V. HUMAN RIGHTS COUNCIL



The Human Rights Council at a glance

What is it?

The Human Rights Council is the principal United Nations intergovernmental body responsible for human rights. Established by General Assembly resolution 60/251, it replaced and assumed most mandates. mechanisms, functions and responsibilities previously entrusted to the Commission on Human Rights. The Office of the United Nations High Commissioner for Human Rights (OHCHR) is the secretariat for the Human Rights Council, as it was for the Commission on Human Rights.

How does it work?

The Human Rights Council is an intergovernmental body of 47 member States

based in Geneva. It meets for at least 10 weeks a year spread over no fewer than three sessions, and can also hold special sessions. While the Commission was a subsidiary organ of the **Economic and Social** Council (ECOSOC). the Human Rights Council is a subsidiary organ of the General Assembly. Its role includes addressing violations of human rights, including gross and systematic violations, and the promotion of effective coordination and the mainstreaming of human rights within the United Nations system.

On 18 June 2007, one year after its first meeting, the Human Rights Council agreed on a package that established the procedures,

mechanisms and structures to form the basis for its future work. This package, adopted as its resolution 5/1. included the Council's agenda, programme of work and rules of procedure and made modifications to the system of expert advice and the complaint procedure inherited from the Commission. Resolution 5/1 also set out the modalities for the operation of the Council's new universal periodic review mechanism and established a process for reviewing, rationalizing and improving all special procedures mandates.

The Handbook is available in digital format on the OHCHR website at: http://www.ohchr.org/civilsocietyhandbook/

There you will find the Handbook's chapters available for download, as well as links to all the references contained in the publication.

How to access and work with the Human Rights Council and its mandates and mechanisms

In resolution 60/251 the General Assembly acknowledged the important role played by non-governmental organizations (NGOs) and other civil society actors nationally, regionally and internationally in the promotion and protection of human rights.

The participation of observers, including NGOs, in the sessions of the

Council is based on arrangements and practices observed by the former Commission. These practices and arrangements continue to develop and evolve, with the Council required to ensure "the most effective contribution" of observers.²⁷

While **consultative status** with ECOSOC is required for NGOs to be accredited as observers to the Human Rights Council's sessions, NGOs without such status and other civil society actors can contribute to the overall work of the Human Rights

Council and its mechanisms in a number of ways. Furthermore, its meetings are broadcast live on an OHCHR webcast, and a broad range of documentation and information is available on the Council's homepage and Extranet. Session-specific information is normally posted on the homepage two weeks before each regular session.

²⁷ See General Assembly resolution 60/251 and Human Rights Council resolution 5/1.



Key contacts relating to the Human Rights Council

The Human Rights Council Branch

Human Rights Council Branch

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

8-14. avenue de la Paix

CH-1211 Geneva 10 - Switzerland

Phone: +41 (0)22 917 92 56

Fax: +41 (0)22 917 90 11

The Civil Society Unit

OHCHR Civil Society Unit

Office of the United Nations High Commissioner for Human Rights

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E-mail: civilsocietyunit@ohchr.org

For requests or information relating to consultative status with ECOSOC

United Nations headquarters

NGO Section

United Nations Department of Economic and Social Affairs Section

One UN Plaza, Room DC-1-1480

New York, NY 10017

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United Nations Office at Geneva (UNOG)

NGO Liaison Office

Office of the Director-General Office 153, Palais des Nations

8-14, avenue de la Paix

CH-1211 Geneva 10 - Switzerland Phone: +41 (0)22 917 21 27 Fax: +41 (0)22 917 05 83

E-mail: ungeneva.ngoliaison@unog.ch

Key contacts for each of the Human Rights Council's mechanisms are included in relevant sections throughout this chapter.

What is the Human Rights Council?

Transition from Commission on Human Rights to Human Rights Council

The **Human Rights Council**, established by General Assembly **resolution 60/251** of 15 March 2006, is the principal United Nations intergovernmental body responsible for human rights. It replaced the **Commission on Human Rights**, which, for over 60 years, was at the centre of the United Nations human rights system. The Commission met for the last time in March 2006, at its sixty-second session. Its normative and standard-setting achievements form the foundation of the work of the Council.

While the Commission was a subsidiary organ of the **Economic and Social Council** (ECOSOC), the Human Rights Council is a subsidiary organ of the **General Assembly**. This elevation emphasizes human rights as one of the three essential pillars of the United Nations, along with development, and peace and security. The Council's creation also affirms the General Assembly's commitment to strengthening the United Nations human rights machinery, with the aim of ensuring the effective enjoyment by all of all human rights—civil, political, economic, social and cultural rights, including the right to development.

In its resolution 60/251, the General Assembly tasked the Human Rights Council with reviewing and, where necessary, improving and rationalizing all mandates, mechanisms, functions and responsibilities that it assumed from the Commission. The Council was required to complete this task within one year of holding its first session. The Council's methods of work were also required to:

- Be transparent, fair and impartial;
- Be results-oriented;
- Enable genuine dialogue;
- Allow for follow-up discussions to its recommendations and their implementation;
 and
- Allow for substantive interaction with its mechanisms.

The General Assembly will review the Council's status within five years.²⁸

²⁸ See resolution 60/251, in which the General Assembly also requires the Council to review its work and functioning five years after its establishment and report to it.

The Human Rights Council's institution-building package (resolution 5/1)

On 18 June 2007, one year after its first meeting and following an intensive period of "institution-building", the Council agreed on a package that set out its procedures, mechanisms and structures. Adopted as its **resolution 5/1** on institution-building of the United Nations Human Rights Council,²⁹ the package included:

- A new agenda and a framework for the programme of work;
- New methods of work and new rules of procedure based on the rules established for committees of the General Assembly;
- The complaint procedure (which replaced the 1503 procedure);
- The Human Rights Council Advisory Committee (which replaced the Sub-Commission on the Promotion and Protection of Human Rights);
- Principles, processes and modalities to guide the operation of the new universal periodic review (UPR) mechanism; and
- Criteria for the continuing review, rationalization and improvement of special procedures mandates.

How do the Human Rights Council and its mechanisms and mandates work?

Membership

Membership of the Council consists of 47 States elected directly and individually by secret ballot by the majority of the members of the General Assembly. The human rights records and voluntary human rights pledges and commitments of candidate States are to be taken into account when electing member States. The Council's member States serve for three years and are not eligible for immediate re-election after two consecutive terms.

If a member State of the Council commits gross and systematic violations of human rights, the General Assembly, by a two-thirds majority of the members present and voting, may suspend its rights of membership in the Council.



For a list of the **current Council member States** visit OHCHR's website.

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²⁹ Resolution 5/1 was endorsed by the General Assembly in its resolution 62/219.

Meetings

Whereas the former Commission met only once a year for a total of six weeks, the Council meets at the Palais des Nations in Geneva, Switzerland, for at least three regular sessions a year, for a total duration of no less than 10 weeks. The Council's main (four-week) session is normally held in March.

The Council may also hold special sessions at the request of a member State, where such a request is supported by at least one third of its member States.³⁰ By September 2008, the Council had held seven special sessions.³¹

The Council also organizes panel discussions and special events to enhance dialogue and mutual understanding on specific issues. By September 2008 the Council had held six of these events,³² including annual discussions on the rights of persons with disabilities³³ and the integration of a gender perspective into its work and the work of its mechanisms.³⁴

Mandates and mechanisms

A. Universal periodic review

The **universal periodic review** (UPR) is a new human rights mechanism. Through it the Council periodically reviews the fulfilment by each of the United Nations 192 Member States of its human rights obligations and commitments. The UPR is a cooperative mechanism, based on an interactive dialogue with the State under review. It is intended to complement, not duplicate, the work of the treaty bodies.

³⁰ It requires the support of fewer States to hold a special session at the Council than it did at the Commission (one third of 47 members against a majority of 53 members). The Commission held only five special sessions.

³¹ Three on the occupied Palestinian territory (July and November 2006 and January 2008), one on Lebanon (August 2006), one on Darfur (December 2006), one on Myanmar (October 2007) and a thematic special session on the world food crisis (May 2008).

³² Two on the adoption and entry into force of the Convention on the Rights of Persons with Disabilities (March 2007 and June 2008), one on the **Draft United Nations Guidelines for the Appropriate Use and Conditions of Alternative Care for Children** (June 2008), one on intercultural dialogue on human rights (March 2008), one on human rights voluntary goals (March 2008) and one on missing persons (September 2008).

³³ The first debate is scheduled to take place at the Council's tenth regular session, to focus on key legal measures for the ratification and effective implementation of the **Convention on the Rights of Persons with Disabilities**. OHCHR has been requested to prepare a thematic study on this topic in consultation with, among others, civil society organizations.

³⁴ See resolution 6/30 of 14 December 2007. The first meeting on the question of violence against women was held at its eighth session and consisted of two panels: one on violence against women, and one on maternal mortality. In September 2008 the Council held a panel discussion on the integration of a gender perspective into its work.

The UPR is to be seen as a process composed of several steps within a four-year cycle:

- The preparation of information upon which reviews are based (including information prepared by the State under review (national reports), a compilation of United Nations information prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR), and a summary of stakeholders' submissions, which is also prepared by OHCHR;
- The review itself, which takes place in the Working Group on the UPR, composed of the 47 member States of the Council, which meets in three two-weeks sessions each year:³⁵
- The consideration and adoption of review outcome documents by the Council at its regular sessions; and
- Follow-up to the implementation of UPR outcomes by reviewed States.

Relevant stakeholders, including non-governmental organizations (NGOs), human rights defenders, academic institutions and research institutes, regional organizations and civil society representatives, may participate in some of these steps.



For information on the **universal periodic review**, please refer to **chapter VII** (Universal periodic review) of this *Handbook*.

B. Human Rights Council Advisory Committee

The Advisory Committee is a subsidiary body of the Human Rights Council. It replaced the Sub-Commission on the Promotion and Protection of Human Rights of the Commission on Human Rights, and functions as a think tank for the Council, focusing mainly on studies and research-based advice in a manner and form requested by the Council.

While unable to adopt resolutions or decisions, or to establish subsidiary bodies without the Council's authorization, the Advisory Committee can make suggestions to the Council:

- To enhance its own procedural efficiency; and
- To further research proposals within the scope of its work.

The Advisory Committee consists of 18 experts drawn proportionally from the five United Nations regional groups (Africa, Asia, Eastern Europe, Latin America and the Caribbean, and Western Europe and others). Members serve in their personal capacity for three-year terms and are eligible for re-election only once.³⁶ The Advisory Committee meets in two

³⁵ The Working Group on the UPR reviews 16 States at each session—a total of 48 States each year.

³⁶ Resolution 5/1 provided, however, that for the first term one third of members would serve for one year and another third would serve for two years in order to stagger membership.

sessions each year for a total of up to 10 working days, and can hold additional ad hoc sessions with the Council's approval.



For current information on the **Advisory Committee** visit OHCHR's website.

C. Complaint procedure

The **complaint procedure** addresses consistent patterns of gross and reliably attested violations of all human rights and fundamental freedoms occurring in any part of the world and under any circumstances. It is based on the former Commission's 1503 procedure, improved to ensure that the procedure is impartial, objective, efficient, victims-oriented and conducted in a timely manner.

The complaint procedure is based on communications received from individuals, groups or organizations that claim to be victims of human rights violations or that have direct, reliable knowledge of such violations. Two distinct working groups—the Working Group on Communications and the Working Group on Situations—are responsible, respectively, for examining communications and bringing consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms to the Council's attention.

The Council examines reports of the Working Group on Situations in a confidential manner (unless it decides otherwise) and may:

- Discontinue its consideration of a situation when further consideration or action is not warranted;
- Keep a situation under review and request the State concerned to provide further information within a reasonable time;
- Keep a situation under review and appoint an independent and highly qualified expert to monitor the situation and to report back to the Council; or
- Recommend that OHCHR should provide technical cooperation, capacity-building assistance or advisory services to the State concerned.



For more information on the **complaint procedure**, please refer to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*.

D. Special procedures

"Special procedures" is the general name given to the mechanisms established by the former Commission and assumed by the Council to monitor, advise and publicly report on human rights situations in specific countries or territories (country mandates), or on major phenomena of human rights violations worldwide (thematic mandates).

Since June 2007 the Council has begun a process to review, rationalize and improve each of the special procedure mandates it inherited. It has discontinued and amended some mandates, created new ones, developed new selection and appointment processes for mandate-holders, and produced a **Code of Conduct for Special Procedures Mandate-holders** (resolution 5/2).

Mandate-holders (special rapporteurs, special representatives, representatives, independent experts and members of working group) serve in their personal capacity. Their activities may include:

- Receiving, sharing and analysing information on human rights situations;
- Responding to individual complaints;
- Conducting studies;
- Sending urgent appeals or letters of allegation to Governments;
- Undertaking country visits at the invitation of Governments and producing findings and recommendations based on these visits;
- Providing advice on technical cooperation at the country level; and
- Engaging in general promotion.

OHCHR provides special procedures mandate-holders with personnel, logistical and research assistance to support their mandates.



For more information on the **special procedures**, please refer to **chapter VI (Special procedures)** of this *Handbook*.

E. Working groups of the Human Rights Council

Open-ended Working Group on the Right to Development

The open-ended Working Group on the Right to Development was established by the Commission on Human Rights.³⁷ In March 2007, the Human Rights Council renewed its mandate for two years (resolution 4/4).

The Working Group convenes in an annual session of five working days. Its mandate is to:

 Monitor and review progress made in the promotion and implementation of the right to development;

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³⁷ See its resolution 1998/72 and ECOSOC decision 1998/269.

- Review reports and other information submitted by States, United Nations agencies and other relevant international organizations and NGOs; and
- Present for the Council's consideration a sessional report on its deliberations, including advice to OHCHR with regard to the implementation of the right to development, and suggesting possible programmes of technical assistance at the request of interested countries.

In this same resolution, the Council also renewed for two years the mandate of the **high-level task force on the implementation of the right to development**, established within the framework of the Working Group on the Right to Development.

The objective of the task force is to provide the necessary expertise to the Working Group to enable it to make appropriate recommendations to the various actors on the issues identified for the implementation of the right to development. The task force comprises five experts nominated by the Chairperson of the Working Group on the Right to Development in consultation with each of the United Nations regional groups and other institutional members, including representatives from identified international trade, finance and development institutions. The task force convenes in annual sessions of seven working days and presents its reports to the Working Group.

F. Social Forum

In 2007 the Human Rights Council renewed the mandate of the **Social Forum**, preserving it as a "unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including grass-roots organizations, and underlines the importance of coordinated efforts at national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity as well as to address the social dimension and challenges of the ongoing globalization process" (resolution 6/13).

An initiative of the former Sub-Commission, the Social Forum³⁸ originated as a two-day pre-sessional forum on economic, social and cultural rights held before annual sessions of the Sub-Commission. Whereas the Social Forum was previously a subset of the Sub-Commission, it is now an independent Human Rights Council mechanism.

The Social Forum meets each year for three working days to focus on specific thematic issues designated to it by the Council. It met for the first time as a mechanism of the Council in September 2008 and, as requested by the Council, some thematic procedures mandate-holders participated in it. The Social Forum was asked to formulate conclusions and recommendations to be presented to relevant bodies through the Council and focused on:

• Questions relating to the eradication of poverty in the context of human rights;

³⁸ Not to be confused with the World Social Forum.

- Capturing best practices in the fight against poverty in the light of grass-roots presentations to the Social Forum; and the
- Social dimension of the globalization process.

The Social Forum is chaired by a chairperson-rapporteur appointed by the Council's President each year from among nominations presented by the regional groups.



For current information on the **Social Forum** visit OHCHR's website.

G. Forum on Minority Issues

The **Forum on Minority Issues**³⁹ replaced the former Sub-Commission's Working Group on Minority Issues. It provides a platform for promoting dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities by:

- Providing thematic contributions and expertise to the work of the independent expert on minority issues; and
- Identifying and analysing best practices, challenges, opportunities and initiatives for the further implementation of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

The Forum meets for two working days in Geneva each year for thematic discussions, and is expected to contribute to the High Commissioner's efforts to improve cooperation among United Nations mechanisms, bodies and specialized agencies, and funds and programmes on activities related to the promotion and protection of the rights of persons belonging to minorities, including at the regional level.⁴⁰

Whereas the Chairperson of the Forum (appointed by the Council's President each year on the basis of regional rotation) is responsible for the preparation of a summary of the Forum's discussions, the **independent expert on minority issues** guides its work and prepares its annual meetings. The independent expert is also invited to include in her/his report the thematic recommendations of the Forum and recommendations for future thematic subjects, for consideration by the Council.

The Council is to review the Forum's work after four years, i.e., in 2012.



For current information on the **Forum on Minority Issues**, and on the **independent expert on minority issues** visit OHCHR's website.

³⁹ Created by Human Rights Council resolution 6/15 of 28 September 2007.

⁴⁰ At its inaugural session, on 15 and 16 December 2008, the Forum is expected to consider minorities and access to education.

H. Expert Mechanism on the Rights of Indigenous Peoples

The **Expert mechanism** on the rights of indigenous peoples⁴¹ is the successor to the former Sub-Commission's Working Group on Indigenous Populations. A subsidiary of the Human Right Council, the Expert Mechanism provides it with thematic expertise on the rights of indigenous peoples in a manner and form requested by it. The Expert Mechanism reports annually to the Council, focuses mainly on studies and research-based advice, and may, within the scope of its work, suggest proposals to the Council for consideration and approval.

The Expert Mechanism consists of five independent experts, each serving for three years with the possibility of being re-elected for an additional term. It may meet for up to five days per year in a combination of private and public meetings and is free to decide on its own methods of work, though unable to adopt resolutions or decisions.

The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and a member of the Permanent Forum on Indigenous Issues also attend and contribute to the Expert Mechanism's annual meetings.



For current information **Expert mechanism**, and on the **Special Rapporteur** on the situation of human rights and fundamental freedoms of indigenous people visit OHCHR's website.

I. Durban Declaration and Programme of Action

In 2001, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in Durban, South Africa. The **Durban Declaration and Programme of Action**, adopted at this Conference, records a commitment by States to work together to eradicate racism, racial discrimination, xenophobia and related intolerance. It is a comprehensive and action-oriented road map, offering a functional common approach to realizing the principles of equality and non-discrimination.

In 2006, the United Nations General Assembly decided to convene a review conference in 2009 on the implementation of the Durban Declaration and Programme of Action. It requested the Human Rights Council to prepare this event, making use of the three existing and ongoing follow-up mechanisms,⁴² to formulate a concrete plan, and to provide

⁴¹ Created by Human Rights Council resolution 6/36 of 14 December 2007.

⁴² The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, and the Working Group of Experts on People of African Descent.

annual updates and reports on this issue starting in 2007.⁴³ The Council's Preparatory Committee for the Review Conference decided that the Review Conference would be held in Geneva in April 2009.

1. Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action

The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action was established by the Commission on Human Rights (resolution 2002/68). In June 2006, the Human Rights Council extended its mandate for a further three years (resolution 1/5). The Intergovernmental Working Group is mandated to:

- Make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action; and
- Prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects.



To find out more about the **Intergovernmental Working Group** visit OHCHR's website.

2. Group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action

The World Conference requested the High Commissioner to cooperate with five **independent eminent experts** to follow up the implementation of the provisions of the Durban Declaration and Programme of Action.⁴⁴

In 2003, the independent eminent experts (one from each regional group) were appointed by the then Secretary-General, Mr. Kofi Annan, from among the candidates proposed by the Chairperson of the Commission on Human Rights after consultation with the regional groups.

Their mandate is to:45

- Follow the implementation of the provisions of the Durban Declaration and Programme of Action in cooperation with the High Commissioner; and
- Assist the High Commissioner in preparing her/his annual progress report to the Council and to the General Assembly based on information and views provided by States, relevant human rights treaty bodies, special procedures and other mechanisms of the Council, international and regional organizations, NGOs and national human rights institutions (NHRIs).

⁴³ See General Assembly resolution 61/149.

⁴⁴ See para. 191 (b) of the Programme of Action and General Assembly resolution 56/266.

⁴⁵ See Commission on Human Rights resolution 2003/30. See also General Assembly resolution 59/177.



To find out more about the **independent eminent experts** and for current information on the **Working Group of Experts on People of African Descent** visit OHCHR's website.

3. Working Group of Experts on People of African Descent

The **Working Group of Experts on People of African Descent** is a special procedure of the Council. It was created by the Commission at the request of the World Conference. The Working Group comprises five independent experts appointed on the basis of equitable geographic representation. It holds a five-day session every year and conducts country visits at the invitation of Governments in order to facilitate in-depth understanding of the situation of people of African descent in various regions of the world. It also submits an annual report to the Human Rights Council.

Its mandate is to:46

- Study the problems of racial discrimination faced by people of African descent living in the diaspora and to this end gather all relevant information from Governments, NGOs and other relevant sources, including through holding public meetings;
- Propose measures to ensure full and effective access to the justice system by people of African descent;
- Submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent;
- Elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent;
- Make proposals on the elimination of racial discrimination against Africans and people of African descent in all parts of the world; and
- Address all the issues concerning the well-being of Africans and people of African descent contained in the Durban Declaration and Programme of Action.

4. Ad Hoc Committee on the elaboration of complementary standards The Human Rights Council established the Ad Hoc Committee on the elaboration of complementary standards in December 2006. It is mandated to develop, 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. These complementary standards are to:⁴⁷

- Fill existing gaps in the Convention; and
- Provide new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred.

⁴⁶ See Commission on Human Rights resolutions 2002/68 and 2003/30.

⁴⁷ See Human Rights Council decision 3/103 and its resolution 6/21.

The Ad Hoc Committee convenes in an annual session of 10 working days to draw up the requisite legal instruments. It held its inaugural meeting in February 2008 and is required to report regularly to the Council on its progress.

5. Preparatory Committee for the Durban Review Conference and the intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee for the Durban Review Conference

In 2007, meeting the mandate assigned to it by the General Assembly,⁴⁸ the Human Rights Council established the **Preparatory Committee for the Durban Review Conference**.⁴⁹ The Preparatory Committee held an organizational meeting in August 2007, followed by two substantive sessions of 10 working days in April and October 2008 to decide on all the relevant modalities for the Durban Review Conference, such as:

- Its objectives;
- The structure of its outcome document;
- The level at which it would be convened:
- Regional preparatory meetings and other initiatives, including at the national level;
 and
- Its date and venue.

The intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee for the Durban Review Conference was established by the Human Rights Council at the first substantive session of the Preparatory Committee in April 2008. It is mandated to:⁵⁰

- Follow up the work of the Preparatory Committee, including through reviewing contributions and through commencing negotiations on the draft outcome document; and
- Review additional written contributions and report thereon to the Preparatory Committee.



To find out more about the **Preparatory Committee for the Durban Review Conference and the open-ended intergovernmental working group** visit OHCHR's website.

⁴⁸ See General Assembly resolution 61/149.

 $^{^{49}}$ See its resolution 3/2. See also its resolution 6/23.

⁵⁰ See decision PC.2/4.

How to access and work with the Human Rights Council and its mandates and mechanisms

Arrangements and practices for NGO participation in the Human Rights Council's sessions

"...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." ⁵¹

In resolution 60/251, the General Assembly acknowledged the important role played by NGOs and other civil society actors nationally, regionally and internationally in the promotion and protection of human rights. It also provided that NGO participation in the Human Rights Council would:

- Be based on arrangements and practices observed by the Commission (including ECOSOC resolution 1996/31); and
- Ensure the most effective contribution of NGOs and other observers.

The arrangements and practices of NGO participation observed by the Commission on Human Rights have been successfully transferred to the Human Rights Council. In line with the Human Rights Council's obligation to ensure "the most effective contribution" of observers, these practices and arrangements continue to develop and evolve.

NGOs in consultative status with ECOSOC participating as observers in Human Rights Council sessions

The role of NGOs is essential for the promotion and protection of all human rights at the national, regional and international levels. NGO participation in the Human Rights Council's first two years of existence has been a key element for enhancing the credibility of the United Nations. NGOs contributed significantly to the institutional building of the Human Rights Council, with valuable and essential inputs, as well as in its substantive debates while considering all agenda items of the Council.

Moreover, the complementary work of NGOs in the field of human rights is perceived to be increasingly moving from traditional "naming and shaming" policies towards a more cooperative engagement with Governments and other stakeholders. Such responsible engagement should be aimed at improving the human rights situation on the ground.

⁵¹ See General Assembly resolution 60/251 and Human Rights Council resolution 5/1, annex.

Therefore, the participation and inputs of local NGOs is essential, particularly now that Council meets more often and taking into account that the universal periodic review is operational. In sum, the main challenge that the Human Rights Council and the NGO community faces is to move beyond participation of civil society in the work of the Council, to a true partnership between Member States and civil society.

Ambassador Luis Alfonso de Alba of Mexico, First President of the Human Rights Council (2006-2007).

NGOs enjoy a level of participation in the Human Rights Council, inherited from the Commission, that is unique in the United Nations system. In turn, as an intergovernmental body, the Human Rights Council is greatly enriched by the knowledge and expertise, the witness-bearing role, and the grass-roots relevance that NGOs bring to its work.

Since the first session in June 2006, NGOs have enjoyed a meaningful and inclusive level of participation in the Human Rights Council. At the seventh regular session in March 2008, 180 NGOs were represented by a total of 1116 individuals. At this same session, NGOs submitted 98 written statements, made 224 oral statements and hosted 69 parallel events. The Human Rights Council's presidency and secretariat have sought to build upon practices and arrangements observed by the Commission, as well as best practices, while taking into account that the Human Rights Council and its mechanisms meet continually throughout the year in a number of forums.

Only **NGOs** in consultative status with **ECOSOC** can be accredited to participate in the Human Rights Council's sessions as observers. It is their prerogative to decide who their representatives will be.

Once accredited as observers, NGOs in consultative status with ECOSOC enjoy a number of privileges and arrangements at the Human Rights Council. They are able to:

- Submit written statements to the Human Rights Council ahead of a given session:
- Make oral interventions during all substantive items of the Human Rights Council's agenda;
- Participate in debates, interactive dialogues and panel discussions; and
- Organize "parallel events" on issues relevant to the work of the Human Rights Council.

NGOs in consultative status with ECOSOC also have a responsibility to conform at all times to the principles governing the establishment and nature of this consultative relationship. In particular, ECOSOC resolution 1996/31 provides that an NGO may be suspended or excluded from participating in United Nations meetings, or have its consultative status withdrawn where, inter alia, it (including affiliates and representatives acting on its behalf) clearly abuses its status by engaging in a pattern of acts contrary to the purposes and principles of the **Charter of the United Nations**.

Accreditation

Representatives of NGOs in consultative status with ECOSOC should seek accreditation to the Human Rights Council sessions that they wish to attend.

Letters requesting accreditation should:

- Be submitted on the official letterhead of the organization;
- Clearly state the title and duration of the session that the organization wishes to attend;
- Be signed by the president or the main representative of the organization in Geneva;
- Indicate the name(s) of the person(s) who will represent the organization at the Human Rights Council's session. Note that the names of persons must appear exactly as they appear in identification documents and family names should be capitalized.



To be accredited, NGOs in consultative status with ECOSOC should fax a letter, preferably ahead of a given session, requesting accreditation to:

Fax: +41 (0)22 917 90 11.

Written statements

Ahead of a given Human Rights Council's session, NGOs in consultative status with ECOSOC may submit to the Human Rights Council, individually or jointly with other NGOs, written statements that are relevant to the Human Rights Council's work. These statements must also be on subjects for which the NGO has a special competence. Once received and processed by the Human Rights Council's secretariat, NGO written statements become part of the official documentation of Human Rights Council's sessions.

Please note that:

- NGOs in general consultative status with ECOSOC may submit written statements of not more than 2000 words; and
- NGOs in special consultative status with ECOSOC or on the Roster may submit written statements of not more than 1500 words.



NGOs are encouraged to consult the **General Information Note** available on the Human Rights Council's section of the OHCHR website.

Written statements should be submitted to the **Human Rights Council's secretariat** at: hrcngo@ohchr.org

Oral statements

NGOs in consultative status with ECOSOC may make oral interventions during all substantive items, both in general debates and in interactive dialogues at Human Rights Council sessions. The modalities for NGO oral interventions, which continue to evolve taking into account that the Human Rights Council meets continually throughout the year, can be found on the Human Rights Council's **Extranet** under the NGO Liaison information page.

Representatives of NGOs wishing to make oral interventions should register in person at the "List of Speakers" desk in the meeting room (the plenary). Registration forms for individual and joint statements can be downloaded from the Human Rights Council's **homepage** and should be brought in person to that desk when registering.

Please note that NGOs are not permitted to distribute documents, pamphlets or any other material in the plenary room. However, copies of delivered NGO oral statements may be placed on the designated table at the back of the plenary room. All other NGO documentation may be placed on the designated NGO tables outside the plenary room.

Parallel events

NGOs in consultative status with ECOSOC, once accredited to attend a Human Rights Council's session, may organize public events that are of relevance to the work of the Human Rights Council. These events are known as "parallel events" and take place in the margins of the session, normally during lunch breaks.

Usually combining panel presentations with open discussion, parallel events provide NGOs with a space to share their experiences and to engage in dialogue with other NGOs, States and other stakeholders (including special procedures mandate-holders) on human rights issues and situations of relevance and importance to the Human Rights Council.

Rooms are provided free of charge for the hosting of parallel events and bookings are processed on a "first come, first served" basis. NGOs wishing to co-sponsor a parallel event should complete a "co-sponsorship form".⁵²

NGOs hosting a parallel event may invite persons that are not accredited to the Human Rights Council's session to attend the parallel event. A complete list of the invitees must be provided to the Human Rights Council's secretariat and to the Pregny security office 48 hours before the event in order for invitees to be accredited. Invitees will be issued with accreditation for the parallel event only.

NGOs hosting a parallel event are responsible for its content and for the conduct of participants at the event. Please also note that:

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⁵² Available on the Human Rights Council's web page.

- The secretariat does not provide interpretation for NGO parallel events. NGOs may bring their own interpreters if they wish and should inform the secretariat accordingly ahead of time; and
- The use of cameras/video recorders at parallel events is not encouraged, except by journalists and camerapersons duly accredited with the United Nations Office at Geneva (UNOG).



Room bookings for the hosting of **parallel events** should be faxed to: **Fax:** + **41 (0) 22 917 90 11**

For current information on accreditation, written statements, oral statements and parallel events visit the NGO Liaison information page on the Human Rights Council Extranet.

Participating in and engaging with the Human Rights Council's mandates and mechanisms

A. Universal periodic review



For detailed information on how to access and engage with the **universal periodic review**, please refer to **chapter VII (Universal periodic review)** of this *Handbook*.

B. Human Rights Council Advisory Committee

Participating in and contributing to the work of the Advisory Committee

The Advisory Committee's predecessor, the former Sub-Commission, greatly benefited from the participation of NGOs in consultative status with ECOSOC. While, by September 2008, the Advisory Committee was still developing its rules of procedure and working methods, the Human Rights Council had urged it, in the performance of its mandate, to establish interaction with NGOs and other civil society actors. States are also encouraged to consult with civil society actors before nominating candidates for appointment to the Advisory Committee.

NGOs are entitled to participate in the work of the Advisory Committee based on arrangements and practices observed by the Commission on Human Rights and the Human Rights Council, including ECOSOC resolution 1996/31, while ensuring the most effective contribution of NGOs.

NGOs interested in participating as observers in the Advisory Committee's sessions should contact the secretariat.



For more information on how to contribute to the work of the **Advisory Committee**, please contact: **HRCAdvisoryCommittee@ohchr.org**.

C. Complaint procedure



For detailed information on how to contribute information to the **complaint procedure**, please refer to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*, contact **CP@ohchr.org**.

D. Special procedures



For detailed information on how to access and engage with the **special procedures**, please refer to **chapter VI (Special procedures)** of this *Handbook*.

E. Working groups of the Human Rights Council

Open-ended Working Group on the Right to Development Participating in the Working Group's sessions

As the Working Group is open-ended, NGOs in consultative status with ECOSOC may participate in the public segments of its sessions.

NGOs attending meetings of the **high-level task force on the implementation of the right to development** have the opportunity to make opening statements.

NGOs in consultative status with ECOSOC interested in participating in the **Working Group** or the **high-level task force** should complete a **registration form** (available from the dedicated page on the OHCHR website) and send it together with their signed request for accreditation to:

The Accreditation Officer

Fax: +41 (0)22 928 9010 Tel: +41 (0)22 928 9829

Contributing to the work of the Working Group

One of the key tasks assigned to the Working Group is to review reports and any other information submitted by NGOs on the relationship between NGO activities and the right to development. The Working Group welcomes contributions by NGOs and other civil society

actors. This is partly facilitated by the work of the high-level task force, whose public sessions are open to the participation of a wide range of civil society actors and NGOs.

NGOs and other civil society actors are encouraged to submit statements and engage with the task force in its activities, work plan and the implementation of the Working Group's recommendations.

F. Social Forum

Participating in meetings of the Social Forum

The Social Forum is open to the participation of interested stakeholders, including:53

- Intergovernmental organizations;
- Different components of the United Nations system, especially mandate-holders of thematic procedures and mechanisms of the human rights machinery;
- Regional economic commissions;
- Specialized agencies and organizations, in particular the United Nations Development Programme (UNDP), the World Bank, the International Monetary Fund and the World Trade Organization;
- Representatives designated by NHRIs, and NGOs in consultative status with ECOSOC; and
- Other NGOs, in particular newly emerging actors such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, youth associations, community organizations, trade unions and associations of workers, as well as representatives of the private sector, regional banks, and other financial institutions and international development agencies.

The participation of civil society actors in the Social Forum is based on arrangements, including ECOSOC resolution 1996/31, and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of the entities listed above. The Human Rights Council has also asked OHCHR to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, especially those from developing countries, in the Social Forum, including by establishing partnerships with NGOs, the private sector and international organizations.⁵⁴



Civil society actors interested in participating in the **Social Forum** should contact its secretariat.

For more information, please contact: **socialforum@ohchr.org**.

⁵³ See Human Rights Council resolution 6/13.

⁵⁴ See its resolution 6/13.

G. Forum on Minority Issues

Participating in meetings of the Forum on Minority Issues

The Forum on Minority Issues is open to the participation of NGOs in consultative status with ECOSOC, and other NGOs whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations. Participation is also open to other civil society actors, including academics and experts on minority issues.



Civil society actors interested in participating in or contributing to the work of the **Forum on Minority Issues** should contact its secretariat.

For more information, please contact: minorityforum@ohchr.org.

Nominating candidates for appointment as chairperson of the Forum

In accordance with Human Rights Council resolution 5/1, NGOs in consultative status with ECOSOC and other Human Rights Council observers, along with its member States, can also propose candidates for appointment as chairperson of the Forum on Minority Issues.

H. Expert Mechanism on the Rights of Indigenous Peoples

Participating in meetings of the Expert Mechanism

The annual meeting of the Expert Mechanism is open to the participation of civil society actors, including NGOs and indigenous peoples' organizations.

Voluntary Fund for Indigenous Populations

Civil society actors should also be aware of the **Voluntary Fund for Indigenous Populations**, established to assist representatives of indigenous communities and organizations financially to participate in the Expert Mechanism and the Permanent Forum on Indigenous Issues.



Civil society actors interested in participating in or contributing to the work of the **Expert Mechanism** should contact its secretariat: **expertmechanism@ohchr.org**

To find out more about the **Voluntary Fund for Indigenous Populations**, including the criteria for the selection of beneficiaries, please refer to **chapter IX (Funds and grants)** of this *Handbook*.

Nominating candidates for appointment to the Expert Mechanism

In line with Human Rights Council resolution 5/1, NGOs and other human rights organizations may nominate candidates for appointment as independent experts on the Expert Mechanism. Individuals may also nominate themselves as candidates.

The criteria for appointment as an independent expert are expertise, experience in the field of the mandate, independence, impartiality, personal integrity and objectivity. Due consideration is also given to gender balance, equitable geographic representation and appropriate representation of different legal systems.



To find out more about how to **nominate candidates** and about how the appointment process works **contact the Human Rights Council's secretariat:**

E-mail: hrcexpertmechanism@ohchr.org.

Fax: +41 (0)22 917 9011 Tel: +41 (0)22 917 9223

I. Durban Declaration and Programme of Action



For information on how to participate in and contribute to the work of **Human Rights Council's mechanisms related to the Durban World Conference**, please contact:

Anti-Discrimination Unit

Office of the United Nations High Commissioner for Human Rights 8–14, avenue de la Paix CH–1211 Geneva 10. Switzerland

E-mail: adusecretariat@ohchr.org

Tel: +41 (0)22 928 92 08 Fax: +41 (0)22 928 90 50

1. Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action

As the Working Group is open-ended, NGOs in consultative status with ECOSOC and NGOs that were accredited to the World Conference may attend its public meetings. NGOs attending its meetings have the opportunity to make oral statements and may submit written statements.

2. Group of independent eminent experts

NGOs interested in submitting reports to the group of eminent experts should contact the **OHCHR Anti-Discrimination Unit**.

3. Working Group of Experts on People of African Descent

NGOs in consultative status with ECOSOC and NGOs that were accredited to the World Conference may participate in sessions of the Working Group. NGOs attending its sessions have the opportunity to submit written declarations and make oral presentations.



For current information on participation in the Working Group visit OHCHR's website.

NGOs and other civil society actors are also invited to provide the Working Group with information and reports to enable it to carry out its mandate. NGOs and other civil society actors can also collaborate with the Working Group when it undertakes field visits by providing information in situ and arranging for people to speak to its members.

4. Ad Hoc Committee on the elaboration of complementary standards

NGOs in consultative status with ECOSOC and NGOs that were accredited to the World Conference may attend public meetings of the Working Group, and have the opportunity to make oral statements.

Civil society actors are invited to contribute information and studies to the Ad Hoc Committee. Civil society actors interested in doing so should contact the **OHCHR Anti-Discrimination Unit**.

5. Preparatory Committee for the Durban Review Conference and the Intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee for the Durban Review Conference

The Preparatory Committee and the open-ended intergovernmental working group were established in preparation for the Review Conference. The criteria and arrangements below apply to NGO participation in the Preparatory Committee's sessions. NGOs accredited to participate in these sessions may also participate in meetings of the open-ended intergovernmental working group.

- NGOs in consultative status with ECOSOC are invited to participate fully in all sessions of the Preparatory Committee, pursuant to ECOSOC resolution 1996/31;
- NGOs without such status that were accredited to participate in the World Conference and its follow-up mechanisms are invited to participate fully in sessions unless a Government raises questions concerning their accreditation. If questions are raised regarding the accreditation of an NGO, the NGO is given an opportunity to

- respond, with the final decision taken by the Preparatory Committee in accordance with the standard process established in resolution 1996/31;
- NGOs without consultative status that were not accredited to participate in the World Conference and its follow-up mechanisms may submit applications to participate in sessions of the Preparatory Committee to its secretariat. The secretariat reviews all applications received to ensure that they meet the requirements established in resolution 1996/31; and
- Indigenous peoples' representatives accredited in accordance with ECOSOC resolution 1995/32 that express a willingness to participate in the Preparatory Committee's sessions will be accredited. Other interested indigenous peoples' representatives can also be accredited following the standard procedures established under resolution 1996/31.

NGOs attending sessions of the Preparatory Committee and the open-ended intergovernmental working group have the opportunity to make oral statements and may submit written statements.

NGOs in consultative status with ECOSOC and those accredited to participate in the World Conference and its follow-up mechanisms, including the Preparatory Committee, may also participate in the Review Conference.⁵⁵

NGOs without such status that were not accredited to participate in the World Conference and its follow-up mechanisms were invited to submit applications to participate in the Review Conference.

⁵⁵ See "Report of the Human Rights Council on the preparations for the Durban Review Conference: Report of the Preparatory Committee on its first session" (A/62/375, rule 66).

OHCHR resources

Human Rights Council's web page

Civil society actors should regularly consult the Human Rights Council's homepage for updates and information on participating in its sessions. Session-specific information is normally posted on the website two weeks before each regular session.

Extranet

The **Extranet** is linked to the Human Rights Council's homepage. It contains:

- The Human Rights Council's draft resolutions and decisions;
- Informal written contributions by States and other stakeholders; and
- Oral statements made by member States, observer States, and NGOs and other participants at the Human Rights Council's regular and special sessions and organizational meetings.

The Extranet also has an NGO Liaison information page with regularly updated session-specific information.



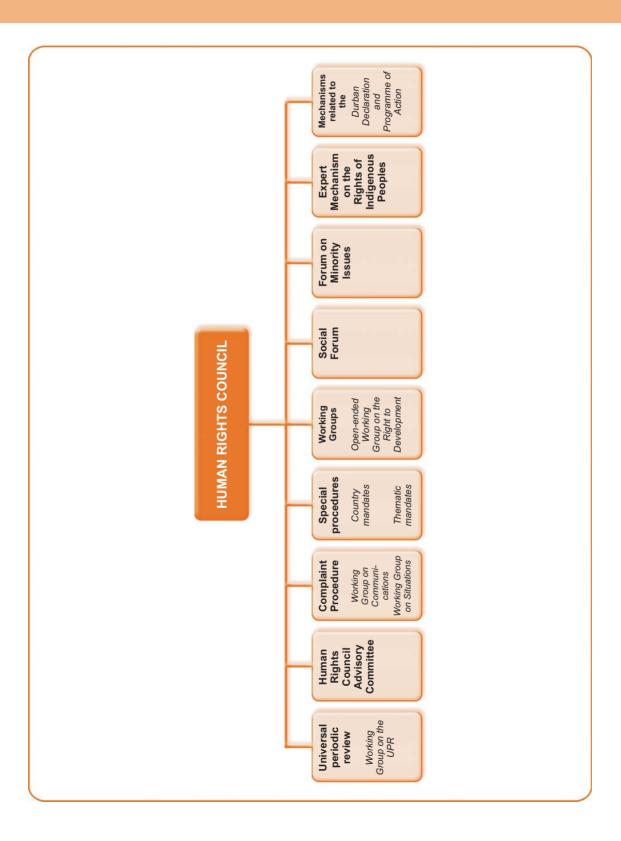
To access the password-protected Extranet page, fill in the online form available from the Human Rights Council page of OHCHR's website. When you have done this you will receive a username and password by e-mail.

Webcast

Public meetings of the Human Rights Council and some of its mechanisms can be viewed live on its webcast. The webcast site also contains archived video of its previous meetings. To view the webcast you will need to download the appropriate software.



The webcast service is available from the Human Rights Council page of OHCHR's website.



Annex: Accessing and working with the Human Rights Council and its mandates and mechanisms

MEETING/MECHANISM Which civil society actors (CSAs) can attend meetings of the mechanism? Human Rights Council's NGOs in consultative status				
NGOs i	civil society actors can attend meetings he mechanism?	How can these CSAs participate in meetings they attend?	Which CSAs can contribute to the work of the mechanism (other than by attending meetings)?	What forms can these contributions take?
N WITH	n consultative status n ECOSOC, once accredited	Submission of written statements Oral statements Hosting of parallel events	Only NGOs in consultative status with ECOSOC can submit written statements to regular/special sessions	NGOs in consultative status with ECOSOC should consult the guidelines for written statements
Universal periodic review NGOs in consultative status with ECOSOC, once accredited	Itative status occinited	Hosting of information sessions Brief general comments can be made before the adoption of outcome documents at regular sessions of the Human Rights Council	Relevant CSAs	 Working with Governments towards the preparation of national reports Contributing stakeholders' submissions for potential inclusion in the OHCHR summary Work on follow-up to UPR outcomes (conclusions, recommendations, voluntary pledges/commitments)
Human Rights Council Advisory Committee with ECOSOC, once accredited	Itative status JC, once ited	Submission of written statements Oral statements	Relevant CSAs	 Nominating candidates for appointment to the Advisory Committee
CSAs cannot participate in meetings of the complaint procedure or its working groups; these meetings are private	articipate in e complaint its working meetings are te	N/A	Relevant CSAs	Submission of complaints under the complaint procedure

MEETING/MECHANISM	Which civil society actors (CSAs) can attend meetings of the mechanism?	How can these CSAs participate in meetings they attend?	Which CSAs can contribute to the work of the mechanism (other than by attending meetings)?	What forms can these contributions take?
Special procedures	NGOs and other CSAs may arrange to meet with mandate-holders during select segments of the annual meeting of special procedures	Interactive dialogue with mandate-holders during select segments of the annual meeting of special procedures NGOs in consultative status with ECOSOC can participate in interactive dialogues with mandate-holders at regular sessions of the Human Rights Council	Relevant CSAs	 Submission of urgent appeals/individual cases Providing support for country visits Working to advocate, disseminate, follow up and implement the work of the special procedures Meeting with mandate-holders Nominating candidates as mandate-holders
Open-ended Working Group on the Right to Development	NGOs in consultative status with ECOSOC, once accredited, can attend public segments of the Working Group's meetings A wide range of CSAs can attend public sessions of the high-level task force	NGOs attending meetings of the high-level task force have the opportunity to make opening statements. This opportunity does not apply, however, to the Working Group's meetings.	Relevant CSAs	 Submission of statements to the Working Group Engagement with the task force Working to implement Working Group recommendations
Social Forum	A wide range of CSAs can attend meetings	 Providing feedback on the human rights work of international mechanisms at meetings Exchanging best practices at meetings Grass-roots presentations at meetings 	Relevant CSAs	Submission of information to the Social Forum

MEETING/MECHANISM	Which civil society actors (CSAs) can attend meetings of the mechanism?	How can these CSAs participate in meetings they attend?	Which CSAs can contribute to the work of the mechanism (other than by attending meetings)?	What forms can these contributions take?
Forum on Minority Issues	A wide range of CSAs, including NGOs, academics and experts on minority issues	 Oral presentations/statements Written statements 	Relevant CSAs	Submission of information to the Forum NGOs in consultative status with ECOSOC can nominate candidates for appointment as chairperson of the Forum
Expert Mechanism on the Rights of Indigenous Peoples	A wide range of CSAs, including NGOs and indigenous peoples and organizations	 Oral presentations/statements Written statements 	Relevant CSAs	 Submission of information to the Expert Mechanism Nomination of candidates for appointment as independent experts
Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action	NGOs in consultative status with ECOSOC NGOs accredited to the Durban World Conference	Oral presentationsWritten statements	Only CSAs falling into the categories provided at left may contribute information to the Intergovernmental Working Group	 Submission of information to the Working Group
Group of independent eminent experts	Meetings are, in principle, closed. However, the Group may invite CSAs to exchange views with it	 Exchange of views at the invitation of the Group 	Relevant CSAs	Submission of information to the Group

MEETING/MECHANISM	Which civil society actors (CSAs) can attend meetings of the mechanism?	How can these CSAs participate in meetings they attend?	Which CSAs can contribute to the work of the mechanism (other than by attending meetings)?	What forms can these contributions take?
Working Group of Experts on People of African Descent	NGOs in consultative status with ECOSOC NGOs accredited to the Durban World Conference	 Oral presentations Submissions of written statements 	Relevant CSAs	 Submission of information to the Working Group Providing information in situ during country missions of the Working Group Meeting with its members during country visits
Preparatory Committee for the Durban Review Conference Intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee for the Durban Review Conference	NGOs in consultative status with ECOSOC NGOs accredited to the Durban World Conference NGOs (without consultative status and that did not attend the World Conference) can submit applications to participate Indigenous peoples' representatives	 Oral statements Submission of written statements 	Only CSAs falling into the categories provided to the left may contribute information to the Preparatory Committee and the Intersessional open-ended working group	Submission of written statements to the Preparatory Committee and the Intersessional open-ended working group
Ad Hoc Committee on the elaboration of complementary standards	NGOs in consultative status with ECOSOC NGOs accredited to the Durban World Conference	 Oral presentations Submission of written statements 	Relevant CSAs	 Submission of information and studies to the Ad Hoc Committee