



# The Human Rights Council – A Year in Review

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Following its establishment on 15 March 2006 by General Assembly resolution 60/251, the Human Rights Council opened its first session at the Palais des Nations in Geneva on 19 June 2006. Since then, the Council, which comprises 47 UN Member States elected by the General Assembly, has addressed a wide range of substantive human rights issues while at the same time has carried out essential institution-building activities.

The resolution establishing the Council aimed to build a strong and effective human rights institution providing it with new features including:

- A high status as a subsidiary body of the General Assembly
- The capacity to hold several meetings throughout the year
- The ability to call special sessions on short notice
- A mechanism for the examination of the human rights records of its own members and eventually all United Nations Member States with the view of them opting for Council membership. This innovative mechanism – universal periodic review – aims to surmount the over-politicization and double standards of the past
- The provision that Members could be suspended for gross violations of human rights
- A review of the status of the Council itself by the General Assembly within five years.

**Frequency and duration of sessions...** The Council meets throughout the year in regular sessions and has the ability to convene special sessions on urgent human rights situations requiring only a one-third majority approval of its members.

The increased frequency and duration of its meetings also provide the Council with more opportunities to enhance cooperation and dialogue, a greater engagement by a broad range of stakeholders, as well as follow-up of goals and commitments related to the promotion and protection of all human rights.

In its first year, the Council held four regular sessions addressing numerous human rights issues and four special sessions devoted to specific human rights situations. The meetings held thus far are as follows:

## **Regular and Special Sessions:**

To date, the Human Rights Council has adopted 30 resolutions, 24 decisions and 2 presidential statements in its regular and special sessions:

- 1<sup>st</sup> regular session – 19 to 30 June 2006 (Inaugural session)
- 1<sup>st</sup> special session – 5 to 6 July 2006
- 2<sup>nd</sup> special session – 11 August 2006
- 2<sup>nd</sup> regular session – 18 September to 6 October and from 27 to 29 November 2006
- 3<sup>rd</sup> special session – 15 November 2006
- 3<sup>rd</sup> regular session – 29 November to 8 December 2006
- 4<sup>th</sup> special session – 12 to 13 December 2006
- 4<sup>th</sup> regular session – 12 to 30 March 2007

During the regular sessions, Council members and observers focused on a wide range of human rights issues addressing more than 60 themes and geographic issues notably during interactive dialogues, general debates, special events and high-level segments. Among the topics raised at these sessions were those pertaining to extreme poverty; access to water; racism, discrimination, xenophobia and related intolerance; summary and arbitrary executions; torture; freedom of religion or belief; freedom of opinion and expression; right of the child; rights of persons with disabilities and violence against women. In addition, the Council addressed the human rights situations of at least 20 countries.

During its four special sessions, the Council has addressed the following issues: the human rights situation in the Occupied Palestinian Territory; the situation of human rights in Lebanon caused by the Israeli military operations; the human rights violations resulting from Israeli military incursions in the Occupied Palestinian Territory including in Northern Gaza and Beit Hanoun; and the situation of human rights in Darfur.

In order to improve its working methods, the Council has also established a follow-up segment on decisions adopted at its previous sessions so as to ensure appropriate assessment and action for their implementation.

**Standard setting role...** At its first session the Council adopted two new human rights standards which have since been forwarded to the General Assembly for final adoption:

- The International Convention for the Protection of All Persons from Enforced Disappearances which defines the practice of enforced disappearances as a crime against humanity when it is widespread or systematic; and
- The UN Declaration on the Rights of Indigenous Peoples, which reaffirms the right of self-determination of indigenous people and sets out other indigenous rights.

Other standard-setting work in the Council's first year included:

- Continued efforts towards the elaboration of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights through the extension of the Working Group on this issue for a period of two years.
- Efforts aimed at setting new complementary standards on combating all contemporary forms of racism, inter alia, by following up on the Durban conference on racism of 2001
- Continued attention and work on setting up norms in the area of the right to development.

**Participation of civil society...**In its first year, the Council ensured the successful transfer of the policies and practices for the participation of non-governmental organizations (NGOs) observed by the former Commission on Human Rights giving due account to the views and contributions of civil society, notably:

- Inclusive arrangements were developed whereby NGO representatives were allocated a specific time to address the Council on various issues.
- NGOs were part of the consultations and discussions on the institution-building processes, and could share their experiences and views on how to shape the Council in compliance with the General Assembly resolution.

In addition to these practices inherited from the Commission on Human Rights, the Council strengthened the participation of NGO representatives in its interactive dialogues with special procedures mandate-holders allowing them to interact with special rapporteurs on various important issues.

**Institution-building process...**By 18 June 2007, one year after the holding of its first session, the Council should have completed a review process consisting of the following six institution-building components:

**(a) Universal Periodic Review (UPR)** – Through this new mechanism the Council will be able to review on a periodic basis the fulfilment of the human rights obligations of all countries. The UPR will ensure that all States are treated equally and are open to a review of their human rights record, including Members of the Council.

**(b) Review of mandates and mechanisms** (special procedures) - The special procedures are considered the most effective, flexible and responsive mechanisms within the UN human rights system. They include: special rapporteurs, special representatives of the Secretary-General, representatives of the Secretary-General, representatives of the Commission on Human Rights, independent experts, and intergovernmental working groups. This review process aims to strengthen the system of and ensure greater synergy with the human rights machinery within the UN system.

**(c) Expert advice** - An expert advice mechanism shall be established to support the Human Rights Council's work. Functioning as a think tank within the Council, it will conduct research, draft reports and studies on areas of interest to the Council. The group of experts shall provide advice to the Council at its request.

**(d) Complaint procedure** - Based on the existing confidential 1503 procedure, as revised by ECOSOC resolution 2000/3, the Council's complaint procedure will continue to allow individuals and organizations to bring their complaints about gross and reliably attested violations of human rights to the attention of the Human Rights Council.

**(e) Agenda and programme of work and (f) rules of procedure and working methods** - Based on its enabling resolution, the Human Rights Council's work shall be guided by the principles of universality, impartiality, objectivity and non-selectivity and constructive international dialogue and cooperation. Its agenda, methods of work, and rules of procedures, shall ensure transparency, predictability, impartiality and will enable genuine dialogue and be results-oriented.

This review process was mandated in General Assembly resolution 60/251 which established the Council, stating 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 complaint procedure".

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