

DRAFT RESOLUTION BY THE PRESIDENT OF THE GENERAL ASSEMBLY

Human Rights Council

The General Assembly,

- PP1 *Reaffirming* the purposes and principles contained in the Charter of the United Nations, including developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, achieving international cooperation in solving international problems of an economic, social, cultural and humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all,
- PP2 *Reaffirming* the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and recalling the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and other human rights instruments,
- PP3 *Reaffirming* that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,
- PP4 *Reaffirming* also that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,
- PP5 *Emphasizing* the responsibilities of all States, in conformity with the Charter, to respect human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status,
- PP6 *Acknowledging* that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,
- PP7 *Affirming* the need for all States to continue international efforts to enhance dialogue and broaden understanding among civilizations, cultures and religions and emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect for and freedom of religion and belief,

PP8 *Recognizing* the work undertaken by the United Nations Commission on Human Rights and the need to preserve and build on its achievements and to redress its shortcomings,

PP9 *Recognizing* also the importance of ensuring universality, objectivity, and non-selectivity in the consideration of human rights issues, and the elimination of double standards and politicization,

PP10 *Recognizing* further that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

PP11 *Acknowledging* that non-governmental organizations play an important role, at the national, regional and international level, in the promotion and protection of human rights,

PP12 *Reaffirming* the commitment to strengthen the United Nations human rights machinery with the aim of ensuring effective enjoyment by all of all human rights - civil, political, economic, social and cultural rights, including the right to development - and to this end, the resolve to create a Human Rights Council.

OP1 Decides to establish a Human Rights Council, based in Geneva, in replacement of the Commission on Human Rights, as a subsidiary organ of the General Assembly. The General Assembly shall review the status within five years.

OP2 Decides that the Council will be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner.

OP3 Decides that the Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon. It should also promote effective coordination and the mainstreaming of human rights within the United Nations system.

OP4 Decides also that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhance the promotion and protection of all human rights - civil, political, economic, social and cultural rights, including the right to development.

OP5 Decides further that the Council will, *inter alia*:

a) promote human rights education and learning as well as advisory services, technical assistance and capacity-building, to be provided in consultation and with the consent of the Members States concerned,

- b) serve as a forum for dialogue on thematic issues on all human rights,
- c) make recommendations to the General Assembly for the further development of international law in the field of human rights,
- d) promote the full implementation of human rights obligations undertaken by States and the follow-up of the goals and commitments related to the promotion and protection of human rights emanating from United Nations conferences and summits,
- e) undertake a universal periodic review based on objective and reliable information of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all Member States. The review shall be a cooperative mechanism based on an interactive dialogue with the full involvement of the country concerned and with consideration given to its capacity-building needs. Such a mechanism shall complement and not duplicate the work of treaty-bodies. The Council shall develop the modalities and necessary time allocation of the universal periodic review mechanism within one year after the holding of its first session.
- f) contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies,
- g) assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the High Commissioner for Human Rights, as decided by the General Assembly in its resolution 48/141,
- h) work in close cooperation in the field of human rights with governments, regional organizations, national human rights institutions and civil society,
- i) make recommendations with regard to the promotion and protection of human rights,
- j) submit an annual report to the General Assembly,

OP6 Decides that the Council will 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 advise and complaint procedure. The Council shall complete this review within one year after the holding of its first session.

OP7 Decides that the Human Rights Council shall consist of 47 Member States which shall be elected directly and individually by secret ballots by the majority of the members of the General Assembly. The membership shall be based on equitable geographic distribution and seats shall be distributed as follows among regional groups: African Group 13; Asian Group 13; Eastern European Group 6; GRULAC 8; WEOG 7. The members of the Council will serve for a period of three years and shall not be eligible for immediate re-election after two consecutive terms.

OP8 Decides that the membership in the Council shall be open to all Member States of the United Nations. When electing members of the Council, Member States shall take into account the candidates' contribution to the promotion and protection of human rights and their voluntary pledges and commitments made thereto. The General Assembly, by a

two-thirds majority of the members present and voting, may suspend the rights of membership in the Council of a member of the Human Rights Council that commits gross and systematic violations of human rights.

OP9 Members elected to the Council shall uphold the highest standards in the promotion and protection of human rights, fully cooperate with the Council, and be reviewed under the universal periodic review mechanism during their term of membership.

OP10 The Council shall meet regularly throughout the year and schedule not fewer than three sessions per year, including a main session, for a total duration of no less than ten weeks, and shall be able to hold special sessions when needed at the request of a Member of the Council with the support of one-third of the membership of the Council.

OP11 Decides that the Council shall apply the rules of procedure established for committees of the General Assembly, as applicable, unless subsequently otherwise decided by the General Assembly or the Council and also decides that the participation of and consultation with observers, including States that are not members of the Council, specialized agencies, other intergovernmental organizations, national human rights institutions as well as non governmental organizations, shall be based on arrangements, including ECOSOC resolution 1996/31, and practices observed by the Commission, while ensuring the most effective contribution of these entities.

OP12 Decides that the methods of work of the Council shall be transparent, fair and impartial and enable genuine dialogue, be result-oriented, and allow subsequent follow-up discussions to recommendations and their implementation, and allow for substantive interaction with special procedures and mechanisms.

OP13 Recommends the Economic and Social Council to request the Commission on Human Rights to conclude its work at its 62<sup>nd</sup> session and to abolish the Commission on 16 June 2006.

OP14 Decides to elect the new members of the Council. The terms of membership shall be staggered and such decision will be taken for the first election by the drawing of lots, taking into consideration geographical regional distribution.

OP15 Decides that the elections of the first members of the Council shall take place on 9 May 2006 and that the first meeting of the Council shall be convened on 19 June 2006.

OP16 Decides that the Council shall review its work and functioning five years after its establishment and report to the General Assembly.