



General Assembly

Distr.: Limited
23 March 2011

Original: English

Human Rights Council

Sixteenth session

Agenda item 1

Organizational and procedural matters

Draft resolution presented by the President of the Human Rights Council

16/... Review of the work and functioning of the Human Rights Council

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in paragraph 16 of resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should review its work and functioning five years after its establishment and report to the Assembly,

Having considered the report of the open-ended intergovernmental working group on the review of work and functioning of the Human Rights Council,¹ established by the Council in its resolution 12/1 of 1 October 2009,

1. *Takes note* of the report of the open-ended intergovernmental working group on the review of work and functioning of the Human Rights Council,

2. *Adopts* the “Outcome of the review of the work and functioning of the United Nations Human Rights Council” as annexed to the present resolution, to be submitted to the General Assembly;

3. *Decides* that the “Outcome of the review of the work and functioning of the United Nations Human Rights Council” shall be a supplement to the Institution-Building Package contained in Council resolutions 5/1 and 5/2 of 18 June 2007, as well as in other related Council resolutions, decisions and President’s statements;

4. *Also decides* to submit the following draft resolution to the General Assembly for its consideration:

“The General Assembly,

“Taking note of Human Rights Council resolution 16/... of ... March 2011,

“Endorses the text entitled “Outcome of the review of the work and functioning of the United Nations Human Rights Council”.”

¹ A/HRC/WG.8/2/1.

Annex

Outcome of the review of the work and functioning of the United Nations Human Rights Council

I. Universal periodic review²

A. Basis, principles and objectives of the review

1. The basis, principles and objectives of the universal periodic review as set forth in paragraphs 1, 2, 3 and 4 of the annex to Human Rights Council resolution 5/1 shall be reaffirmed.

B. Periodicity and order of the review

2. The second cycle of the review shall begin in June 2012.

3. The periodicity of the review for the second and subsequent cycles will be of four and a half years. This will imply the consideration of 42 States per year during three sessions of the Working Group on the Universal Periodic Review.

4. The order of review established for the first cycle of the review shall be maintained for the second and subsequent cycles.

C. Process and modalities of the review

1. Focus and documentation

5. The review during the second and subsequent cycles will continue to be based on the three documents identified in paragraph 15 of the annex to Council resolution 5/1.

6. The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the developments of the human rights situation in the State under review.

7. The general guidelines for universal periodic review reports adopted by the Council in its decision 6/102 shall be adjusted to the focus of the second and subsequent cycles before the eighteenth session of the Council.

8. Other relevant stakeholders are encouraged to include in their contributions information on the follow-up to the preceding review.

9. The summary of the information provided by other relevant stakeholders should contain, where appropriate, a separate section for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. Information provided by other accredited national human rights institutions will be reflected accordingly, as well as information provided by other stakeholders.

² Changes to the universal periodic review contained in the present section shall be applicable as of the second cycle of the review.

2. Modalities

10. The role of the troikas shall be maintained as set forth in the annex to Council resolution 5/1 and in President's statement PRST/8/1.
11. Following the extension of the review cycle to four and a half years and within existing resources and workload, the duration of the Working Group meeting for the review will be extended from the present three hours and the modalities will be agreed upon at the seventeenth session of the Council, including the list of speakers, which shall be based on the modalities as appear in the Appendix.
12. The final outcome of the review will be adopted by the plenary of the Council. The modalities for the organization of the one-hour consideration of the outcome shall be in accordance with President's statement PRST/9/2.
13. The national human rights institutions of the State under review consistent with the principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 (the Paris Principles) shall be entitled to intervene immediately after the State under review during the adoption of the outcome of the review by the Council plenary.
14. The Universal Periodic Review Voluntary Trust Fund to facilitate the participation of States established by the Council in its resolution 6/17 should be strengthened and operationalized in order to encourage a significant participation of developing countries, particularly least developing countries and small island developing States, in their review.

D. Outcome of the review

15. The recommendations contained in the outcome of the review should preferably be clustered thematically with the full involvement and consent of the State under review and the States that made the recommendations.
16. The State under review should clearly communicate to the Council, in a written format preferably prior to the Council plenary, its positions on all received recommendations, in accordance with the provisions of paragraphs 27 and 32 of the annex to Council resolution 5/1.

E. Follow-up to the review

17. While the outcome of the review, as a cooperative mechanism, should be implemented primarily by the State concerned, States are encouraged to conduct broad consultations with all relevant stakeholders in this regard.
18. States are encouraged to provide the Council, on a voluntary basis, with a midterm update on follow-up to accepted recommendations.
19. The Voluntary Fund for Financial and Technical Assistance, established by the Council in its resolution 6/17, should be strengthened and operationalized in order to provide a source of financial and technical assistance to help countries, in particular least developed countries and small island developing States, to implement the recommendations emanating from their review. A board of trustees should be established in accordance with the rules of the United Nations.
20. States may request the United Nations representation at the national or regional level to assist them in the implementation of follow-up to their review, bearing in mind the provisions of paragraph 36 of the annex to Council resolution 5/1. The Office of United Nations High Commissioner for Human Rights may act as a clearing house for such assistance.

21. Financial and technical assistance for the implementation of the review should support national needs and priorities, as may be reflected in national implementation plans.

II. Special procedures

A. Selection and appointment of mandate holders

22. To further strengthen and enhance transparency in the selection and appointment process of mandate holders envisaged in the annex to Council resolution 5/1, the following provisions will apply:

(a) In addition to entities specified in paragraph 42, national human rights institutions in compliance with the Paris Principles may also nominate candidates as special procedures mandate holders;

(b) Individual candidates and candidates nominated by entities shall submit an application for each specific mandate, together with personal data and a motivation letter no longer than 600 words. The Office of the High Commissioner shall prepare a public list of candidates who applied for each vacancy;

(c) The Consultative Group will consider, in a transparent manner, candidates having applied for each specific mandate. However, under exceptional circumstances and if a particular post justifies it, the Group may consider additional candidates with equal or more suitable qualifications for the post. The Group shall interview shortlisted candidates to ensure equal treatment of all candidates;

(d) In implementing paragraph 52, the President shall justify his/her decision if he/she decides not to follow the order of priority proposed by the Consultative Group.

B. Working methods

23. In line with Council resolution 5/2, States should cooperate with and assist special procedures in the performance of their tasks and it is incumbent on mandate holders to exercise their functions in accordance with their mandates and in compliance with the code of conduct.

24. The integrity and independence of the special procedures and the principles of cooperation, transparency and accountability are integral to ensuring a robust system of the special procedures that would enhance the capacity of the Council to address human rights situations on the ground.

25. The special procedures shall continue to foster a constructive dialogue with States. The special procedures shall also endeavour to formulate their recommendations in a concrete, comprehensive and action-oriented way and pay attention to the technical assistance and capacity-building needs of States in their thematic and country mission reports. The comments of the State concerned shall be included as an addendum to country mission reports.

26. States are urged to cooperate with and assist special procedures by responding in a timely manner to requests for information and visits, and to study carefully the conclusions and recommendations addressed to them by the special procedures.

27. The Council should streamline its requests to special procedures, in particular with regard to reporting, to ensure meaningful discussion of their reports. The Council should remain as a forum for open, constructive and transparent discussion on cooperation between States and special procedures, allowing for the identification and exchange of good practices and lessons learned.

28. National human rights institutions consistent with the principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 (the Paris Principles) of the country concerned shall be entitled to intervene immediately after the country concerned during the interactive dialogue, following the presentation of a country mission report by a special procedure mandate holder.

29. The Office of the High Commissioner will continue to maintain information on special procedures, such as mandates, mandate holders, invitations and country visits and responses thereto, as well as reports presented to the Council and the General Assembly, in comprehensive and easily accessible manner.

30. The Council strongly rejects any act of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and urges States to prevent and ensure adequate protection against such acts.

C. Resources and funding

31. The Council recognizes the importance of ensuring the provision of adequate and equitable funding, with equal priority accorded to civil and political rights and economic, social and cultural rights, including the right to development, to support all special procedures according to their specific needs, including additional tasks entrusted to them by the General Assembly. This should be achieved through the regular budget of the United Nations.

32. The Council therefore requests the Secretary-General to ensure the availability of adequate resources within the regular budget of the Office of the High Commissioner to support the full implementation by special procedures of their mandates.

33. The Council also recognizes the continued need for extra-budgetary funding to support the work of the special procedures, and welcomes further voluntary contributions by Member States, emphasizing that these contributions should be, to the extent possible, unearmarked.

34. The Council highlights the need for full transparency in the funding of the special procedures.

III. Advisory Committee

35. The Council shall, within existing resources, strengthen its interaction with the Advisory Committee and engage more systematically with it through work formats such as seminars, panels, working groups and sending feedback to the inputs of the Committee.

36. The Council shall endeavour to clarify specific mandates given to the Advisory Committee under relevant resolutions, including indicating thematic priorities and provide specific guidelines for the Advisory Committee with a view to triggering implementation-oriented outputs.

37. In order to provide a proper setting for a better interaction between the Council and its Committee, the first annual session of the Committee shall henceforth be convened immediately prior to the March session of the Council, while the second session shall be held in August.

38. The annual report of the Committee shall be submitted to the Council at its September session, and be the subject of an interactive dialogue with the Committee Chairperson. The present provision does not exclude other interaction with the Committee should such opportunities arise and be deemed appropriate by the Council.

39. The Committee shall endeavour to enhance intersessional work between its members in order to give effect to the provisions of paragraph 81 of the annex to Council resolution 5/1.

IV. Agenda and framework for the programme of work

40. The Council's agenda and framework for programme of work are as is specified in the annex to Council resolution 5/1.

41. Council cycles will be aligned with the calendar year and be subject to any necessary transitional arrangements decided on by the General Assembly.

V. Methods of work and rules of procedure

A. Yearly panel with United Nations agencies and funds

42. The Council shall hold a half-day panel discussion once a year to interact with heads of governing bodies and secretariats of United Nations agencies and funds within their respective mandates on specific human rights themes with the objective of promoting the mainstreaming of human rights throughout the United Nations system. The present provision does not preclude other opportunities that may arise for discussions between the Council and United Nations agencies and funds on the mainstreaming of human rights.

43. State or regional groups may propose issues to be discussed by the panel. On the basis of such proposals and consultation with all regional groups, the President of the Council will propose the theme of the panel discussion for the upcoming year for approval by the Council at its relevant organizational session.

44. The Office of High Commissioner, in its capacity as secretariat of the Council, shall coordinate the preparation of the documentation required for the panel discussion.

B. Voluntary yearly calendar of resolutions

45. The Bureau shall establish a tentative yearly calendar for the thematic resolutions of the Human Rights Council in consultation with the main sponsors. The yearly calendar will be established on a voluntary basis and without prejudice to the right of States as provided for by paragraph 117 of the annex to Council resolution 5/1.

46. The calendar should also contemplate the appropriate synchronization of schedules for resolutions, mandates and presentation of reports by the special procedures, taking into account the need for balance between them.

47. The Bureau shall present a report to the Council in its eighteenth session.

C. Bi- and triennial thematic resolutions

48. In principle and on a voluntary basis, omnibus thematic resolutions should be tabled on a biennial or triennial basis.

49. Thematic resolutions on the same issue to be presented in between the above-mentioned intervals are expected to be shorter and focused on addressing the specific question or standard gap that justified their presentation.

D. Transparency and extensive consultations for resolutions and decisions

50. The consultation process on, inter alia, resolutions and decisions of the Council shall observe the principles of transparency and inclusiveness.

E. Documentation

51. There is a need for ensuring the availability of working documents in a timely manner and in all official languages of the United Nations.

F. Deadlines for the notification and submission of draft initiatives and programme budget implication information

52. There is a need for early submission of Draft resolutions and decisions by the end of the penultimate week of the Council session.

53. Sponsors of initiatives are encouraged to contact the Office of High Commissioner before the second week of the session with a view to facilitate the circulation of information on budgetary implications, if any.

G. Establishment of an office of the President

54. In line with the procedural and organizational roles of the President, the Office of the President of the Human Rights Council shall be established, within existing resources, in order to support the President in the fulfilment of his or her tasks and enhance efficiency, continuity and institutional memory in this regard.

55. The Office of the President shall be provided with adequate resources drawn from the regular budget, including staff, office space and necessary equipment required for the fulfilment of their tasks. The appointment of the staff of the Office shall promote equitable geographic distribution and gender balance. The staff of the Office shall be accountable to the President.

56. The composition, modalities and financial implications of the Office of President shall be considered by the Council on the basis of the report of the secretariat, at its seventeenth session.

H. Human Rights Council secretariat service

57. The secretariat service to the Council and its mechanisms should continue to be improved to enhance the efficiency of the work of the Council.

I. Accessibility for persons with disabilities

58. There is a need to enhance accessibility for persons with disabilities to the Council and the work of its mechanisms, including its information and communication technology, Internet resources and documents, in accordance with international standards on accessibility for persons with disabilities.

J. Use of information technology

59. The Council shall explore the feasibility of the use of information technology, such as videoconferencing or video messaging, in order to enhance access and participation by

non-resident State delegations, specialized agencies, other intergovernmental organizations and national human rights institutions consistent with the principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 (the Paris Principles), as well as by non-governmental organizations in consultative status, bearing in mind the need to ensure full compliance of such participation with its rules of procedure and rules concerning accreditation.

60. The use of modern information technology, such as the electronic circulation of copies, is encouraged in order to reduce the circulation of paper.

K. Task force

61. The Council decides to establish a task force to study the issues envisaged in paragraphs 57, 58, 59 and 60 in consultation with Government representatives, the Office of the High Commissioner and the United Nations Office at Geneva and all relevant stakeholders, and to submit concrete recommendations to the Council at its nineteenth session.

L. Technical assistance trust fund

62. The Council will consider modalities for the establishment of a technical assistance trust fund to support the participation of least developed countries and small island developing States in the work of the Council at its nineteenth session.

Appendix

Modalities for establishing the list of speakers for the Working Group on the Universal Periodic Review

The established procedures, which allow speaking time of three minutes for Member States and two minutes for observer States, will continue to apply when all speakers can be accommodated within -- minutes available to Member and observer States.

Should it not be possible to accommodate all speakers within -- minutes based on three minutes of speaking time for Member States and two minutes for observer States, the speaking time will be reduced to two minutes for all.

If all speakers still cannot be accommodated, the speaking time will be divided among all delegations inscribed so as to enable each and every speaker to take the floor.

Steps for drawing up the list of speakers

1. The list of speakers will open at 10 a.m. on the Monday of the week preceding the beginning of the session of the Working Group on the Universal Periodic Review and remain open for a period of four days. It will close on the Thursday at 6 p.m.. A registration desk will be set up at the Palais des Nations. The exact location will be communicated to all permanent missions by the secretariat.
2. In all cases, regardless of speaking time, the delegations inscribed on the list of speakers will be arranged in alphabetical order of the country names in English. On the Friday morning preceding the beginning of the session, the President, in the presence of the Bureau, will draw by lot the first speaker on the list. The list of speakers will continue from the State drawn onward. On the Friday afternoon, all delegations will be informed of the speaking order and of the speaking time available to delegations.
3. Speaking time limits during the review will be strictly enforced. Speakers who exceed their speaking time will have their microphones cut off. Speakers may therefore wish to deliver the essential part at the beginning of their statements.
4. All speakers will retain the possibility of swapping place on the speakers list under bilateral arrangement between speakers.

