

**Cuba**  
**59<sup>th</sup> General Assembly**  
**Proposal for a Draft resolution**  
**July 2005.**

**"Commission on Human Rights Reform"**

The General Assembly,

**Reaffirming** its commitment to the purposes and principles of the Charter of the United Nations, (pp 1, GA Res 481141 of 1993)

**Bearing in mind** that among the purposes of the United Nations is to achieve 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 without distinction as to race, sex, language or religion, (art. 1, par. 3 of the U.N. Charter)

**Reaffirming** its commitment to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in June 1993, (pp 10, GA res. 48/141) as well as General Assembly Resolution 48 / 141 that created the post of the High Commissioner for Human Rights,

**Recognizing** the aspirations of all the peoples for an international order based on the principles enshrined in the Charter of the United Nations, which promotes and encourages respect for all human rights and fundamental freedoms for all and respect the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity, (Preambular Para 9 VDPA).

**Reaffirming** that all human rights are universal, indivisible, interdependent and mutually reinforcing and that all States regardless of their political, economical and cultural systems have the duty to promote and protect all human rights and fundamental freedoms, while bearing in mind the importance of national and regional particularities, as well as different historical, cultural and religious backgrounds, (Paragraph 5 VDPA)

**Recognizing** that the capacity of the Commission on Human Rights to perform its tasks have been undermined by eroding credibility and

professionalism and that the Commission cannot be credible if it is seen to be maintaining double standards in addressing human rights concerns. (Parts of par. 283, Report of the High-level Panel on Threats, Challenges and Change, document A/59/565)

**Recognizing also** that current proposals for membership criteria have little chance of changing these dynamics and indeed risk further politicizing the issue, (parts of par. 285, Report of the High-level Panel on Threats, Challenges and Change, document A/59/565)

1. **Reaffirms** the solemn commitment of our States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and the international law. (Based on Para 1, Part I, VDPA).
2. **Reaffirms also** its faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, (second preambular para of the Charter)
3. **Stresses** the need for the promotion and protection of all human rights to be guided by the principles of impartiality, objectivity and non-selectivity, in the spirit of constructive international dialogue and cooperation, (pp 8, GA res. 481141)
4. **Recognizes** the continuing increase of the membership of the United Nations since 1960, in particular developing countries,
5. **Reaffirms** the importance of ensuring broad representativeness of any international human rights body created to replace the CHR, with the objective on encouraging wide representation of different national and regional particularities, different historical, cultural and religious backgrounds, as well as the different forms of civilization,
6. **Decides the following:**
  - a) To replace, as of January 1, 2007, the existing Commission on Human Rights by a Human Rights Council,

- b) The Council will be a subsidiary body of the Third Committee of the General Assembly, in accordance to article 7 of the Charter,
- c) The Council shall be composed of representatives of 67 Member States, on the basis of equitable geographical representation, fully respecting the percentage of the United Nations membership by regions, which is currently as follows: African Group 28%, Asian Group 28%, GRULAC 17%, Western Europe and other States Group 15% and Eastern European Countries 11%
- d) The Members shall be elected by the Third Committee of the General Assembly by secret ballots and by a simple majority of members present and voting,
- e) The General Assembly shall elect approximately one third of the Members of the Council each year,
- f) The current Members of the Commission on Human Rights shall retain their seats as member of the Human Rights Council until the expiration of their current terms,
- g) The 67 Members of the Council shall be elected according to the following pattern:
  - i) Nineteen from African States
  - ii) Nineteen from Asian States
  - iii) Twelve from GRULAC
  - iv) Ten from WEOG
  - v) Seven from Eastern Europe.
- h) The first election of members of the HRC shall be held during the 61st session of the General Assembly, in the autumn of 2006, with the objectives of:
  - To fill the vacancies resulting from the expiration of term of those current members of the CHR ending in 31 December 2006,
  - To elect those members necessary to fill the new posts established.

- i) Subsequently, periodical elections will be held to fill vacancies created at the end of the term of members,
- j) The term of the mandate of elected members will be of three years, starting 1<sup>st</sup> January the year after the election was held,
- k) The Council shall meet annually for a period of six weeks in Geneva and may meet in special sessions also in Geneva to deal with urgent human rights situations upon request by an State or a group of States, supported by the majority of its Members, following the existing procedures for convening the Special Sessions of the Commission on Human Rights, as set forth in the annex to ECOSOC resolution 1993/286 of 28 July 1993,
- l) Non Governmental Organizations with consultative status with ECOSOC, Indigenous Organizations and Human Rights Institutions shall participate and contribute to the work of the Council based on the existing rules and practices for their contribution and participation on the Commission on Human Rights, in accordance with ECOSOC resolution 1996/31,
- m) The existing subsidiary bodies, mechanisms and the system of special procedures of the Commission on Human Rights shall continue to carry out fully their current functions under the Council scrutiny, unless decided otherwise by the General Assembly or the Council itself,
- n) The Council shall take actions through resolutions and decisions and statements by the Chairperson, on the basis of the Rules of Procedures of the General Assembly,
- o) The existing rules and practices for the election of the Bureau and for the organization and methods of work of the Commission on Human Rights shall continue to apply to the Council, unless in contradiction with the provisions of the present resolution or decided otherwise by the Council or the General Assembly,

7. **Decides also** that the Council on Human Rights shall:

- a) Function within the framework of the Charter of the United Nations, the Universal Declaration of Human Rights, other international instruments of human rights and international law, including the obligations, within this framework, to respect the sovereignty, territorial integrity and domestic jurisdiction of States, (first part of Op 3 a, GA res. 48/141),
- b) Be guided by the principle that all human rights –civil, cultural, economic, political and social— are universal, interdependent and interrelated and that the international community must treat them globally in a fair and equal manner, on the same footing and with the same emphasis, (first part of par. 5, Part I, VDPA)
- c) Be guided also by the recognition that the right to development, as established in the Declaration on the Right to Development, is a universal and inalienable right and integral part of fundamental human rights. (First part, Par. 10, Part I, VDPA)
- d) Bear in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds, (based on second part of par. 5, Part I, VDPA)
- e) Abide by the principles of the Universal Declaration on Human Rights that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized, (Art. 28, Universal Declaration of Human Rights) and that the rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations, (Art.29, par. 3, Universal Declaration of Human Rights)
- f) Abide also by the principles of impartiality, objectivity and non-selectivity, in the spirit of constructive international dialogue and cooperation, (pp 8, GA Res 48/141)
- g) Apply a gender perspective in its work,

8. **Resolves** that the Human Rights Council shall:

- a) Submit proposals, recommendations and reports to the Third Committee of the General Assembly, upon request of the Assembly or at its own initiative on:
  - i) The promotion and protection of all human rights for all as set forth in the Universal Declaration of Human Rights and other international instruments of human rights
  - ii) The implementation of The Vienna Declaration and Programme of Action of 1993, the Declaration and Programme of Action of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the references to human rights issues of the International Conferences and Summits and their follow up processes,
  - iii) The development of new international human rights norms and standards, updating and complementing the existing ones,
  - iv) Any issue included in the current agenda of the Commission of Human Rights,
  - v) The provision of and follow up on advisory services and technical assistance by the Office of the High Commissioner for Human Rights and other relevant programmes and bodies of the United Nations System for the purpose of the promotion and protection of all human rights,
  - vi) The fulfilment of national and international commitments to create an enabling international environment conducive to the realization of all human rights in all parts of the world,
  - vii) The promotion of the international cooperation for the realization of all human rights,
  - viii) The compatibility of the national and international measures to fight terrorism within the international human rights instruments and standards,

- b) Assist the Assembly in the coordination of activities concerning human rights within the United Nations System, (ECOSOC res. 1979136
  - c) Take effective international measures to guarantee and monitor the implementation of human rights standards in respect of people under foreign occupation and to provide effective legal protection against the violation of their human rights, in accordance with human rights norms and international law, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War and other applicable norms of humanitarian law, (par.3, Part I, VDPA)
  - d) Take also effective international measures to promote international cooperation for the realization of right to development and the elimination of obstacles to development. (Subpara 4, par, 10, Part I, VDPA)
  - e) Undertake any other human rights tasks assigned to it by the General Assembly, including the investigation of allegations concerning violations of human rights,
9. **Expresses concern** by the growing disparity between the activities of the Office of the High Commissioner for Human Rights and the Commission of Human Rights and the human, financial and other resources to carry them out, (first part par. 9, Part I, VDPA updated)
10. **Reaffirms** the need to uphold the principle of equitable geographical distribution of the membership of the United Nations organs and of the Secretariat,
11. **Stresses also** the importance of strengthening the provision of advisory services and technical assistance by the Office of the High Commissioner for Human Rights and other relevant programmes and bodies of the United Nations System for the purpose of the promotion and protection of all human rights, (based of pp 12, GA res. 48/141
12. **Urges** donors to make their voluntary contributions un-earmarked, as much as possible, to enable the High

Commissioner flexibility and balance in the allocation of staff and resources between the different activities and projects,

13. **Decides** to continue its consideration of this issue during its 60<sup>th</sup> Session.