
**Second Session of the Working Group on the Review
of the Work and Functioning of the Human Rights Council**

Compilation of contributions

**in the context of the facilitation and coordination processes
on the review of the work and functioning of
the Human Rights Council**

Compilation of contributions in the context of the facilitation and coordination processes on the review of the work and functioning of the Human Rights Council

- I. Contribution by the Facilitator of the Universal Periodic Review Cluster**
- II. Contribution by the Facilitator of the Special Procedures Cluster**
- III. Contribution by the Facilitator of the Advisory Committee and Complaint Procedure Cluster**
- IV. Contribution by the Facilitator of the Agenda and Framework for a Programme of Work Cluster**
- V. Contribution by the Facilitator of the Methods of Work and Rules of Procedure Cluster**

I. Contribution by the Facilitator of the UPR Cluster

H.E. Mr. Omar Hilale

Universal Periodic Review

The changes to the UPR process and modalities contained in the outcome of the review of the work and functioning of the HRC shall be applied starting the 2nd cycle.

A. Basis of review

1. Reaffirms the basis of the Universal Periodic Review as set forth in the paragraphs 1 and 2 of the institution-building package annexed to the Human Rights Council resolution 5/1.

B. Principles and objectives

2. Reaffirms the principles and objectives of the Universal Periodic Review as set forth in the paragraphs 3 and 4 of the institution-building package annexed to the Human Rights Council resolution 5/1.

C. Periodicity and order of the review

3. The 2nd cycle of the review shall begin in June 2012.
4. The periodicity of the review for the 2nd and subsequent cycles will be of four years and half. This will imply the consideration of 42 States per year during three sessions of the working group to be held, preferably, in February, June and October.
5. The order of the review established for the 1st cycle of the review shall be maintained for the 2nd and subsequent cycles.
6. The plenary sessions of the Human Rights Council for the consideration of the outcome of the review will be held together with the UPR working group sessions.

D. Process and modalities of the review

1. Focus and documentation

7. The review during the 2nd and subsequent cycles will continue to be based on the three documents identified in paragraph 15 of the institution-building package annexed to the Human Rights Council resolution 5/1.
8. The 2nd and subsequent cycles of the review should focus, inter alia, on :
 - The follow-up and implementation of the outcome of the preceding cycle, including, as appropriate, the technical and financial assistance received.
 - The developments of the human rights situation in the Country under review since its preceding review.
9. The general guidelines for the UPR reports adopted by the Human Rights Council decision 6/102 shall be adjusted to the focus of the 2nd and subsequent cycles before the Human Rights Council's 18th session.
10. Other relevant stakeholders are encouraged to include, in their contributions to the review, information on the follow-up by the State under Review of the outcome of its preceding review.

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11. The summary of the information provided by other relevant stakeholders should contain, where appropriate, a separate section for the contributions by the National Human Rights Institutions of the country under review which are 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.
 12. The Office of the High Commissioner for Human Rights is encouraged to make available and easily accessible all relevant information and reports from the preceding reviews of the country under review.

2. Modalities

13. The role of the Troikas shall be maintained as set forth in the institution-building package annexed to the Human Rights Council resolution 5/1 as well as the Presidential statement 8/PRST/1.
14. One additional hour will be added to the review. Thus, the total of four hours of the review will be divided as follows:
 - a. One hour and twenty minutes for the country under review.
 - b. Two hours and forty minutes for the members and observers of the Human Rights Council wishing to take the floor during the review.
15. One additional half hour will be added to the consideration of the outcome of the review by the plenary of the Human Rights Council. Thus, the total of one hour and half of the consideration of the UPR outcome by the plenary of the Human Rights Council will be divided as follows:
 - a. Thirty minutes for the country under review.
 - b. One hour for the members and observers of the Human Rights Council as well as the other stakeholders
16. The Human Rights Council should adopt adequate modalities for establishing the list of speakers by its 18th session. These modalities should ensure, to the maximum extent possible, the principles of universality, equal treatment and transparency. They will be applied starting the 2nd cycle.
17. The Universal Periodic Review Voluntary Trust Fund established by the Human Rights Council resolution 6/17 should be strengthened and operationalized in order to ensure a significant participation of developing countries, particularly least developing countries and small island states, in their review.

E. Outcome of the review

18. The recommendations contained in the outcome of the review should be clustered thematically with the full involvement and consent of the country under review and the States that made the recommendations.
19. The country under review should provide the Human Rights Council with its views on all received recommendations, in accordance with the provisions of the institution-building package annexed to the Human Rights Council resolution 5/1.
20. The country under review is encouraged to provide the Human Rights Council with its views on the received recommendation, as well as its voluntary pledges and commit-

ments, in a written format prior to the Human Rights Council plenary for the adoption of the outcome of its review.

F. Follow-up of the review

21. States have the primary responsibility for the implementation of the outcome of their review.
22. States are encouraged to conduct broad consultations with all relevant stakeholders on the implementation of the outcome of their review.
23. States are encouraged to provide the Human Rights Council, on a voluntary basis, with:
 - a. An implementation plan for the outcome of their review, within a reasonable time frame.
 - b. A midterm report on the follow-up of the outcome of their review.
24. The Voluntary Fund for Financial and Technical Assistance established by the Human Rights Council resolution 6/17 should be strengthened and operationalized, as soon as possible, in order to provide a source of financial and technical assistance to help countries implement the recommendations emanating from their review, including by designating the Office of the High Commissioner for Human Rights as a clearing house for such assistance.
25. States may request the UN representation at the national or regional level to assist them in the implementation of the follow-up of their review.

**II. Contribution by the Facilitator of the
Special Procedures Cluster
H.E. Mr. Hannu Himanen**

Special Procedures

A. Selection and appointment of mandate-holders

1. Reaffirms the need to further strengthen the selection and appointment process to ensure that the best suitable candidate is appointed.
2. Recognizes the need for enhanced transparency in the selection and appointment of mandate-holders.
3. Confirms the continued validity of the criteria enumerated in the institution-building (IB) document (annex to HRC res 5/1) and HRC decision 6/102 and calls for their full observance.
4. Decides to amend the IB document (annex to HRC resolution 5/1) as follows:

42. The following entities may endorse candidates as special procedures mandate-holders: (a) Governments; (b) Regional Groups operating within the United Nations human rights system; (c) international organizations or their offices (e.g. the Office of the High Commissioner for Human Rights); (d) non-governmental organizations; (e) other human rights bodies; (f) individual nominations.

43. Forthcoming vacancies of mandates will be published and widely circulated to ensure the interest of competent candidates meeting the highest possible standards of expertise, experience and integrity. Applications shall include standardized information, personal data (a CV) and a motivation letter no more than 600 words long. On that basis the Office of the High Commissioner for Human Rights shall maintain a public list of candidatures for each vacancy.

Paragraph 48 is deleted.

50. The Consultative Group will consider candidates having applied for the mandate in question. However, under exceptional circumstances and if a particular post justifies it, the Group may consider additional nominations with equal or more suitable qualifications for the post. The Group may interview shortlisted candidates ensuring equal treatment of all candidates. Its recommendations to the President shall be public and substantiated.

52. On the basis of the recommendations of the consultative group and following broad consultations, in particular through the regional coordinators, the President of the Council will identify an appropriate candidate for each vacancy. The President shall follow the order of priority proposed by the Consultative Group or justify his or her decision if he or she decides otherwise. The President will present to member States and observers a list of candidates to be proposed at least two weeks prior to the beginning of the session in which the Council will consider the appointments.

B. Working methods

5. Recognizes the need to enhance substantive interaction with special procedures and to better use their expertise and participation in the Council's work, i.a. by encouraging them to draw the Council's attention to situations and issues deserving urgent preventive and proactive action.
6. Welcomes measures taken by special procedures to strengthen coordination and cooperation with each other as well as with other human rights bodies and mechanisms at the in-

ternational and regional level, and encourages them to enhance their efforts in this regard, in particular in respect of country visits.

7. Recognizes the important role that the Coordination Committee of Special Procedures plays in this regard and invites the Chair of the Coordination Committee to present the report on the annual meeting of special rapporteurs/representatives, independent experts and chairs of working groups of the special procedures of the Human Rights Council.
8. Requests the Office of the High Commissioner for Human Rights to strengthen the orientation and induction of mandate holders as well as efforts to enhance their professionalism and independence and requests the Secretary-General to provide the necessary resources for that purpose.
9. Requests States to rationalise their requests to special procedures, in particular with regard to reporting, so as to ensure meaningful consideration of reports and allow for substantive discussion and follow-up to special procedures' conclusions and recommendations; to this end special procedures shall submit their reports in accordance with the UN rules concerning documentation.
10. Bearing in mind OP12 of UNGA res 60/251 according to which the methods of work of the Council shall allow for subsequent follow-up discussions to recommendations and their implementation and allow for substantive interaction with special procedures and mechanisms, highlights the need to accord greater emphasis on follow-up to recommendations of special procedures in the work of the Council.
11. Encourages special procedures to pay increased attention to follow-up and formulate their recommendations in a concrete, comprehensive and action-oriented way to facilitate their implementation.
12. Recommends that 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 the General Assembly resolution 48/134 (the Paris Principles) be entitled to intervene after the country concerned during the interactive dialogue following the presentation of a country mission report by a special procedure.
13. Requests special procedures to annex comments of the State concerned to their country mission reports, bearing in mind that these comments should be concise and be submitted in accordance with the UN rules concerning documentation.

C. Cooperation

14. Recognizes that cooperation between States and special procedures is a process involving both parties and calls for enhanced cooperation, taken that cooperation of States is crucial for special procedures to fulfill their mandates.
15. Calls upon all States to cooperate with and assist special procedures in the performance of their duties, to supply information requested by them, to respond fully and expeditiously and follow up on urgent appeals, to respond expeditiously and favorably to requests by special procedures to visit them and to enter into a constructive dialogue with special procedures on requested visits as well as on the follow-up to conclusions and recommendations as presented in the reports on such visits.
16. Highlights the fact that information about cooperation between States and special procedures as well as about follow-up to conclusions and recommendations is essential for the Council and special procedures to consider further action.
17. Calls upon States concerned to study carefully the conclusions and recommendations ad-

dressed to them by special procedures and inform the relevant mechanisms and the Council expeditiously about their implementation.

18. Requests the High Commissioner to consolidate information on special procedures, such as mandates, mandate-holders, communications, invitations, country visits carried out, reports presented to the Council and the General Assembly, and cooperation between States and special procedures and provide it regularly to the Council for its information.
19. Requests special procedures to continue to foster a constructive dialogue with States and to facilitate, with the consent of States concerned and with the engagement of relevant stakeholders, the provision of technical assistance or advisory services to support the implementation of their recommendations.
20. Urges States to use the Council as a forum for discussing cooperation and follow-up in an open, constructive and transparent manner, allowing for the identification and exchanges of good practices and lessons learned as well as encouraging a more cooperative response by the State concerned in case of persistent non-cooperation.
21. Strongly rejects any acts 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; urges States to prevent, refrain from and ensure adequate protection against such acts and urges them to investigate any alleged acts of intimidation and reprisal and inform the Council accordingly.

D. Mandate-related issues

22. Reaffirms that special procedures are an indispensable tool of the Human Rights Council.
23. Recalls its decision to guarantee the integrity and independence of special procedures.
24. Reaffirms that special procedures should respect the mandates entrusted to them, as well as the Code of Conduct.
25. Recommends that, in order to enhance the accountability of special procedures while fully respecting their independence, States make better use of existing formal and self-regulatory mechanisms and arrangements - the procedure established by President's Statement 8/PRST/2 and the Internal Advisory Procedure of the Coordination Committee (adopted 25 June 2008) - by taking action through these mechanisms and arrangements, at the earliest opportunity, when issues are raised regarding how mandate-holders have met agreed-upon standards in the performance of their duties.

E. Resources and funding

26. Emphasizes the importance of ensuring adequate and equitable funding and resources to support all special procedures according to their specific needs, including additional tasks entrusted to them by the relevant United Nations organs, with equal priority to be accorded to civil and political rights and economic, social and cultural rights, and of achieving this through the regular budget of the United Nations.
27. Requests the Secretary-General to ensure the availability of adequate resources within the regular budget for the Office of the High Commissioner for Human Rights to support the full implementation by special procedures of their mandates.
28. Recognizes the continued need for extra-budgetary funding to support the work of special procedures and welcomes further voluntary contributions by Member States, emphasizing that these contributions should be, to the extent possible, unearmarked or include a share

to be given to a central pool of funds used by the Office of the High Commissioner for Human Rights to support the system of special procedures as a whole.

29. Highlights the need for full transparency in the funding of special procedures and, in this regard, welcomes regular provision of information by the Office of the High Commissioner for Human Rights on the availability and allocation of funding.

III. Contribution by the Facilitator of the Advisory Committee and Complaint Procedure Cluster

H.E. Ms. Maria Ciobanu

Advisory Committee and Complaint Procedure

Advisory Committee

General

1. The HRCAC will continue to function as a think tank for the Council and work at its direction, pursuant to HRC Resolution 5/1 paragraphs 65 – 84.

A. Nomination

2. Re-emphasizing the aim to ensure that the best possible expertise is made available to the Council, the Council confirms the continued validity of the requirements for the submission of candidatures as set out in paras 66 – 69 of annex to HRC Res. 5/1.

B. Election

3. Reaffirming the need to make available qualified and timely expertise on human rights issues to the HRC;
4. Recognizing the importance of more varied thematic expertise available to the Council;
5. The application of paragraphs 70 to 74 of resolution 5/1 will be strengthened as follows:
 - a) The Member States will put forward candidates for the AC. The United Nations Member States are encouraged to ensure that the number of candidates per region is double of that of the vacant seats.
 - b) The Consultative Group will be required to compile the names of candidates per region and comment on the fulfillment of the agreed requirements.
 - c) When after the exhaustion of the deadline mentioned in paragraph 71 of resolution 5/1 there is not enough candidates in one or more regional clusters, the Consultative group will be requested to recommend additional names from the concerned region that would fill the agreed requirements.

C. Functions

6. Recognizing the need to strengthen the interactive dialogue between the HRC and the HRCAC as a subsidiary body;
7. The application of paragraphs 75-78 will be clarified as follows:
 - a) The Council will strengthen its interaction with the Advisory Committee and engage more systematically with it by clarifying the mandates given to the Committee, triggering implementation-oriented outputs (indicating thematic priorities based on the proposals forwarded by States), resorting more frequently to the advice and expertise available within HRCAC, given its thematic expertise, involving them in work format such as seminars, panels, working groups, and sending feedback to the inputs provided by the Committee.
 - b) The Council shall issue a clear mandate and specific guidelines for the Advisory Committee when it requests a substantive contribution from the latter and shall review all or any portion of those guidelines if it deems necessary in the future.

D. Methods of work

8. Reaffirming the need for more interaction of the HRC with the HRCAC;
9. Facilitating the enhanced dialogue between the HRC and its subsidiary bodies;
10. The following clarifications are needed:
 - a) In order to provide a proper setting for a better interaction between the Council and its Committee, the first annual session of the Committee will henceforth be convened immediately prior to the March HRC session while the second session will be in August.
 - b) The Annual Report of the Committee to the Council will be submitted to the Council's September session under agenda item 5 entitled Human rights bodies and mechanisms, Report of the Human Rights Council Advisory Committee and be the subject of an interactive dialogue with the Committee's Chairperson. This would not exclude other interaction with the Committee should such opportunities arise and be deemed appropriate by the Council.
11. The Human Rights Council will reconsider Council resolution 6/13 so as to adjust the amount of time allocated to the Social Forum in light of existing and effective Council mechanisms, such as panel discussions, which offer greater stakeholder engagement and provide better opportunities to address those themes which may be covered by the Social Forum.

Complaint Procedure

A. Objective and scope

12. The Complain Procedure will continue to function as an impartial, objective, efficient, victims-oriented mechanism in accordance with the paragraphs 85-101 of the Human Rights Council resolution 5/1.

B. Admissibility criteria for the Communications

13. The existence of a country-specific mandate or the examination of the human rights situation in a country by the Council will not preclude in itself the consideration of a communication that fulfils the admissibility criteria listed in paragraph 87 of resolution 5/1.

C. Working Groups

14. Recognising the importance to facilitate interaction between the two Working Groups, in case of need, and emphasizing the need to **improve resource –efficiency** the following clarification is needed:
 - a) Given the working methods and practice of the two working groups which provide for a significant amount of time set aside for informal meetings, the timing of the sessions of the two working groups will be changed to enable them to meet at the same time, without affecting the provisions of paragraph 95 in the resolution 5/1. Accordingly the Working Group on Communications will continue to report to the next session of the Working Group on Situations. The two Groups will therefore not deal with the same cases at the same moment
 - b) The two Groups will share the same team of interpreters and, in case of needs, will be in a position to hold joint meetings.
15. The savings in the interpretation costs will be used to absorb partly some of the additional conference services requested in the context of the current review process.

D. Working modalities and confidentiality

16. Highlighting the need to preserve the confidential nature of the examination.
17. Recognizing the need to increase the transparency in the activity of the Working Group on Situations.
18. The following improvement is to be introduced:
 - a) At the conclusion of each session, the Working Group on Situations will provide information to the President of the Council on the activities undertaken and the results achieved. This will strengthen the interaction between the Working Group and the Council but will not be considered as a substitute to the mechanism provided for under paragraphs 103 and 104 of resolution 5/1.

E. Involvement of the complainant and of the State concerned

19. Emphasising the need to increase the transparency of the Procedure, the paragraph 107 of the Human Rights Council resolution 5/1 could be amended to accommodate the following proposal:
 - a) In conformity with paragraph 106 of resolution 5/1, the complaints procedure shall ensure that both the author of a communication and the State concerned are informed of the proceedings and to this effect the Secretariat will ensure that both are expeditiously and comprehensively informed about the decisions taken at the key stages of the procedure.

**IV. Contribution by the Facilitator of the Agenda
and Framework for a Programme of Work Cluster**

H.E. Mr. Gopinathan Achamkulangare

Agenda and Framework for a Programme of Work

A. Agenda and Framework for the Programme of Work

1. The Council shall continue to have agenda and framework for programme of work as specified in the Institution Building package contained in Human Rights Council resolution 5/1.

B. Rules of Procedure

Rule 8

2. The provisions of Rule 8 in the section on Rules of Procedure in the Institution Building package as contained in Human Rights Council resolution 5/1 shall be read in conjunction with the following:
 - a. The Council shall have its Programme of Work for its two regular sessions of four weeks each as per the format specified in the Appendix, while allowing for changes that may be necessary on account of contingencies.
 - b. The Council's Programme of Work for its remaining regular session(s) shall be devoted to the adoption of the reports of the UPR working group, while allowing for changes that may be necessary on account of contingencies.

APPENDIX
Programme of Work 1st session

		WEEK 1	WEEK 2	WEEK 3	WEEK 4
		Monday	Monday	Monday	Monday
M O N D A Y	10.00 – 13.00	High-level segment (HLS)	Item 3 10:00-12:00 ID1 12:00-13:00 ID2	Item 4 10:00-12:00 ID1 12:00-13:00 General Debate 4	Item 9 10:00-12:00 ID1 12:00-13:00 General Debate 9
	15.00 – 18.00	HLS (cont'd)	15:00-16:00 ID2 (cont'd) 16:00-18:00 ID3	General Debate 4 (cont'd)	General Debate 9 (cont'd)
		Tuesday	Tuesday	Tuesday	Tuesday
T U E S D A Y	10.00 – 13.00	HLS (cont'd)	10:00-12:00 ID4 12:00-13:00 ID5	10:00-11:00 Complaint Procedure (closed meeting) 11:00-13:00 Item 5 11:00-13:00 ID1	Item 10 10:00-12:00 ID1 12:00-13:00 ID2
	15.00 – 18.00	HLS (cont'd)	15:00-16:00 ID5 (cont'd) 16:00-18:00 ID6	General Debate 5	15:00-16:00 ID2 (cont'd) 16:00-18:00 ID3
		Wednesday	Wednesday	Wednesday	Wednesday
W E D N E S D A Y	10.00 – 13.00	HLS (cont'd)	10:00-12:00 ID7 12:00-13:00 ID8	General Debate 6	General Debate 10
	15.00 – 18.00	General segment of the HLS	15:00-16:00 ID8 (cont'd) 16:00-18:00 ID9	Item 7 15:00-17:00 ID1 17:00-18:00 General Debate 7	Additional Half Day Panel
		Thursday	Thursday	Thursday	Thursday
T H U R S D A Y	10.00 – 13.00	Item 1 Item 2 HC annual report, followed by Interactive Dialogue with HC	10:00-12:00 ID10 12:00-13:00 ID11	General Debate 7 (cont'd)	Item 1 Appointment, elections Decisions and conclusions (cont'd)
	15.00 – 18.00	Item 2 (cont'd) ID-HC (cont'd) --- HC/SG thematic reports followed by General debate	15:00-16:00 ID11 (cont'd) 16:00-18:00 ID12	General Debate 8	Decisions and conclusions (cont'd)
		Friday	Friday	Friday	Friday
F R I D A Y	10.00 – 13.00	Annual Full Day Panel 1	General Debate 3	10:00-11:00 General Debate 8 (cont'd) 11:00-13:00 Complaint Procedure (closed meeting)	Decisions and conclusions (cont'd)
	15.00 – 18.00	Annual Full Day Panel 1 (cont'd)	General Debate 3 (cont'd)	Annual Half Day Panel 1	Decisions and conclusions (cont'd) Report of the session

PROGRAMME OF WORK 2ND SESSION

		WEEK 1	WEEK 2	WEEK 3	WEEK 4
		Monday	Monday	Monday	Monday
M O N D A Y	10.00 – 13.00	Item 1 and Item 2 Opening of the session Item 2 (cont'd) - Update by the HC followed by General debate	10:00-12:00 ID22 12:00-13:00 ID23	Item 4 10:00-12:00 ID2 12:00-13:00 ID3	General Debate 8
	15.00 – 18.00	Item 2 (cont'd)	15:00-16:00 ID23(cont'd) 16:00-18:00 ID24	15:00-16:00 ID3 (cont'd) 16:00-18:00 General Debate 4	15:00-16:00 General Debate 8 (cont'd) 16:00-18:00 Complaint Procedure (closed meeting)
T U E S D A Y	10.00 – 13.00	Annual Full Day Panel 2	10:00-12:00 ID25 12:00-13:00 ID26	General Debate 4 (cont'd)	Item 9 10:00-12:00 ID2 12:00-13:00 General Debate 9
	15.00 – 18.00	Annual Full Day Panel 2 (cont'd)	15:00-16:00 ID26 (cont'd) 16:00-18:00 ID27	Additional Half Day Panel	General Debate 9 (cont'd)
W E D N E S D A Y	10.00 – 13.00	10:00-12:00 ID13 12:00-13:00 ID14	10:00-12:00 ID28 12:00-13:00 ID29	General Debate 5	Item 10 10:00-12:00 ID4 12:00-13:00 General Debate 10
	15.00 – 18.00	15:00-16:00 ID14 (cont'd) 16:00-18:00 ID15	15:00-16:00 ID29 (cont'd) 16:00-18:00 ID30	General Debate 6	General Debate 10 (cont'd) 17:00-18:00 Complaint Procedure (closed meeting)
T H U R S D A Y	10.00 – 13.00	10:00-12:00 ID16 12:00-13:00 ID17	10:00-12:00 ID31 12:00-13:00 ID32	Item 7 10:00-12:00 ID2 12:00-13:00 ID3	Item 1 Appointment, elections Decisions and conclusions
	15.00 – 18.00	15:00-16:00 ID17 (cont'd) 16:00-18:00 ID18	15:00-16:00 ID32 (cont'd) 16:00-18:00 ID33	15:00-16:00 ID3 (cont'd) 16:00-18:00 General Debate 7	Decisions and conclusions (cont'd)
F R I D A Y	10.00 – 13.00	10:00-12:00 ID19 12:00-13:00 ID20	General Debate 3	General Debate 7 (cont'd)	Decisions and conclusions (cont'd)
	15.00 – 18.00	15:00-16:00 ID20 (cont'd) 16:00-18:00 ID21	General Debate 3 (cont'd)	Annual Half Day Panel 2	Decisions and conclusions (cont'd) Report of the session

IDs: 46 de-clustered IDs of 2hrs each distributed over 2 sessions of 4 weeks, GD: GDs at each session on item 3, 4, 5, 6, 7, 8, 9, 10 for a total of 64 hours, Panels: Mandated annual Panels (2 @ full-day and 2 @ ½ day), Additional Panels per year (2 @ ½ day)

**V. Contribution by the Facilitator of the Methods
of Work and Rules of Procedure Cluster**

H.E. Ms. Maria Nazareth Farani Azevêdo

Methods of Work and Rules of Procedure

A. Yearly panel with UN agencies and Funds (joint proposal by the facilitations of Algeria and Brazil)

1. The Human Rights Council will hold a half day panel at least once a year to interact with Heads of Governing Bodies and of Secretariats of UN Agencies and Funds on specific human rights themes with the objective of promoting mainstreaming of human rights system-wide.
2. In consultation with the Bureau, the President of the Council will identify the proposed theme of the panel for the upcoming year. He will then submit this theme for approval by the Human Rights Council at its relevant organizational session.
3. The OHCHR, in its capacity of secretariat of the Human Rights Council, will prepare the required documentation for the panel.

B. Special sittings

4. The programme of work may be adjusted in case an urgent human rights situation emerges in the course of a regular session.
5. The adjustment of the PoW to address an human rights situation could take place on the basis of extensive consultations conducted by the President of the Council or at the request of a member of the Council with the support of one third of the membership of the Council.

B. Other work formats and outcomes

6. Other work formats include briefings, seminars, panels and stand-alone events.
7. The work formats of the Human Rights Council do not necessarily require a formal or predetermined outcome.
8. Outcomes other than resolutions and decisions may include recommendations, conclusions, summaries of discussions and President's Statement.
9. President's Statements are to be made only after extensive consultations with states and be adopted on the basis of consensus.

C. Yearly calendar of resolutions

10. *Requests the Bureau to establish a tentative yearly calendar for thematic resolutions in the Human Rights Council.* The yearly calendar will be established on a voluntary basis and without prejudice to the right of States as provided for by art. 117 of HRC resolution 5/1.
11. The calendar should also contemplate the appropriate synchronization of schedules for resolutions, mandates and presentation of reports by special procedures.
12. The Bureau will present a report to the Council in its September 2011 session.

D. Triennial thematic resolutions

13. In principle, thematic resolutions should be tabled on a triennial basis.
14. Thematic resolutions on the same issue to be presented in between years are expected to be shorter and focused at addressing the specific question or standard gap that justified its presentation.

E. Documentation

15. There is a need for ensuring availability of working documents in time and in all UN languages. The use of modern technologies, such as the electronic circulation of copies, is encouraged in order to improve the HRC's efficiency and to reduce the circulation of paper.
16. With a view to reduce the paper load in the Council, reports could be presented orally to the Council; in this case, their written transcriptions should be circulated as UN official documents.

F. Transparency and extensive consultations for resolutions and decisions

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

G. Deadlines for the notification and submission of draft initiatives, as well as PBI information

18. There is a need for early submission of draft resolutions and decisions by the end of the penultimate week of a session.
19. Sponsors of initiatives are encouraged to be in contact with the OHCHR as soon as possible, with a view to facilitate the circulation of information on budgetary implications.

H. Duplication with the III Committee

20. The duplication of initiatives in the Human Rights Council and in the General Assembly/Third Committee should be avoided.

I. Establishment of an Office of the President

21. Decides to establish an Office of the President of the Human Rights Council, with adequate staffing resources and necessary equipment.

J. HRC secretariat services

22. Decides to establish a task-force, to be appointed by the President of the Council in consultations with all relevant stakeholders, to envisage how to best support the Human Rights Council and its mechanisms, including to deal with IT support aiming at a paperless Council.
23. The task-force will submit its conclusions to the HRC in March 2012.

K. Accessibility for persons with disabilities (task-force)

24. Decides to establish a task-force, to be appointed by the President of the HRC in consultations with relevant stakeholders, including governmental representatives, members of the OHCHR and UNOG and representatives of persons with disabilities, to assess the existing conditions and potential measures to be taken in order to enhance accessibility to the Council.
25. The task-force will submit its conclusions to the HRC in March 2012.

L. Participation of stakeholders

26. The use of IT solutions, such as videoconferencing or video messaging, is encouraged in order to enhance access and participation by non-resident state delegations, specialized agencies, other intergovernmental organizations and national human rights institutions in compliance with the Paris Principles, as well as non-governmental organizations, in accordance to the HRC rules of procedure.

APPENDIX

REPORT ON THE FACILITATION ON “*METHODS OF WORK AND RULES OF PROCEDURE*”

Under the facilitation on “Methods of Work and Rules of Procedure”, extensive consultations were held with member states from all groups in the Council, as well as different stakeholders, such as representatives of National Human Rights Institutions, civil society organizations and the OHCHR.

In the period from November 2010 to January 2011 four open-ended consultations were held. During the course of these consultations it became reasonably clear that there is space for convergence – at least no explicit opposition was presented - in most of the items pertaining to the chapter of “Methods of Work and Rules of Procedure”, such as on special sittings, yearly calendar of resolutions, triennialization of thematic resolutions, outcomes, documentation, transparency and extensive consultations for resolutions and decisions, deadlines for notification and submission of draft initiatives, establishment of an Office of to the President of the Human Rights Council, accessibility for persons with disabilities and enhancement of the participation of different stakeholders. Language for a possible compromise in these areas can be found in the Annex to this report.

In the course of the month of January 2011, new and extensive consultations were held on methods of work and rules of procedure to deal with urgent human rights situations that are brought to the attention of the Human Rights Council. During these consultations, the facilitation explored possible work formats that could enable a frank dialogue among members, in an atmosphere more conducive to objective, timely, proportionate, non-selective, and less politicized deliberations in the Council. Several ideas were brought up and tested in these consultations.

These ideas were discussed with the understanding that: the IBP already provides for most of these procedures; matters are to be brought to the attention of the Council on a universal, objective, impartial, balanced, non-selective, fair, and proportionate basis; matters may be specific or thematic; and the existing rules of the IBP pertaining to urgent situations are not to be changed, nor conditioned.

Hence, it was discussed that the HCHR as well as any member state could bring a matter to the attention of the Council by sending a formal letter. The President of the Council would then circulate this letter among Council’s members and observers. The President would call on the concerned country, if any, to consult with and engage the government of that country. The President would consult with the Bureau and with regional groups. The President would convene, no longer than 72 hours after receiving the letter, an informal open-ended inter-governmental consultation so as to allow members of the Council to decide on the need for a course of action. The HCHR, the concerned country, as well as UN Agencies and other stakeholders would be invited to present their views. Drawing from existing rules of the IBP, the Council would decide on the method of work that would apply to the case, as well as on the mandate for the discussions and on the need for and content of an outcome, if any. Regarding the participation of NGOs and NHRIs, one additional idea was also discussed: that they could be present and listen.

Two additional ideas were brought up during consultations. They are: any UN member state may bring a matter regarding its own situation to the attention of the Council; and during the informal open-ended consultations, the country concerned may request technical assistance and capacity building from the Council.

The ideas tested under this facilitation were met with essentially opposing views. While a group of states expressed sympathy to the general thrust of those ideas, another group of states showed strong and explicit opposition against changes of any nature to the “status quo” in the Council concerning urgent situations.

In these circumstances, it has not been possible to identify room for convergence that would recommend, at this stage, the presentation of a draft text for negotiations in the Working Group. However, the Working

Group could deem it appropriate to resume this discussion once important elements of the review process have been duly debated and addressed, bringing comfort to different member states regarding their own priorities within the review.
