

## HUMAN RIGHTS COUNCIL

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 Economic, Social and Cultural Rights and the International Covenant on Civil and Political 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 *Reaffirming* the commitment to strengthen the United Nations human rights machinery with the aim of ensuring effective enjoyment by all of all human rights and civil, political, economic, social and cultural rights, including the right to development,

PP7 *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,

PP8 *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,

PP9 *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,

PP10 *Recognizing* further that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and principally directed to the benefit of rights holders,

PP11 *Acknowledging* that non-governmental organizations play an important role, at the national and international level, in the promotion and protection of human rights

PP12 *Reaffirming* the commitment to further strengthen the United Nations human rights machinery and to this end the resolve to create a Human Rights Council,

### **Status**

OP1 Decides to establish a Human Rights Council, to be based in Geneva, in replacement of the Commission on Human Rights, as a:

*Alt1*: principal organ of the United Nations

*Alt2*: subsidiary organ of the General Assembly

*Alt3*: subsidiary organ of the General Assembly; the General Assembly shall review the status of the Council within five years to consider whether or not it should be made a principal organ of the United Nations.

### **Mandate and functions**

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, address situations of violations of human rights, including gross and systemic violations, and make recommendations thereon, and promote effective coordination and the mainstreaming of human rights within the United Nations system.

OP3 Decides that the Council will undertake its work guided by the principles of impartiality, objectivity and non-selectivity, in the spirit of constructive international dialogue and cooperation, and, *inter alia*:

- a) promote international cooperation and dialogue in order to enhance the capacities of Member States to fulfill their human rights commitments and obligations and to implement international norms and standards,
- b) promote the provision of advisory services, technical assistance and capacity-building, human rights education and learning, to Member States upon their request,
- c) serve as a forum for dialogue on thematic issues on all human rights,
- d) make recommendations to the General Assembly, within its mandate, for the further development of international law in the field of human rights.

- e) promote the full implementation of human rights instruments and follow-up of the goals and commitments related to the promotion and protection of human rights emanating from all the major United Nations conferences and summits,
- f) 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, in accordance with the following criteria:
  - 1. It shall be a cooperative mechanism based on genuine dialogue and fully involving the country concerned.
  - 2. It shall measure the performance of each State against its human rights obligations and commitments, taking into account its previous record of implementation, capacity-building needs, level of development and other particularities.
  - 3. It shall be based on inputs submitted by:
    - a. The country being reviewed,
    - b. The High Commissioner for Human Rights,
    - c. Other concerned organizations that the Council may deem appropriate,
  - 4. It shall take into account an annual global report to be prepared by the Office of the High Commissioner for Human Rights which would address human rights issues in all countries through a consolidated database.
  - 5. It shall include a presentation by the reviewed State of its human rights situation, followed by an interactive dialogue.
  - 6. It shall contribute to the implementation of the recommendations of the treaty-bodies and special procedures and not duplicate their work.

f)bis/alt: undertake a global thematic review on existing or emerging issues with the purpose of identifying trends and promoting cooperation and capacity building,

- g) work for the prevention of human rights violations and respond to gross and systematic human rights violations and emergencies as they occur, including by dispatching fact-finding missions,

OP4 Decides that the Council shall:

- a) assume and review, in order to rationalize, streamline, preserve the strengths and improve the ongoing mandates, functions and responsibilities of the Commission on Human Rights, including the system of special procedures,
- b) Alt.1: maintain the Sub-Commission on the Promotion and Protection of Human Rights, Alt.2: decide whether to maintain Sub-Commission on the Promotion and Protection of Human Rights or replace it with a new expert advisory body,
- c) Alt.1: maintain the 1503 procedure,

Alt.2: decide whether to maintain the 1503 procedure or set up a new complaints procedure,

- d) work in close cooperation in the field of human rights with governments, regional organizations, national human rights institutions and civil society, including non-governmental organizations,
- e) Alt1: make recommendations, with regard to the promotion and protection of human rights, to Member States and the General Assembly,  
Alt2: make recommendations, with regard to the promotion and protection of human rights, to Member States and to the United Nations system, including the General Assembly, the Security Council, the Economic and Social Council and the Peace-building Commission,
- f) submit an annual report to the General Assembly,
- g) review the work of the Office of the High Commissioner for Human Rights, including its annual work programme, budget, as well as their implementation.

### **Size, composition and membership**

OP5 Decides that the Human Rights Council shall consist of [38] [53] members, to be elected directly and individually by the General Assembly by [a simple majority] [two-thirds] of the members present and voting, due regard being specially paid to equitable geographic distribution and to their contribution to the promotion and protection of human rights. Membership will be distributed among regional groups as follows: African Group [xx] members, Asian Group [xx] members, Eastern European Group [xx] members, Latin American Group [xx] members and Western European Group [xx] members.

OP6 Alt.1: Decides that the membership in the Council shall be open to all Member States of the United Nations.

Alt.2: Decides that the membership in the Council shall be open to all Member States of the United Nations and that the elections shall be in accordance with the following rules:

- a) Regional groups shall present a higher number of candidates than seats available to each region (no clean slate);
- b) Member States seeking membership shall present letters of commitment and gain endorsement from political level in a majority of individual Member States in their own region.
- c) No Member States against which measures are in effect under articles 41 and 42 of the UN Charter have been taken, or which are subject to UN Security Council investigation, including a Commission of Inquiry, may serve in the Council.

OP7 Decides that members of the Council will serve for a period of three years and shall [be eligible for immediate re-election] [not be eligible for more than two consecutive terms].

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 established in this resolution during their term of membership.

### **Regular and special sessions**

OP10 Decides that the Human Rights Council will meet in regular and special session as follows:

a) in regular sessions

*Alt 1:* (xx) times a year for a period of (xx) weeks each.

*Alt 2:* no less than (xx) times a year for a total of not less than (xx) weeks, the Council shall decide its calendar of meetings.

b) in special sessions when needed at the request of any of the following:

i.- One or more members of the [United Nations] [Council] with the support of [one third] [a majority] of the members of the Council,

ii.-The President of the Council with the concurrence of all the members of the Bureau,

iii.-The Secretary General,

iv.-The High Commissioner for Human Rights.

### **Rules of procedures**

OP11 Alt.1:Decides that the Council shall adopt its own rules of procedure.

Alt.2:Decides that the Council shall adopt its own rules of procedure subject to the endorsement by the General Assembly.

Alt.3:Decides that the Council shall apply the rules of procedure of the General Assembly

OP12 Decides that the rules of procedures of the Council should provide for:

a) The participation of observers, including participation of States that are not members of the Council, specialized agencies, non-governmental organizations and national human rights institutions.

b) Alt.1: The participation of non-governmental organizations and national human rights institutions established in accordance with the Paris Principles, which are concerned with matters within the competence of the Council, based on the arrangements and practices observed by the Commission on Human Rights.

Alt.2: The arrangements made by the Economic and Social Council for consultations with non-governmental organizations as well as current practices observed by the Commission on Human Rights.

c) The establishment of a monitoring mechanism based on ECOSOC Resolution 1996/31.

- d) Country specific resolutions shall be adopted by an affirmative vote of two-thirds of the members of the Council present and voting.

### **Working methods**

OP13 Alt.1: Decides that the Council shall decide upon its own methods of work.

Alt.2: Decides that the Council shall decide upon its own methods of work, subject to the endorsement by the General Assembly.

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 to recommendations, placing more focus on implementation of human rights norms, and build on the arrangements of the Commission on Human Rights regarding special procedures and mechanism and allow for substantive interaction with them.

### **Review**

OP15 Decides that the Council shall review its work and functioning five years after its establishment and report to the General Assembly.

### **Transitional arrangements**

OP16 Recommends the Economic and Social Council to:

- a) abolish the Commission on Human Rights the day before the Human Rights Council will hold its first regular session,
- b) request the Commission on Human Rights to meet for a final session in order to conclude its work,
- c) transfer all mandates, functions and responsibilities of the Commission on Human Rights to the Human Rights Council.

OP17 Decides that the Human Rights Council shall hold its first regular session on (xx) of 2006.

OP18 Alt. 1: Also decides to elect the new members of the Council on (xx) of 2006. 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.

Alt.2: Also 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.