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# Human Rights Council strengthening conference

1 December 2017, Hotel Warwick, Geneva

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January 2018

# Foreword

On 1 December 2017, current, incoming and past members of the Human Rights Council were invited to come together in an informal setting to discuss ways to further improve the efficiency and effectiveness of the Council.

The purpose of the conference was to provide a platform under the 'Chatham House Rule,' for structured, cross-regional discussions exploring ways to build on the Council's relevance and impact in promoting human rights worldwide. We are grateful for the serious, candid, constructive and creative participation of around 130 State representatives, as well as UN officials and NGO representatives.

This outcome document report aims to capture the spirit and substance of those discussions, to reflect all views put forward, while respecting the 'Chatham House Rule' format of the discussion. The report is not an exhaustive summary of all the discussions, focusing instead on the main outcomes. The report does not take a position on the ideas put forward, nor does it provide suggestions on the process for taking any of these ideas forward. The report is intended to be a reference document for future discussions on the strengthening of the Human Rights Council.

As co-sponsors of this conference, we strongly believe that the Council has made a marked difference in the advancement of human rights worldwide. For us, the value of the Human Rights

Council is incontestable. However, no institution is perfect, and the Council is no exception. The spirit of the conference made clear that root and branch reform of the body is not the answer; but there is a need to talk seriously about making improvements, be it in terms of the Council's working methods, its agenda, the responsibilities of its members, the annual programme of work, or in terms of its delivery of capacity-building and technical support.

It is our hope that this report will facilitate shorter- and longer-term deliberations and actions on the strengthening of the Council, taken forward consensually. We remain committed to collectively furthering this agenda in the future.

Today, the need for a strengthened Human Rights Council is clearer than ever. Together, we can ensure that the Council is as effective and efficient as it needs to be. Together, we can make the protection and promotion of human rights around the world a reality.

*On behalf of the co-sponsors of the Human Rights Council strengthening conference - the Permanent Missions of The Netherlands, Mexico, Rwanda, the United Kingdom and Latvia.*



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# Executive summary

On 1 December 2017 the Permanent Missions of the Netherlands, the UK, Rwanda, Mexico and Latvia, supported by the Universal Rights Group, organised a one-day conference on 'Human Rights Council strengthening.' Over 130 representatives of States and civil society attended, with opening and closing remarks by the High Commissioner for Human Rights, former Council President Ambassador Dupuy Lasserre (Uruguay) and incoming President Ambassador Šuc (Slovenia). Discussions were facilitated by ambassadors, with support from discussants, acting in their personal capacity, from all regions.

The conference was based on the premise that the Council is performing well in some areas of its mandate but could perform better in a number of respects. These include: working methods; the agenda and programme of work; capacity-building and technical support; a more diverse membership, with improved

compliance with the principles in GA resolution 60/251; domestic implementation; responding to situations of chronic violations; effective participation of civil society actors; coordination between 'Geneva' and 'New York'; and 'prevention.'

Proposals covered the following main themes:

The process of presenting resolutions; length and number of panel debates; conduct of informal meetings; inter-sessional formats; NGO participation; introducing a structured annual programme of work; review of Special Procedures mandates; improving use of information technology; strengthening capacity building and support for domestic implementation; prevention of violations; Council membership; and the election process.

# Introduction

There is a growing recognition that as the Human Rights Council approaches its twelfth anniversary there is a need to undertake an inclusive, cross regional and structured dialogue to review how States might strengthen the fulfilment of the Council's mandate and purpose, as set down in GA resolution 60/251. This includes discussions around how the work and effectiveness of the Council might be further enhanced in the future.

That does not mean root and branch transformation based on a premise that the Council is fundamentally failing. It is not. Rather, it means pursuing evidence-based improvements in a number of specific areas where the experience of the past twelve years suggests the Council could do better. Examples of such areas include: 1) working methods; 2) the agenda and the programme of work; 3) the effective delivery of capacity-building and technical support; 4) membership – in particular supporting inclusivity and accessibility for a more diverse membership, and improved compliance with the principles and criteria set down in GA resolution 60/251; 5) support for domestic implementation; 6) responding more effectively to situations of chronic violations; 7) safeguarding access for (including by responding to reprisals) and enhancing the effective participation of civil society actors; 8) strengthening coordination and communication between 'Geneva' and 'New York'; and 9) securing a shift in how the Council considers and deals with situations of human rights violations – with more emphasis on prevention.

Calls for, and debates around, Council strengthening have steadily increased over the past two years. There now appears to be broad agreement on the need for a process of reflection and review, with a view to strengthening the efficiency and effectiveness of the body.

To capitalise this emerging agreement, and to provide an inclusive platform for all concerned States, together with relevant UN staff and NGOs to share views and ideas, on 1 December 2017 the Permanent Missions of the Netherlands, the UK, Rwanda, Mexico and Latvia, supported by the Universal Rights Group, organised a one day conference on 'Human Rights Council strengthening.'

Following welcoming remarks by the conference chair, H.E. Ms Monique van Daalen, Permanent Representative of the Netherlands, the opening plenary of the conference heard

introductory remarks by the UN High Commissioner for Human Rights, H.E. Mr Zeid Ra'ad Al Hussein, and a former President of the Human Rights Council, H.E. Ms Laura Dupuy Lasserre (Uruguay).

The High Commissioner emphasised that, overall, the Council is functioning well – indeed, far better than some other parts of the UN. So any changes should build from that strong base – and certainly should not risk reducing the body's effectiveness. One proposed change, suggested by the High Commissioner, is to break the 'perpetual orbit' / 'circular manner' in which the Council deals with situations and themes. For example, when faced with a situation of violations, the Council will usually ask OHCHR for a report, then it will set up an investigatory body, that body will report back to the Council, then the Council will mandate another investigation, there will be another report, and another resolution, and so on. He argued that there should be one or two orbits at most, and then the Council should send its recommendations to the GA and/or the Security Council, so that they can do their part. Otherwise, he argued, we will continue to go around and around in circles 'feeling as though we are doing something, when in reality we are not doing very much at all.'

The High Commissioner also drew attention to the importance of member State cooperation with the Council and its mechanisms, the serious problem of reprisals, the need to focus more on implementation and follow-up, and the importance of strengthening the Council's external communications. On the latter point, he noted the importance of giving greater visibility to the work and impact of the Council. For example, he asked why the President of the Council does not give a press conference at the beginning and end of every session?

Ambassador Dupuy Lasserre also focused on the question of how to strengthen existing mechanisms of the Council so that they can better emphasise and support implementation / follow-up. Linked with this point, she underscored the importance of improving the delivery of technical assistance, including by positioning OHCHR as a 'clearing house' for international human rights capacity building support.

Participants then divided into three breakout groups for more detailed discussions. The breakout groups were as follows.

## Group 1 – Methods of work, agenda, programme of work and the review, rationalisation and improvement of mandates

Co-facilitators: H.E. Mr Janis Karklins, Permanent Mission of the Republic of Latvia; and H.E. Ms Yvette Stevens, Permanent Mission of the Republic of Sierra Leone.

Discussants: H.E. Mr Hans Brattskar, Permanent Mission of Norway; and Dr Alexei Goltiaev, Permanent Mission of the Russian Federation.

## Group 2 – Strengthened delivery of international human rights technical assistance and capacity-building support, strengthened support for and follow-up to domestic implementation, and the operationalization of the Council's 'prevention' mandate

Co-facilitators: H.E. Ms Maria Nazareth Farani Azevêdo, Permanent Mission of Brazil; and H.E. Mr François Xavier Ngarambe, Permanent Mission of the Republic of Rwanda

Discussants: H.E. Mr FOO Kok Jwee, Permanent Mission of the Republic of Singapore; and Ms Manuela Teixeira Pinto, Permanent Mission of Portugal.

## Group 3 – Council membership, elections, inclusivity, access – promoting universality

Co-facilitators: H.E. Mr Julian Braithwaite, Permanent Mission of the United Kingdom; and H.E. Ms Socorro Flores Liera, Permanent Mission of Mexico.

Discussants: H.E. Ms Athaliah Molokomme, Permanent Mission of Botswana; and Mr Jason Mack, Permanent Mission of the United States of America

At the conclusion of the conference, the co-facilitators of each group reported back to the plenary.

Concluding reflections were then provided by the incoming President of the Council, H.E. Mr Vojislav Šuc (Slovenia), and by the conference chair. Ambassador Šuc welcomed the inclusive and constructive nature of the conference, and recognised the good level of convergence between State views on a range of important ideas. He said it will be important to carry that positive atmosphere into 2018, and to make progress across all of the areas covered during the conference - while recognising that 'each cluster' has its own dynamics and timeframe. He expressed his determination to maintain momentum, and to proceed in an open and inclusive manner.

The following sections present some of the ideas put forward, during the breakout groups, to secure improvements, and strengthen the Council's work and output. It is a non-exhaustive summary and gives particular emphasis to concrete ideas and proposals.

A common refrain, across all groups, was that the Council is not a failing institution. On the contrary, in much of its work it is highly inclusive, productive and effective. However, nearly twelve years of operation have shown there to be important areas where improvement is needed. Many participants noted that these improvements could be achieved within the current institutional framework of the Council (as provided by the IBP and the five-year review outcome).

As the conference was held under the Chatham House rule, comments and opinions are non-attributed.

# Methods of work, agenda, programme of work, and the rationalisation, review and improvement of mandates

The increasing workload of the Council, and the commensurate decrease in time for genuine dialogue, is undoubtedly undermining the efficiency and effectiveness of the institution. The Council is doing more and more: regular Council sessions in 2017 included 155 meetings (52 devoted to interactive dialogues, 25 to general debates, 17 to panel discussions, 12 to UPR and 6 to decisions), while the year also saw the adoption of a record number of Council resolutions. Yet because this is all being done with the same resources (financial, human and overall session time), from the perspective of effectiveness and impact it is clear that the Council risks doing less and less.

Many speakers noted that the Council should work through cooperation and genuine dialogue. Yet the Council's agenda is increasingly squeezed, with less time for dialogue (speaking times are down to just over one minute) and less time for promoting and recognising positive cooperation with the UN system.

Participants agreed that, today, there appears to be a new determination to address this situation. There also appears to be broad agreement that ad hoc efforts to improve methods of work, taken over the past three years, now need to give way to a much more structured and inclusive process of review and strengthening.

During the 1 December conference, a range of views and opinions were heard, and proposals made. These are summarised below.

## RESOLUTIONS, PANELS

It was repeatedly pointed out that 2017 has seen the adoption of a record number of resolutions / texts. Moreover, each of these resolutions has some kind of operative effect.

Linked with this, many participants also opined that the quality of adopted resolutions appears to be going down. This is perhaps

because core groups do not consult enough and, even where there are consultations, take a rather inflexible approach to the negotiations. The drop in quality (frequently associated with an increase in length) of resolutions may also be partly driven by the recurring nature of many texts and the fact that many delegations (especially Small States) do not have the resources to participate in seventy or eighty open informals per session.

The importance of reducing State recourse to resolutions is reflected in the Council's institutional framework (i.e. as set by the IBP and the five-year review outcome). It has also been a principal focus of the 'efficiency drives' spearheaded by the past three Council Presidents. The broad approach taken by these Presidents and their Bureaus has been to: encourage States to voluntarily biennialise or triennialise the tabling of texts; reflect that rationalisation in an expanded 'annual calendar of initiatives;' and encourage States to think about unnecessary duplication between the Council and the Third Committee of the General Assembly!

## Proposals

Ideas and proposals put forward during the 1 December conference included, *inter alia*, the following:

- The main sponsors of **resolutions** could be encouraged to reach out to the main sponsors of substantively similar initiatives, to discuss the possibility of merging or otherwise 'clustering' initiatives. In this regard, it was noted that delegations 'would need convincing that they are not 'losing' their initiatives – but rather enhancing their initiatives through cooperation.'
- The incoming Bureau could continue to press main sponsors that have not yet done so, to biennialise or triennialise the tabling of texts. This should then be reflected in the annual calendar of initiatives.

- All main sponsors should review the texts of recurring resolutions, to see if they cannot be shortened and made more action-orientated.

- The main sponsors of long-standing, recurring resolutions should reflect on whether they still serve a useful purpose.

- The inclusivity and transparency of open informal consultations should be improved – in order to rebuild trust between delegations. All delegations might voluntarily commit (e.g. via a pledge) to hold at least two open informals on each draft resolution. Another suggestion was for regular Council sessions to be suspended for two days (e.g. ahead of the tabling deadline) to allow delegations to organise and participate in negotiations.

- All States should take steps to improve coordination between their Geneva and New York Missions so as to avoid duplication between Council and Third Committee texts. At the very least, States should ‘stagger’ the tabling of resolutions between Geneva and New York.

- Before requesting, through their resolutions, more reports from OHCHR, main sponsors should reflect on the value added of those reports, and whether OHCHR’s time and resources could not be better spent providing, for example, technical assistance to States.

- **Panel debates** should be reduced from three hours to two hours, and the number of panellists reduced to three. There appeared to be broad support for this proposal.

- It was proposed that the Council should introduce a cap on the number of panels at each regular session (e.g. six in March, four in June, and four in September), (see subsection on programme of work).

- Some speakers raised the importance of looking at annual panels, especially full day annual panels. It was suggested that the sponsors of these initiatives have a particular responsibility to reduce the panels’ length and/or frequency. At the very least, full day annual panels should be changed to half-day annual panels.

There appeared, at the meeting, to be wide support for many of these steps. However, others cautioned that each step is voluntary and thus dependent on political will. Thus far, Council members and observers have not shown the political will to look at themselves and their own initiatives, and to make the

necessary individual sacrifices to secure improvements for the ‘common good.’ Another participant also noted that ‘capitals’ should be fully engaged if any efficiency drive is to work. For example, all foreign ministries might be asked to sign a pledge on improved UN human rights methods of work.

## COOPERATION AND DIALOGUE

Efforts to strengthen the Council’s working methods should be premised on creating the conditions for improved cooperation and dialogue, in line with GA resolution 60/251.

Unfortunately, the contemporary reality of the Council, with its ever-widening and increasingly burdensome (especially for small delegations) agenda, is that there is less and less space and opportunity for meaningful dialogue or for inclusive discussions around State cooperation. It was also pointed out on 1 December that the format and rules of procedure of Council plenary sessions, together with the fact that everything is webcast and recorded, means that States nearly always read pre-prepared statements (often very similar to previous statements on the same topic). This is even the case during supposedly ‘interactive dialogues’ and panel debates – work formats originally designed to promote free-flowing and interactive exchange.

## Proposals

Ideas to address this challenge included:

- Better use of **informal meetings**. The President of the Council could organise more informal meetings such as ‘informal conversations with the High Commissioner,’ to raise and discuss important emerging human rights concerns. Many others agreed, calling, for example, for monthly information [breakfast] meetings between Bureau members and the High Commissioner, or monthly briefings by the High Commissioner to members of the Council. It was pointed out that these informal off-the-record meetings might help build trust.
- Others agreed on the importance of having space for meaningful dialogue, but argued that we should be **‘clearing space on the Council’s regular agenda’** for such important work, rather than adding more informal meetings. It was pointed out that ‘informal meetings may give the impression that an issue or a situation isn’t important.’

- To create such space, it was proposed that, in addition to reducing the number of resolutions, panels and reports (see above), States could reduce the number of statements delivered each session – for example by pledging not to deliver a statement in their national capacity if they have already participated in a joint statement on the same subject.

- Yet another perspective was the view that it will always be difficult to have a meaningful, spontaneous dialogue in Room XX during a regular session of the Council. Diplomats in Room XX, especially when meetings are webcast, will always tend to deliver pre-prepared monologues. Thus, perhaps the solution is to have formal dialogues, but outside of regular sessions of the Council - for example, ‘voluntary inter-sessional platforms for dialogue, capacity building and resilience,’ (see the report of breakout group 2).

- Linked with the above point, some participants noted the importance of **inter-sessional work formats**, such as seminars, workshops and roundtables. It was argued that these reduce the pressure on Council plenary sessions and allow for a more focused and inclusive consideration of the issues at hand.

- A number of participants emphasised the importance of greater dialogue and cooperation around the issue of implementation and follow-up (see report of breakout group 2).

- Ways should be found to enhance **NGO participation** in the Council’s work. At the moment, it was noted, there seem to be ‘many NGOs wanting to speak, little time or space for them to do so, and little attention in Room XX when they can.’ Another participant highlighted the importance of strengthening the participation of national and regional NGOs (perhaps through a new trust fund?)

- While exploring alternative work formats, inter-sessional briefings, or informal platforms for dialogue, a number of participants underscored the vital importance of maintaining civil society access and participation.

- Others, while agreeing on the importance of NGO participation, drew attention to the fact that some NGOs speak under agenda items that are arguably unrelated to what they are saying.

## AGENDA AND PROGRAMME OF WORK

The Council’s agenda and the framework for its programme of work are set by the institution-building package (IBP). However, there is considerable flexibility as to exactly how an annual programme of work should be constructed, including how agenda items (and therefore general debates under those agenda items) may be distributed over the course of the year.

In constructing that programme of work and taking it forward (i.e. methods of work), the IBP underscores certain principles including, inter alia: transparency, pragmatism, predictability, inclusivity and flexibility. At the time of the IB Package’s adoption, proposals were considered for an annual programme of work. However, this was left unresolved.

The IBP further says that the agenda and programme of work shall be adopted during an ‘organizational meeting’ held ‘at the beginning of each Council year.’ In setting its programme of work, the Council should consider ‘approximate dates of consideration of items and the number of meetings to be allocated to each item.’ Importantly, part VI of the IBP implicitly elaborates on this point by recognising the need for (in the context of managing the Council’s workload) ‘clustering of agenda items,’ and the ‘staggering the tabling of decisions and/or resolutions and consideration of action on agenda items/issues.’

At the moment, however, the agenda and programme of work for the next year is adopted at the organisational meeting (December) at which the new Bureau is elected. Many speakers on 1 December pointed out that this does not make sense. What should happen is that the agenda and programme of work are adopted at the beginning of the new annual Council cycle by the new Bureau (i.e. during the January organisational meeting). One participant explained that this would give the incoming Bureau ‘breathing space’ (between their election and the start of their term) to consider and present a coherent programme of work. ‘Otherwise the old Bureau decides for the new Bureau.’ Many others agreed, noting that ‘an annual programme of work should be presented and adopted by the Bureau that has to implement it.’

## Proposals

Ideas and proposals presented on 1 December included the following.

- The incoming President of the Council could begin consultations on introducing a **structured programme of work**, with every agenda item (with the possible exception of items 1 and 2) staggered over the course of the year. 'Each agenda item could be discussed just once or twice a year.' It was argued by many participants that this would bring significant efficiency savings, and 'could happen now, as it is foreseen in the IBP – the only obstacle is political will.' There appeared to be wide support for this proposal in some form.

- Other speakers went further, arguing that such a structured programme of work could be provisionally set for three years – thus complying with the IBP's call for transparency and predictability.

- It was noted that this would also mean each **general debate** would only be held once a year. In addition, some of those general debates could also be clustered.

- Several speakers noted that it would be important to retain the possibility of raising priority concerns at each session, and proposed either a clustered general debate covering all items - to replace those individual item general debates not covered at a particular session; or the clustering of general debates on the basis, for example, of thematic issues and country situations.

- Notwithstanding the aforementioned consultations on a more structured programme of work, it was proposed that the incoming President could in any case already cluster general debates in the 2018 programme of work. One participant argued: 'We don't need all these general debates at every session – it's a waste of time and resources.'

- It was pointed out that such a clear, transparent and structured (perhaps multi-year) programme of work could also help improve coordination and communication with the **Third Committee in New York**. For example, if the programme of work was elaborated in consultation with the Chair of the Third Committee, agreement could be reached for thematic Special Procedures to stagger their reporting to the two bodies.

- The January organisational meeting should be expanded into a **'programming, planning and pledging' meeting**, during which a structured (i.e. staggered or clustered agenda items) and perhaps multi-year programme of work could be presented, that year's structured programme of work (and agenda) adopted, and States could pledge or provide information about (and engage in a dialogue on) the biennialisation of resolutions, the merger of initiatives, the discontinuation or merger of mandates, etc.

- Due to time constraints, the new Council President could perhaps organise such a 'programming, planning and pledging' (PPP) meeting informally in early 2018 – as a pilot.

- In addition to shortening panels, and reducing the number of panellists (see section above on 'resolutions, panels'), there was strong support for setting a ceiling or **quota for the number of panels** permissible at each Council session (e.g. a maximum of six in March, four in June, and four in September). Scheduling of panels, within these limits, would be on a 'first come, first served' basis, and would be transparently reflected in a more structured programme of work (as described above) – especially if it would be a multi-year programme of work.

- There was wide (though not complete) support for a proposal to 'remove UPR adoptions from regular Council sessions, and attach them to the end of UPR Working Group meetings.' According to proponents, this would represent a better use of existing resources and would help ensure a greater focus on, and interest in, the adoption of UPR outcomes. NGO and NHRI participation must remain as before.

- There was a proposal to 'change the balance of the programme of work to have two 'substantive sessions' per year (March and September), with the June session used only for technical discussions and dialogues with mechanisms – i.e. no resolutions or decisions.'

- Another option proposed by one delegation was to increase the duration of September sessions by one week (so four weeks in total), and in return halt the practice of holding Council meetings over lunch (which serves to make the body inaccessible for smaller delegations).

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## REVIEW, RATIONALISATION, IMPROVEMENT OF MANDATES (RRI)

At the time of the establishment of the Council in 2006, UN member States were already aware of the need to ensure the on-going relevance of mandates, in particular Special Procedures mandates, inherited from the Commission on Human Rights.

That is why the GA (with resolution 60/251) called on the new Council to 'assume, review and, where necessary, improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights in order to maintain a system of special procedures, expert advice and a complaint procedure.'

With this mandate in mind, the first President of the Council included the 'review, rationalisation and improvement' (RRI) of mandates – especially Special Procedures mandates – as a key part of the institution-building negotiations. Unfortunately, States were not able to agree on the merger or discontinuation of any thematic mandates, and, although they did agree on criteria that should guide RRI decision making (e.g. 'every effort should be made to avoid duplication,') they did not agree on any mechanisms for conducting regular RRIs – deciding only that 'the review, rationalization and improvement of each mandate would take place in the context of the negotiations of the relevant resolutions.'

In reality this means that all thematic Special Procedures mandates are automatically - by default - renewed every three years, often with little or no consideration of, or consultation on, the continued utility of the mandate in its present form.

During the 1 December meeting, there appeared to be wide agreement that in the context of finite or even diminishing resources, and limited Council session time, the continued growth in the number of thematic Special Procedures mandates is an important concern – both for the credibility of the mechanism and for the efficient working of the Council (and the Third Committee).

Others, while praising the Special Procedures mechanism, argued that it would be unfair to 'ring-fence' this mechanism and exempt it from efforts to improve the efficiency and effectiveness of the Council. 'Special Procedures consume a great deal of resources – both in terms of money and in terms of Council time.'

Against this background, the 1 December event offered a first opportunity in over a decade, to revisit the concept of RRI.

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## Proposals

- A number of speakers said that some form of regularised RRI procedure or mechanism was needed – 'otherwise all mandates, no matter their value or how long they have existed, are automatically renewed every three years.' That regularised review 'should look at the continued merit and added value of a given mandate.'

- One participant suggested it is now time, as per the IBP, to put in place a system to regularly review, rationalise and improve each mandate 'in the context of the negotiations of the relevant resolutions.' 'Without such a system, based on the principles and provisions set down in the IBP, the Special Procedures mechanism will continue to expand – to the detriment of the mechanism and the Council.'

- Notwithstanding this broad proposal, there did not seem to be a common view, on 1 December, as to how this regularised process of RRI might work in practice. Some argued that a regularised RRI could be based on some form of consultation, convened by the main sponsors well ahead (a year or six months) of renewal (at either the three year mark or six year mark). Another underscored the value of dialogue with the outgoing mandate-holder – perhaps in the context of the last interactive dialogue with that mandate-holder (after six years). A further idea was to use the proposed annual 'programming, planning and pledging meeting' (each January) to also consider mandates that are due for renewal that year.

- While agreeing on the importance of some kind of review and rationalisation exercise, a number of participants warned that previous RRI exercises, during the time of the Commission on Human Rights and during the Council's institution-building negotiations, had become highly politicised and returned very meagre results.

- In response to this point, one participant asked whether, if States are not able to agree on the RRI of mandates (because each sponsoring State 'protects' its own mandates), perhaps the exercise should be 'outsourced' to a third party or independent body. 'At the very least, it seems likely that such an independent review might come up with useful proposals for mandates that could be merged.' Another speaker suggested that the Special Procedures Coordination Committee could be asked to conduct such a review (though it was pointed out in response that mandate-holders 'could hardly be expected to come up with proposals to cut themselves.')

- Another idea was for OHCHR to be asked to conduct an objective mapping or 'mandate review' – to map all thematic mandates and objectively analyse where there is overlap/duplication.

- As a temporary solution, until such a time as States can agree on a workable RRI process, it was suggested that Council delegations could voluntarily agree on a moratorium on the creation of new mandates.

In the context of the discussion on RRI, there was also a discussion on the issue of the independence and professionalism (and thus the credibility) of mandate-holders. According to one speaker, the re-appointment process for individual mandate-holders (i.e. after three years) should be made into a meaningful review of their performance.

### Proposals

- There seemed to be wide agreement that the Council can make further use of information technology solutions (i.e. build an 'e-Council), for example, to make it even easier to upload statements, to cosponsor resolutions, to book rooms for open infor-

mals, and to find out where and when informals and side events are being held.

- Another suggestion was to make better use of videoconferencing, especially in order to help Small States participate more effectively in Council discussions and in the UPR.

- Finally, it was noted that all of this should be accessible via an improved, dedicated Human Rights Council website and extranet – as already called for in Council PRST 29/1. It was also suggested that OHCHR develop a dedicated HRC app, for delegations to receive information, subscribe themselves onto lists, etc.

# Implementation, capacity building and prevention

The ultimate goal of any Council strengthening process must necessarily be improve the body's effectiveness and it's on the ground impact. With that in mind, to be credible, any strengthening process must secure progress in a number of interlinked areas including, *inter alia*.

1. Promoting 'the full implementation of human rights obligations undertaken by States,' as per paragraph 5d of GA resolution 60/251.
2. Promoting 'advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of Member States concerned,' as per paragraph 5a of GA resolution 60/251.
3. Contributing 'through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies,' as per paragraph 5f of GA resolution 60/251.
4. Addressing 'situations of violations of human rights, including gross and systematic violations,' as per paragraph 3 of GA resolution 60/251.

The meeting on 1 December looked, in particular, at the first three of these areas. Participants noted that they are interconnected and mutually reinforcing.

## BUILDING A 'HUMAN RIGHTS IMPLEMENTATION AGENDA'

In 2006, the then UN Secretary-General, Kofi Annan, called on the new Human Rights Council to lead the international community 'from the era of declaration to the era of implementation.'

Following this call, when the GA moved to establish the Council through resolution 60/251, the theme of implementation ran like a vein throughout the new body's mandate, objectives and methods of work.

Unfortunately, as noted by one participant at the 1 December event: 'promoting and following-up on the implementation, by States, of their human rights obligations and commitments is without doubt one of the key goals of the Council; yet it is also something that we are, for a long time, seemed intent on avoiding. The question is therefore, how do we turn that around, and better deliver on this crucial aspect of the Council's mandate?'

## Proposals

- Participants acknowledged that States themselves, at domestic level, have the primary responsibility to implement their obligations and the recommendations of the human rights mechanisms. However, where requested to do so, the Council can support them in this effort (e.g. via item 10 support). The Council should also, crucially, systematically follow-up on domestic implementation – providing a space for States to exchange information on achievements, challenges, good practices, lessons learnt, etc.

- It was noted that States and NGOs often see 'implementation' as something they only need to do with UPR recommendations. However, many States are increasingly seeing the value of implementing the recommendations/outputs of all three main UN human rights mechanisms (Treaty Bodies, Special Procedures and UPR) in an integrated or 'clustered' manner. Such an approach plays to the different strengths and characteristics of the three mechanisms, but also helps reduce the implementation and reporting burden on States.

- A number of participants noted and welcomed the growing trend among States to establish 'national mechanisms for implementation, reporting and follow-up' (NMIRFs). Participants from States that have established NMIRFs reported significant improvements with the implementation of UN human rights recommendations (as well as, in some cases, with the implementation of the SDGs.) They noted that NMIRFs, backed up by online matrices and publicly accessible websites, also help measure and show impact, and help lessen the reporting burden.

- Supporting the establishment and strengthening of NMIRFs should be a key future goal of the Council (especially under agenda items 5 and 10), as should providing a space or platform for States/NMIRFs to report back on progress.

- It was also noted that 'national matrices of UN human rights recommendations,' which are usually a key component of NMIRFs, are very useful in terms of allowing the public and civil society to follow State progress with implementation (sometimes via public websites managed by the NMIRF); and for allowing international development partners to deliver development assistance in a coherent, county-led, rights-based and measurable manner. One State representative explained how her country's national matrix of clustered UN human rights recommendations has provided the basis of its UN Development Assistance Framework, agreed with the UN Country Team.

- A number of participants underscored, in the context of follow-up, the importance of objectively measuring implementation and impact (e.g. through the application of impact indicators) and of 'bringing NHRIs and domestic NGOs into the conversation – so that we can have alternative views on what progress is being made.'

- One speaker remarked that OHCHR is increasingly adopting an integrated approach to supporting the implementation of human rights recommendations, and the implementation of the SDGs. 'The 2030 Agenda is a major opportunity to make progress on human rights.' Similarly, the Secretary-General's development pillar reforms (e.g. moving and reforming the Resident Coordinator system so that it represents all three pillars) offer an important opportunity to better support domestic human rights implementation.

## STRENGTHENING THE DELIVERY OF CAPACITY BUILDING AND TECHNICAL SUPPORT (ITEM 10)

GA resolution 60/251 recognises the primary responsibility of States to promote and protect human rights. However, the GA also recognised that the Council and the wider UN have an important role to play in 'strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings.'

The GA therefore decided that the Council should promote 'advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of Member States concerned,' (paragraph 5a).

During the 1 December meeting, a number of speakers argued that, to-date, the Council has largely failed to deliver on its capacity building and technical support mandate. It was suggested that this has happened for three main reasons.

First, where States' human rights situations are considered in the Council, it is usually to monitor and draw attention to violations. This has perhaps served to discourage States from voluntarily raising their domestic human rights challenges in the Council.

Second, even where the Council does take action under agenda item 10 (i.e. by establishing a country Independent Expert mandate), it is still principally focused on responding to serious violations (often in post-conflict countries) – it is just that the nature of the response is different (i.e. providing technical

assistance rather than condemning the country concerned). Even then, according to another speaker, 'the main focus of the Independent Expert's work is still monitoring and reporting back to the Council on the human rights situation in the country.'

Third, and linked with the second point, it was suggested on 1 December that 'where OHCHR is asked to provide capacity-building and technical support, they also include monitoring.' Another speaker said that this is a consequence of OHCHR's multi-dimensional mandate: 'it is expected to simultaneously act as secretariat to the Council and its mechanisms, to independently monitor human rights violations around the world, and to deliver human rights technical assistance to States.'

According to a number of participants, the Council's work under item 10 has, over the past ten years, 'lost its way.' The Council should work 'by providing space for States to voluntarily exchange information on good practice, lessons learnt, achievements and challenges – i.e. to promote dialogue and cooperation on human rights.'

One very visible and worrying consequence of the alleged failure of States to fulfil the Council's 'item 10 mandate,' or even to reflect on how to best deliver on that mandate, is that situations of serious human rights violations, which should be addressed under item 4, are now routinely brought to the Council's attention under item 10. It was also pointed out that the resulting item 10 resolutions, because they tend to be premised on the consent of the State concerned, often fail to fully reflect the human rights situation in the country.

## Proposals

- It was suggested that 'item 10 needs to be reformed so as to provide a 'safe space' wherein *all* States have the trust and the confidence to update their peers on progress with implementation, on challenges, difficulties and shortfalls, on good practice and lessons learnt, and on evolving capacity-building and technical needs.'
- Moreover, 'item 10 should work for and be open to all States (developed and developing), not just for States facing very serious human rights situations.' One speaker argued that item 10 should be seen as a 'universal agenda item,' accessible to all. Another agreed, calling item 10 'the keystone of the Council's effectiveness – vital for both implementation and prevention.'
- There was a concrete proposal to establish, through a resolution, a new type of 'item 10 platform' – for example, 'an annual

voluntary platform for human rights dialogue, capacity building and resilience.' It was argued that this would have a number of advantages. First, it would play to the Council's strengths – i.e. as a forum for cooperation and dialogue. Second, it would be voluntary and therefore, by definition, consensual and country-led. Third, by providing a space for States to report back on progress with implementation, it would allow the international community to measure impact, and thus strengthen the credibility of the Council. Fourth, it would encourage the replication of good practice and a 'race to the top.' Fifth it would allow for a discussion on human rights resilience – i.e. stage one of prevention (see below). And finally, it would offer a 'one-stop-shop where all States might request international capacity-building and technical support - without recourse to a resolution.'

- Engaging national level policymakers and 'practitioners' in the work of such a platform was identified as important. One participant said such platforms should be seen as 'communities of practice' and could be convened at regional level as well as in Geneva.
- In the same spirit, a number of participants noted the importance of ensuring that any new space or platform at the Council should also involve other relevant UN agencies and programmes (e.g. UNDP, UNICEF) as well as bilateral development partners.
- It was noted that, at the moment, Council decisions to provide technical assistance to States are implemented by OHCHR. Indeed, a number of State representatives spoke of the high value of the support they have received in the past. Notwithstanding, the resource constraints faced by OHCHR, make it important to consider other means of delivering capacity-building and technical assistance – for example, an 'item 10 rosters of experts,' perhaps backed by a new item 10 trust fund.

While it was somewhat beyond the scope of the 1 December meeting, a number of speakers drew attention to the vital need, if the UN is to work in a systematic manner with States at ground-level to deliver capacity-building and resilience-building (for prevention) support, of securing a significant increase in regular budgetary funding for the human rights pillar. One participant argued that if the UN really wants to prevent human rights violations and conflicts, and to realise the Sustainable Development Goals 'leaving no one behind,' it will need to mobilise a 'Marshall Plan' for human rights – a serious reorientation of the UN's regular budget towards on-the-ground human rights capacity-building and technical assistance – to help States fulfil their international human rights obligations.

The goal of any reorientation of financial resources should be, in the short term, 'no country turned away' (i.e. no country that requests an OHCHR presence should be refused for budgetary reasons), and in the longer-term, that every UN country team should have at least one human rights advisor. The meeting heard from a number of States that have had requests for OHCHR on-the-ground support turned down for resource reasons. There was general agreement that this is an unacceptable state of affairs.

## PREVENTION

The Council has a clear and explicit mandate, provided by paragraph 5f of GA resolution 60/251, to 'contribute, through dialogue and cooperation, towards the prevention of human rights violations' and to 'respond promptly to human rights emergencies.'

Unfortunately, for most of the past twelve years (with some exceptions – for example, there were many good proposals on prevention during the Council's 2011 review, while Ukraine has led on a regular resolution on the concept of prevention) member States have largely neglected this prevention mandate.

Participants at the 1 December meeting agreed that finally operationalizing paragraph 5f, and developing 'a prevention mind-set,' 'should be a priority for the Council over the coming years.' It was argued that this 'would have a range of benefits for the Council and for the victims of human rights violations.'

First, it would help to reduce politicisation and selectivity. At present, it was noted, 'the Council generally only focuses on 'contested situations' – i.e. 'where the Council *imposes* a resolution on a country that – it suspects – does not have the political will to address the situation itself.' The advantage of a more prevention-orientated approach would be, according to participants, that it would emphasise *consent*, cooperation and dialogue. It would allow the Council, in theory, to work with all States to help build domestic resilience, and, where there are indications of an emerging crisis, to work with the concerned State and region at an early stage, to address the problem through cooperation and dialogue, rather than via confrontation.

Second, and linked to the first point, it would provide the Council with a more logical framework for dealing with evolving situations. According to one speaker: 'At present, the Council tends to do very little until it is too late, and then jumps straight in

with an item 4 resolution.' Another speaker explained that: 'at the moment, as soon as there is a problem, the Council adopts the stance that 'ok, they're the bad guys, we need to call them out.' 'In fact, the Council's first reaction should be: how can we reach out to the country and help them make progress towards the implementation of their human rights obligations – for example through the implementation of recommendations emanating from the UPR (i.e. item 5). The step after that could be to engage the concerned country and region to identify capacity gaps, and deliver effective support to help bridge those gaps (i.e. item 10). 'Only if and when this does not work – when the country refuses meaningful cooperation and/or when the situation continues to deteriorate - should the Council take action under item 4.' From the meeting, there appeared to be reasonable cross-regional support for this 'diagnostic' and for a more 'incremental approach to addressing situations,' (while ensuring the maintenance of a robust response to gross and systematic violations.)

Third, and flowing from the second point, prevention and the operationalization of paragraph 5f should, in principle, allow the Council to 'play to its strengths.' The Council is not a 'mini Security Council' – it cannot force a country to comply with its decisions. Rather, it works best by forging and securing a cooperative relationship with the concerned State and region – a relationship (in theory) based on dialogue and trust. 'When a situation is already 'hot,' marked by serious and widespread human rights violations verging on conflict, 'it is, in a sense, already too late for the Council to act in a preventative sense.'

Others, while agreeing with these points, argued that not all countries will enter into 'prevention' discussions in good faith – rather they will do so 'as a means of avoiding scrutiny.' In such cases, it is vital to retain the possibility of recourse to item 4. One participant argued that: 'when looking at the shortcomings of the Council, the issue isn't what *it is doing* – indeed, it is doing an important job of addressing many important situations around the world; rather it is an issue of what *it is not doing* – there are many other situations of serious violations that are not on its agenda.'

## Proposals

- There was wide agreement on 1 December that a crucial first step for Council members should be to 'have a mind-set to change our mind-set.' In other words, States will need to think differently about how the Council should approach situations of human rights violations.

- There was an interesting discussion about what prevention is, both for the Council and the wider UN. There was an emerging view that when UN stakeholders, including the Secretary-General, talk about prevention, there are usually talking about conflict prevention – i.e. where there is already a serious situation or crisis. However, the Human Rights Council’s mandate is very different to, and comes much earlier than, this. The Council’s mandate (and expertise) is in *primary prevention* (stopping violations from happening in the first place by building domestic human rights resilience) and *secondary prevention* (responding promptly to the first / early signs of impending problems).
  - In order to help States build resilience, the importance of item 10 reform was noted by a number of participants, (see previous section for more details). They argued that ‘item 10 should be a universal agenda item – accessible to all on a voluntary basis.’
  - Turning to the second part of paragraph 5f, it was argued that there is, today, an unprecedented amount of ‘early warning’ information (about emerging crises) available. The issue is that such information is usually unavailable to the Council – at least in an easily accessible manner. This supports the importance of having an OHCHR presence in UN Country Teams (who can report directly to OHCHR); of improved information flows from the Resident Coordinators to New York and onto Geneva; and of strengthened capacity in OHCHR to collate and analyse data, and to present synthesis reports to the Council when necessary. This might, for example, mean ‘the establishment of cross-divisional early warning unit in OHCHR.’
  - Another speaker suggested that the Special Procedures (‘the eyes and ears of the Council’) should also establish a unified early warning system.
  - It was pointed out that the High Commissioner should then need the mandate and a platform to bring information on situations of emerging concern to the Council’s attention in *real time* (either confidentially or publicly, formally or informally). Some participants recalled that ‘informal conversations’ with the High Commissioner were designed with this in mind, but had never been properly used. Others suggested that the High Commissioner have a monthly breakfast meeting with the Council Bureau.
  - Many speakers highlighted the difficulties involved in eliminating selectivity and politicisation (in the context of deciding which situations merit the Council’s preventative attention.) In this regard, the importance of the ‘Irish Principles’ was underscored
- ‘these must be further elaborated and used by States as an essential part of the operationalization of paragraph 5f.’
  - A number of participants underlined the importance of creating a ‘safe space’ for early confidence building and dialogue between Council members and the concerned State/region. Some argued that such a space could, in some cases, be confidential – because States may refuse to participate if they know they are being watched and reported on. Others disagreed with this analysis.
  - There was a discussion over whether ‘new kinds of Council mechanisms’ might be needed in order to operationalize the Council’s prevention mandate. Some felt that any new mechanism should emphasise engagement and dialogue with the concerned State/region. However, beyond that there was no clear agreement over what any new mechanism might look like. Some suggested ‘Good Offices’ missions to countries by the President/Bureau/senior ambassadors. Others said it might be preferable to bring key domestic stakeholders to Geneva for a ‘prevention dialogue’ with Council member States.
  - A number of participants drew attention to the crucial importance of Council engagement with relevant regional organisations and human rights mechanisms, as a key component of prevention.

# Council membership and elections

Where States with demonstrably poor human rights records are elected to the Council it undermines the body’s authority and credibility - especially in the public eye. That is especially true where those States face credible allegations of having committed gross and systematic human rights violations.

Indeed, it was these issues of membership, elections and credibility that played a significant part in to the collapse of the Council’s predecessor, the Commission on Human Rights. That, in turn, explains the presence, in GA resolution 60/251 of various criteria for both the election of Council members, and the performance of members once they take their seat.

It is a stark and worrying fact that, nearly twelve years after GA resolution 60/251 was adopted, and the membership criteria set, those criteria - already considered by some to be rather weak - are anyway being largely ignored by States. Indeed, many Council elections are not elections at all, with regional groups presenting ‘clean – or uncontested - slates’ (i.e. containing the same number of candidates as there are seats). All regional groups have, over the past twelve years, presented ‘uncontested slates’ - the African Group has done so in 9 out of 11 elections, the Western Group and the Asia-Pacific Group 7 times, and GRULAC and the Eastern European Group 5 times.

Resolution 60/251 also makes clear that ‘membership in the Council shall be open to all States Members of the United Nations.’ This is important, as the universality of human rights demands the active involvement and engagement of all States. As part of that ideal, all States should have an equal opportunity to be able to access, engage with, stand for election to, and be elected to, the Human Rights Council.

Notwithstanding, as of today, around 95 UN Member States (48% of African States, 62% of Asia-Pacific States, 30% of Eastern European States, 55% of Latin American States, and 48% of Western States) have never held a seat on the Council. The vast majority of those have never even stood for election. Some do not even have a permanent mission in Geneva. It is particularly noteworthy that few SIDS (only three out of 55) and LDCs (17 out of 50) have ever been members of the Council.

## CREDIBILITY, TRANSPARENCY, ACCOUNTABILITY

During the 1 December event, it was repeatedly stated that Council elections and membership are crucial to the body’s credibility.

## Proposals

- While it was asserted that ‘in principle it is important to have competitive elections,’ a number of speakers - from all regions - argued that ‘eliminating clean slates will not automatically lead to improved membership.’ Some participants even extolled the virtues of clean slates, explaining that they can help promote regional solidarity and inclusivity. Others agreed, but noted that where a regional group does favour clean slates (e.g. the African Group), it has a responsibility to conduct a robust pre-selection process (e.g. at AU level) in order to avoid presenting a clean slate containing States that stand accused of gross and systematic violations.

- Some participants argued that it might even be *better* for countries with poor human rights records to be members of the Council – because this places a spotlight on their actions, and opens up the possibility of engagement. One country argued: ‘we should not marginalise certain countries, as then we lose all influence over them.’ In any case, suspending a Council member is, according to some, ‘almost impossible.’ Others strongly disagreed, noting that such countries are only interested in membership in order to block scrutiny of their human rights situations.

- Notwithstanding disagreements on this point, there was wide agreement that candidates and members must be held accountable against the criteria they sign up to under GA resolution 60/251. One speaker argued that ‘cooperation with the Council and its mechanisms is a particularly important and objective criteria.’

- Whether or not a regional group presents an uncontested slate, a number of participants highlighted the importance of ‘opening up’ the election process, promoting greater transparency and public accountability. In this, the Council might take its lead from the ‘opening up’ of the Secretary-General appointment process – a process that was ‘welcomed by everyone.’ One speaker noted: ‘improving transparency is the only sure way of strengthening Council membership.’
- It was suggested that such a platform (or platforms – i.e. one per regional group) could be held at the General Assembly, and might provide a ‘positive space’ for candidates to present their candidatures (including pledges and commitments), and for voting States and civil society to hold an interactive dialogue with the candidates. Candidates could also be asked about the degree to which they have fulfilled past pledges and commitments (where they had previously been elected to the Council.)
- There was some support for a proposal that OHCHR could compile and present objective information on the candidates, relevant to the membership standards set down in GA resolution 60/251, in particular covering cooperation with the human rights mechanisms.
- Such interactive dialogues / platforms could be convened under the authority of the President of the General Assembly, or through a GA resolution. In either case, participation in the platforms should be voluntary, and would be designed to offer a ‘positive experience’ for candidates – where they might test their ideas, and receive constructive feedback on their candidacy. There appeared to be wide support for this proposal.
- In light of the above, a number of speakers underscored the importance of carefully formulating the modalities of such GA ‘candidate platforms.’
- Building on the existing platforms convened by NGOs, consideration should also be given as to how to fully involve civil society and the media in the process – either within the State interactive dialogues/platforms, or in a separate ‘town hall’ style meeting (again, as in the Secretary-General appointment processes). In any case, it was stated that the existing civil society-organised candidates platform should continue to be held each year in Geneva.
- On speaker made the point that ‘all such platforms should be webcast.’
- It was argued that ‘these candidate pledging and dialogue platforms should be convened well in advance of the actual election in the General Assembly.’
- In parallel with the organisation of such pledging and dialogue platforms, the UN secretariat should be encouraged to improve the elections website – ensuring that full and up-to-date information on all candidates is publicly available – and well in advance of the election. It was proposed that thought also be given to including OHCHR and civil society data on cooperation on the UN’s election website.
- It was proposed that States and NGOs develop a ‘new members pledge.’ This could include, for example, commitments to vote against ‘no action motions;’ to participate (either individual or jointly with others) in key Council debates and dialogues; to work cross-regionally; to actively participate in Special Sessions and UPR reviews; and to cooperate fully with Special Procedures.
- The proposal to develop ‘an electing States pledge’ was also discussed and received some support. Such a pledge might include commitments not to exchange votes during Human Rights Council elections, and to base voting decisions on the criteria set down in GA resolution 60/251, together with other elements included in the Netherlands-led joint statement at HRC35.
- There was some support for the idea of bringing elections forward (e.g. to April), to give States more time to prepare for membership if elected.
- The idea was raised that the threshold for election to the Council be increased from a simple majority to a two-thirds majority. However, there did not appear to be agreement on this proposal.
- Nor was there agreement on the idea of lowering the threshold for a State to have its membership rights suspended. Notwithstanding, some participants argued that existing provisions on suspension of membership should be used more robustly, as this would help deter States that stand accused of gross and systematic violations from standing.

## DIVERSITY AND INCLUSIVITY

There was wide agreement that a lack of inclusivity and diversity in the Council’s membership could potentially damage its credibility and effectiveness. As one participant noted: ‘universality equals legitimacy.’

Building on the June joint statement led by the Netherlands, a number of speakers drew attention to the importance of ‘supply side reforms’ – making membership accessible and attractive to all States, including the 90 plus States that have yet to hold a seat on the Council.

Small States often choose not to stand due to concerns over their ability to campaign, and their ability to be ‘credible members’ – i.e. to adequately cover and contribute to the myriad of issues on the Council’s agenda. However, a number of speakers noted that the history of the Council shows that where Small States do stand, they tend to do well in elections, and then often become highly effective, principled members. Some speakers argued that Council election campaigns are too expensive and resource-intensive; however, again, Small State representatives that have been involved in successful election campaigns rejected this argument.

## Proposals

- There was wide cross-regional support for improving diversity in the Council’s membership, especially by making membership more accessible to Small States.
- Small States could be encouraged to stand for election by, first, showcasing and facilitating an exchange of experience with those Small States that have successfully run for membership (e.g. Mauritius, Maldives, Botswana, Costa Rica, Sierra Leone,

# Appendix

The following documents are attached to this report, in order to provide further background and analysis on the issue of Human Rights Council strengthening:

- General conference background paper and programme
- Non-exhaustive summary of Human Rights Council review/reform/strengthening initiatives, and relevant proposals, presented therein

Rwanda); and second, by expanding the Human Rights Council Trust Fund for LDCs and SIDS. Some participants also drew attention to the importance of the Commonwealth Small States Office, and said such initiatives should be widely supported and expanded.

- Another proposal was for ‘outgoing Small State members to be asked to participate in annual briefings, to share their experiences on the benefits and challenges of membership with other Small States.’

- Others proposed that each regional slate should be obliged to include at least one Small State on their ‘slate.’

- A further idea was for Small States to ‘split’ membership terms (with two States taking three years each).

- There were a number of proposals to ‘highlight and perhaps expand the rights associated with membership – rather than only focusing on the responsibilities/burdens.’ In this regard and as part of any strengthening process, the Council may look to draw a cleaner distinction between members and observers. ‘There should be clear benefits of being a member.’

- One speaker suggested that being a member, participating more deeply in Council meetings, and engaging more closely with the human rights mechanisms and with OHCHR, should in principle make it easier for Small States to access technical assistance and capacity-building support. This point should be highlighted as a potential benefit of membership.

- Another speaker suggested ‘selling’ Council membership by showing how it can help to underpin and support domestic human rights improvements.

- Issues paper on methods of work, agenda and programme of work, and the review of mandates (Group 1)

- Issues paper on implementation, capacity building and prevention (Group 2)

- Issues paper on Council membership and elections: promoting universality, legitimacy, diversity and inclusiveness (Group 3)

