

Non-exhaustive summary of Human Rights Council review / reform initiatives, and relevant proposals presented therein

Prepared by the Universal Rights Group (URG) ahead of the 1st December 2017 conference on 'Human Rights Council strengthening'

On 15 March 2006, the General Assembly passed [resolution 60/251](#) establishing the Human Rights Council, in replacement of the former Commission on Human Rights.

The institution-building negotiations

The Council held its first Session in June 2006, with the first Council President, H.E. Luis Alfonso de Alba (Mexico), immediately establishing an inclusive consultation process to negotiate and agree the detailed institutional framework of the new Body. This process was led by a group of co-facilitators, appointed by the President, who convened a series of three Open-Ended Intergovernmental Working Groups (IGWG) focused on the following issues: [review, rationalisation and improvement of mandates, mechanisms, functions and responsibilities in order to maintain a system of Special Procedures, expert advice and a complaints procedure](#); [the development of the modalities of the Universal Periodic Review \(UPR\)](#); and [the Council's agenda, programme of work, methods of work, and rules of procedure](#). The first of these IGWGs had three co-facilitators (Czech Republic, Jordan, Switzerland), and undertook four rounds of open-ended inter-sessional consultations; the second had a single facilitator (Morocco) and held four rounds of open-ended inter-sessional consultations; and the third had two co-facilitators (Guatemala and Philippines).

At the end of these consultations, the President of the Council brought the outcomes of each IGW together into a draft 'institution-building package' (IBP). This was presented to the Council and, following final negotiations under the authority of the President, was adopted on 18 June 2007 with Council [resolution 5/1](#).

Five-year review

Five year's later, as foreseen in operative paragraph 16 of GA resolution 60/251, the Council conducted a 'review [of] its work and functioning.' The review, which came quite early in the Council's life (i.e. before any real lessons could be gleaned from the body's early operation), was kick-started by Council [resolution 12/1](#) of September 2009, tabled by the Russian Federation, entitled 'open ended intergovernmental working group on the review of the work and functioning of the Human Rights Council.' With the resolution, the Council decided to establish a single intergovernmental working group (IGWG), which would hold two sessions and be chaired by the President of the Council.



The resolution also requested the Secretary-General to present a report to the Council on how to improve conference and secretariat services.

This 'five-year review' was overseen by the fifth President of the Council, H.E. Sihak Phuangketkeow (Thailand). A series of six informal Pre-Working Group meetings (retreats) in [Mexico, France, Morocco, Republic of Korea, Algeria and Switzerland](#), fed into a first meeting of a single Intergovernmental Working Group (IGWG) on the review of the work and functioning of the Human Rights Council. This IGWG met for the first time in October 2010.

Thereafter, between November and December 2010, informal consultations were convened by five co-facilitators (Morocco, Finland, Romania, India and Brazil). These considered five broad issues: the UPR; Special Procedures; Advisory Committee, the Complaints Procedure and other subsidiary bodies; agenda and framework of programme of work; and methods of work and rules of procedure. Proposals from these informal consultations were then further considered during a retreat in Thailand and a second meeting of the Intergovernmental Working Group (IGWG) on the review of the work and functioning of the Human Rights Council in February 2011. During this second meeting of the IGWG, the President of the Council attempted to find agreement on a series of minor modifications / clarifications to the IBP.

Ahead of the first meeting of the IGWG on the review of the work and functioning of the Council in October 2010, States were invited to submit [proposals. Ideas and suggestions](#) put forward at this time included, inter alia:

- A range of States from all regions and representing different political groups proposed that the adoption of **UPR** outcome reports be taken out of regular sessions of the Council, and instead for special Council plenaries to be convened at the end of each UPR Working Group meeting, during which the outcome reports from the previous UPR Working Group would be adopted.
- Other **UPR**-related proposals including to strengthen the role of civil society and NHRIs in the mechanism, strengthen follow-up on the implementation of recommendations from earlier cycles, and develop new mechanisms and strategies for technical assistance and capacity building to help States implement UPR recommendations. Other States however, called for the UPR mechanism to be left broadly untouched (as established by the IBP).
- Periodically undertake a process of review, rationalization and improvement (RRI) of **Special Procedures** mandates to avoid unnecessary duplication, and to give full implementation of paragraph 58 (d) of the IBP.
- Introduce a mandatory step-by-step procedure (including criteria, and a cost-benefit analysis) for the creation of any new **Special Procedures** mandates.
- Create more time and space on the Council's agenda for meaningful dialogue with **Special Procedures**, including by moving away from the practice of clustered dialogues.



- Strengthen follow-up on the implementation of Special Procedures recommendations; and improve transparency around levels of State cooperation with Special Procedures, including in the context of candidatures for election to the Council.
- Strengthen and systematise the role of **Special Procedures** in early warning – i.e. for prevention.
- Some States proposed a simplification of the **Council's agenda** – for example by combining items 3, 8 and 9 (thematic issues), and combining items 4, 7 and 10 (country-specific issues). Other States however insisted on leaving the agenda as agreed in the IBP.
- Some States proposed including a new agenda item (or strengthening agenda items 5 and 10) to cover **implementation** and follow-up; exchange of good practice, lessons learnt and achievements; and technical assistance and capacity-building support for implementation (for all States).
- Rationalise/streamline the Council's **programme of work** over the course each annual cycle, avoiding duplication and the repetition of agenda items, thereby reducing the burden on delegations. (In other words, all agenda items do not need to be covered at every Council session).
- As a key part of this streamlining exercise, reduce the number and duration of **general debates**.
- In order to streamline/rationalise the programme of work, and strengthen transparency and predictability, organise an **annual 'programming' meeting** that would set the annual (or even multiannual) programme of work.
- Reduce the number and duration of **panel discussions**, including by reconsidering all annual panels – especially full-day annual panels.
- Avoid the **proliferation of resolutions** at the Council as well as **duplication with human rights texts at the Third Committee** of the General Assembly. Encourage the bi- or triennialisation of resolutions, including by developing an annual or biannual calendar of initiatives. The President of the Council might present such a calendar at an annual programming meeting (to agree the programme of work).
- Allow more time and space for **informal consultations** on draft resolutions, including by further encouraging the early notification of initiatives, or perhaps by suspending a session for two days – to allow States to concentrate on informal consultations on drafts.
- The President should organise **open-ended information meetings** (as per paragraph 112 of the IBP) on resolutions ahead of each session.
- For **prevention**, make better use of existing 'toolbox' including open-ended briefings, urgent 'early warning' briefings by the High Commissioner to the Council, and presidential statements. Also look at the establishment of new types of mechanisms/forums, such as 'good offices' diplomatic missions, under the authority of the President of the Council, or confidential (Council members only) 'cooperation and dialogue' meetings with concerned countries and regions.

- Also for **prevention**, develop 'criteria' or 'principles' to guide Council members on whether to act on a given situation, and thus to reduce selectivity.
- Create a **trust fund to strengthen the participation of LDCs and SIDS** in the work of the Council – especially for those States that do not yet have a permanent mission in Geneva.
- Ensure the continuation of strong role for **civil society and NHRIs** in the work of the Council.
- Strengthen the **visibility and public profile** of the Council through stronger engagement with the press and social media, and through a dedicated Council website.

The end result of the negotiations on these and other proposals (negotiations which culminated in the [second meeting of the IGWG](#)) was the adoption, by the IGWG, of an '[outcome of the review of the work and functioning of the Human Rights Council](#)' (24 February 2011). Overall, this 'five-year review outcome,' subsequently adopted as [Council resolution 16/21](#), did not make many significant changes to the IBP. Notwithstanding, it did include some important technical modifications, especially on working methods. For example, it called on the President and Bureau to develop a voluntary annual calendar of resolutions, and encouraged States to bi-or triennialise the tabling of texts. The outcome also called for the creation of an LDC-SIDS trust fund.

The five-year review outcome was subsequently adopted by the General Assembly with [resolution 65/281](#). This resolution also decided to 'maintain the status of the Human Rights Council as a subsidiary body of the General Assembly' and to consider this question again 'at a time no sooner than ten years [2011] and no later than fifteen years [2026].'

Efficiency drive (2015)

In January 2015, the ninth President of the Council, H.E. Joachim R cker (Germany), announced his intention to improve the efficiency and effectiveness of the Council's working methods. As part of this effort, he encouraged more States to biennialise and triennialise resolutions and pushed for further improvements to the annual calendar of initiatives so that it would also cover relevant Special Procedures mandates, instruments, panels and Third Committee texts.

On 3 July 2015, the Council adopted a presidential statement ([PRST 29/1](#)) on 'enhancing the efficiency of the Human Rights Council' that took forward some of these steps to improve efficiency. With PRST 29/1, the Council decided 'to improve further the voluntary yearly calendar for thematic resolutions of the Council, in accordance with Council resolution 16/21, in consultation with the main sponsors,' and encouraged States to 'consider voluntarily the biennialisation and triennialisation of their initiatives.' It also underlined the need for the 'early notification of proposals, early submission of draft resolutions and decisions by the end of the penultimate week of regular sessions,'



and the need for all States to ‘observe the principles of transparency and inclusiveness with regard to the consultation process.’

PRST 29/1 also requested OHCHR to ‘develop, manage and support, as soon as possible and no later than the thirty-first session, a more distinguishable, accessible and user-friendly webpage, in all official languages of the UN from within existing resources, for the Human Rights Council, its mechanisms and procedures, including a user-friendly extranet.’ As of today, this distinct Council website has not been built.

The efficiency push led by H.E. Joachim Rucker did result in a temporary drop in the number of resolutions adopted by the Council in 2015. However, in 2016 and 2017 the numbers began to grow again – putting ever-greater strain on the Council’s agenda and programme of work.

Efficiency drive - continued (2016)

In 2016, the tenth President of the Council, H.E. Choi Kyonglim (Republic of Korea) announced that he would seek to continue the efficiency drive begun by Ambassador Rucker. This decision was made against a backdrop in which the Director-General of UNOG, Michael Møller, sent a letter to the presidency (9 August 2016) in which he drew the Council’s attention to the unsustainable growth in the Council’s work (and thus meeting time). He made clear in his letter that UNOG could no longer service the increasing number of Council meetings. He stated that a maximum of 135 meetings could be serviced in 2017, and a 130 in 2018.

Against this background, President Choi Kyonglim asked one of his Bureau members, the ambassador of Latvia, to prepare proposals for consideration by the membership as a whole.

The subsequent – fairly technical - [proposals](#) covered:

- Time management (e.g. start Council meetings on time; allocate speaking time during interactive dialogues based on the number of speakers, but with a minimum speaking time of two minutes, and improve transparency around tabling deadlines).
- Organisation of work (e.g. de-couple of the High Commissioner’s statement from the debate under item 2; and extend the voluntary calendar of resolutions/initiatives from one- to three-years).
- Information and access to information (e.g. develop and publish an annotated programme of work; develop an online calendar of Council-related events, such as NGO side events; send SMS notifications to delegates about the start of different agenda items).



- Universal Periodic Review (e.g. troikas should automatically cluster substantively similar recommendations).

Some of these proposals – which involved changing practices rather than changing the IBP – were subsequently taken forward under the authority of the President.

Civil society proposals

Civil society was centrally involved in the construction of the Human Rights Council, and has continued to be engaged in subsequent review and reform discussions. For example, civil society published important proposals in the context of the Council’s five-year review, and its [tenth anniversary](#).

2017 – present

In June 2017, the eleventh President of the Council, H.E. Joaquín Alexander Maza Martelli (El Salvador) and his Bureau, together with the High Commissioner for Human Rights, and the Director-General of UNOG, established a Joint Task Force on the increasing workload of the Council. The Task Force was asked to review various options for reducing the workload, as well as their implications in terms of cost, working methods, meeting room availability and documentation. The Task Force, which was chaired by one of the members of the Bureau, the Ambassador of Switzerland, would then report to the President and the rest of the Bureau.

The Task Force made a number of [proposals](#) covering:

- Annual programme of work (e.g. cap the number of panel discussions at 13 per year; linked with this point, develop a more transparent, predictable and structures annual programme of work so that delegations could see when the next ‘space’ for a panel is; and reduce duration of panels from three to two hours).
- Speaking time limits (e.g. limit the number of statements that each delegation is allowed to deliver during a given Council session; and cluster general debates during June and September Council sessions).
- UPR (e.g. reduce the duration of reviews in the UPR working group; change adoption in plenary to an ‘*en bloc* adoption procedure’ that would use up far less regular session time; or reduce the duration of outcome adoption in plenary).

In August-September 2017, the Ambassador of Switzerland presented the Task Force’s proposals to the President and the rest of the Bureau, and the Bureau as a whole



considered the various options. In the end, the Bureau decided to put forward four key measures to the wider Council membership:

1. Reduce the duration of panel discussions from three to two hours.
2. Streamline UPR adoptions during Council plenaries to thirty minutes, consisting of ten minutes for the State under Review and twenty minutes for NHRIs and NGOs.
3. Revert to the speaking time limits for general debates and interactive dialogues that prevailed before 2017, namely three and two minutes for members and observers respectively.
4. Adopt a decision requesting the UN GA to provide the necessary support for up to 20 fully serviced additional meetings to be held by the Council annually (i.e. US\$ 223,000).

In this regard, the Bureau agreed to recommend to the Council to adopt at its 36th session a decision to take these measures.

However, during the 36th session in September 2017, it became clear that there was no consensus support for such a decision. Therefore, at the end of the session the President announced he would hold an organisational meeting on 20 October to try to proceed. Ahead of that meeting, the President and the Bureau convened an informal consultation (17 October) to seek comments on a draft decision. However, again there was no consensus on the (above) four proposed measures. Thus, the President prepared a new [draft decision](#) simply requesting the extra resources from the GA (without any of the Council efficiency measures). Perhaps predictably, this draft was rejected by States during the 20 October organisational meeting.

