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IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”

**Intersessional open-ended intergovernmental working group on the
agenda, annual programme of work, methods of work and rules of
procedure of the Human Rights Council established pursuant to
Council resolution 3/4**

Non-paper on working methods and rules of procedure*

**Prepared under the authority of the facilitator,
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* The present document is circulated as received.

I. WORKING METHODS

ELEMENTS OF CONVERGENCE:

A. Scope of Working Methods

Based on Res. 60/251, OPs 4, 11, 12. They should be transparent, impartial, equitable, fair, pragmatic; lead to clarity, predictability, and inclusiveness. They can also be updated and adjusted through time.

1. Institutional arrangements

(a) Informative consultations/meetings on prospective resolutions or decisions (organized by the President of the Council)

These consultations would be informative only, whereby delegations would be apprised of resolutions/decisions tabled or intended to be tabled. These consultations will be held without prejudice to initiatives throughout the relevant session taken in accordance with the rules of procedure.

(b) Organizational meetings of the Council and the President

~~The Council shall hold an organizational meeting at the beginning of each Council year to consider the agenda, set the annual programme of work and other procedural issues. (see rules of procedure)~~

The President of the Council shall also convene organizational meetings before and, if necessary, during each Council session to discuss organizational and procedural issues particular to that session.

(c) President's open-ended information meetings on resolutions, decisions and other related business

These consultations shall provide information on the status of negotiations on draft resolutions/decisions so that delegations can gain a "bird's eye point of view" on the status of such drafts. These consultations shall have a purely informational function, combined with information on the extranet, and shall be held in a transparent and inclusive manner. They shall not serve as a negotiating forum.

(d) Informal consultations on proposals convened by main sponsors

Informal consultations shall be the primary means for the negotiation of draft resolutions/decisions, and their convening shall be the responsibility of the sponsor(s). At least one informal open-ended consultation should be held on each draft resolution/decision before it is considered for action by the Council. Consultations should, as much as possible, be scheduled in a timely, ~~and~~ transparent *and inclusive* manner that takes into account the constraints faced by delegations, particularly smaller delegations.

(e) Date of assumption of membership

19 June (for 2007)

Monday of the first week of July in subsequent years

~~f. Number of sessions per year~~

~~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. (OP10, GA resolution 60/251) (see rules of procedure).~~

(f) Ground Rules for Special Sessions of the Human Rights Council

The following shall complement the general framework provided by UNGA resolution 60/251 and the rules of procedure of the Human Rights Council:

1. The rules of procedure of special sessions shall be in accordance with the rules of procedure applicable for regular sessions of the Human Rights Council.
2. The request for a special session of the Human Rights Council in accordance with the requirement established in OP 10 GA Res. 60/251 shall be submitted to the President and to the Secretariat of the Council. The request shall specify the issue to be addressed in the meeting and include any other relevant information the sponsors may wish to provide.
3. The special session shall be convened as soon as possible after the formal request is communicated, but, in principle, not earlier than 2 working days, and not later than 5 working days after the formal receipt of the request. The duration of the special session shall not exceed 3 days (6 working sessions), unless the Council decides otherwise.
4. The Secretariat of the Council shall immediately communicate the request and any additional information in the request provided by the sponsors, as well as the date for the convening of the special session, to all UN Member States and make available the information to the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as to non-governmental organizations in consultative status by the most expedient and expeditious means of communication. Special session documentation, in particular draft resolutions and decisions, should be made available in all official UN languages to all states in an equitable, timely and transparent manner.
5. The President of the Council should hold open-ended informative consultations before the special session on its conduct and organization. In this regard, the Secretariat may also be requested to provide additional information, including, inter alia, on previous special sessions' methods of work.
6. Members of the Council, concerned states, observer states, specialized agencies, other intergovernmental organizations and national human rights institutions, as well

as non-governmental organizations in consultative status may contribute to the special session in accordance with the rules of procedures of the Council.

7. If the requesting or other states intend to present draft resolutions or decisions at the special session, texts should be made available in accordance with the Council's relevant rules of procedure. Nevertheless, sponsors are urged to present such texts as early as possible.
8. The sponsors of a draft resolution or decision should hold open-ended consultations on the text of their draft resolution(s) or decision(s) with a view to achieving the widest participation in their consideration and, if possible, achieving consensus on them.
9. A special session should allow participatory debate, be results-oriented and geared to achieving practical outcomes, the implementation of which can be monitored and reported on at the following regular session of the HRC for possible follow-up decision.

ELEMENTS FOR FURTHER DISCUSSION:

~~g. Participation of non-members and civil society (see rules of procedure)~~

~~The participation of and consultation with observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations, shall be based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities (OP11 GA resolution 60/251).~~

(g) Role of the Bureau (may have to be codified in rules of procedure)

The Bureau shall deal with procedural and organizational matters. *The Bureau shall regularly communicate the contents of its meetings through a universally available and timely summary report.*

- Expanded Bureau

(h) Other work formats could include panel debate, seminars, round tables

Use of these formats, including topics and modalities, would be decided by the Council on a case-by-case basis. They would serve as tools of the Council for enhancing dialogue and mutual understanding on certain issues. They should be utilized in the context of the Council's agenda and annual work programme, and reinforce and/or complement its intergovernmental nature. They shall not be used to substitute or replace existing human rights mechanisms and established methods of work.

They could also be held as side events.

(i) *Informal meetings of members of the Council on an exceptional basis*

Such meetings would be open, but only members would participate in the debate, except those concerning the confidential 1503 procedure

(j) *High-Level Segment*

The High-Level Segment shall be held once a year during the March/April (main) session. It shall be followed by a General Segment *wherein delegations that did not participate in the High-Level Segment can deliver general statements.*

~~k. Relationship with the General Assembly~~

~~Avoid unnecessary duplication of work with General Assembly through greater coordination in the programme of work of the Council and the GA, especially its Third Committee.~~

(k) Rules of Procedure

See section II.

2. Ways of working/Working culture

ELEMENTS OF CONVERGENCE:

- Early notification of proposals (best efforts)
- Early submission of draft resolutions/decisions, preferably by end of penultimate week of a session
- Early distribution of all reports, particularly those of Special Procedures, to be transmitted to delegations in a timely fashion at least 15 days in advance of their consideration by the Council in all official UN languages.
- Restraint in resort to resolutions in order to avoid proliferation of resolutions *without prejudice to the right of States to decide on the periodicity of presenting their draft proposals* by:
 - Minimizing unnecessary duplication of initiatives with General Assembly/Third Committee
 - Clustering of agenda items
 - ~~Periodicity including~~ Staggering of *tabling of decisions/resolutions and* consideration of *action on* agenda items/issues

ELEMENTS FOR FURTHER DISCUSSION:

3. **Outcomes other than resolutions** and decisions such as recommendations; conclusions; summary of discussions; Chairman's statement. As such outcomes would have different legal implications, they should supplement and not replace resolutions and decisions.

B. How to deal with Working Methods outcome; where to reflect them

- A resolution, decision, recommendations, guidelines, or principles; or an annex to an omnibus resolution
- Certain agreed issues could be included in rules of procedure; agenda; work programme
- Some issues may be included in both a resolution or in another document(s) (e.g.: rules of procedure, agenda or work programme)

II. RULES OF PROCEDURE

Guidelines from UN GA resolution 60/251, OP 11:

“The Council shall apply the rules of procedure established for committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council, and also decides that the participation of and consultation with observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations, shall be based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities.”

Rationale for HRC rules of procedure:

A review of the rules of procedure of the committees of the General Assembly (Section XIII in GA rules of procedure) and the work methods of the Council since its inception suggests that there are either GA rules which do not apply to the Council, or there are new practice/practices derived from ECOSOC or the former CHR being used by the Council. These, in turn, will require either new rules or modifications of certain GA rules.

In this regard, below are “new practices” of the Council which may be added into a codified rules of procedure of the Human Rights Council, using the existing rules of procedure of the GA as the basic document.

(The Philippine paper on rules of procedure could be used as an illustrative guide on how such new or modified rules could be included in the rules of procedure of the Council in accordance with GA resolution 60/251.)

SESSIONS

Rules of Procedure

Rule [OP11, GA resolution 60/251]

The Council shall apply the rules of procedure established for committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council.

REGULAR SESSIONS

Opening Date

Rule [new]

The Human Rights Council shall commence its yearly cycle on *the first Monday of July of every year*.

Number of sessions

Rule [OP10, GA resolution 60/251]**

The Human Rights Council shall meet regularly throughout the year and schedule no fewer than three sessions per Council-year, including a main session, for a total duration of no less than ten weeks.

Assumption of membership

Rule [new]

Newly-elected Member States of the Human Rights Council shall assume their membership on the first day of the Council-year, replacing Member States that have concluded their respective membership terms.

Place of Council

Rule [3]

The Human Rights Council shall be based in Geneva.

** Numbers in brackets refer to relevant GA Rules of Procedure unless stated otherwise.

SPECIAL SESSIONS

Convening of special sessions

Rule [OP10, GA resolution 60/251]

The Human Rights Council shall ~~be able to~~ hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council.

PARTICIPATION OF AND CONSULTATION WITH OBSERVERS OF THE COUNCIL

Rule [OP11, GA resolution 60/251]

The Council shall apply the rules of procedure established for committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council, and the participation of and consultation with observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations, shall be based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, *Commission on Human Rights Resolution 2005/74 of 20 April 2005*, and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities.

ORGANIZATION OF WORK AND AGENDA FOR REGULAR SESSIONS

Organizational Meeting

Rule [new]

At the beginning of each Council-year the Council shall hold an organizational meeting to elect its Bureau and to *consider and adopt* the agenda, programme of work, *and calendar of regular sessions* for the Council-year indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item.

PRESIDENT AND VICE-PRESIDENTS

Elections

Rule [para 1, Rule 18, ECOSOC]

(a) *At the beginning of each Council-year, at its organizational meeting*, the Council shall elect a President and four Vice Presidents from among the representatives of its members. The President and the Vice-Presidents shall constitute the Bureau. One of the Vice-Presidents shall serve as Rapporteur. [new]

(b) In the election of the President of the Council, regard shall be had for the equitable geographical rotation of this office among the following regional groups: African States, Asian

States, Eastern European States, Latin American and Caribbean States, and Western European and other States. The four Vice-Presidents of the Council shall be elected on the basis of equitable geographical distribution from the regional groups other than the one to which the President belongs. ***The selection of the Rapporteur shall be based on equitable geographic distribution.***

Bureau

Rule [new]

The Bureau shall deal with procedural and organizational matters.

Term of Office

Rule [new]

The President and the Vice-Presidents shall, subject to Rule __ (on replacement of President or Vice-President), hold office for a period of one year. They shall not be eligible for immediate re-election to the same Post.

Absence of officers

Rule [105]

If the President finds it necessary to be absent during a meeting or any part thereof, he/she shall designate one of the Vice-Presidents to take his/her place. A Vice-President acting as President shall have the same powers and duties as the President. If the President ceases to hold office pursuant to Rule 20, the remaining members of the Bureau shall designate one of the Vice-Presidents to take his/her place until the election of a new President [para 2, Rule 20, ECOSOC].

Replacement of the President or a Vice-President

Rule [22 of ECOSOC]

If the President or any Vice-President ceases to be able to carry out his/her functions or ceases to be a representative of a member of the Council, or if the Member of the United Nations of which he/she is a representative ceases to be a member of the Council, he/she shall cease to hold such office and a new President or Vice-President shall be elected for the unexpired term.

SECRETARIAT

Duties of the Secretariat

Rule [47]

The Office of the High Commissioner for Human Rights shall act as Secretariat for the Council. In this regard, it shall receive, translate, print and make available in all official UN languages documents, reports and resolutions of the Council, its committees and its organs; interpret speeches made at the meetings; prepare, print and circulate the records of the session;

have the custody and proper preservation of the documents in the archives of the Council; distribute all documents of the Council to the Members and observers and, generally, perform all other support functions which the Council may require.

RECORDS AND REPORT

Report to the General Assembly

Rule 33 [OP5(j), GA resolution 60/251]

The Council shall submit an annual report to the General Assembly.

CONDUCT OF BUSINESS

Working Groups and other arrangements

Rule [new]

The Council may set up working groups and other arrangements. Participation in these bodies shall be decided upon by the members, based on Rule ___ (on participation of and consultation with observers). The rules of procedure of these bodies shall follow those of the Council, as applicable, unless decided otherwise by the Council.

[Universal Periodic Review]

Quorum

Rule [new]

The President may declare a meeting open and permit the debate to proceed when at least one third of the members of the Council are present. The presence of a majority of the members shall be required for any decision to be taken.

Majority required

Rule [125]

Decisions of the Council shall be made by a *simple* majority of the members present and voting, subject to Rule ___ (on quorum).

Two-thirds majority

Rule [new]

Every effort shall be made to achieve consensus in addressing country situations. Otherwise, those resolutions and decisions on country situations shall be co-sponsored by one-third of membership of the Council and adopted by two-thirds majority of the members present and voting.
