New Text on Human Rights Council Released with Negotiations to Resume Monday February 6th

New York, 3 February 2006 -- The co-chairs issued their new text on the Human Rights Council to member states on February 1st and convened a plenary session the following day to review the document and highlight changes. The GA will begin negotiation on this text in an informal session on Monday February 6th. Member states will have to reach agreement on a final document within the coming weeks if the Council is to meet this year in place of the Commission, which would then hold a shorter transitional session. According to the current text, the Council's first meeting would take place on 16 June 2006, a day after the Commission would be formally abolished. Click here to download the Co-Chairs Text.

Member State Responses

Most member states welcomed the document and expressed their appreciation for a cleaner text. However major divisions among states and between regions still exist, including in regard to number of members to sit on the Council, criteria for membership on the Council, voting procedures to elect members to the Council (2/3 or simple majority).

The debate regarding controversial depictions and cartoons in the European media spilled over into the discussions on the Human Rights Council in the General Assembly yesterday. Concerns were expressed, for example, that countries from a certain regional block were using human rights as a pretext for insulting other religions. Requests for new provisions condemning intolerance combined with reflections on an emerging “clash of civilizations” dominated the discussions, detracting from a more direct focus on the new text. These developments threaten to further ignite the existing North-South tensions that have shaped and often hindered discussions on the Human Rights Council.

Overview of the Text

Preamble: Changes were made to reflect respect for the principle of self-determination and equal rights of peoples (PP1) as well as to emphasize the Council’s role in strengthening the capacity of Member States to comply with their human rights obligations (PP9).

Right to Development: Objections to the selective mention of the right to development were addressed by the inclusion of the additional categories of rights (civil, political, economic, social, and cultural) (OP4).

Global Thematic Review: According to the new text, the Council will not undertake a global thematic review but will still serve as a forum for dialogue on all thematic human rights issues (OP5b).

Universal Periodic Review: The universal periodic review has maintained its place in the document without explicit limitations on country-specific follow-up. In response to a request from the US, language has been added to clarify that the review will be "based on objective and reliable information." (OP5e). This paragraph and others have also been modified to emphasize the central role of dialogue and cooperation.

OHCHR: the current document has maintained that the Council will assume the same role and responsibilities as the Commission relating to the work of the Office of the High Commissioner for Human Rights, deleting the word "review" (OP5g).
Recommendations to UN Bodies: Avoiding any hierarchical scheme, the reference to the Council's role in making recommendations on the promotion and protection of human rights does not refer to specific UN bodies and no longer includes mention of the UN system (OP5i).

Review of Commission's Mandate and Functions: According to the new document, the Council will undertake a review to maintain a system of special procedures, expert advise and individual complaint procedure to be completed a year after the Council's first session.

Membership/Elections: The new text presents a smaller Council of 45 members, down from the previous 53, to be elected based equitable geographic distribution with the inclusion of a numeric regional breakdown of seats (Africa 12, Asia 13, Eastern Europe 5, GRULAC 8, WEOG 7).

The only bracketed text which remains regards whether members will be elected by simple or two-thirds majority.

Controversies over criteria-based membership resulted in a redrafting of this language, which no longer decides that members abide by the highest human rights standards and that elections be based in part on a candidate's contributions to human rights. Instead, the document uses similar considerations, such as contributions to human rights and the presence of systematic and gross human rights violations, to set out a framework of factors for member states to consider when electing members.

Sessions/Weeks: The new text outlines a configuration of no fewer than thee sessions per year for no less than ten weeks, with the ability to hold special sessions with the support of one-third of the Council's members.

NGO Participation: The new text provides a more concrete reference on the participation and consultation of observers and other groups such as national human rights institutions and NGOs, referencing the arrangements and practices observed by the Commission, including ECOSOC resolution 1996/31.

Terms: Members of the Council would be newly elected on May 9th with staggered terms.

Review: Requests for a review of the Council's work and functioning, in addition to its status, were integrated into a new paragraph in the text.

Country-Specific Resolutions: The paragraph on adopting country-specific resolutions by an affirmative vote of two-thirds of the Council's members has been deleted.