specialized body, which should be able to endorse or reject the decisions of the Council.