

*Revised Facilitator's Non-Paper
Working Group on Working Methods and Rules of Procedure of the HRC
March 2007*

- I. WORKING METHODS**
- II. RULES OF PROCEDURE**
- III. SPECIAL SESSIONS**

I. WORKING METHODS

ELEMENTS OF CONVERGENCE:

A. Scope of Working Methods

Based on Res. 60/251, Ops 4, 11, 12. They should be impartial, equitable, fair, pragmatic; lead to transparency, clarity, predictability, inclusiveness. Also, not exhaustive, and can be updated and adjusted through time.

1. Institutional Arrangements

- a. President's open-ended consultations 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.

- b. Organizational session of the Council and Organizational meetings of the President**

The Council shall hold an open-ended organizational meeting at the beginning of each Council year to consider the agenda, set the annual programme of work and other procedural issues.

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. 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.

d. Informal consultations on proposals convened by main sponsors

Informal consultations shall be the 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 manner that takes into account the constraints faced by delegations, particularly smaller delegations.

e. Date of assumption of membership

19 June 2006

ELEMENTS FOR FURTHER DISCUSSION:

f. Participation of non-members and civil society (to be in rules of procedure)

The rules of participation would be those used by the former Commission on Human Rights and ECOSOC.

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

- Expanded Bureau (role)

h. Spacing of meetings with Special Procedures and consideration of other reports to provide ample time for consideration of reports

i. Submission of Annual Report to General Assembly at its (June) session

j. Number of sessions per year

There should be no fewer than three regular sessions per Council year (could be included in rules of procedure).

The opening session of the year would be in September/ October. The main session in February/ March or March/ April; and the wrap-up session in June.

k. Other work formats could include interactive dialogues, panel debate, seminars, roundtables

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.

Such formats should have added-value to the work of the Council, be results-oriented, and allow for subsequent follow-up to recommendations arising therefrom.

l. Informal Meetings limited to members of the Council

m. High-Level Segment (could be included in rules of procedure)

The High-Level Segment shall be held once a year during the March/ April session.

n. 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.

o. Rules for preparation and conduct of special sessions (in rules of procedure)

See section III.

p. Rules of Procedure

See section II.

q. Structured agenda and detailed work programme for each year

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 reports of Special Procedures**, to be transmitted to delegations at least 15 days in advance of their consideration by the Council
- **Restraint in resort to resolutions in order to avoid proliferation of resolutions** by:
 - Avoiding duplication of initiatives with General Assembly/ Third Committee
 - (Clustering of agenda items)

- (Periodicity of consideration of agenda items/ issues)

ELEMENTS FOR FURTHER DISCUSSION:

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

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)

*Revised Facilitator's Non-Paper
Working Group on Working Methods and Rules of Procedure of the HRC
March 2007*

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

REGULAR SESSIONS

Number of sessions

Rule [OP10, GA resolution 60/251]¹

The Human Rights 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.

Place of meeting

Rule [3]

The Human Rights Council shall meet in the United Nations Office in Geneva, Switzerland.

High-Level Segment

Rule [new]

The Council shall hold an annual High-Level Segment during its main session in (March) (April).

SPECIAL SESSIONS

See Facilitator's text, section III of non-paper

PARTICIPATION OF NON-MEMBERS OF THE COUNCIL

Rule [OP11, GA resolution 60/251]

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.

¹ Numbers in brackets refer to relevant GA Rules of Procedure unless stated otherwise

ORGANIZATION OF WORK AND AGENDA FOR REGULAR SESSIONS

Organization of work

Rule [new]

At the beginning of each Council-year, the Council shall adopt an agenda and program of work for each session for the 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) Each year, at the commencement of its first 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.

(b) One of the Vice-Presidents shall serve as Rapporteur. [new]

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 re-election.

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 distribute 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 work 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, taking into account operative paragraph 11 of General Assembly resolution 60/251. The rules of procedure of these bodies shall follow those of the Council, as applicable, unless decided otherwise.

Universal Periodic Review

Rule [new]

The Council shall establish a Universal Periodic Review. The modalities of which are as follows:

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 (one-third) (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 (one-third) (majority) of the members present and voting, subject to Rule __ (on quorum).

*Revised Facilitator's Non-Paper
Working Group on Working Methods and Rules of Procedure of the HRC
March 2007*

III. SPECIAL SESSIONS

Ground Rules for Special Sessions of the Human Rights Council

The following are rules and best practices to complement the general framework provided by UNGA resolution 60/251:

1. 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 title of the meeting and include any other relevant information the sponsors may wish to provide, including the reason for the request. The Secretariat may also provide additional information, if possible, upon request by the Council.
2. The Secretariat of the Council shall immediately communicate the request and any additional information in the request provided by the sponsors 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 means of communication. Special session documentation should be made available to all states in a timely and transparent manner.
3. The special session shall be convened as soon as possible after the formal request is made, but not earlier than 2 working days, and not later than 5 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 President of the Council shall hold consultations before the special session in a manner that provides for equitable regional representation, including with the key concerned states, on the conduct of the special session. In this regard, members of the Council and concerned states shall be given sufficient time to deliver their statements. Observer states shall also be granted the opportunity to duly participate in the debate. The specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations in consultative status could also contribute to the special session in accordance with the rules of procedures of the Council. In this regard, rules of procedure of special sessions shall be rules of procedure applied for regular sessions.
5. 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