

EXECUTIVE SUMMARY

The United Nations Human Rights Council ('the Council') was created through a decision taken by heads of states and governments during the 2005 World Summit, and codified in the outcome document thereof, General Assembly (GA) resolution 60/1. This decision was put into effect through the adoption of GA resolution 60/251 later that year, which formally established the Council's mandate. Both documents envision the Council principally as a body that would 'address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon' (paragraph 159 of resolution 60/1 and paragraph 3 of resolution 60/251).

Following its establishment, the Council adopted two key resolutions governing its methods of work. The first was the 'Institution Building Package' (IBP), Council resolution 5/1 of June 2007, which, *inter alia*, called for 'restraint in resorting to resolutions, in order to avoid proliferation of resolutions without prejudice to the right of States to decide on the periodicity of presenting their draft proposals' (paragraph 117(e)). The second was Council resolution 16/21, at the conclusion of the body's five-year review process, which, *inter alia*, stated that 'in principle and on a voluntary basis, omnibus thematic resolutions should be tabled on a biennial or triennial basis.'

Over the eight years and twenty-seven regular sessions since its creation, the Council has adopted a total of 762 texts, the vast majority of which have been resolutions (although it also adopts a small number of largely procedural decisions and president's statements each year). These were not distributed evenly over time: for example, in 2006 the Council adopted 43 texts, while in 2013 it adopted 112, an increase of 160%.

The research conducted for this report has revealed that this quantitative expansion of the Council's resolution system since 2006 has occurred in a manner inconsistent with the tenets of the body's founding and basic documents. The key findings are as follows:

THE COUNCIL'S MANDATE

- Over 55% of resolutions adopted by the Council since its creation have been on general thematic issues under its agenda item 3, ('Promotion and protection of all human rights, civil, political, economic, social and cultural rights'). By contrast, country-specific resolutions under its agenda item 4, ('Human rights situations that require the Council's attention'), have comprised a mere 7% of its total output, and their range has been limited to only 12 situations.

- The imbalance is also reflected in the amount of time devoted to these two items during Council sessions: between 2010-2014, a total of 646 hours (26.9 days) was devoted to discussion and activities under item 3, compared to 153 hours devoted to item 4.

These trends are clearly contrary to the Council's principal mandate of 'address[ing] situations of violations of human rights,' as envisioned by heads of states and governments in GA resolution 60/1.

THE COUNCIL'S METHODS OF WORK

- While on average around 60% of Council resolutions adopted each year call on all states or the international community to take some kind of action, it is often difficult to assess how far these resolutions are being implemented because there is no systemic process of follow-up.

- The budget implications of Council resolutions have been increasing along with their number. 2014 was a record-breaking year in this regard, with the new resource requirements arising from resolutions – \$19,018,800 – being only fractionally less than the totals for 2012 and 2013 combined.

- There is a general lack of cross-fertilisation between issues dealt with by human rights resolutions and issues dealt with by the mechanisms of the Council, such as Special Procedures and the Universal Periodic Review.
- On average, somewhere between 45-50% of resolutions adopted in a given year had 'sister' resolutions on the same topic (and with exactly the same title) adopted the previous year, demonstrating a high degree of repetition in the Council's output.
- While the number of resolutions submitted by 'core groups' of states has risen since the Council's creation (making up just under 30% of the total in 2014), the proportion of resolutions adopted by consensus has decreased, dropping from 80% in 2007 to 69% in 2014.
- 56% of all human rights resolutions adopted by the GA's Third Committee between 2012-2013 had a *prima facie* Council equivalent, and 40% of them had some degree of substantive overlap in their content, with a significant number repeating whole sections of Council resolutions word for word.

These trends contradict, *inter alia*, the IBP's call for 'restraint in resorting to resolutions' (paragraph 117(e)) and 'minimizing unnecessary duplication of initiatives with the General Assembly/Third Committee' (paragraph 117(e)(i)). They also reveal a failure to 'take into account the constraints faced by delegations, particularly smaller ones' (paragraph 113).

RECOMMENDATIONS

In light of the above, the authors of this report propose a series of recommendations aimed at making the UN's human rights resolution system more effective, efficient, relevant and sustainable by reorienting state behaviour in line with the parameters set by GA resolutions 60/1 and 60/251, the 2007 IBP, and the 2011 review outcome. These include the following:

- Member states should consider establishing an informal, open-ended and cross-regional 'group of friends of the system' to promote the implementation of resolutions 5/1 and 16/21, in cooperation with the Council President and Bureau, and the secretariat.
- In order for the Council to be relevant to victims of human rights violations, member states should devote more time to addressing violations of human rights, including gross and systematic violations, rather than general thematic debates.
- States should not feel obliged to draw a strict demarcation between thematic and country-specific resolutions, and instead consider the possibility of submitting hybrid resolutions addressing thematic issues within the context of a particular state or region.
- Every resolution should respond to a specific and clearly stated need or gap, and states should resist the urge to introduce new initiatives as a profile-raising exercise, especially following their election to the Council.
- Sponsoring states should carefully consider the necessity of automatically tabling the same resolutions each and every year, and where possible consider the bi- or triennialisation of initiatives, as per paragraph 48 of Council resolution 16/21. The state or group of states that submit a resolution should take responsibility for implementation and follow-up after its adoption by, *inter alia*, conducting post-adoption assessments of their initiatives, raising them in bilateral discussions such as human rights joint commissions, bringing them to the attention of regional or sub-regional organisations to which they belong, and leveraging other mechanisms such as the Universal Periodic Review .
- All states should consider the benefits of setting up national coordination structures for the prompt dissemination and implementation of Council resolutions at the national level.
- State should avoid duplication between the work of the Council and the GA's Third Committee, in line with paragraph 117(e)(i) of the IBP.