

COMPILATION TEXT
HUMAN RIGHTS COUNCIL

PP1 Reaffirming the purposes and principles contained in the Charter of the United Nations,

PP2 Reaffirming the Universal Declaration on Human Rights and recalling other human rights instruments,

PP2bis Reaffirms 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 and Outcome document par. 4) - Cuba

PP3 [Reaffirming the Vienna Declaration and Programme of Action] (delete para - US)

PP3bis Underlines the aspirations of everyone and all 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 Par 9 VDPA and Outcome document par 4) - Cuba

PP4 Reaffirming the commitment of the High-Level Plenary Meeting of the General Assembly to further strengthen the United Nations human rights machinery and to this end its resolve to create a Human Rights Council,

PP5 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. (Outcome Document para 9)

PP6 [Reaffirming that that [civil, political, economic, social and cultural rights] (**replace by: civil, cultural, economic, political and social rights – Cuba**), [including the right to development – delete: US], are universal, indivisible, interdependent and interrelated] (delete para: Mexico)

PP6 alt Reaffirming that that all human rights are universal, indivisible, interdependent and interrelated – Norway, US

PP6bis Reaffirms the Right to Development, as established in the Declaration on the Right to Development, as an universal and inalienable right and integral part of fundamental human rights. (first part, Par. 10, Part I, VDPA) - Cuba

PP7 *[Reaffirming that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis (Outcome Document para 121)]* (delete para: CANZ, Mexico)

PP8 *[Reaffirming that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms, (Outcome Document para 121)]* (delete para: CANZ, Mexico)

PP8 alt *Reaffirming the significance of national and regional particularities and various historical, cultural and religious backgrounds of states in the promotion and protection of all human rights and fundamental freedoms while recognizing the duty of states regardless of their political, economic and cultural systems to promote and protect these rights - CARICOM*

PP9 *[Recognizing the historic achievements of the United Nations Commission on Human Rights, beginning with the promulgation of the Universal Declaration of Human Rights, and continuing with the subsequent development of a rich legacy of human rights standards (replace “standards” by “instruments” – Cuba, US) and mechanisms over six decades of attention to the promotion and protection of human rights (and recognizing the need to preserve and build on these achievements – EU)]* (delete para: Mexico, Norway)

PP10 *[Determined to ensure that all activities of the Human Rights Council shall be undertaken in a manner which is non-selective [and depoliticized] (delete: Lichtenstein) and that they are principally directed to (building national capacities for - Colombia) the benefit of rights-holders] (delete para: Mexico, Norway)*

PP10 alt *Decides to ensure that all activities of the Human Rights Council should be undertaken in a manner which is non-selective, non-discriminatory, non-partial and non-politically manipulated and that are principally directed to the benefit of rights-holders - Cuba*

PP10 bis *Determined to work on implementation of all human rights norms and standards on a manner which is non-selective and depoliticized and principally directed to the benefit of rights-holders - ROK*

PP11 *[Determined to ensure that the Human Rights Council shall work in a manner that is based on cooperation and genuine dialogue (where possible - US)]* (delete para: Mexico, Norway)

PP11bis. *Recognises that the capacity of the Commission on Human Rights to perform its tasks has been undermined by eroding credibility and professionalism, and that the Commission or any other United Nations human rights body cannot be credible if it seems to be maintaining double standards while addressing human rights concerns. (based on par. 283, Report of the High-level Panel on Threats, Challenges and Change, A/59/565) - Cuba*

Additional issues related to this part of the text:

- Cuba: the preamble should be replaced by “Framework for the work of the Council” and the para should also be operative ones

- Title in French : “Conseil des droits humains” or “Conseil des droits de la personne” – CANZ

Status

OP1. Decides to create a Human Rights Council in replacement of the Commission on Human Rights as a [principal organ] [subsidiary organ of the General Assembly] [subsidiary organ of the General Assembly and review of the status within five years with a view to creating a principal organ - Argentina, CANZ, Liechtenstein, Norway, Mexico, Switzerland, US] [as an interim subsidiary organ of the General Assembly, provided that after five years the General Assembly starts to work on the amendment of the Charter to elevate the Council to a principal organ of the United Nations within three years – ROK]

OP2. Decides that the Council shall be based in Geneva (but may also meet at United Nations Headquarters or at such place as the Council may decide – CANZ) (The Council will alternate meetings between Geneva and New York – CARICOM) (The process of mainstreaming human rights thought the United Nations system will benefit from consideration of human rights issues in Geneva and New York in different times of the year – Cuba).

OP3. Decides that the Human Rights Council shall [be standing] and meet [x] weeks per year in regular sessions.

alt. 1: 2 sessions of 4 weeks - Azerbaijan

alt. 2: 3 sessions of 2 weeks – Belarus

alt. 3: meet regularly throughout the year: the Council shall schedule not fewer than four meetings per year of not fewer than 3 weeks duration. – CANZ

alt. 4 : 2 to 4 annual session of 2 to 4 weeks - CARICOM

alt. 5: 1 session of 6 weeks – Egypt

alt. 6: meet in a 1-week organizational session; a 4 week substantive session – Iran, Pakistan

alt. 7: 2 sessions of 2 to 4 weeks – Japan

alt. 8: no less than two regular sessions of not less than 3 weeks – Liechtenstein

alt. 9: 2 or 3 periodic sessions of 2, 3 weeks each and shall meet at least a month - Mexico

alt. 10: regular, relatively short but frequent sessions, including at least 2 extended sessions - Norway

alt. 11: holds regular sessions, convened except when the Third Committee is open (special sessions, if necessary, may be held during the Third Committee). The duration and frequency of the regular sessions should be determined by the Council itself once it convenes its first meeting. - ROK

alt. 12: be able to meet periodically and whenever necessary. The annual frequency of the session could take the form of four regular sessions: 1st session: 4 weeks; 2nd session: 4 weeks; 3rd session: 2 weeks; 4th session: 2 weeks. - Switzerland

alt. 13: not less than 4 sessions of 2 to 4 weeks - US

OP4. Decides also that the Council shall be able to meet in [resumed] [special] [emergency – Azerbaijan, Belarus] [additional – CANZ, Liechtenstein, US] sessions when needed at the request of any of the following (without any further requirement or procedure – Liechtenstein) (subject to the approval of the GA – CARICOM) (in a timely manner, namely within a few days - ROK)

- a) **[one third of its members – CANZ] [a simple majority of its members] [two-thirds of its members – Belarus] [a UN member State with the support of a majority of the Members of the Council” – Mexico]**
- b) **its [Chair] [President - ROK] [the Expanded Bureau – Mexico] [the Bureau / Expanded Bureau – Switzerland]**
- c) **[the Secretary General]**
- d) **[the High Commissioner for Human Rights]**

new OP. During its fall session, the General Assembly will receive the report of the Human Rights Council and it would bring about the debate on the issue by itself – Cuba

new OP The Economic and Social Council will keep considering the issue of the human rights in its general segment, and could still adopt any decision on any necessary issue during the summer. Every decision by the ECOSOC on the issue of human rights would be subjected to the confirmation of the General Assembly. – Cuba

Mandate and functions

OP5. 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. (Outcome Document, para 158).

OP5 alt. Decides that the Council will be responsible for promoting universal respect [for the protection – ~~Cuba~~] of all human rights [and fundamental freedoms – ~~Cuba~~] for all, without distinction of any kind and in a fair and equal manner. (Outcome Document, 158) (and should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon.” – US)

(replace: “promoting universal respect for the protection of all human rights and fundamental freedoms for all” by “ promoting universal respect for, and observance of, human rights and fundamental freedoms for all” (art 62 Charter) – Japan)

OP6. Decides that the Council will inter alia:

- a) **(in close cooperation with the Office of the High Commissioner for Human Rights – Singapore) promote international cooperation through programmes of advisory services, technical cooperation and capacity-building (developed upon request of concerned States - Cuba) (in particular for insuring the implementation of social, economic and cultural rights, at the request and by agreement with interested Member States - Belarus) and human rights education (and learning – US, Switzerland) [as well as undertake advocacy activities related to the promotion and protection of human rights - delete: Colombia]**
- b) **serve as a forum for dialogue on thematic issues on [civil, political, economic, social and cultural rights] [civil, cultural, economic, political and social rights – Cuba], [including the right to development – delete: US]**

c) make recommendations to the General Assembly for the further development of international law [in the field of human rights] (replace by: “within its mandate” – Switzerland)

alt c: undertake standard-setting activities for the future development of international law in the field of human and make recommendations to the General Assembly – Russia

c) bis: follow up and promote full implementation of The Vienna Declaration and Programme of Action, the Declaration and Programme of Action of the Durban’s World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the goals and commitments related to the promotion and protection of human rights included in the outcome documents of the Millennium Summit, the Millennium+5’s event and in other major international Conferences and Summits in the economic and social fields, - Cuba

c) ter: follow up and evaluation on advisory services and technical assistance provided by the Office of the High Commissioner for Human Rights and other relevant programmes and bodies of the United Nations System in the area of the promotion and protection of all human rights for all, - Cuba

c) quater: promote an social and international order in which all human rights could be enjoy by everyone (based on Article 28 UDHR) - Cuba

c) quinquen: study and further develop the links between human rights and human responsibilities or duties (based on Article 29 UDHR) - Cuba

d) undertake a universal periodic review of the fulfillment by each State of its human rights obligations (which would ensure universality of coverage, equal treatment and frequency of assessments of human rights situations with respect to all Member State - Belarus) (periodic review should only be confined to the candidate and/or members of the Council membership - ROK)

i. through a cooperative mechanism

ii. [based on reports (replace “reports” by “inputs – EU, Mexico, US) submitted by Member States (relevant specialized agencies, funds and programs with activities on the ground - Colombia) and the High Commissioner for Human Rights, [including an annual global report – delete: US] (treaty bodies and special procedures and mechanisms reports and final remarks – Mexico)] (delete ii – Japan)

(replace ii by: through the presentation by the reviewed State of its human rights situation and commitments, followed by an interactive dialogue with members, non-members and NGOs – Switzerland)

iii. review should not duplicate (and undermine – Belarus) the work of the Treaty Bodies (but contribute to implementation of Treaty Bodies and special procedures recommendations – Switzerland)

e) [undertake a global thematic review] (delete para: CANZ, Egypt, Liechtenstein, Japan, Norway, ROK, Switzerland, US) (merge with dii) – Mexico)

alt e) (undertake a comprehensive follow up of different thematic issues already identified on the CHR agenda as well as emerging issues of thematic character – Cuba)

(A global thematic review should focus on identifying trends and promoting cooperation and capacity building. The thematic review should be conducted on the basis of i) reports and discussions of the Sub-Commission; ii) national reports submitted by States; iii) contributions by the High Commissioner and, in certain areas, iv) by Special Mechanisms - Pakistan)

e) bis: take effective measures to promote international cooperation for the realization of the right to development and the elimination of obstacles to development (subparagraph 4, par, 10, Part I, VDPA) - Cuba

e) ter: promote cooperation and genuine dialogue through a thematic rather than a country targeted approach, eliminating the “blaming and shaming” routine against developing countries, in order to eradicate the political manipulation, the double standards, the selectivity and the confrontation. - Cuba

- f) [work for the prevention of human rights violations and respond to human rights emergencies (as they occur – CANZ), including by dispatching fact-finding missions] (delete: Egypt, Singapore)

alt f: work for the prevention of human rights violations and respond to gross and systematic human rights violations and emergencies, including the dispatch of fact-finding missions, when this measure can really contribute to the solution of the situation through a cooperative approach – Cuba

- g) *address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon. (Outcome Document, para 159) (move at the end of OP5 – EU, Liechtenstein, Mexico, Norway)*

(Country resolutions can only be adopted with a two-thirds majority of the members of the Council in cases of massive violations of human rights related to genocide, ethnic cleansing and crimes against humanity - Belarus)

(In order for the Council to be able to consider a country situation, objective evidence or information should be obtained, for example through the 1503 procedure for individual complaints or a Fact-Finding Mission; it should be normally undertaken on the basis of a recommendation from the Sub-Commission, based on the 1503 Procedure. The approval of decisions should be by a two-thirds majority. - Pakistan)

g bis) take effective international measures to guarantee and monitor the situation of peoples 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 (based on par.3, Part I, VDPA) - Cuba

- h) *promote effective coordination and the mainstreaming of human rights within the United Nations system. (Outcome Document, para 159) (move at the end of OP5 – EU, Liechtenstein, Mexico, Norway, Thailand)*

- i) [(review and - Colombia) maintain a (streamlined and improved – Sudan, Thailand) (replace “a” by “the” – Argentina, Austria, Australia, Canada, Costa Rica, Chile, Croatia, EU, France, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Macedonia, Malta, Marshall Islands, Mexico, New Zealand, Poland, Portugal, ROK, Slovenia,

Switzerland, Thailand, Uruguay, UK, US) system of special procedures] (and expand an interactive dialogue with them – Switzerland) (delete i: Singapore) (integrate i) into k) – Japan)

j) work in close cooperation in the field of human rights with (Governments - Colombia) with regional organizations, national institutions and civil society (and non-governmental organizations – ROK) (in accordance with the applicable legal framework and recognizing the diverse nature of different actors – Cuba)

k) [assume – delete: Singapore], review and rationalize (replace “rationalize” by: “improve” – Switzerland) the [mandates – delete: Singapore], functions and responsibilities of the Commission on Human Rights, including [the Sub-Commission on the Promotion and Protection of Human Rights and the 1503 Procedure (replace by: “a complaint procedure” –US) (including reviewing the need for an expert body and a complaints procedure – CANZ), [with the objective of preserving its strengths – delete: Liechtenstein] (add: “and abolish the 1503 procedure” – Switzerland).

(The Council should set up special procedures, expert bodies and a complaint procedure on the basis of its review - ROK)

(The Council should consider setting up its own mechanism for expert advise or complaint - EU)

(merge paragraphs III. 2 i) and III. 2 k) as follows: maintain, strengthen, review and rationalize the mandates, functions and responsibilities of the Commission on Human Rights, including its system of special procedures and the Sub-Commission on the Promotion and Protection of Human Rights, as well as the 1503 Procedure, with the objective of preserving its strengths and experiences. – Cuba)

l) [make recommendations (with regard to the protection and promotion of human rights - ROK) (on the observance and promotion of human rights – Zimbabwe) (without having to obtain the approval or endorsement of the General Assembly – ROK) to Member States and the United Nations system, including to the General Assembly, [the Security Council and the Economic and Social Council – delete: Brazil, Singapore, Sudan] (add: “and the Peacebuilding Commission - Switzerland) (delete l): Egypt)

(alt l: the General Assembly shall decide the follow-up of the recommendations presented to it in the annual reports of the Council – Colombia)

m) report annually to the General Assembly (but its decisions do not require GA affirmative approval for implementation - US)

n) The Council shall create a Sub-Council – African Union

o) The Council should supervise the work of the Office of the High Commissioner for Human Rights by regularly reviewing its annual work programme, budget as well as their implementation – China

Size, composition and membership

OP7. Decides that the Council shall comprise **[38 – CANZ, Mexico] [less than 53 members - EU, Japan, Liechtenstein, Mexico, ROK, US,] [53 members / similar 53 - African Union, Argentina, Azerbaijan, Brazil, CARICOM, Colombia, Egypt, EU, Mexico, Norway, Pakistan, Russia, Sudan, Switzerland Thailand, Zimbabwe] [no less 53 - Belarus, Iran] [at least 58 members - Cuba]** members to be elected directly and individually by the General Assembly by a **[majority] [two-thirds majority]** of the members present and voting.

OP8. Decides that the establishment of the membership of the Council shall **[give due consideration to the principle of equitable geographical distribution] [be based on the principle of (proportional and – Egypt) equitable geographical distribution] (distributed as follow: 28% for Africa, 28% for Asia, 12% for GRULAC, 15% for the WEOG and 11% for East European Group - Cuba, Pakistan, Singapore) (that should be non-transferable – Egypt) [and give due consideration to the contribution of Member States to the promotion and protection of human rights].**

OP9. Decides that **[all Member States should have the opportunity to serve in the (replace “serve in the” by “be elected as a member of” – Norway) Council (replace by: the Membership of the Council should be open to all Members - EU)]**

OP9 alt. [Member States seeking membership shall present letters of commitment/fitness and gain endorsement from political level in a majority of individual Member States in their region. No Member States against which measures are in effect under art. 41 and 42 of the Charter have been taken, or which are subject to UNSC investigation, including a Commission of Inquiry, may serve in the Council. – US]

OP10. Decides that Member States seeking membership shall abide by the highest standards for the protection and promotion of human rights and present voluntary commitments and pledges and that the Members of the Council shall **[undertake to – delete: EU) cooperate fully with the Council and should be the first to undergo the universal periodic review.**

OP11. Decides that **[a higher number of candidates than seats should be presented (no clean slate)] [regional groups presenting a higher number of candidates than the fixed number of seats available to that group will be given an additional seat (if an additional seat is not awarded to a regional group, it could either remain temporarily unfilled or be filled as a floating seat).] [some seats shall be attributed to regional groups, other seats shall be attributed to the general UN membership (“free seats”)]**

OP12. Decides that the Members of the Council shall be elected for a term of **[two years] [three years].**

OP13. Decides that the Members of the Council **[shall be eligible for immediate reelection] [shall not be eligible for immediate reelection] [shall not be elected for more than two consecutive terms].**

OP14. Decides that **[the General Assembly will elect the new members of the Council (the term of the member elected shall be staggered)] [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].**

Rules of procedure

OP15. Decides that the Council shall [adopt its own rules of procedure] [apply the rules of procedure of the subsidiary organs of the General Assembly] **[adopt its own rules of procedure, which will ensure its independence, transparency, efficiency and effectiveness. In drafting its rules of procedure, the Council may give due consideration to (shall be guided by – CANZ) the rules of procedure of the General Assembly - ROK]**

OP16. Decides also that the Council shall [make suitable arrangements for the participation of observers] [make suitable arrangements for **(replace: “consultation with” by “participation of” - Colombia)** non-governmental organizations which are concerned with matters within its competence, and adopt the arrangements and practices for non-governmental organization participation observed by the Commission on Human Rights **(stop at competence: Singapore)]** **[streamline the participation of NGOs – Pakistan]** **[preserve and improve the participation of NGOs. Suitable arrangements shall be made with regard to the participation of other observers which are concerned with matter within their competence expanding the existing practices of the Commission on Human Rights – Switzerland]** **[a monitoring mechanism shall be established according to ECOSOC resolution 1996/31 and the participation of NGOs in the Council shall not constitute any precedent for future work of General Assembly and its other subsidiary bodies – China]** **[make suitable arrangements for the participation of national human rights institutions and regional organization – Liechtenstein]**

Methods of work

OP17. Decides that the [Council shall adopt **(replace “adopt” by “decide upon” – CANZ, Norway)** its own methods of work] [the General Assembly shall endorse the methods of work of the Council].

OP18. Decides also that the methods of work shall [be transparent and enable genuine dialogue **(conducive to a fair, impartial and due process - ROK)]** [methods of work shall be result-oriented and allow subsequent follow-up discussions to recommendations **(The Council should place more focus on implementation of human rights norms, which requires a result-oriented approach, effective monitoring capacity and sufficient follow-up on recommendations – ROK) (and their timely implementation” – Switzerland)]** [methods of work shall build on the arrangements of the Commission on Human Rights regarding special procedures and allow for substantive **(and expanded – Switzerland)** interaction **(with them – Switzerland)]**.

Transitional arrangements

OP19. Recommends to the ECOSOC to request the Commission to meet for a final session [of short duration] in order to conclude its work and to transfer all mandates, functions and responsibilities of the Commission on Human Rights to the Human Rights.

OP20. Decides that the elections for the Council should take place on [xxx 2006] and that the Council should hold its first meeting on [xxx 2006].

OP21. Decides to review the work and the functioning of the Council 5 years after its establishment – Singapore.