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IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”

**Intersessional open-ended intergovernmental working group on the implementation of
paragraph 6 of General Assembly resolution 60/251 established pursuant to
Human Rights Council decision 1/104**

**Expert advice body: preliminary conclusions by the Facilitator,
Mr. Musa Burayzat (Jordan)**

Preliminary conclusions

1. The working group has reached consensus on the following:
 - The name of the new entity can be “Expert Advice Body” (EAB);
 - Membership is to be a three-year term, renewable only once;
 - The body should deal with thematic issues and should not deal with country-specific-situations;
 - The new entity will be elected by the Human Rights Council as a subsidiary body of the Council as a think tank, and be involved in other human rights mechanisms only upon request of the Council;
 - Its primary function is to provide advice to the Council in the area of the promotion of human rights;
 - The final composition of the Expert Advice Body is to reflect fair geographical representation, while not disregarding gender balance and the representation of the main legal traditions and civilizations; and
 - The new body can work individually and collectively, work to produce studies and analysis of thematic issues for the Council and form Working Groups as well.
2. The following issues need further consultations. These issues are:
 - (a) Its character/status/structure;
 - (b) Its functions;
 - (c) Its size; and
 - (d) Its selection process.

Status

3. Regarding the character of the Expert Advice Body, the majority of delegations are in favour of a single well-defined structure. However, few delegations suggested that this structure could only be determined after the function is well defined. Still others argued that its role and functions could only be defined if the issue of structure was resolved. While the majority of delegations accept the establishment of an entity of a standing nature, a number of others call for a roster or an ad hoc procedure.

Functions

4. As for functions, some delegations are of the view that, in addition to providing advice to the Council, the Expert Advice Body should help in the progressive development of human rights. Yet, they caution against being involved in any “protection” activity. Still, one delegation indicated that it should be involved in discussions with civil society. However, only a few delegations supported EAB being involved in legislative and/or norm-setting activities and then only upon request of the Council.

Size

5. Notwithstanding the fact that quite a number of delegations call for a roster of experts, other delegations, views on the size of the Expert Advice Body vary considerably. The smallest number suggested is five and the largest is 28. Yet the majority’s views ranges from 10 to 18.

Selection process

6. Views on the question of the selection of experts to EAB differ. A significant number of delegations would give the responsibility for nomination and election solely to the States. Others, while agreeing on the election of those experts by the Council, give non-State actors (the High Commissioner for Human Rights, NGOs) some role in the nomination of experts. A few delegations called for a two-step approach in which some kind of pre-screening of potential candidates is carried out, and in which OHCHR, NGOs and States are involved. However, a number of delegations oppose this involvement of non-State actors in the nomination of experts. Others opposed the notion of election by the Council and demanded that experts be selected by a special procedure involving the High Commissioner, OHCHR and the President of the Council.

7. At least one delegation suggested that experts be selected by OHCHR. Two delegations took an entirely different approach: one called for the appointment of the experts by the President of the Council in consultation with the High Commissioner, while the other proposed the opposite, i.e. appointment of the experts by the High Commissioner in consultation with the President.
