



Permanent Mission of Iceland

Glion Human Rights Dialogue 2019 (Glion VI)

Towards 2026: Perspectives on the future of the Human Rights Council

Policy Dialogue on:

'New York perspectives on the General Assembly's 2021-2026 review of the Human Rights Council's status'

10.00h-12.30h on Thursday 9th May 2019

Conference Room 6,
United Nations Headquarters

Background paper

This policy dialogue will be one of four that precede this year's Glion Human Rights Dialogue, an annual high-level retreat above Lake Geneva in Switzerland, bringing together around 60 human rights practitioners and thinkers. The Glion retreat and its four preparatory policy dialogues are designed to provide an informal setting for honest and frank exchange, as well as new and innovative thinking.

The sixth Glion Human Rights Dialogue (Glion VI), which is organized by Switzerland and the Universal Rights Group, will be held on 27-28 May 2019 and will focus on the topic: *'Towards 2026: Perspectives on the future of the Human Rights Council.'* As always, the Glion retreat will be preceded by three policy dialogues in Geneva, to provide States, NGOs and UN officials with an initial opportunity to consider key issues and questions. This year, for the first time, a fourth preparatory policy dialogue will also be held in New York – designed to provide State delegations, civil society and UN officials with an opportunity to offer perspectives from the UN Headquarters.

Towards 2026: perspectives on the future of the Council

The Human Rights Council (Council) has secured a number of significant achievements since its establishment in 2006. It has continued much of the important work of the former Commission on Human Rights by, for example, providing a forum for debate, maintaining a system of Special Procedures, and widening the global framework of human rights norms and standards. At the same time, it has taken further steps to strengthen the relevance and delivery of the UN's human rights pillar, including by;

building a powerful new peer-to-peer review mechanism (*the Universal Periodic Review - UPR*); focusing to a greater degree on supporting, and following-up on, the domestic implementation of States' human rights obligations and commitments; contributing to the effective prevention of human rights violations and crises; promoting accountability for serious violations through the creation of commissions of inquiry (*COIs*), fact finding missions and an international, impartial and independent mechanism (*I/IM*); and forging strengthened links with the UN's other two pillars – the development pillar and the peace and security pillar.

Yet the Council has also faced important challenges to the effective delivery of its mandate as set by the General Assembly (*GA*) in resolution 60/251.

The *GA's* upcoming review of the Council's status (due to take place between 2021 and 2026) offers a possible opportunity for State delegations and other stakeholders in Geneva to reflect on these achievements and challenges, and consider how the body and its mechanisms might strengthen their effectiveness and impact, both in their own regard and in combination with the other two pillars of the UN. Moreover, the '*2021-2026 review*' also offers a chance for the international human rights community to look ahead and reflect not only on how the international community might better respond to *today's* human rights challenges, but also on how to respond to the new and emerging issues of *tomorrow*.

The 2021-2026 review

At the 2005 World Summit, UN Member States decided to strengthen the human rights pillar by creating the Human Rights Council in replacement of the Commission on Human Rights.¹ This decision was taken on the basis of proposals contained in the-then UN Secretary-General's report 'In larger freedom: towards development, security and human rights for all.'² The report called for the establishment of a smaller standing Human Rights Council that 'would accord human rights a more authoritative position, corresponding to the primacy of human rights in the Charter of the United Nations.' The report left it to States, however, to decide whether they would want the new Council 'to be a principal organ of the UN or a subsidiary body of the General Assembly.'³

In March 2006, States adopted *GA* resolution 60/251 formally establishing the Council as a subsidiary organ of the *GA*. With this resolution, they decided that 'the General Assembly shall review the status of the Council within five years.'⁴ At the same time, the *GA* called upon the Council to 'review its work and functioning five years after its establishment and report to the General Assembly.'⁵

In March 2011, after completing the review of its work and functioning as requested in *GA* resolution 60/251, the Council adopted resolution 16/21.⁶ Subsequently, the *GA* recognised this outcome in resolution 65/281 and decided to maintain the status of the Council as a subsidiary body. It further

¹ *GA* resolution 60/1 on '2005 World Summit Outcome,' 24 October 2005, paragraphs 157-158

² In larger freedom: towards development, security and human rights for all; Report of the Secretary-General, A/59/2005, 21 March 2005, pp41-46

³ *Ibid.*

⁴ *GA* resolution 60/251 on 'The Human Rights Council,' 15 March 2006, operative paragraph 1

⁵ *Ibid.*, operative paragraph 16

⁶ Human Rights Council resolution 16/21 on the 'Review of the work and functioning of the Human Rights Council,' 25 March 2011

decided ‘to consider again the question of whether to maintain this status [...] at a time no sooner than ten years [i.e. 2021] and no later than fifteen years’ [i.e. 2026].⁷

On this occasion however, the GA did not request the Council to conduct a (further) review of its work and functioning.

During Glion V in 2018, States and other stakeholders had an early opportunity to look ahead to the ‘2021-2026 review,’ and consider the important question of whether and how the Council and ‘Geneva’ should contribute to the GA’s review. The strong view of participants was that ‘Geneva’ should indeed provide a contribution to help inform the GA’s deliberations. However, there was no consensus over the preferred nature or form of that contribution. On 28 March 2019, the President of the Human Rights Council, H.E. Coly Seck (Senegal), convened a first open informal consultation at the UN in Geneva seeking the initial views of States on how, if at all, the Council might usefully contribute to the GA’s review. As during Glion V, there was a strong sense that ‘Geneva’ *should* contribute. There were even concrete suggestions as to the possible form of any contribution (e.g. an intergovernmental review of the Council’s work and delivery since 2006, or a review led by the High Commissioner/Secretary-General, etc.) However there also appeared to be a growing view that the Council should ultimately take its lead, in terms of any final decision on the timing and nature of its contribution, from the GA.

New York perspectives

Against this background, the policy dialogue to be held on 9 May will seek to provide an initial informal space for State delegations, NGO representatives and UN officials to reflect on the institutional evolution of the Council since its creation (including the question of its status), and to think ahead to the review to take place between 2021 and 2026.

The policy dialogue will also provide an occasion for delegations in New York to hear from Geneva-based diplomats and OHCHR officials on relevant discussions and development to-date in Geneva and create a platform for discussion between Geneva and New York.

Based on the foregoing, key questions to be considered during the policy dialogue might include, *inter alia*:

1. How has the Council evolved since the last review of its status (and its work and functioning) in 2011?
2. When should the GA begin preparations for the next review of the Council’s status, due to take place between 2021 and 2026?
3. How should the review be conducted?
4. What kind(s) of contribution(s) from the Council itself, and the wider UN human rights system, might represent a useful and helpful input into the GA’s deliberations?
5. What might be the timing of that contribution?
6. Might the review offer an opportunity for ‘Geneva’ and ‘New York’ to also consider efficiency and coherence questions related to the relationship between the Council and the Third Committee/GA?

⁷ GA resolution 65/281 on the ‘Review of the Human Rights Council,’ 17 June 2011

7. How might 'New York' and 'Geneva' efficiently coordinate their efforts in the context of the 2021-2026 review?

The outcomes of this discussion will be fed, alongside those of the other three dialogues taking place in Geneva, into the Glion VI retreat at the end of May.

Please visit the Universal Rights Group [website](#) for more information on the annual [Glion Human Rights Dialogue](#), as well as [this year's retreat](#) and [concept note](#).