



The Human Rights Council

A practical guide



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This publication, produced by the Permanent Mission of Switzerland to the United Nations Office and to the other international organisations in Geneva, is aimed at readers who wish to learn more about the Human Rights Council (HRC) and how it functions as an institution.

It explains the structures, procedures and mechanisms of the HRC, taking care to illustrate each point with examples drawn from Council practice.

This practical guide is also intended to bring together the different sources of information on HRC activities, in particular those available on the internet.

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Abbreviations

GA	General Assembly of the United Nations
HRC	Human Rights Council
cf.	(from Latin 'confer') compare, see
Charter	Charter of the United Nations of 26 June 1945
ICC	International Criminal Court
DDPA	Durban Declaration and Programme of Action
DEC	Decision
EEG	Eastern European Group
i.e.	(from Latin 'id est') that is
EOP	Explanation of position
EOV	Explanation of vote
UPR	Universal Periodic Review
etc.	(from Latin 'et cætera') and so forth
GD	General debate
GRULAC	Group of Latin America and the Caribbean
h.	hour(s)
OHCHR	Office of the United Nations High Commissioner for Human Rights
IB package	Institution-building package (cf. resolution on Institution-building of the United Nations Human Rights Council)
ID	Interactive dialogue
IE	Independent expert
NHRI	National human rights institution
LGBT	Lesbian, gay, bisexual, transgender
LMG	Like-Minded Group
min.	minute(s)
NAM	Non-Aligned Movement
UN	United Nations
OIC	Organisation of Islamic Cooperation
OEWG	Open-ended working group
NGO	Non-governmental organisation
UN	United Nations
PBI	Programme budget implications
PP	Preambular part and paragraphs
OP	Operative part and paragraphs
e.g.	(from Latin 'exempli gratia') for example
UNDP	United Nations Development Programme
PRST	President's statement
RES	Resolution
SG	Secretary-General of the United Nations
SR	Special rapporteur
EU	European Union
UNICEF	United Nations International Children's Emergency Fund
VDPA	Vienna Declaration and Programme of Action
WEOG	Western European and Others Group

I. The Human Rights Council and its mechanisms

A. General

1. Introduction

The United Nations (UN) is an organisation that rests on three pillars: human rights, peace and security, and development. The Human Rights Council (HRC) is one of the principal human rights institutions, along with the Office of the High Commissioner for Human Rights and the bodies that monitor implementation of human rights treaties. All these entities have their headquarters in Geneva.

In 2006, the HRC replaced the Commission on Human Rights, following the observation of the secretary-general of the United Nations (SG) in his report "In Larger Freedom", according to which "*the Commission's capacity to perform its tasks has been increasingly undermined by its declining credibility and professionalism*". The states subsequently followed the SG's recommendation to "*replace the Commission on Human Rights with a smaller standing Human Rights Council*". Switzerland was one of the states which strongly espoused the setting up of the HRC.

2. Founding elements

The [Human Rights Council](#) (HRC) was officially created by **resolution 60/251 of the United Nations General Assembly (GA) on 15 March 2006** as a subsidiary body of the GA to replace the defunct Commission on Human Rights of 1946 (cf. [A/RES/60/251](#); 170 votes in favour, four against – Israel, USA, Palau and the Marshall Islands – and three abstentions – Belarus, Iran, Venezuela). The GA then gave the HRC one year in which to review the mechanisms and mandates of the former Commission and to develop the modalities of its new methods of work.

On 18 June 2007, the Human Rights Council adopted **key resolution 5/1**, entitled *Institution-building of the United Nations Human Rights Council* ([A/HRC/RES/5/1](#); Institution-building package; IB package), which provides the framework for the functioning of the institution and its subsidiary bodies, and includes the Council's agenda, programme of work and rules of procedure. Above all, it enabled the modalities for a new mechanism known as the

Universal Periodic Review (UPR) to be defined. It can therefore be considered in some respects as the HRC's '*constitutional charter*'. In the same context, the Council also adopted resolution 5/2 ([A/HRC/RES/5/2](#)), which contains a code of conduct for the special procedures mandate-holders: (for more information on this subject, please see C.2 below). Resolutions 5/1 and 5/2 were approved by the GA in its resolution 62/219 of 22 December 2007 ([A/RES/62/219](#)).

In 2011, the Human Rights Council, followed by the GA, proceeded to **review the activities, work and functioning** of the Council ([A/HRC/RES/16/21](#) and [A/RES/65/281](#)). The results are presented in greater detail in the section on 'Mechanisms and procedures' (cf. C below).

3. Mandate and specific characteristics

The HRC **is the principal inter-governmental forum within the United Nations for questions relating to human rights**. Its resolutions and decisions are not legally binding but do contain strong political commitments.

The HRC's function is to ensure the **effective implementation of human rights** as guaranteed by international law, and in particular by the various instruments of the United Nations.

Specifically, the HRC:

- **addresses situations** of violations of human rights around the world and in relation to specific countries or thematic issues (e.g. discrimination against women), adopts a position and makes recommendations;
- **establishes international 'standards'** in the field of human rights (e.g. guidelines on human rights and private enterprises);
- **develops instruments** which are legally binding (e.g. protocol providing for a complaints procedure for the Convention on the Rights of the Child);
- **promotes human rights** through dialogue, by reinforcing capacity-building and by providing technical assistance.

The HRC **differs from the human rights treaty bodies** in several ways: it is *universal* in the sense that it monitors respect for human rights by all members of the United Nations and does not merely restrict itself to those states which are party to human rights treaties; it is *general* in the sense that it protects all human rights, unlike the treaty bodies, which specialise in certain rights; it is composed of *government representatives* and not independent experts; and it is a *fully fledged* United Nations body. Lastly, the HRC has *semi-permanent status* as a United Nations body and is a *subsidiary body* of the GA.

4. Composition

The HRC **consists of 47 member states**, which are elected by the *absolute majority of UN member states*. Seats are allocated in accordance with a geographical distribution (corresponding to the UN regional groups): 13 seats for the African states, 13 for the Asia-Pacific states, eight for the Latin American and Caribbean states (GRULAC), seven for the Western European and other states (WEOG) and six for the Eastern European states (for more information on the regional groups and policies of the UN, see II. A below).

HRC members are elected by secret ballot by the members of the GA for a **three-year term of office**. After two consecutive terms, they are no longer eligible for immediate re-election (e.g. Russia and China left the HRC in 2013 for one year after serving two consecutive periods in office). **One-third of its members are renewed each year by the GA**. The first election was held in 2006 and the duration of each member's initial term of office was determined by drawing lots. Switzerland was elected in 2006 for three years and re-elected for the 2010-2013 period. It is a candidate for membership for 2016-2018.

During these elections, the states are generally required to take into account the candidates' contributions to enhancing the promotion and protection of human rights as well as any voluntary commitments they may have entered into in this respect (see Art. 8 of resolution [A/RES/60/251](#)). Nevertheless, countries which are known to have a poor human rights record have still been elected to the HRC, although this is less the case than at the time of the Commission.

The GA may, by a two-thirds majority of the members present and voting, **suspend a member** of the Council if it has committed gross and systematic violations of human rights. This has only happened on one occasion to date – when Libya was suspended from 1 March to 19 November 2011 by consensus. In theory, therefore, HRC members are subject to permanent monitoring by other UN members

although, in reality, the political imbalances within the HRC prevent such control from being exercised systematically and in an impartial and coherent manner.

Procedural and organisational matters are handled by the *Bureau*. During the Council's deliberations, however, the role of the Bureau is primarily restricted to that of facilitator as the member states are the principal actors. The Bureau consists of [a president](#) and [four vice-presidents](#), each of whom represents one of the five UN regional groups. The presidency rotates each year between the five regional groups. This system ensures that the office of president is held once every five years by a member of a given geographical group. Bureau members are elected at the end of the year for the following annual cycle and serve for one year. Switzerland was Vice-President of the Bureau in 2006-2007 and 2013, representing the WEOG.

It is worth remembering the important role that civil society plays in the architecture of the HRC. It has numerous representatives participating in the activities of the HRC and its bodies, both on a formal (NGOs with ECOSOC status are entitled to voice their opinions within the framework of the HRC) and an informal basis (transmitting information on special procedures, drawing the attention of the state representatives to particular situations or issues, submitting proposals in the context of negotiating resolutions).

OFFICIAL DOCUMENTS THAT DETERMINE HOW THE HRC FUNCTIONS

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- ☛ **GA, Resolution 60/251 of 15 March 2006**
[A/RES/60/251](#), *Human Rights Council*

 - ☛ **HRC, Resolution 5/1 (IB package) of 18 June 2007**
[A/HRC/RES/5/1](#), *Institution-building of the United Nations Human Rights Council*

 - ☛ **HRC, Resolution 5/2 of 18 June 2007**
[A/HRC/RES/5/2](#), *Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council*

 - ☛ **HRC, Decision 6/102 of 27 September 2007**
[A/HRC/DEC/6/102](#), *Follow-up to Human Rights Council resolution 5/1. This decision comprises guidelines for the preparation of information under the UPR, requirements for eligible candidates for special procedures mandate-holders and considerations regarding the Advisory Committee.*
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☛ **HRC, President's Statement 8/1 of 9 April 2008**

[A/HRC/PRST/8/1](#), Modalities and practices for the Universal Periodic Review process

☛ **HRC, President's Statement 8/2 of 18 June 2008**

[A/HRC/PRST/8/2](#), Terms of office of special procedures mandate-holders

☛ **HRC, President's Statement 9/2 of 14 September 2008**

[A/HRC/PRST/9/2](#), Follow-up to President's statement 8/1

☛ **HRC, Resolution 16/21 of 25 March 2011**

[A/HRC/RES/16/21](#), Review of the work and functioning of the Human Rights Council

☛ **GA, Resolution 65/281 of 17 June 2011**

[A/HRC/RES/65/281](#), Review of the Human Rights Council

☛ **HRC, Decision 17/119 of 17 June 2011**

[A/HRC/DEC/17/119](#), Follow-up to the Human Rights Council resolution 16/21 with regard to the UPR.

OTHER RESOURCES ON THE HRC

© **Official HRC website:** <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>

This site features the official documents of the Council. These mainly encompass the resolutions that have been adopted, the reports that serve as the basis for Council discussions (such as the special procedures reports, OHCHR or UPR reports), the programme of work for the respective session and a bulletin of informal meetings. Official documents are always marked by a United Nations code. In the Council's case, they are prefixed A/HRC/...

The annual reports, presented by the HRC to the GA, are [available at this address](http://www.ohchr.org/EN/HRBodies/HRC/Pages/AnnualReports.aspx) (<http://www.ohchr.org/EN/HRBodies/HRC/Pages/AnnualReports.aspx>).

© **HRC extranet:** <https://extranet.ohchr.org/>

This site contains HRC working documents and other documents of a non-official nature – e.g. the Council's annual calendar (listing all meetings of the Council and its subsidiary bodies). Draft resolutions submitted to the HRC, oral statements delivered, the programme of side events organised by the NGOs during the sessions, etc. can also be found here.

This website is password-protected, but can be accessed using the following data: user name: hrc extranet, password: 1session.

☛ **Annual programme of work**

[Extranet](#) -> Information on Meetings -> Provisional Calendar and Annual Programme of Work

☛ **Annotated agenda**

[Official HRC website](#) -> Sessions -> Regular Sessions -> [select a session] -> GO -> Documentation (on right) -> Reports -> Annotations to the agenda

☛ **Programme of work for a current session** (please note: the programme is liable to change several times!)

1. [Extranet](#) -> [select a session] -> Draft Programme of Work

2. [Official HRC website](#) -> Sessions -> Regular Sessions -> [select a session] -> GO -> -> Programme of Work for the Session

☛ **Annual human rights calendar**

[Extranet](#) -> Information on Meetings -> Calendar and Programme of Work -> Provisional Calendar of HRC & HRC-related meetings for [current year]

☛ **Calendar of side events**

[Extranet](#) -> [select a session] -> NGO Liaison Information Page -> Draft NGO Side Event Calendar

☛ **Official bulletin of informal meetings**

[Official HRC website](#) -> Sessions -> Regular Sessions -> [select a session] -> GO -> -> Bulletin of Informal Meetings (on the right)

B. Sessions

1. Regular sessions

The HRC holds three **regular sessions** a year, lasting for a total duration of 10 weeks. These sessions take place in March (main session of four weeks), June (three weeks) and September (three weeks).

Each regular session systematically follows an **order of the day consisting of ten agenda items**:

- **Item 1: Organisational and procedural matters.** Under this item, the HRC adopts the calendar of regular sessions for the cycle (since the review of the HRC in 2011, the cycle has started in January and finished in December). In addition, approximately two weeks before each session, the HRC holds organisational meetings at which the detailed programme of work is presented and any procedural issues pertinent to that session are examined. Item 1 also covers the election of members of the Bureau, the election of special procedures mandate-holders, the approval of the report on the respective session, etc. Although very rare, certain resolutions are adopted under item 1 by way of compromise: e.g. resolution 18/9 recommending that the GA reinstate Libya's right to occupy a seat on the Council ([A/HRC/RES/18/9](#)).
- **Item 2: Annual report of the United Nations High Commissioner for Human Rights (HC) and reports of the Office of the High Commissioner for Human Rights (OHCHR) and the Secretary-General (SG).** At the start of each HRC session, the HC presents a summary of his or her work and priorities with regard to human rights, allowing the HC to focus on the latest important developments and highlight the topics and situations that require the HRC's attention. The HC's address is followed by an interactive dialogue with the states and NGOs (at the March session) or by a general debate (at the June and September sessions). Questions concerning the functioning of the OHCHR, the latter's cooperation with certain states and its relations with the HRC are also dealt with under agenda item 2 (see e.g. composition of OHCHR staff, [A/HRC/RES/19/3](#); exchange of information between the OHCHR and the HRC, [A/HRC/PSRT/18/2](#) and [A/HRC/PRST/19/1](#), etc.). It should be noted that the relationship between the OHCHR and the HRC is a delicate matter to address. Numerous countries, including Switzerland, consider the OHCHR to be independent (the latter is, de facto, an integral part of the UN Secretariat and does not rely institutionally on the HRC) and therefore believe that the HRC should not take any decisions that would risk calling such independence into question. Item 2 is sometimes also used by way of political compromise to deal with country-specific situations outside of items 4 and 10 (see e.g. the resolution on Sri Lanka, [A/HRC/RES/25/1](#)).
- **Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.** The majority of HRC resolutions are handled under agenda item 3. This covers thematic issues relating to economic, social and cultural rights (e.g. right to drinking water and sanitation) [A/HRC/RES/24/18](#), civil and political rights (e.g. peaceful protests, [A/HRC/RES/25/38](#)), as well as to the rights of particular peoples, groups and individuals (e.g. minorities, [A/HRC/RES/16/6](#); LGBT, [A/HRC/RES/17/19](#)). It also encompasses the right to development (cf. [A/HRC/RES/21/32](#)) and the issues of interdependence and the promotion of human rights (e.g. regional arrangements for the promotion and protection of human rights, [A/HRC/RES/24/19](#)). Lastly, it is under this agenda item that special procedures thematic mandates are created or extended (e.g. Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, [A/HRC/RES/18/7](#); for more information on thematic mandates, see C.2 below).
- **Item 4: Human rights situations that require the Council's attention.** Under this agenda item, the HRC looks into human rights abuses in specific countries. Certain states are opposed to the principle of addressing country-specific situations without the prior agreement of the country in question. However, it is very rare for resolutions under this item to be adopted without a vote. If a majority of the HRC deems it warranted by the seriousness of the situation, it may take note of the violations and request the OHCHR to submit a report on the matter (e.g. Mali, [A/HRC/RES/21/25](#)). It may also create a special procedures country mandate (e.g. Iran, [A/HRC/RES/16/9](#); for further information on special procedures, see C.2 below) or set up an independent commission to investigate in the country in question (e.g. Côte d'Ivoire, [A/HRC/RES/16/25](#); North Korea, [A/HRC/RES/22/13](#)). It may additionally extend already existing mandates if it considers this to be necessary (e.g. Special Rapporteur on North Korea, [A/HRC/RES/25/25](#); Special Rapporteur on Iran, [A/HRC/RES/25/24](#); Commission of inquiry on Syria, [A/HRC/RES/25/23](#)).
- **Item 5: Human rights bodies and mechanisms.** Under this agenda item, the HRC discusses the reports submitted to it by the Advisory Committee (cf. C.4 below), and by other subsidiary bodies (cf. C.5 below). It may also decide to establish new subsidiary bodies, to promote di-

alogue on a particular topic (e.g. Forum on Business and Human Rights, created by resolution [A/HRC/RES/17/4](#), which held its first session in December 2012) or set up open-ended working groups tasked with developing new international standards (e.g. human rights of peasants, [A/HRC/RES/21/19](#)). Item 5 is also deployed by HRC members to consider human rights violations brought to their attention by way of the complaint procedure (for more information on the complaint procedure see C.3 below).

- **Item 6: Universal Periodic Review (UPR).** Under this agenda item, the HRC considers and formally adopts the reports resulting from the UPR of each state (see e.g. Final report of 2nd UPR of Switzerland, [A/HRC/DEC/22/109](#); for further details of the UPR, see C.1 below). Procedural decisions regarding the UPR are also taken under this item (e.g. length of reports of the working group on the UPR, [A/HRC/PRST/20/1](#)).
- **Item 7: Human rights situation in Palestine and other occupied Arab territories.** This is the only country-based situation to feature as a permanent item on the order of the day (other situations are examined under items 4 or 10, and, by way of exception, under item 2). Item 7 focuses on the impact of the Israeli occupation on human rights in Palestine and other occupied Arab territories (see e.g. [A/HRC/RES/19/16](#)). The question of the right of the Palestinian people to self-determination is also dealt with under this item (see e.g. [A/HRC/RES/19/15](#)).
- **Item 8: Follow-up and implementation of the Vienna Declaration and Programme of Action (VDPA).** Adopted by consensus in 1993 by the World Conference on Human Rights, the [VDPA](#) constitutes a kind of shared plan for strengthening human rights-related activities throughout the world. Under item 8 therefore, the HRC mainly considers questions concerning cooperation in the field of human rights, at both the national and international level (e.g. national institutions for the promotion and protection of human rights, [A/HRC/RES/20/14](#)).
- **Item 9: Racism, racial discrimination, xenophobia and related forms of intolerance – follow up and implementation of the Durban Declaration and Programme of Action (DDPA).** As its title suggests, item 9 focuses on the issues involved in combating racial discrimination and on related topics, including the follow-up to and application of the [DDPA](#) (e.g. action against racism, [A/HRC/RES 21/33](#), etc.).
- **Item 10: Technical assistance and capacity building.** Technical assistance is an important aspect of the HRC's mandate and therefore merits its own specific agenda item. With the aid of

the OHCHR, the HRC can take a variety of measures to assist particular countries in improving the promotion and protection of human rights on their territory (e.g. Libya, [A/HRC/RES/19/39](#); Burundi [A/HRC/RES/16/34](#)), including establishing special procedures mandates (e.g. Sudan, [A/HRC/RES/11/10](#); Côte d'Ivoire, [A/HRC/RES/17/21](#)). In all cases, these measures require the cooperation of the beneficiary state and are, therefore, sometimes constrained to remain silent on violations committed by the government authorities. The associated resolutions are generally adopted by consensus. At its 18th session, the HRC adopted the resolution on technical assistance and capacity-building for South Sudan in the field of human rights (cf. e.g. [A/HRC/RES/23/24](#)).

During an ordinary session, **three different formats of debate** are held, in which the HRC member states, observer states and accredited NGOs successively take part):

- **General debate (GD):** This is a relatively open-ended form of discussion during which issues related to the items on the agenda can be raised.

With the exception of agenda item 1, all of the scheduled items provide for a segment of general debate. Speaking time is three minutes for HRC member states, two minutes for observer states and other observers, and two minutes for national human rights institutions and accredited NGOs. Requests to speak are notified in advance to the HRC Secretariat. Member states speak first, followed by observers (states, regional organisations, UN agencies and programmes, etc.) and lastly other stakeholders (NHRIs, NGOs).

- **Interactive dialogue (ID):** Interactive dialogue is a form of discussion which permits the states to exchange views and questions/responses with the special procedures (in other words the special rapporteurs, independent experts or working groups established by the HRC – generally once a year; see C.2.below), with certain special representatives of the SG (as a rule, also once a year; e.g. Special Representative of the SG for children and armed conflicts and Special Representative of the SG on violence against children), with the commissions of inquiry and other international fact-finding missions (in accordance with the programme of work; e.g. international commission of inquiry on Syria) and with the OHCHR (at the March session).

Before the session in which the dialogue is to be held, the special procedures (see C.3. below) submit a report intended to stimulate interactive dialogue. This allows interventions to be made in reference to the report under consideration.

As far as the interactive dialogue with the HC is concerned, it is based on the statement by the HC that is distributed to the states 48 hours in advance.

Speaking times for participants in an interactive dialogue are generally as follows: three minutes for HRC member states, two minutes for observers, and two minutes for accredited NGOs. In the case of clustered interactive dialogues, which take place solely in connection with the thematic special procedures, speaking time is five minutes for HRC member states, three minutes for observer states and three minutes for accredited NGOs.

The states previously indicated their desire to speak by raising their national emblems immediately before the interactive dialogue was held. Since the March 2014 session, the request to speak has been made electronically from the seat of each state in the HRC meeting room. For their part, NGOs must notify their intentions in advance of the dialogue in order to be entered in the list of speakers.

- **Panels:** Panels are ad hoc round tables which address a particular subject.

As a rule, they last for three hours, during which a number of participants state their opinions on the topic before interacting with the states and accredited NGOs. Panels on a given subject are usually held following the adoption of a decision or resolution to that effect (e.g. panel on the promotion and protection of human rights in the context of peaceful protests, [A/HRC/DEC/17/120](#)). It should be noted that there are also panel discussions which recur on an annual basis: integration of human rights, women, children, indigenous peoples, persons with disabilities, technical cooperation.

The design of the panel and the choice of participants is largely the responsibility of the states that are the main co-sponsors (for the definition of 'co-sponsors', see D.3 below) of the decision/resolution on which the panel is based, in cooperation with the OHCHR. Explanatory notes on forthcoming panels are posted on the [extranet](#).

Speaking time is two minutes for HRC member states, two minutes for observers, and two minutes for accredited NGOs. A request to speak is submitted electronically in the case of the states and entered onto the list of speakers in the case of NGOs.

In addition, there are also **urgent debates**, which can be initiated during a regular HRC session to tackle urgent situations requiring a rapid response from the Council. Urgent debates in some way re-

semble mini special sessions that are tacked on to a regular session (cf. point 2 below on special sessions). In practice, they deal with modifications to the programme of work. At the 7th session of the HRC, the programme of work was adapted and item 7 brought forward in order to give priority to addressing the situation in Gaza. Since then, there has been an increasing tendency to schedule urgent debates. The Council has organised several such debates: the urgent debate on the raid on a humanitarian aid convoy off the coast of Gaza by Israeli Defence Forces - during the 14th session of the HRC in June 2010; the urgent debate on the escalation of violence and the violation of human rights in Syria at the 19th session of the HRC in February 2012, and lastly, the urgent debate held at the 23rd session of the HRC, in May 2013, which once more concerned the situation in Syria.

Lastly, it must be emphasised that in recent years the HRC has demonstrated its capacity to evolve by putting in place innovative forms of meetings. For example, mention should be given to the high-level dialogue on sexual violence in the Democratic Republic of the Congo (DRC) held on the occasion of the 25th session of the HRC. This is the first time that the HRC has created a mechanism of this kind, a mixed panel that is both thematic and dedicated to the situation in a specific country. The independent high-level dialogues (24th session of the HRC) on assistance for Somalia in the field of human rights and on the Central African Republic likewise constitute models that illustrate the innovative character of the HRC and its procedures.

2. Special sessions

The HRC may, if required, hold **special sessions** – or crisis meetings – if at least one-third of the membership so demands (i.e. a minimum of 16 members). Non-member states may also sign the request. These special sessions are not scheduled as part of the HRC's annual calendar as they deal with specific situations regarding gross violations of human rights. Situations of this kind can arise in a certain country or region (e.g. Democratic Republic of the Congo, Libya, Syria, Gaza, Darfur, Central African Republic, Iraq). They may also be related to issues that affect human rights worldwide (e.g. global food crisis). The vast majority of special sessions address situations in specific countries, however.

RESOURCES ON HRC SESSIONS

© [HRC sessions \(regular and special\)](#) :
Features all the documents related to each session of the HRC, especially final reports, adopted resolutions, various statements, speeches (e.g. of the HC), panels, communications made by the international human rights institutions, results of votes, webcasts, etc. <http://www.ohchr.org/EN/HRBodies/HRC/Pages/Sessions.aspx>

C. Mechanisms and procedures

1. The Universal Periodic Review (UPR)

This HRC peer review mechanism involves **examining the human rights record of each UN member state according to a fixed and predictable schedule**. Conducting a periodic review of this kind at the universal level is one of the foremost innovations brought about by the creation of the Council.

The current periodicity of the UPR is four and a half years. **Forty-two states are reviewed each year** at three HRC sessions (i.e. 14 countries per session). These sessions are generally held in January/February, April/May and October/November.

The UPR is a full-circle process comprising three key stages:

- **An assessment of the human rights situation** in the country under review;
- Between two reviews (4.5 years), **implementation** by the state concerned of the recommendations given and any voluntary pledges made;
- At the next review, **an account** of the implementation of these recommendations and commitments and an assessment of the human rights situation in that country since the last review.

The review is conducted by a **working group** composed of the 47 HRC member states and involves an interactive dialogue. However, non-HRC member states (observer states) are allowed to participate in the review, including the dialogue segment. To facilitate proceedings, the working group and the state being reviewed are assisted by **a group of three states serving as rapporteurs, known as the 'troika'**. The composition of the troika differs for each review, the three rapporteurs being drawn by lots from among the HRC member states. In the run up to the review, the troika collates questions to be passed on to the state under review. After the review, the troika ensures that the report summa-

rising the debates is correct and acceptable to all, and one of its members is tasked with introducing the report on the occasion of its adoption by the working group.

The order of the review was established during the 1st cycle in such a way as to ensure respect for the principle of equitable geographic distribution. The first cycle concluded at the 12th session of the UPR working group in October 2011. At present, all UN member states have thus been reviewed once. The **second cycle** was launched in May 2012. Switzerland has been assessed twice – in May 2008 and October 2012 (cf. [A/HRC/DEC/8/122](#) and [A/HRC/DEC/22/109](#)).

The UPR is based on the legal and political commitments to human rights contained in the United Nations Charter, the Universal Declaration of Human Rights, the international human rights instruments to which the states under review are party, and the voluntary commitments made by the states, especially those undertaken when presenting their candidature for election to the HRC. A significant number of recommendations also relate to questions of compliance with and implementation of international humanitarian law. A growing number of recommendations refer to the Rome Statute of the International Criminal Court.

For each state, the review is based on **three documents from three distinct sources:**

- The **national report**: without being obliged to do so, the states are nevertheless expected to present a national report (of no more than 20 pages). When producing this report, they must follow the "General Guidelines for the Preparation of Information under the Universal Periodic Review" (cf. decisions [A/HRC/DEC/6/102](#) and [A/HRC/DEC/17/119](#)). The states are also encouraged to gather information by engaging in a broad consultation process with all the relevant stakeholders at the national level. Stakeholders may include NGOs and other civil society actors, but also members of parliament or of the judicial system, and existing national human rights institutions;
- A **compilation of United Nations information**; the OHCHR compiles a summary, no more than 10 pages long, of information deriving from official UN documents (e.g. from treaty bodies, special procedures or special agencies such as the UNDP and UNICEF, etc.) ;
- A **stakeholders' report**: the OHCHR puts together a ten-page summary of information provided by all other relevant stakeholders. The later primarily include NGOs, NHRIs, defenders of human rights, academic institutions, regional organisations and other representatives of civil society.

The 3.5-hour review proceeds as follows:

- First, the **state under review presents its national report** and its responses, if any, to the questions submitted in writing by other states (the latter must be notified to the state under review at least ten days in advance and are informal in nature).
- This presentation is followed by an **interactive dialogue**: the other states take the floor to ask questions and make recommendations on the human rights situation in the country concerned. During this dialogue, the state under review may express its views in response to such questions and may comment on recommendations.
- At the end of the dialogue, the country under review makes its **final observations**.

The country being reviewed is allocated **70 minutes** speaking time and the other states **140 minutes**. During the interactive dialogue, the following speaking times generally apply to other states: three minutes for HRC member states and two minutes for observer states. In practice, however, it is frequently the case that, owing to the high number of delegations wishing to take part in the dialogue, the 140 minutes are divided equally between all the delegations that wish to intervene (without distinction between member states and observer states). The order in which they speak is determined by drawing lots: a member of the HRC Bureau draws a lot deciding which state will take the floor first, the rest then follow in alphabetical order. Certain states have been known to swap places.

The outcome of the review is a report prepared by the troika with the involvement of the state under review and the assistance of the HRC Secretariat. This report contains a summary of the interactive dialogue, the responses of the state under review to the questions put and, above all, a complete list of **the recommendations** made to the state concerned by the other states. These recommendations are intended to improve the human rights situation in the state under review. Although they may differ in nature and in terms of topic addressed, they remain the key element of the review. The state being reviewed may **accept or refuse** to accept/note these recommendations. The state under review may respond to all or part of the recommendations during the review process or may take the time to reflect on them before presenting its views (at the latest immediately prior to adoption of the UPR report by the HRC). It is preferable and good practice to outline its response to each recommendation in writing in a document known as the addendum, which is annexed to the outcome report, but it can also be done orally before the adoption of the report by the HRC.

The outcome report is **initially adopted ad referendum by the working group**, a few days after the review. This process generally takes 30 minutes and is mainly procedural. The report and its **addendum if available** are then relayed to the HRC for **final adoption during one of its regular sessions under agenda item 6** (1 hour per state reviewed). This gives rise to a final document listing the recommendations or conclusions grouped by subject, and registering the voluntary commitments (acceptance or rejection/notation of each recommendation) and assurances made by the country in question. While NGOs are able to make their views known during the adoption of the report on the state under review by the HRC regular session (they are free to make oral and/or written comments), they are **not** permitted to speak at the review by the working group (which they may only attend as observers) as this would run contrary to the whole idea of a peer review.

The period between two reviews is referred to as the **follow-up** and is the time given to the state under review to implement the recommendations made and accepted. This follow-up is both the most critical and important phase in the whole process as it is the one in which the UPR's objective of improving the human rights situation on the ground is actually realised. Responsibility for implementing recommendations lies with the state receiving them; responsibility for monitoring recommendations lies with the states issuing them. Nevertheless, it should be pointed out that the majority of states which made recommendations during the first cycle have failed to sufficiently ensure their follow-up during the second cycle.

Let us not forget that the states are encouraged to provide the HRC with an interim update on the follow-up to accepted recommendations in the form of a **mid-term report**. Although this procedure is purely voluntary, [an ever greater number](#) of states is complying with it, including Switzerland, which submitted a [mid-term progress report](#) in May 2011. It must be added that it is the success of the follow-up phase which determines the effectiveness and credibility of the UPR mechanism. It also demonstrates the states' commitment to the promotion and strengthening of human rights. The reviews conducted at the **second cycle** are therefore intended to assess the **degree of implementation**, i.e. the extent to which the recommendations of the previous cycle have been put into action.

RESOURCES ON THE UPR

© **Official UPR site:** <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx>

Notably features the UPR calendar, the order of proceedings, the composition of the troikas, the three basic documents for each state under review and the result of each review.

The [Media information](#) link (on the right) is also useful as it provides a highly detailed summary of each review, available a few hours after each UPR is completed. Lastly, the [Webcast](#) link allows users to follow a review 'live' or to watch it on-demand.

© **UPR extranet :** <https://extranet.ohchr.org/sites/UPR/Pages/default.aspx>

Can be accessed by entering 'upr_user» under user name and 'UPR413 !' under password.

Contains all the documents used in the UPR process (national report, UN compilation, stakeholders' summary and full text of the various submissions received by the Secretariat, written questions submitted in advance, oral statements made during the working group review, report of the state concerned and of the troika, oral statements made on adoption of the UPR outcome by the plenary session including statements by NGOs), etc.

© **UPR Info :** <http://www.upr-info.org>

Comprehensive, independent website dedicated exclusively to the UPR.

It especially includes the [reports of the states under review](#); the [summaries and compilations](#) prepared by the Office of the High Commissioner for Human Rights; the [working group reports](#); a database of [recommendations](#); the [webcast](#) of each review, etc.

It also collates all the documents relating to the [UPR modalities](#): resolutions, guidelines, President's statements, work programmes and session timetables.

© **Universal Human Rights Index:** <http://uhri.ohchr.org/en>

Database providing immediate access to country-specific human rights information emanating from different international human rights mechanisms in the United Nations system, including the UPR (which is in the process of being indexed).

It allows the user to consult and compare recommendations originating from the treaty bodies, special procedures and the UPR in accordance with the following search criteria: state/entity, right, body, affected persons and, for the UPR, recommending state, position of examined state and session.

© **Secretariat diagram of the UPR process**

Chart outlining the various stages in the process. http://www.welcomedesk.org/pdf/upr_process.pdf

© **UPR Info database of UPR recommendations**

Database of all the recommendations made during the UPR process. Searches can filtered by state under review, recommending state, response type or issue, etc.

© **UPR Info follow-up page**

Includes examples of NGO follow-up submissions and best practices followed by the states.

2. Special procedures

When states wish the HRC to address a particular thematic issue or country-specific situation, they call upon the members of the Council to adopt a resolution regarding that issue or country. Such states often wish to take the matter further by creating **mandates for experts to conduct an in-depth analysis** of the considerations in question. Take Switzerland, for example, which submits a substantive resolution on transitional justice to the HRC every two years and which, with the support of a transregional group of states, was instrumental in establishing the post of Special Rapporteur on this subject in 2010 (cf. [A/HRC/RES/18/7](#)). These expert mandates (independent experts, special rapporteurs, working groups) are collectively known as [special procedures](#).

Special procedures already existed under the old Commission on Human Rights and were **taken over by the HRC** when it replaced the former: GA resolution 60/251 establishing the HRC effectively called upon the latter to continue to maintain the system of special procedures that had been put in place by the Commission, while stipulating that the HRC should review and, where necessary, improve and rationalise all the mandates within one year of holding its ^{1st session}.

Once it had broadly defined how it would function as an institution, the HRC then proceeded to review the special procedures. In this context, resolution 5/1 ([A/HRC/RES/5/1](#); IB package) contains provisions on the **selection of mandate-holders** and on the **review of all mandates**. For its part, resolution 5/2 ([A/HRC/RES/5/2](#)) put in place a **code of conduct for mandate-holders**. Originally proposed by states aiming to limit and monitor the special procedures (Algeria, Pakistan, China and Russia, etc.), resolution 5/2 had been heavily criticised by a number of states, including Switzerland, as it en-

tailed the risk of restricting their independence and room for manoeuvre (even if, on certain points, this resolution also codified the already existing practices of the former Commission). In fact, although resolution 5/2 urges all states to cooperate with the special procedures it imposes formalities that place relatively strict limits on the latter: exact adherence to the law and the national regulations of the country in question, respect for the conditions governing the admissibility of communications serving as a basis for letters of allegation, duty to show “restraint, moderation and discretion” in implementing their mandate, duty to give the state concerned the opportunity of “commenting” on the report on their mission prior to its publication, etc. However, 5/2 has thankfully proven much less unwieldy in practice than was initially feared.

Special procedures may concern mandates on a **specific subject** (‘thematic mandates’) or on a **specific country** (‘country mandates’). Thematic mandates are generally renewed every three years, while country mandates must be re-evaluated after one year. Of course, the HRC may decide not to continue a certain mandate. The mandate of the Special Rapporteur on the human rights situation in the Palestinian territories occupied since 1967 is the one exception; established in 1993, this mandate will remain in force until the occupation is over and therefore does not require to be renewed each year. Following the review carried out by the HRC in 2006-2007, **the majority of the former Commission’s special procedures have been taken over or extended**. Since it was first called into being, the HRC has also issued a large number of **new mandates**. At present, there are [37 thematic mandates](#) and [14 country mandates](#) (as at 1 December 2013). The special procedures are **independent**, implying that the mandate-holders serve in a personal capacity without receiving a salary or any instruction from the states. Most of them work part-time and often without being based in Geneva. The OHCHR provides the infrastructure they require for their activities.

The holders of these mandates are appointed by the President of the HRC as follows: First, the OHCHR launches an appeal for candidates. Each candidate submits an application for a specific special procedures position. Then, the HRC Consultative Group (composed of five members from different regional groups) considers the applications, holds interviews and submits a shortlist of candidates to the HRC President (three persons per position). In the majority of cases, the President follows the recommendations of the Consultative Group. If he fails to do so, he must state the reasons for his choice to the HRC.

Mandate-holders **report annually to the HRC**, and a large number additionally report to the Third Committee of the GA. These include, for example, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

(the resolution establishing this mandate, which was originally proposed by Switzerland, effectively requires the holder to report to both Geneva and New York, cf. OP 4 of resolution [A/HRC/RES/18/7](#)). The Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, whose mandate was established by a trans-regional group of states including Switzerland, currently only reports to the HRC, on the other hand (cf. res. [A/HRC/RES/19/10](#)).

As a rule, mandate-holders bear the title **Independent Expert** or **Special Rapporteur**. Even though their tasks may appear similar, a special rapporteur is often perceived as more important than an independent expert (for example, certain independent experts are not formally entrusted to receive individual communications or to send letters of allegations of human rights violations to the states). There are also special procedures where the mandate is carried out by a group of five experts (one for each region), known as the **Working Group**.

Since the special procedures were first created, there have been **five Swiss special rapporteurs**, almost all of whom held office under the former Commission on Human Rights: Romania (Voyame), Kuwait occupied by Iraq (Kaelin), Rwanda (Moussali), Palestine (Felber), right to food (Ziegler, who concluded his mandate under the HRC) and human rights of internally displaced persons (Kälin, who also concluded his mandate under the HRC).

Generally speaking, the special procedures **examine, monitor, advise** and **publicly inform** on respect for human rights. Their activities are diverse: preparing thematic studies, collating best practices, responding to individual complaints or making recommendations to national authorities. The **scope** and precise **conditions** of each mandate are defined in the resolution adopted by the HRC. Unlike the treaty bodies, special procedures can be called upon even where a State has not ratified the relevant instrument or treaty, and it is not necessary for individuals to have exhausted domestic remedies in order to access the special procedures.

The special procedures can use the **following instruments** :

- **Annual reports and recommendations:** mandate-holders must [report to the HRC on a yearly basis](#). A large number also report to the GA. The annual reports focus on working methods and general developments with regard to the respective mandate, and provide an analysis of the situation with regard to the human right in question in the case of thematic mandates, or with regard to human rights in general, in the case of country mandates. They **formulate recommendations**.

- **Communications:** certain mandates allow for intervention on [specific allegations of human rights violations](#) (past or ongoing, but also those which have a high risk of occurring). On receiving information claiming a violation, a mandate-holder may send a [letter of allegation or an urgent appeal](#) to the government concerned, asking the latter to clarify or comment on the allegation, or requesting that preventive or investigatory action be taken. The decision to intervene is at the discretion of the mandate-holder. Generally speaking, the criteria for intervention are: the seriousness of the suspected violations, the reliability and credibility of the source of the information and the level of detail provided. In addition, the alleged violation must fall within the remit of the mandate in question. As the latter requirement implies, the specific intervention criteria vary from mandate to mandate. On occasion, special procedures mandate-holders can send joint letters of allegation or urgent appeals. The bulk of the tasks performed by the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances consists of handling individual communications.

For each regular session of the HRC, the OHCHR puts together a compilation of all the urgent appeals and letters of allegation transmitted by the special procedures and the responses received from the states.

- **Country visits:** holders of **thematic** mandates can [visit countries](#) in order to assess the institutional, legal, judicial and administrative framework, and investigate the de facto human rights situation under their respective mandates. During these visits, mandate-holders can meet with the government authorities at both the national and local level, members of parliament, members of the judicial system, the national human rights institution, UN agencies, NGOs, civil society representatives, victims and other actors. At the end of their mission, mandate-holders hold a press conference and invariably submit a report to the HRC containing their findings and recommendations. Prior to embarking on a field visit, the mandate-holder's request to visit the specific country **must be accepted by the government in question**. Governments are also entitled to issue a [standing invitation](#), indicating that they are prepared to receive a visit from any special procedures thematic mandate-holder at any time (Switzerland did so in 2002). The terms of the visit are the same for all countries and are governed by the provisions of the Code of Conduct ([A/HRC/RES/5/2](#)) and the terms of reference for fact-finding missions by special procedures (the latter was adopted at the fourth annual meeting of the special procedures in 1997; cf. [E/CN.4/1998/45](#)).

The **country-specific** special rapporteurs look into the general human rights situation in the country concerned, but those with mandates established under agenda item 4 are rarely given authorisation to visit (as is the case for the special rapporteurs on the Democratic People's Republic of Korea, Iran, Eritrea and Belarus; the only country to cooperate at present, at the start of 2014, is Myanmar).

- **Thematic studies:** mandate-holders can conduct studies clarifying the scope of a specific right, thus also contributing to the implementation of international law (e.g. report on solitary confinement of the Special Rapporteur on torture).

Mention should also be made of the **independent inquiry committees** and the **international fact-finding missions** established by the HRC. These are not strictly part of special procedures, even though they are made up of independent experts. Instead, the mandate tends to be of a more limited duration (although it can be extended), with the object of investigating and establishing the facts with regard to **particular events** in a **specific country** before submitting conclusions to the HRC. Committees of this kind were set up, for example, to look into Israeli violations in Gaza during the 2008-2009 conflict (Goldstone Mission, established by res. [A/HRC/RES/S-9/1](#) in February 2009), in Côte d'Ivoire (cf. [A/HRC/RES/16/25](#), April 2011), in Libya (cf. [A/HRC/RES/S-15/1](#), March 2011) and in Syria (cf. [A/HRC/RES/S-17/1](#), August 2011; at the 25th session of the HRC, the latter mandate was extended until March 2015 by res. [A/HRC/RES/25/23](#)). A committee on Eritrea was created in June 2014.

RESOURCES ON SPECIAL PROCEDURES

@ **Official site of the special procedures:** <http://www.ohchr.org/EN/HRBodies/SP/>

Lists of thematic and country mandates, lists of all special procedures mandate-holders, activities (visits, communications, annual reports to the HRC and the GA, etc.), press releases, reform programme, code of conduct and manual of operations, etc.

Users can receive important information by e-mail by [subscribing to a newsletter](#).

@ **Thematic mandates:** <http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx>

Official page on thematic mandates. Features, for each mandate: the exact title, the name of the mandate-holder, the resolution that established the mandate, the date of establishment (and of any extension) and links to all the relative documentation.

@ **Country mandates:** <http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx>
Official page on country-based mandates. Features, for each mandate: the name of the mandate-holder, the resolution that established the mandate, the date of establishment (and of any extension) and links to all the relative documentation.

@ **Country visits:** <http://www2.ohchr.org/english/bodies/chr/special/countryvisitsa-e.htm>
Table of visits by country, including the reports on the respective mission. Forthcoming visits are announced on this page.

@ **Universal Human Rights Index:** <http://uhri.ohchr.org/en>
Database providing immediate access to country-specific human rights information emanating from different human rights mechanisms in the United Nations system, including the special procedures.
It allows the user to consult and compare recommendations originating from the treaty bodies, special procedures and the UPR in accordance with the following search criteria: state/entity, right, body or person affected.

3. The complaint procedure (formerly the '1503 procedure')

This procedure already existed under the old Commission 1503 procedure, created in 1970 and its new modalities were laid out in HRC resolution 5/1 of 18 June 2007.

It **allows individuals to submit complaints regarding gross and attested violations of human rights and fundamental freedoms**. To improve the chances of achieving a better outcome to negotiations with the state concerned, the procedure is **confidential**.

The HRC (i.e. the 47 member states) can only take action if the complaints received give rise to reasonable grounds for believing there is a consistent pattern of gross and reliably attested human rights violations in the country in question – a single complaint is therefore not sufficient to activate the mechanism. Domestic remedies must have been exhausted at the national level before the complaint procedure can be embarked upon, and a complaint cannot be submitted if a case is already being dealt with by another international mechanism.

The Council has defined the individual complaint procedure in detail, building on the efforts of a **Working Group on Communications** (composed of independent experts), whose primary task is to determine the admissibility of complaints, and a

Working Group on Situations (composed of government representatives of HRC member states serving in their personal capacity), which is called upon to present the HRC with a report on consistent patterns of gross and reliably attested human rights violations and to make recommendations to the Council on the course of action to be taken.

It should be noted that the HRC is free to decide whether it wishes to give a case further consideration and to request additional information from the state concerned. It may also appoint an independent expert to monitor the situation and report back to the Council or request the OHCHR to provide technical assistance. Lastly, the HRC can also decide to make the case public (as it did in the case of Eritrea [A/HRC/RES/21/1](#)) or even to discontinue all discussions without undertaking any action.

This mechanism has been criticised for its lack of effectiveness. Most of the time, the explanations given by the state in question are considered sufficient for the HRC to close the case. Consequently, only a very small number of complaints actually lead to steps being taken by the HRC. In light of this, certain states even suggested abandoning this mechanism at the HRC review in 2011.

RESOURCES ON THE HRC COMPLAINT PROCEDURE

@ **HRC complaint procedure**
Detailed explanation of the procedure and links to other communication mechanisms (special procedures and treaty bodies).
<http://www.ohchr.org/EN/HRBodies/HRC/Pages/Complaint.aspx>

4. The Advisory Committee

The Advisory Committee is a subsidiary body of the HRC which functions as a kind of **think-tank**. It replaces the former Sub-Commission on Human Rights and is governed by the IB package. The Committee is composed of [18 experts](#) who serve in their personal capacity and are elected by the HRC.

The Advisory Committee seeks to **provide expertise** to the Council by conducting studies and research on certain thematic issues, at the request of the HRC and within the scope of its mandate. Its function is purely advisory and it puts forward recommendations for consideration by the HRC. Unlike the old Sub-Commission, the Advisory Committee does not have the right of initiative and is not permitted to work on country-specific situations. However, it may still propose that the Council explore certain issues or subjects in greater depth.

The Advisory Committee **convenes twice a year** and its sessions are open to states, NGOs, national human rights institutions, special agencies and intergovernmental organisations. Jean Ziegler, the Swiss member, served on the Advisory Committee until 2012 and was re-elected at the September 2013 session for a new period in office to expire on 30 September 2016.

RESOURCES ON THE ADVISORY COMMITTEE

@ Official site of the HRC Advisory Committee

Official site of the HRC Advisory Committee. Composition, sessions and documentation (thematic issues, preliminary studies, reports, recommendations made to the HRC, etc.).<http://www.ohchr.org/EN/HRBodies/HRC/Advisory-Committee>

5. The other instruments of the HRC

The other **subsidiary bodies** of the HRC are [the Expert Mechanism on the Rights of Indigenous Peoples](#), the [Forum on Minority Issues](#), the [Social Forum](#) and the [Forum on Business and Human Rights](#).

The HRC may also establish **open-ended working groups** (OEWG). These are intergovernmental in nature and should not be confused with the expert working groups that form part of the special procedures. The duration of the mandate is determined by the HRC resolution establishing the working group and is generally one year. These working groups tend to have the **following mandates**:

1. Developing international law and standards in respect of human rights

- The [working group with the mandate of submitting to the Council a draft United Nations declaration on the rights of peasants and other people working in rural areas](#), established by the HRC in September 2012 (cf. [A/HRC/RES/21/19](#)) and renewed in June 2014, is tasked with negotiating, finalising and submitting to the HRC a draft United Nations declaration on the rights of peasants and other people working in rural areas.
- The remit of the [working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies](#), established by the HRC

in October 2010 (cf. [A/HRC/RES/15/26](#)), is to look into the possibility of developing an international regulatory framework (including the option of negotiating a legally binding instrument) in respect of the activities of private military and security companies, including their international accountability.

- Moreover, in June 2014, the HRC set up a working group tasked with elaborating a binding legal instrument on human rights and transnational corporations and other business enterprises.
- The [Ad Hoc Committee on the elaboration of complementary standards](#), created in April 2002 by the Commission on Human Rights in its [resolution 2002/68](#), is mandated to follow up on the implementation of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001. HRC resolution [A/HRC/RES/6/21](#) sets out its current mandate as follows: “[...] to elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of All Forms of Racial Discrimination, filling the existing gaps in the Convention, and also providing new normative standards [...]”.
- Lastly, the [Open-ended Intergovernmental Working Group on the Draft United Nations Declaration on the Right to Peace](#), established by HRC resolution 20/15 in 2012 (cf. [A/HRC/RES/20/15](#)), has “the mandate of progressively negotiating a draft United Nations declaration on the right to peace, on the basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals”.

2. Monitoring and reviewing the progress made on particular thematic issues

- This is especially the case of the [Open-ended Working Group on the Right to Development](#), established by [resolution 1998/72](#) of the Commission on Human Rights and by decision 1998/269 ([E/DEC/1998/269](#)) of the United Nations Economic and Social Council, whose mandate essentially consists of monitoring and reviewing the progress made at the national and international levels in the promotion and implementation of the right to development, providing recommendations on this subject, analysing the obstacles to its full enjoyment and reviewing reports and information submitted by states, United Nations agencies or NGOs. It also prepares and submits reports on its deliberations to the OHCHR with the aim of promoting the implementation of the right to development.

- The [Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action](#) (DDPA), established by [resolution 2002/68](#) of the Commission on Human Rights and approved by the United Nations Economic and Social Council in its decision of 25 July 2002 (cf. [E/DEC/2002/270](#)), makes recommendations on how to effectively implement the DDPA.

Mention should also be given to the [OEWG mandated to elaborate a draft United Nations declaration on human rights education and training](#) and the [OEWG tasked with exploring the possibility of elaborating an optional protocol to the Convention on the Rights of the Child to provide a communications procedure](#), two working groups brought into being by the HRC which have completed their respective mandates.

D. Human Rights Council resolutions

1. Definition and classification

HRC resolutions are **the political expression** of the views of its members, or a majority of its members, on specific human rights issues and problems that are of particular concern to the international community. They are sometimes also used to recognise the existence of certain 'soft law' principles (cf. e.g. Declaration on Human Rights Education and Training, annexed to res. [A/HRC/RES/16/1](#)). Regardless of their content, HRC resolutions **are not legally binding**.

HRC resolutions are texts **authored – or 'sponsored' – by the states** (it is not necessary to be an HRC member in order to table a resolution). They provoke a debate among the states, civil society and intergovernmental organisations; establish new 'standards', lines or principles of conduct; or reflect existing rules of conduct. In most cases, HRC resolutions are a means of gauging the international community's level of political commitment and degree of willingness to discuss a specific question regarding human rights or related fields.

The majority of resolutions brought before the HRC are recurring resolutions. As they are submitted regularly, a large part of the contents is often repeated from one version to the next ('agreed language'). It should be noted that some topics are addressed both by a resolution of the HRC and a resolution of the Third Committee of the General Assembly (e.g.: children's rights).

There are **two types of resolution**:

- **Thematic resolutions** cover a wide range of subjects from 'classical' human rights ([freedom of expression](#), [prohibition of torture](#), [right to food](#), etc.) to more complex human rights-related topics, such as [respect for human rights and the battle against terrorism](#), [human rights in extreme poverty](#), [transitional justice and human rights](#), etc.

A certain number of these resolutions are submitted at regular intervals, with specific thematic issues varying from year to year. A voluntary calendar of thematic resolutions (available on the [extranet](#)) generally indicates at which regular session a resolution on a given topic will be presented.

- **Country resolutions** (with the exception of resolutions under agenda item 7), of which there are two main categories:
- **Resolutions** under item 4 seek to take note that the human rights situation in a given country is serious and to propose measures aimed at redressing that situation. Resolutions of this kind can lead to the creation of a special rapporteur mandate (e.g. [Belarus and Myanmar](#)), or to the setting up of an inquiry committee/fact-finding mission on the human rights situation in a particular country (e.g. [Syria and North Korea](#)). These resolutions may be considered hostile by the country concerned and their highly sensitive nature makes them difficult to negotiate.

Resolutions under item 10 deal with the technical assistance which the UN, other organisations and states can provide to a state to help improve its human rights situation (in general or in a specific field). Less sensitive than resolutions submitted under item 4, these are being used more and more often. Converting a resolution under item 4 into a resolution under item 10 is another tactic frequently adopted by the sponsoring state(s) at the negotiation phase, especially in particularly sensitive cases. Resolutions under agenda item 10 may also result in the establishment of country mandates but, as the latter are more concerned with aspects of technical cooperation and capacity building between the respective state and the UN, they tend to be better accepted by the states in question than mandates created under item 4. Because country-specific resolutions under item 10 are negotiated and finalised with the agreement of the state concerned, the content is sometimes viewed as too accommodating by civil society (see e.g. [the 2012 resolution on Libya](#)).

In order to address a country situation by other means than agenda items 4 or 10, from time to time recourse is made to item 2 (Sri Lanka).

Item 1 has also been deployed to deal with the military operation by Israeli forces against a humanitarian aid flotilla bound for Gaza in June 2010 (like item 2, agenda item 1 has the advantage of being an item that remains open-ended throughout the session).

In the case of both thematic and country resolutions, a further distinction has to be made **in terms of content and the type of commitments set forth**:

- When resolutions address the substance of the matter (e.g. in taking note of certain difficulties, encouraging the states to take action, requesting the OHCHR or special procedures to produce certain studies, granting a mandate to the special procedures, etc.), they are known as **substantial resolutions**;
- When they establish or renew a special procedures mandate, they are referred to as **procedural resolutions** (which does not prevent them from regularly featuring a number of substantial elements). There are also resolutions which are purely procedural in nature, e.g. those creating a panel.

If a **thematic issue** is addressed not solely from the point of view of substance, but also from a procedural standpoint (e.g. with the establishment then renewal of a special procedures mandate), it is standard practice to have two distinct resolutions: a substantial resolution presented annually or bi-annually and a procedural resolution extending the mandate every three years. **Countries**, on the other hand, are the object of a single yearly resolution dealing with both the substance of the matter and the renewal of the mandate, as country-specific special procedures mandates are required to be renewed each year (with the exception of the technical assistance mandate for Cambodia, which was renewed for two years in 2011 and 2013).

In recent years, states wishing to introduce a new thematic issue to the HRC have tended to adopt a **gradual approach**, which can be summarised roughly as follows: 1) a side event is held to gauge the states' reaction; 2) a common declaration is read out at the following session to draw the Council's attention to the subject; 3) a decision/resolution calling for a panel to be held may be adopted; 4) a procedural resolution requesting a report from the special rapporteurs or the OHCHR is adopted; 5) on the basis of this report, a substantial resolution is adopted at a subsequent session or a new special procedure is created. This was the approach followed for the resolutions on the safety of journalists (cf. [A/HRC/RES/21/12](#)), peaceful protests (cf. [A/HRC/RES/19/35](#)) and the establishment of the mandate of the Special Rapporteur on the promotion of truth, justice, repara-

tion and guarantees of non-recurrence (cf. [A/HRC/RES/18/7](#)), for example.

Although resolutions constitute the preferred mode of expression of the HRC, it is worth noting that the latter also has **other instruments at its disposal**:

- **Decisions** are very similar to resolutions, but are generally shorter and procedural in nature (e.g. [organisation of a panel on a certain thematic issue to be held at the next session](#)). They are formally adopted under the same procedure as resolutions (but virtually always by consensus). Their official document codes begin with A/HRC/DEC/....
- **President's statements** (PRST) are consensual decisions on seeking solutions to specific problems formally presented by the of the HRC (however, they are often initiated and negotiated by certain delegations). They have official document status and have therefore been allocated a code (A/HRC/PRST/...) in the same way as resolutions and decisions. In contrast to the latter, however, they are never voted upon and, as a rule, are not the object of open-ended informal consultations (cf. 4 **below**), as consensus is always required. Statements by the President can serve, for example, to counter a draft resolution whose content and formulation is considered unacceptable by a certain number of states (e.g. draft resolutions on the transparency of the action taken by the OHCHR could have compromised the latter's independence were replaced by two successive PRST, [A/HRC/PSRT/18/2](#) and [A/HRC/PRST/19/1](#); OIC draft condemning the call to 'burn a Koran day', which was withdrawn at the 15th session in exchange for a statement by the resident on religious intolerance).

2. Structure

Resolutions of the HRC (and UN bodies in general) are divided **into two parts**:

- **The preamble (preambular part and paragraphs, 'PP')**: the preamble sets out the underlying considerations that motivate the HRC to take action or formulate an opinion. It could be said to serve as an introduction. In the specific case of recurring resolutions, reference is also made in the preambular part to the preceding resolutions ("Recalling all previous resolutions..."). Each preambular clause starts with a *present participle* and ends with a comma. Practice dictates that the preambular paragraphs are not numbered.

"The Human Rights Council, Reaffirming the purposes and principles contained in the Charter of the United Nations,"

- **The operative clauses (operative part and paragraphs, 'OP')**: define what action the HRC wishes to take or recommend that UN member states or UN bodies take certain measures. Each operative clause is numbered, starts with a *verb* in the *present indicative* tense and ends with a semi-colon.

"1. Urges all States to cooperate fully with the Working Group in the fulfilment of its mandate;"

The text of the resolution is followed by **reference to the session** during which it was adopted and **the date of adoption**. It also indicates whether the resolution was adopted without a vote (by consensus). If a vote is required, the text of the resolution is followed by the **breakdown of votes**.

It should be noted that, during the negotiation phase, draft paragraphs often bear the letters **PP** or **OP** (accompanied by a number), indicating which part of the resolution they belong to.

3. Sponsor(s)

The first version (or 'draft') of a resolution is proposed by a single state or group of states (HRC members or non-members) referred to as **the sponsor** or **main co-sponsors** (the latter are sometimes also known as the '**core group**'). A significant rise in the number of transregional groups functioning as the main co-sponsors of HRC resolutions has been observed, especially in the case of new initiatives.

The main co-sponsors play a leading role during negotiations, acting as 'owners' of the resolution. In other words, they formally present the initial version and submit draft new wordings before deciding which elements they are prepared to compromise on. In practice, although one state always acts as 'leader' within the group, the main co-sponsors generally speak with one voice when the text of the resolution is being negotiated with other states. The main co-sponsor groupings are becoming more and more transregional in composition.

Negotiations on HRC resolutions essentially take place within the framework of **informal consultations** (or 'informals', cf. 4 below) held by the text's co-sponsors in adjoining rooms in parallel to the official HRC programme in Room XX (general debates, interactive dialogues, panels, etc.).

Third-party states (whether members of the HRC or not) may act as **resolution co-sponsors**:

- **before tabling**: (i.e. before the deadline for official submission of the resolution; cf. 4 below). In this instance, they are referred to as initial co-sponsors and can easily be identified as they are listed at the head of the draft resolution ('L. documents'; cf. e.g. [A/HRC/RES/19/L.17](#));
- **after tabling**: e.g. up to the moment of, or 2 weeks after, adoption. In this case, the co-sponsors are not mentioned in the heading of the draft resolution, for obvious technical reasons. Instead, they feature in the report on the session at which the text was submitted and adopted;
- **after adoption of the resolution**: states can still co-sponsor a resolution in the two weeks following its adoption. This is the most discrete form of co-sponsoring.

Co-sponsorship implies backing for the text.

If the resolution is not adopted by consensus when reviewed by the HRC and a vote becomes necessary, the co-sponsors undertake to defend the text, in other words, to vote in favour of the resolution and, as a rule, to vote against any proposed amendments (to find out more about the voting procedure, see 5 below).

It goes without saying that **a state can support a resolution without being one of its co-sponsors** (e.g. by voting 'yes' or joining the consensus). This fourth level of support is used when a state has misgivings about the object of a resolution or for reasons of political expediency.

To sum up, **eight different levels of involvement** can be seen to exist:

- The **main sponsor/co-sponsors** or **core group** (HRC members and non-members) that create(s) the first draft of the resolution;
- The **initial co-sponsors** that co-sign the resolution *before* it is tabled (and who are mentioned at the head of the resolution);
- The **other co-sponsors** that co-sign the resolution *after* it has been tabled;
- The **other co-sponsors** that co-sign the resolution *after* its adoption;
- The HRC member states that **express support** for the draft resolution and join the consensus or vote 'yes' in the event a vote is required, without otherwise acting as co-sponsors;
- The HRC member states that **choose to disassociate themselves** from the draft resolution. This is used as a means of expressing such states' disagreement with the text without triggering a vote. In their statement, these states indicate which of the political undertakings set out in the resolution they do not wish to be associated with.
- The HRC member states that opt to **abstain**, preferring not to take a stance on the draft resolution.
- The other HRC member states, i.e. **those not in support of** the resolution, which thus vote 'no'.

4. Negotiation process

In the course of the negotiation process, proposals to alter the text and include new paragraphs are submitted by other states, while the main co-sponsors generally seek to revise the text and make it acceptable to all HRC member states. With regard to *substance*, the main co-sponsors ordinarily build on the conclusions and/or recommendations of the special procedures, HC or SG in their respective reports.

In practice, the draft resolution is passed back and forth several times between the **informal meetings for co-sponsors only** ('co-sponsor meetings') and the **informal meetings open to states which are not co-sponsors**, otherwise known as 'open-ended informals'. The latter meetings are often open to interested NGOs and are announced by means of a calendar of side events (available on the [extranet](#)). As a rule, practice at the Human Rights Council is favourable to NGOs, which may attend informal negotiations, voice an opinion and submit proposals for wordings. However, the state in charge of the resolution (or any other state) may occasionally oppose such participation, thus reducing the space granted to civil society.

Informal meetings usually take the following format: following an introduction, the sponsor(s) of the resolution will hand the floor over to those states wishing to make general comments. The states then voice an opinion, first on the preambular paragraphs, followed by the operative paragraphs. On this occasion, they are permitted both to make comments and put forward concrete proposals to modify or amend a resolution. The sponsors will take up some of these proposals in order to boost support for the draft resolution and/or enter into bilateral negotiations with the states making the proposals in order to smooth out the differences of opinion, before having the resolution adopted by the HRC – if possible by consensus (almost two thirds of all HRC resolutions are adopted by consensus).

Even if they are in favour of the resolution as a whole, the co-sponsors may nevertheless formulate comments or suggestions for amendments regarding precise points at the **co-sponsor meetings**.

In all cases, and in accordance with the IB package, each draft resolution must be subjected to **at least one open-ended informal consultation** before it is considered for action by the Council.

Generally speaking, the bulk of informal negotiations and text modifications take place **before the resolution is tabled**, in other words, before the deadline for officially submitting the resolution expires. The resolution is then presented to the Council for approval (for more on the adoption procedure for HRC resolutions, cf. 5 below. As a rule, the dead-

line for tabling is the same for all resolutions and is generally 10 days before the end of the session. An extension to the tabling deadline may be applied for by the sponsoring state or the main co-sponsors of a specific resolution. It is almost always granted, but requires the formal consent of the Council itself.

Once the resolution has been formally submitted no further substantial changes are usually made to the draft, even though negotiations frequently continue after the text has been tabled, especially if the text is highly politically sensitive. Furthermore, it is still possible for states dissatisfied with the text to try and introduce **modifications**. The sponsor or main co-sponsors will present any changes they are willing to accept with a view to getting the final text adopted: whether as **formal, written** statements (to be submitted at least 24 hours before the HRC meets to discuss the resolution in question, L./Rev.1), or **orally** ('oral revisions') and from the floor, immediately before the resolution is submitted to the HRC for approval. In practice, however, the co-sponsors have oral revisions circulated informally in writing.

A list of resolutions that have been presented and are ready to be adopted by the HRC is published on the [extranet](#) after the tabling deadline, with the code A/HRC/RES/L.... Once the Council has sat on the resolutions presented at the end of the session, this list also contains details of the results of the voting, including any statements certain states chose to make explaining their vote.

5. Adoption

Formal adoption of a resolution by the HRC is a prerogative reserved **exclusively to its 47 members**.

States with HRC observer status can submit a draft resolution and initiate the process of adoption by making a statement to the plenary session. However, they are not entitled to vote or to intervene should problems arise in the context of the adoption procedure (amendments, requests for a vote, etc.). In the case of country-specific resolutions, observer states affected by the resolution in question may actually take the floor. Observer states are permitted to intervene at the end of the session, once all the draft resolutions under each agenda item have been decided.

Some two thirds **of HRC resolutions are adopted by consensus**, i.e. without a vote.

Draft resolutions ready for adoption are considered by the HRC in ascending order of the agenda items. Resolutions falling under the same item are reviewed according to their date of submission ('L. number'). The **procedure for adopting a resolution** generally follows the steps set out below:

1. **Introduction and presentation of the draft resolution** by the main sponsor or one or more of the main co-sponsors. Revisions may be proposed from the floor by the main sponsor or one of the main co-sponsors ('oral revisions'). Changes in writing must be submitted at least 24 hours in advance of adoption ('L./Rev.1').
2. **Introduction of any written or oral amendments by other states.** Like draft resolutions, draft amendments submitted in writing by other states must be lodged before the tabling deadline. It is worth noting that the submission of written amendments is a mechanism barely used following the creation of the HRC. However, this practice has become more widespread since the reactivation of the Like-Minded Group (LMG, cf. II A 3. below.) in 2013. Oral amendments to a resolution, on the other hand, may be introduced right up to the moment when the resolution is considered by the HRC. If the co-sponsors support the text while opposing the submitted amendments, there is nevertheless nothing to prevent them voting in favour of such an amendment if they view it as a useful addition;
3. **Statements by the states concerned.** In the case of a country-specific resolution, the states concerned may make a statement in response to the draft resolution in question, if they so wish;
4. **New co-sponsors.** The announces the number of additional co-sponsors (since formal submission of the resolution);

5. **General comments** (HRC member states only):

- these may involve an explanation of position (EOP) on the resolution as a whole, or on one or other of its paragraphs;
- They may serve to introduce a proposed written amendment or proposed amendments from the floor. A co-sponsor cannot propose an amendment;
- They may also constitute a request to vote on the resolution as a whole, or on one or other of its paragraphs;
- A state may likewise announce its co-sponsorship or the withdrawal of such;
- If the sponsoring state(s) wish(es) to withdraw the resolution, this is the final opportunity to do so.

6. **Financial implications of the resolution (programme budget implications, PBI):** the HRC Secretariat provides information on any budgetary implications should the resolution be adopted (any statements on the matter are distributed in writing to the delegations);

7. **Explanations of vote before the vote (EOV):**

- on a proposed amendment or proposed vote, or on one or other of the paragraphs of the draft resolution: member states declare themselves for or against;
- on the text as a whole (as a rule, only those HRC members not intending to vote 'yes' and/or that are dissociating themselves from the draft resolution as a whole or from one or more of its paragraphs take the floor). The co-sponsors of the draft text are not authorised to deliver an explanation of vote:

8. **Vote or adoption by consensus:**

- on the text in its entirety (if requested).
- If the main co-sponsors reject a proposed amendment, they ask for a vote on the amendment. In principle, each member of the HRC is free to vote as it pleases on the amendment, although its choice is bound to be guided by political considerations (including its status as co-sponsor of the resolution – even if it is legally possible to approve an amendment while acting as co-sponsor).

with by the HRC. Observer states and other observers may make general comments or explanations of position at the end of the adoption process, i.e. after all the resolutions under every agenda item have been considered by the HRC.

The HRC is obliged to give an account of its activities to all the United Nations member states by presenting an **annual report to the GA**. This report features all the resolutions adopted by the HRC during the current year.

Once the HRC resolutions have been adopted, they are published bearing an **official code** (A/HRC/RES/.../...). At the head of each resolution, reference is made to the HRC session at which it was adopted and the agenda item under which it was handled, and the full title is stated.

6. Implementation of resolutions

Resolutions generally have indirect and long-term repercussions as **their primary purpose is to investigate or induce legislative change or best practice at the national level**. Resolutions also allow the international community's attention to be drawn to particular topics or country-specific situations. Resolutions of this kind sometimes serve as triggers for action by other institutions, such as the Security Council. The SG and OHCHR regularly send questionnaires to the states enquiring in detail as to how they are implementing a given thematic resolution. The states are free to reply or not.

The above does not prevent the special procedures from obtaining information (including through civil society at the national or international level) on the status of the situation in states where implementation is problematic. This will involve a country visit, wherever possible.

Council member states may once again make general comments or explanations of vote after the vote at the end of each item on the agenda, i.e. once all the resolutions under this item have been dealt

7. Joint declarations: another means of expression at the HRC

Although **not** an HRC instrument as such, but rather a means of expression used **by the states** during HRC debates, it is worth mentioning **joint declarations**. These enable several like-minded states to express their aspirations or views on a particular question. They may also be signed or supported by non-HRC member states.

Joint declarations are, above all, political instruments evidencing a common will or consensus among several states on a particular issue. Take, for example, the [joint declaration on Bahrain](#), drafted by Switzerland and supported by 47 other states. Obviously, the more signatures a joint declaration attracts (in particular from member states of the various regional groups), the greater will be its political weight within the Council (cf. e.g. the [joint declaration on LGBT individuals](#), read in March 2011 by Colombia on behalf of 85 states, a hitherto unprecedented number).

Joint declarations regularly serve as a preliminary step towards the introduction of a new thematic issue to the HRC (cf. e.g. the joint declaration presented during the 20th HRC session on the [safety of journalists](#); a resolution on this subject was subsequently adopted at the 21st session, cf. [A/HRC/RES/21/12](#)).

A significant rise has been noted in the number of joint declarations made at the HRC since 2011, indicating the growing popularity of this medium among the delegations. For example, during the 25th HRC session, Switzerland signed no less than 11 joint declarations on diverse thematic issues (Egypt, human trafficking, children's rights, technical assistance, civil society, HRC methods of work, joint declaration of the Francophonie, etc.).

E. A current trend: increasing HRC activity

Since 2011 and the Arab spring, the HRC has proven **particularly reactive** both **in its handling of country-specific situations** (creation of four inquiry committees [Libya, Syria, North Korea and Eritrea] and six special procedures [Côte d'Ivoire, Iran, Belarus, Eritrea, Mali, Central African Republic]; adoption of new resolutions [Yemen, Sri Lanka]) **and with regard to thematic issues** (four new special procedures, four new working groups, 26 new topics).

Apart from the rising number of resolutions adopted by the HRC each year (around 100 compared with no more than 80 in previous years) and the growing amount of joint declarations, an **increase in other phenomena** such as the use of transregional groups of states to launch new initiatives, recourse to panel discussions (between 13 and 15 each year since 2011), a greater number of side events being organised by the states to pave the way for new issues, etc., can also be observed.

Moreover, this **trend was confirmed during the most recent HRC sessions** by the non-stop plenary sessions held on an almost daily basis, the impressive number of side events (more than 20 a day), the proliferation of joint declarations and, above all, the increasingly significant number of resolutions presented by the delegations (a record of 42 resolutions/decisions/statements at the 25th session, for example). This intensification of activities, while in itself positive, has nevertheless given rise to a joint declaration, launched by Turkey and Norway, seeking to encourage delegations to actively refocus their efforts with a view to avoiding a certain degree of replication within the HRC (making initiatives bi-annual, avoiding duplication with the General Assembly, encouraging shorter resolutions, etc.)

While all the delegations feel the need to rationalise the Council's working methods to some extent, it is still worth underlining that **this stepping-up of HRC activities is first and foremost a sign of success**.

II. Other useful information

A. Regional, political and informal groups

The regional, political and informal groups are an essential part of the UN's working structure, serving as a kind of organic transmitter between the member states and the organisation. The dealings between the different groups therefore form an integral part of the UN's multilateral diplomacy.

In Geneva too, and especially under the auspices of the HRC, these groups play an important role.

1. The HRC regional groups

As the constellation of regional groups varies according to the UN context (their role and composition is not always the same in New York as in Geneva), the following description concentrates primarily on the situation in Geneva.

All of the UN member states are unofficially divided into **five regional groups**:

- the **African Group**, with **54 member states**;
- the **Asia-Pacific Group**, with **53 member states**;
- the **Eastern European Group** (EEG), with **23 member states**;
- the **Latin American and Caribbean Group** (GRULAC), with **33 member states**;
- the **Western European and Others Group** (WEOG), with **30 member states**. This group is not purely geographical as its members include all of the states of western Europe (24 countries) plus Turkey, Canada, New Zealand, Australia, the United States and Israel.

The regional groups have the following **main roles**:

- They permit **the rotation or equitable distribution of functions** (e.g. the presidency of the HCR and GA) **and seats** (e.g. among the members of the HRC and Bureau, or among the non-permanent members of the Security Council);

- They enable an **exchange of views**, and in some instances, the **coordination of substantive policies** on the different thematic issues covered by the United Nations;
- They sometimes form a **common front in negotiations and votes**; for example, the African Group has sponsored a number of resolutions (such as that on Mali);
- They facilitate the **circulation and exchange of information**.

In each , one state serves as the **coordinator** and can represent the whole group if given a mandate to do so. As a rule, the group coordinator changes on an annual basis.

A few **special points** should be noted in relation to the regional groups, however. Israel has been a member of HRC WEOG in Geneva since 1 January 2014. Turkey participates in both the WEOG and the Asia-Pacific Group, but for electoral and voting purposes is considered a member of the WEOG only. Japan, which is a member of the Asia-Pacific Group, also has WEOG observer status. Lastly, it must be borne in mind that the regional groups **do not necessarily reflect geopolitical reality** (e.g. European Union members are spread over three regional groups: WEOG, EEG, and Asia-Pacific in the case of Cyprus), thus explaining the importance of the political groups (cf. 2 *below*).

Although the UN Charter does not contain any reference to the various groupings, their origins lie in the way the UN system functions and, above all, in the necessity of ensuring a **geographical balance** during elections to the different bodies, given the essential role that equitable geographic distribution plays within the UN system.

2. The political groups

Other groups exist within the UN and likewise play an important role in exchanges, negotiations and the balance of power: the political groups

The main political groups actively involved in the HRC are:

- The **NAM** (Non-Aligned Movement), created in 1961 and presently comprising **120 mem-**

ber states. Originally, this movement, which emerged at the time of the Cold War, aimed to group together those states that did not consider themselves aligned to either the Eastern or Western blocs. Under the guidance of certain states, the NAM continues to play an important role today, including at the HRC.

- The [OIC](#) (Organisation of Islamic Cooperation) has a **membership of 57 states**. It seeks to safeguard and protect the interests of the latter and is particularly active on the issue of discrimination against Muslims.
- [The European Union \(EU\)](#) is an association of 28 European states that, in addition to operating a single market, have transferred a certain amount of their powers to common institutions. The EU has developed a foreign policy which enables it to harmonise the positions of its 28 member states, especially in relation to the HRC (even though EU members sometimes express different views on certain subjects). The EU has penned a number of resolutions (e.g. resolution on Belarus).
- The [League of Arab States \(21 members\)](#) and the [African Union \(53 member states\)](#); only Morocco is not a member), are both regional in composition. An 'Arab Group' (including Morocco) also occasionally appears at HRC sessions.

JUSCANZ is another group whose composition varies within the UN context. In Geneva, under the auspices of the HRC, it includes all non-EU members of the WEOG, plus the Republic of Korea. This group primarily serves as a platform for exchanging information and does not act as coordinator, unlike the NAM or OIC. In this sense, it is different from the other political groups. The Human Rights JUSCANZ comprises the following members: Andorra, Australia, Canada, Iceland, Israel, Japan, Liechtenstein, New Zealand, Norway, the Republic of Korea (not a member of the WEOG, not even as an observer), San Marino, Switzerland, Turkey and the USA.

All of these groups focus on the **common interests of their members**: they seek to better promote these interests (political, strategic, economic, etc.) and to strengthen the negotiating capacity of group members at the United Nations. Furthermore, certain groups form very important coalitions or intergovernmental organisations, at times encompassing up to 70% of the UN membership (as in the case of the NAM, with its 120 member states).

These groups do not always succeed in presenting a united front as certain of their members impede the adoption of a common position on certain issues. This partly explains the resurgence of new informal groupings such as the LMG (cf. II. A. 3.)

3. The informal groups

Since 2011, the birth or revival of certain informal groups with a specific composition has been witnessed. The most active informal groups are as follows:

- The **Like-Minded Group (LMG)**. Among others, this group includes the Russian Federation, China, Cuba and Egypt as well as India, Pakistan, South Africa and Saudi Arabia. The LMG was active during the era of the former Commission on Human Rights. It disappeared when the HRC was established only to reappear in 2013, the same year in which certain of its members left the HRC. It remains active in 2014, issuing joint declarations and, above all, submitting numerous written amendments on a number of resolutions;
- In 2011, Switzerland supported the creation of a group of states from every region of the world (known as the **Article 4 Group**). The group meets regularly to move HRC discussions forward in a constructive manner. It also expresses itself by means of joint declarations (e.g. on the criteria for handling country-specific situations and on the need to realign the HRC's growing activities);
- The **Group of Alpine States**, comprising Switzerland, Austria, Liechtenstein and Slovenia. Its aim is to exchange information and possibly measures (see e.g. joint declaration on cooperation with the United Nations and its mechanisms in the field of human rights on the issue of intimidation and reprisals).

III. Annexes

[Resolution A/RES/60/251, Human Rights Council](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/5/1)
[Resolution A/HRC/RES/5/1, Institution-building of the United Nations Human Rights Council](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/5/1)

(Online: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/5/1)

[Resolution A/RES/65/281, Review of the Human Rights Council](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/RES/65/281)

(Online: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/RES/65/281)

Resolution 60/251 Human Rights Council

The General Assembly,

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, and achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all,

Reaffirming also the Universal Declaration of Human Rights¹ and the Vienna Declaration and Programme of Action², and recalling the International Covenant on Civil and Political Rights³, the International Covenant on Economic, Social and Cultural Rights³ and other human rights instruments,

Reaffirming further 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,

Reaffirming 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,

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,

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,

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,

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

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,

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,

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

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 that end, the resolve to create a Human Rights Council,

1 Resolution 217 A (III).

2 A/CONF.157/24 (Part I), chap. III.

3 See resolution 2200 A (XXI), annexe.

1. *Decides* to establish the Human Rights Council, based in Geneva, in replacement of the Commission on Human Rights, as a subsidiary organ of the General Assembly; the Assembly shall review the status of the Council within five years;
 - f) Contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies;
2. *Decides* that the Council shall 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;
3. *Decides also* that the Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon. It should also promote the effective coordination and the mainstreaming of human rights within the United Nations system;
4. *Decides further* 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 enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development;
5. *Decides* that the Council shall, inter alia:
 - a) Promote human rights education and learning as well as advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of Member 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 follow-up to 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 fulfilment 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 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 for the universal periodic review mechanism within one year after the holding of its first session;
6. *Decides also* that the Council shall 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; the Council shall complete this review within one year after the holding of its first session;
7. *Decides further* that the Council shall consist of forty-seven Member States, which shall be elected directly and individually by secret ballot by the majority of the members of the General Assembly; the membership shall be based on equitable geographical distribution, and seats shall be distributed as follows among regional groups: Group of African States, thirteen; Group of Asian States, thirteen; Group of Eastern European States, six; Group of Latin American and Caribbean States, eight; and Group of Western European and other States, seven; the members of the Council shall serve for a period of three years and shall not be eligible for immediate re-election after two consecutive terms;
8. *Decides* that the membership in the Council shall be open to all States Members of the United Nations; when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary
 - g) Assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the General Assembly in its resolution 48/141 of 20 December 1993;
 - 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;

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 Council that commits gross and systematic violations of human rights;

and that the first meeting of the Council shall be convened on 19 June 2006;

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

9. *Decides also* that members elected to the Council shall uphold the highest standards in the promotion and protection of human rights, shall fully cooperate with the Council and be reviewed under the universal periodic review mechanism during their term of membership;

*72nd plenary meeting
15 March 2006*

10. *Decides further* that the Council shall meet regularly throughout the year and schedule no 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;

11. *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 Assembly or the Council, and also decides that the participation of and consultation with observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations, shall be based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities;

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

13. *Recommends* that the Economic and Social Council request the Commission on Human Rights to conclude its work at its sixty-second session, and that it abolish the Commission on 16 June 2006;

14. *Decides* to elect the new members of the Council; the terms of membership shall be staggered, and such decision shall be taken for the first election by the drawing of lots, taking into consideration equitable geographical distribution;

15. *Decides also* that elections of the first members of the Council shall take place on 9 May 2006,



The Human Rights Council
A practical guide

Switzerland's priorities at the Human Rights Council



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Switzerland's priorities at the Human Rights Council

Switzerland was highly involved in the process of setting up the HRC, of which it was a member from 2006 to 2009 and 2010 to 2013. It served as vice-president of the HRC in 2006 – 2007 and again in 2013, and has already submitted its candidature for a further term of office in the 2016 – 2018 period.

Switzerland is therefore one of the most active states within the HRC. This is partly attributable to the prominent role accorded to human rights in Swiss foreign policy and partly to the fact that the country is home to the global human rights capital (in addition to the HRC, the human rights treaty bodies and Office of the United Nations High Commissioner for Human Rights are all based in Geneva). Switzerland makes an effort to attend the majority of negotiations held at the HRC, which are increasing in number (a record 107 resolutions were adopted in 2013). Its moderate and open approach (i.e. without hidden agendas), which is enshrined in the laws that characterise Switzerland, regularly enables it to reconcile the – often antagonistic – positions expressed by other states, earning it the epithet of 'principled bridge-builder'.

Switzerland not only marks a strong presence in all of the HRC's activities, it also launches specific initiatives (1), joins in certain actions led by other states (2) and pays particular attention to discussions on subjects close to its heart (3).

1. Swiss initiatives at the HRC

Thematic issues:

- **Fight against impunity; transitional justice:** As well as campaigning to establish accountability in the Syrian context, Switzerland – together with Argentina and the support of other states – created a mandate for a Special Rapporteur on transitional justice in September 2011 and remains committed to getting the principle of accountability incorporated within both country and thematic resolutions. Elsewhere, Switzerland established a coalition of friendly states of the International Criminal Court (ICC) in Geneva (similar to that which exists at New York and

The Hague) with the support of Botswana, Costa Rica, Jordan, Estonia and Serbia.

Country-specific situations:

- **Peaceful protests:** Switzerland launched this as a new issue at the HRC when the Arab Spring broke out and it has since become the subject of a recurring resolution.
- **Death penalty:** The abolition of the death penalty is one of Switzerland's foreign policy priorities. In this context, Switzerland presented a new resolution on the death penalty in June 2014, with the support of Belgium, France and a group of states (Benin, Costa Rica, Mexico, Moldova, Mongolia). This resolution focuses in particular on the impact the imposition and application of capital punishment has on human rights.
- **Bahrain:** Switzerland ensures the follow-up to the human rights situation in Bahrain. Specifically, it has worded joint declarations on this subject in 2012, 2013 and 2014, the last of which was read before the HRC at its June 2014 session and gained the support of 47 states.
- **Accountability in Syria:** During negotiations on resolutions on Syria, Switzerland campaigns vigorously in favour of highlighting the importance of accountability, and especially points out the necessity for the Security Council to refer the situation to the International Criminal Court (ICC). It notably succeeded in uniting 64 states in a common declaration demanding such a transfer, which was read by Libya at the 22nd session of the HRC in March 2013.

2. Switzerland's association with the actions of other states

Outside its own initiatives, Switzerland joins other states in supporting **emerging issues** such as **human rights and the environment** (creation of an independent expert mandate on the subject in 2012), and protection of the **right to privacy in the digital age**.

3. Topics of interest to Switzerland

Switzerland demonstrates particular commitment when it comes to negotiating resolutions concerning topics such as **freedom of expression and freedom of association, business and human rights**, protecting the **human rights of certain categories of vulnerable persons** (women, children, LGBT, human rights defenders, prisoners), **certain economic and social rights** (water and sanitation, right to food, rights of peasants) and **combating racism**.

Moreover, HRC-related institutional issues, in particular the **proper functioning of the UPR**, and the HRC's capacity to address **country-specific situations** in a non-selective, impartial and yet credible manner are – by definition – priority matters for Switzerland.

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