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ORGANIZATION OF THE WORK OF THE SESSION

Enhancement of the working methods of the Commission

Reform of the working methods of the Commission on Human Rights with a view to strengthening the promotion and protection roles of the Commission: report containing a set of recommendations addressed by the Expanded Bureau of the fifty-eighth session to the Expanded Bureau of the fifty-ninth session of the Commission on Human Rights, submitted pursuant to Commission decision 2002/115

Note by the secretariat

The secretariat of the Commission on Human Rights has the honour to transmit to the Commission a report of the Expanded Bureau of the fifty-eighth session containing a set of recommendations addressed to the Expanded Bureau of the fifty-ninth session.

Introduction

In Commission on Human Rights resolution 2002/91, the Commission on Human Rights requested the Expanded Bureau of its fifty-eighth session to submit at the fifty-ninth session ideas and proposals on how to proceed to consider the question of enhancing the effectiveness of the working methods of the Commission. Commission decision 2002/115 authorized the Expanded Bureau to consider steps which could be recommended to the Expanded Bureau of the fifty-ninth session regarding the organization of work during the fifty-ninth session. The following recommendations have been made with a view to respond to these requests. They are based on the various consultations held since the closure of the fifty-eighth session as well as on specific contributions made by Governments, regional groups and other participants at the Commission concerning the working methods and organization of work of the Commission.

RECOMMENDATIONS BY THE EXPANDED BUREAU

A. Preliminary observations concerning the scope of the reform process

1. It is generally considered that the work on the issue of reform of the working methods of the Commission as described in resolution 2002/91 should be done against the background of previous similar efforts which were initiated under the Chairpersonship of Ambassador Selebi (South Africa) and conducted through the Chairpersonships of Ambassador Anderson (Ireland) and Ambassador Simkhada (Nepal). Particular reference is made to the Report of the intersessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (E/CN.4/2000/112) which was approved by consensus by the Commission in its decision 2000/109.
2. Activities in the area of reform of working methods should thus aim at facilitating the implementation of the consensual recommendations and conclusions contained in that report.
3. Any decision on working methods should be adopted by consensus.

B. Suggestions concerning the various elements in the non-exhaustive annex to resolution 2002/91

1. Duration of the annual session of the Commission:

- (a) The current six-week timeframe is the basis of a solid consensus;
- (b) This is generally accompanied by references to the need to adopt appropriate steps to ensure an efficient use of the available time during each session. It is largely felt that the recourse to additional meetings should in principle be kept to a minimum. Those additional meetings should in principle not take place after 9.00 p.m in order to reduce the burden on smaller delegations. Exception to this principle will be made in extraordinary circumstances only. The importance of meetings starting on time is also strongly reaffirmed.

2. Periodicity of the consideration of items and sub-items of the agenda:

(a) Biennialization of items. It would appear that a consensual recommendation could be reached that would preclude for the time being the possibility of bi- or triennialization of the consideration of agenda items. The current agenda of the Commission was only recently restructured; accordingly, the obvious consensus would be to keep it as is. Nevertheless, this issue should remain under the Commission's consideration;

(b) Bi- or triennialization of the presentation of certain resolutions. Some suggestions are made regarding the possibility of altering the current practice of the Commission of adopting a large number of resolutions during each of its sessions. It is recommended that the Commission should encourage the voluntary biennial or triennial presentation of a significant number of thematic resolutions. No alternative texts should be introduced during off-years for such bi- or triennialized resolutions. As a consequence of this measure, the corresponding documents and reports prepared by the Secretary-General and OHCHR would likewise be prepared on a two- or three-year basis. In future, the Commission should further explore ways of biennial or triennial consideration of thematic resolutions.

3. Documentation to be considered annually by the Commission:

(a) United Nations rules and regulations. There is an emerging consensus on the strict respect of the relevant United Nations rules, regulations and practices concerning the processing of documents, including the six-week rule. This should, however, take into account existing limitations and difficulties which the Secretariat is facing in processing documents. The Expanded Bureau should meet regularly with the relevant United Nations services to identify such difficulties and to seek remedies for them;

(b) Reports of special rapporteurs. The importance of governments' responses to the reports of special rapporteurs being included, as appropriate, in annexes or addenda to the reports is emphasized;

(c) Compendium. The idea of a compendium of executive summaries of all available reports is largely accepted and could be implemented immediately. Such summaries must be prepared by the authors of the reports;

(d) Statistics. The practice of disseminating information on statistics relating to the previous session is widely endorsed;

(e) OHCHR web site. The current practice of posting advance versions of documents on the OHCHR web site is widely praised and it is suggested that this should continue in the spirit of transparency and sharing of information on a wide basis;

(f) CD-ROM. The compilation of the "blue book" and other important documents onto a CD-ROM with a search facility to increase access to and usability of the Commission's documentation was considered useful;

(g) Letters from Governments. When the written contributions of Governments cannot be circulated in six languages because they are submitted without sufficient time for processing, they could, to the extent possible, be circulated in three languages and at least one week before the relevant topic is discussed;

(h) Contributions of NGOs. In application of Economic and Social Council resolution 1996/31, the secretariat is requested to ensure that written contributions of NGOs submitted on time are edited and published in the three working languages and circulated at least one week before the relevant item is discussed;

(i) Database. In order to facilitate easy access to the reports of the special rapporteurs, including recommendations and dialogues with Governments, a public database on the OHCHR web site should be established with a search facility;

(j) UN TV. When the proceedings of the Commission are transmitted live by United Nations Television, the signal should be made available to all interested television channels anywhere in the world, whether institutional or private. Video and audio tapes should also be made available upon request for copying purposes. The Secretariat should envisage expanding live coverage of the proceedings.

4.1 Organization of work during the annual session:

(a) First day. The afternoon meeting of the first day of the annual session should not be devoted to the Bureau meeting, which should be held in advance;

(b) Rules and practices. The fifty-ninth session should organize its work and debates on the basis of the provisions of document E/CN.4/2001/CRP.1 which were agreed upon at the fifty-seventh session. Those provisions should be made available on the web and consolidated into a new document to be prepared by the secretariat for the consideration of the next Bureau. Outstanding paragraphs relevant to the organization of work in document E/CN.4/2002/16 (paras. 25, 26, 30, 32, 38, 41, 47, 48 and 54) should be finalized. New working methods as agreed upon in the course of the current process should then be included in a revised document. In general, any changes to this document should be proposed well in advance of each session and considered as a priority by any Bureau after its designation in January and be adopted by consensus by the Commission;

(c) Speaking-time limits.

(i) Joint statements. As a time-saving measure, joint statements by groups of States and NGOs should be encouraged;

(ii) Closing of the list of speakers. There would appear to be consensus on closing the list of speakers at the latest at the beginning of the consideration of the item in order to enable the secretariat to evaluate how much time would be necessary for each agenda item. The secretariat will apply methods of inscription on the list of speakers which will enable full participation of all duly accredited participants;

- (iii) Adoption of resolutions. In general, it is also widely suggested that time limits should be introduced regarding all aspects of the work of the Commission, including those relating to the adoption of the resolutions such as the introduction and explanation of votes, in compliance with the rules of procedures of the functional commissions of the Economic and Social Council;
 - (iv) Cuts. Should cuts be made in the lengths of speaking times, this should be done with reference to the decision taken at the fifty-eighth session to consider across-the-board cuts. Accordingly, any new restrictions on the use of the time available in the Commission should be applied across the board;
 - (v) Time management. There should be improved compliance with the agreed timetable. Speaking times should be respected. The Chair has a key role to play in ensuring that the agreed rules regarding time management are respected. Limits on the rights of reply available to delegations should be respected;
- (d) Special procedures:
- (i) Presentation of reports. It should be ensured that special procedures receive space and time commensurate with their pivotal role in the United Nations human rights system. To encourage interactive dialogue with special procedures and revitalize their role, a segment will be created, at the beginning of each relevant agenda item, for the presentation and discussion of their reports. Immediately after each special procedures presentation there would be an opportunity for questions and comments from States;
 - (ii) Time limits. Each special procedure would have 10 minutes and, in the case of thematic rapporteurs, an additional 2 minutes for each country mission report. Concerned countries that are the subject of a mission will be given space and time in accordance with the current practice. The special procedures would reply to or comment on the statements made during the discussion of their report. Rights of reply would be permitted during the dialogue in accordance with the current practice of the Commission;
- (e) Non-governmental organizations. In order to enhance the role played by NGOs in the work of the Commission, the applicable rules and regulations regarding the accreditation of NGOs and their participation in the Commission should be respected;
- (f) National institutions. Reference is made to the need to find appropriate time allocations for national human rights institutions in accordance with paragraph 19 of document E/CN.4/2001/CRP.1, which was agreed upon at the fifty-seventh session of the Commission;

(g) United Nations specialized agencies. Exchange of information between the Commission and the specialized agencies and other United Nations bodies should be encouraged;

(h) Format of resolutions. The format of resolutions is also the subject of a number of suggestions which may be the basis of an emerging consensus. In particular, a number of references are made to the need to encourage countries to make efforts to streamline resolutions;

(i) Intergovernmental consultations. Similarly, the underlying elements of transparency and increased coordination envisaged in the reform of the mechanisms referred to in the introductory paragraph are widely reaffirmed. This includes:

- a. Increased efforts should be made to avoid holding several parallel consultations on different resolutions, taking realistic account of the pressures of working within the time constraints of the annual session;
- b. Delegations should, in principle, share information on the preparation of new proposals on both country and thematic resolutions by the end of the first week of the session;
- c. Draft resolutions should be widely circulated as soon as feasible before the start of the debate on the respective agenda item;
- d. Consultations on drafts should be initiated at an early stage in the session;
- e. The Commission is encouraged to look into additional ways to increase transparency during consultations, including on positions in respect to action;
- f. Regional groups, member States and observers will have priority as regards the reservation of rooms. The secretariat will keep some rooms available for last-minute reservations by regional groups, member States and observers;

(j) Electronic voting system. In this context, the usefulness of the electronic voting system which was introduced at the fifty-eighth session is underlined, as is the importance of using it at future sessions, including special sessions. In this regard:

- a. The secretariat will continue providing an electronic voting system during all sessions, including extraordinary sessions, for any request for a roll-call or recorded vote, unless otherwise specified, it being noted that this procedure is not a substitute for the voting methods provided for rules 59 and 66 of the rules of procedures of the functional commissions of the Economic and Social Council;

- b. To improve transparency, the electronic voting system should include a reasonable, specific and standard time for confirmation of the vote before voting closes;
- c. Nevertheless, should a situation arise where a delegate would ask for the floor after the voting and state that the vote as recorded does not reflect what he/she had intended, this would be noted by the Chairperson and duly reflected in the official records of the meeting. However, the vote would not be carried out again and the official records of the vote would remain as they appeared on the screen, unless the Commission decides to reconsider the proposal in accordance with rule 55 of the rules of procedures. A footnote would be inserted in the report of the session after the name of the member State concerned indicating that the delegation had intended to vote differently.

4.2 Role of the Expanded Bureau:

(a) It seems to be generally agreed that the Expanded Bureau has a particular role to play in terms of the organization of work of the Commission and in helping to resolve procedural issues. It goes without saying that the Expanded Bureau plays a fundamental role in the formal consultations that the Chairperson conducts before the selection of mandate-holders. Recommendations of the Expanded Bureau concerning the organization of work and procedural issues of the Commission are subject to the approval of the Commission;

(b) The Expanded Bureau meets between sessions in order to deal with organizational and administrative matters, including issues relating to procedures and nominations. The Expanded Bureau will continue to meet, as appropriate, with the Bureau of the Economic and Social Council, the bureaus of other functional commissions, the annual meetings of chairpersons of treaty bodies and of the special procedures, the Sub-Commission and its Bureau, specialized agencies and NGOs, as well as any others participating in the Commission's work;

(c) Any invitation to persons other than dignitaries should be processed through the Expanded Bureau and approved in the plenary;

(d) At the Expanded Bureau brainstorming meeting, as well as in a number of contributions, reference was made to the importance of continuity between the Bureaus. A consensual recommendation could be made to organize a substantive "handover" meeting between the Bureaus as well as for the outgoing Bureau to prepare a stock-taking paper which would be handed over to the incoming Bureau;

(e) As a way to contribute further to transparency, it is suggested that summaries of the Expanded Bureau meetings be posted on the web. Also, the draft agendas, as well as relevant draft proposals, should be circulated to members of the Expanded Bureau sufficiently in advance of any given meeting to permit appropriate consultations within the regional groups.

5. Arrangements for the holding of the special debate

There is a trend towards the discontinuation of the special debate. There is, however, a need for a thorough evaluation of its usefulness, including, if appropriate, the elaboration of clear modalities for the special debate, before taking a final decision in consultation with the regional groups.

6. Arrangements for the participation of dignitaries in the annual session:

- (a) There appears to be an emerging consensus around the proposal for a high-level segment which would take place during the first week of the annual session;
- (b) This emerging consensus would seem to include the following elements:
 - (i) The meeting could take place in Salle des Assemblées;
 - (ii) A higher level of protocol would be provided to dignitaries than is currently the case;
 - (iii) Every dignitary willing to participate should be allowed to do so;
 - (iv) Questions relating to the status of a dignitary would be clarified by the Expanded Bureau and decided by the Commission;
 - (v) For planning purposes, participants at the high-level segment would be encouraged to register as soon as possible;
 - (vi) The present rules and procedures relating to the participation of dignitaries, such as those on speaking time, free choice of subject, right of reply and arranging the sequence of the speakers in accordance with the interests of the dignitaries and their availability, should be applied;
 - (vii) No parallel activities should be programmed during the high-level segment meetings;
 - (viii) Participation of dignitaries outside the high-level segment should be an exception. Certain measures (following the standard practice of the Economic and Social Council, including addressing the Commission from the delegation's seat, rather than the podium (with the exception of heads

of State)), should be considered, so as to concentrate dignitaries' interventions, to the extent possible, in the segment. However, speaking-time limits and choice of subject should follow the same rule as in the high-level segment.

7. Establishment and programming of intersessional working groups

There seems to be a general agreement that a schedule of meetings should be developed for the intersessional period in consultation with working group Chairs and the Expanded Bureau. In order not to penalize small delegations, it is generally considered that this time frame should take advantage of all available dates but avoid (i) overlapping and (ii) the four weeks immediately prior to the Commission session. Where possible, there should be at least one week between one working group and the next one.

8. Organization and programming of parallel events, activities and meetings during the annual sessions:

The usefulness of parallel events, activities and meetings is generally affirmed and encouraged, as is the need for the existing rules and practices to be enforced. These include the following:

- (i) All NGOs in consultative status accredited to the Commission should have the right to organize parallel events and should receive adequate space and support;
- (ii) Identity badges and passes for persons invited to attend parallel events, activities and meetings should be limited in duration;
- (iii) Where possible, not more than one activity (e.g. seminars, briefings, press conferences, etc.) should be programmed to run in parallel with the plenary and notice of their being held should be given orally in the plenary and posted outside the conference room not less than three days beforehand. Organizers should be encouraged to hold these activities after 6.00 p.m.;
- (iv) In order to ensure transparency and visibility, a schedule of parallel events, activities and meetings should be kept and updated by the secretariat;
- (v) Delegations should have access to a list of persons not accredited to the Commission who are invited to participate in parallel events.

9. Related issues:

(a) Dates of the Sub-Commission session. The need to narrow the gap between the end of the Sub-Commission's session and the session of the Commission has often been mentioned. Accordingly, during the closed meeting of the Sub-Commission with the Expanded Bureau of the Commission held on 29 July 2002, the possibility of moving the dates of the Sub-Commission's session was mentioned. Different views have been expressed regarding this possibility and further discussions are requested;

(b) Special procedures. With a view to strengthening the protection role of the Commission, the special procedures activity, including their dialogue with Governments, should be better utilized by the Commission. The special procedures have been among those that suffered most from the restrictions imposed during the last annual session. This situation cannot be repeated. The incoming Bureau may wish to look into ways and means of strengthening the special procedures system.
