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HUMAN RIGHTS COUNCIL
Advisory Committee
Third session
3 – 7 August 2009
Item 4 (a) of the provisional agenda

**IMPLEMENTATION OF SECTIONS III AND IV OF THE ANNEX TO
HUMAN RIGHTS COUNCIL RESOLUTION 5/1 OF 18 JUNE 2007
ENTITLED “HUMAN RIGHTS COUNCIL ADVISORY COMMITTEE”:
RULES OF PROCEDURES AND METHODS OF WORK**

“Draft rules of procedure of the Human Rights Council Advisory Committee”

**presented by Mr. Latif Hüseyinov,
member of the open-ended drafting group of the
Human Rights Council Advisory Committee on the rules of procedures**

The Human Rights Council Advisory Committee (hereinafter “the Advisory Committee”)

Having regard to the Resolution of the Human Rights Council 5/1 entitled “Institution-building of the United Nations Human Rights Council”,

Having also regard to the Rules of Procedure of the United Nations General Assembly, and “Guidelines for the application by the Sub-Commission on the Promotion and Protection of Human Rights of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto” (Sub-Commission resolution 1999/14, annex)

(this sentence could also be formulated as follows:

Variant 1: “Having also regard to the Rules of Procedure of the United Nations General Assembly, and Resolution of the Sub-Commission on the Promotion and Protection of Human Rights 1999/14

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Variant 2: “Having also regard to the Rules of Procedure of the United Nations General Assembly, and relevant practices observed by the Sub-Commission on the Promotion and Protection of Human Rights))

Adopts the present Rules:

PART I. MEMBERS OF THE ADVISORY COMMITTEE

Rule 1 (Duties of members of the Advisory Committee)

Members of the Advisory Committee shall perform their duties with the requirements of independence and impartiality inherent in their office.

Rule 2 (Incompatibility)

Members of the Advisory Committee shall not during their term of office perform any function which is incompatible with the requirements of independence and impartiality and which might give rise to a conflict of interest with the responsibilities inherent in the mandate.

Rule 3 (Calculation of term of office)

1. The duration of the term of office of a member of the Advisory Committee shall be calculated as from the first meeting of the Advisory Committee following his/her election.
2. A member elected to replace a member whose term of office has not expired shall be elected for the remainder of the predecessor's term, unless the Human Rights Council (hereinafter “the Council”) decides otherwise.

Rule 4 (Solemn declaration)

Each member of the Advisory Committee shall, at the first meeting of the Advisory Committee at which he/she is present after his/her election, make the following solemn declaration:

“I solemnly declare that I will exercise my functions as a member of the Human Rights Council Advisory Committee independently, impartially and conscientiously”.

Rule 5 (Order of precedence)

1. Members of the Advisory Committee shall take precedence after the President, Vice-Presidents and Rapporteur according to the length of time they have been in office.
2. Members having the same length of time in office shall take precedence according to age.
3. Re-elected members shall take precedence having regard to the duration of their previous term of office.

Rule 6 (Resignation)

Resignation of a member of the Advisory Committee shall be notified by that member in writing directly to the Chairperson or to the Secretariat and action shall be taken to declare the seat of that member vacant only after such notification has been received.

PART II. CHAIR AND BUREAU OF THE ADVISORY COMMITTEE

Rule 7 (Election of the Chairperson, the Vice-Chairpersons and the Rapporteur)

1. The Advisory Committee shall elect from among its members, for a period of one year, a Chairperson, three Vice-Chairpersons, without priority, and a Rapporteur. They shall not be eligible for immediate re-election to the same post.

2. In the election of the Chairperson of the Advisory Committee, regard shall be had for equitable geographical rotation of this office among the following Regional Groups: African States; Asian States; Eastern European States; Latin American and Caribbean States; and Western European and other States. The three Vice-Chairpersons shall be elected on the basis of equitable geographical distribution from the Regional Groups other the one to which the Chairperson belongs. The selection of the Rapporteur shall be based on geographic rotation.

3. If any of the officers referred to in paragraph 1 ceases to be a member of the Advisory Committee or resigns his/her respective office before its normal expiry or ceases to be able to carry out his/her functions, the Advisory Committee shall elect *from the Regional Group to which that officer belonged (or: from the same Regional Group)* a successor for the remainder of the term of that office in accordance with the provisions of paragraph 4.

4. Elections shall be held for each position by secret ballot, if any member of the Committee so requests. Only the members present shall take part. The member who has obtained an absolute majority of the votes cast shall be elected. If no member receives such majority, a second ballot shall take place. The member receiving the most votes shall then be elected.

5. Elections shall take place at the first session of each Advisory Committee cycle, except in the case of a vacancy arising, where an election shall take place as soon as possible and the above rules shall be applied accordingly.

Rule 8 (Functions)

1. The Chairperson shall chair the meetings of the Advisory Committee and shall perform all other functions conferred upon him/her by these Rules of Procedure or by the Advisory Committee.

2. In the exercise of his/her functions, the Chairperson shall remain under the authority of the Advisory Committee.

3. The Chairperson shall retain the right to participate in the discussions of the Advisory Committee and to vote.

Rule 9 (Acting Chairperson)

1. If during a session the Chairperson is unable to be present at a meeting or any part thereof, he/she shall designate one of the Vice-Chairpersons to take his/her place.
2. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

Rule 10 (Bureau of the Advisory Committee)

1. The Bureau of the Advisory Committee shall consist of the Chairperson, the Vice-Chairpersons and the Rapporteur.
2. The Bureau shall deal with procedural and organizational matters, and perform all other functions conferred upon it by these Rules of Procedure or by the Advisory Committee.
3. The Bureau shall hold such meetings as are required for the exercise of its functions. It shall timely inform the Advisory Committee of the contents of each such meeting.
4. The Bureau shall be entitled to invite other members of the Advisory Committee to its meetings for the discussion of specific items.
5. No member of the Advisory Committee may be a Bureau member for more than two consecutive terms.

PART III. SECRETARIAT OF THE ADVISORY COMMITTEE

Rule 11 (Secretariat)

The Office of the United Nations High Commissioner for Human Rights shall act as secretariat for the Advisory Committee. It shall provide the necessary staff and facilities for the effective performance of the functions of the Advisory Committee.

PART IV. FUNCTIONING OF THE ADVISORY COMMITTEE

Rule 12 (Languages)

1. Arabic, Chinese, English, French, Russian and Spanish shall be the official languages, and English, French and Spanish the working languages of the Advisory Committee.
2. Any speaker addressing the Advisory Committee and using a language other than one of the official languages shall himself provide for interpretation into one of the official languages.

Rule 13 (Circulation of documents in working languages)

As soon as studies, working papers and any other documents become ready for circulation in all working languages, the Secretariat shall send them immediately to the members of the Advisory Committee in accordance with their preference of languages registered with the Secretariat.

Rule 14 (Sessions)

1. The Advisory Committee shall convene up to two sessions for a maximum of 10 working days per year. The Advisory Committee may hold additional sessions at the request of one third of its members, with prior approval of the Council.
2. Sessions of the Advisory Committee shall be held at the Headquarters of the United Nations unless another place is designated by the Council.
3. Sessions of the Advisory Committee shall be convened at dates decided proposed by the Advisory Committee in consultation with the Secretariat.
4. The Secretariat shall notify the members of the Advisory Committee of the date and place of the first meeting of each session. Such notifications shall be sent, in the case of regular sessions, at least six weeks in advance, and in the case of a additional session, at least three weeks in advance, of the first meeting.

Rule 15 (Agenda)

1. Following consultation with the Bureau, the Secretariat shall send to the members a provisional agenda and the working documents relating to different agenda items at least four weeks before the opening of the session. In the case of a additional session, the provisional agenda shall be sent simultaneously with the notification of the meeting under rule 15, paragraph 4.
2. The agenda shall be adopted by the Advisory Committee at the beginning of the session.
3. During a session, the Advisory Committee may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during the session.

Rule 16 (Drafting groups and other arrangements)

The Advisory Committee may set up drafting groups comprising a limited number of its members and other arrangements. The terms of reference of such groups shall be defined by the Advisory Committee.

PART V. PREPARATION OF STUDIES AND SUBMISSION OF DOCUMENTS

Rule 17 (Preparation of studies upon the Council's request)

1. On receipt of a request from the Council on providing expertise, the Advisory Committee shall entrust an individual member or group of its members with the task of preparing a study or other relevant document.
2. The specialized knowledge of the members of the Advisory Committee shall be taken into account when appointing such members or groups, due regard being paid in the latter case for equitable geographical distribution.

Rule 18 (Duration of studies)

1. Unless the specific deadline is indicated by the Council, the period for carrying out a study shall be three years from the time of its authorization.
2. As a general rule, each study shall comprise the following three phases: a preliminary report, a progress report and a final report, unless otherwise specified by the Human Rights Council.

Rule 19 (Appointment of commentators)

1. Upon request of the author of a study the Advisory Committee may appoint one or two of its members as commentators to undertake an in-depth analysis of the study, in liaison with the author.
2. When such an appointment is envisaged, it shall take place at the session preceding the submission of the study or not later than the beginning of the session at which the study is submitted.
3. Such an appointment shall in no way limit the right of any member of the Advisory Committee to comment at any time, under the agenda item being discussed, on the report submitted for consideration.

Rule 20 (Submission of research proposals for the Council's consideration and approval)

1. Any member of the Advisory Committee may submit to the Committee a research proposal within the scope of the work set out by the Council for the Council's consideration and approval.
2. A research proposal shall take the form of a working paper a few pages in length, and shall indicate *inter alia* the relevance of the study, including its being within the scope of the work set out by the Council, its timeliness, its object and the general outlines envisaged, as well as a draft timetable.
3. The Rapporteur of the Advisory Committee shall be entrusted with the task of collecting the proposals for studies that are made during the session and informing the Advisory Committee in due time, for the purpose of agreeing on them and deciding to submit them to the Council.

Rule 21 (Time-limit for the submission of documents)

1. Drafting groups and individual members who were entrusted with the task of preparing studies, working papers and any other documents for submission to the Advisory Committee shall submit them to the Secretariat at the latest 10 weeks prior to the session.
2. Studies, working papers and any other documents not submitted by the time limit indicated in Paragraph 1 may not be considered at the next session unless the Advisory Committee decides otherwise.

PART VI. PARTICIPATION OF AND CONSULTATION WITH OBSERVERS

Rule 22 (Participation of and consultation with observers)

Participation of and consultation with observers, including States that are non 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 and the Council, while ensuring the most effective contribution of these entities.

PART VII. PUBLIC AND PRIVATE MEETINGS

Rule 23 (General principle)

The meetings of the Advisory Committee shall be held in public unless the Advisory Committee decides otherwise.

Rule 24 (Private meetings)

All decisions of the Advisory Committee taken at a private meeting shall be announced at an early public meeting of the Advisory Committee.

Rule 25 (Hearings)

The Advisory Committee may hear any person whom it considers to be in a position to assist in the performance of its functions.

PART VIII. RECORDS AND REPORTS

Rule 26 (Records of public and private meetings)

1. Summary records of the public meetings of the Advisory Committee shall be prepared by the Secretariat. They shall be distributed in provisional form as soon as possible to the members of the Advisory Committee and to any others participating in the meeting. All such participants may, within three working days after receipt of the provisional record of the meeting, submit corrections to the Secretariat. Any disagreement concerning such corrections shall be settled by the Chairperson of the Advisory Committee or, in the case of continued disagreement, by decision of the Advisory Committee.

2. The summary records of public meetings of the Advisory Committee in their final form shall be documents of general distribution.

3. The summary records of private meetings shall be distributed promptly to the members of the Advisory Committee and to other participants in the meetings. They may be made available to others at such time and under such circumstances as the Advisory Committee may decide.

Rule 27 (Report to the Council)

The Advisory Committee shall submit to the Council a report on the work of each session containing a compilation of recommendations and a summary of the proceedings.

PART IX. CONDUCT OF BUSINESS

Rule 28 (Quorum)

The quorum of the Advisory Committee shall be the majority of its members.

Rule 29 (General powers of the Chairperson)

In addition to exercising the powers conferred upon him/her elsewhere by these rules, the Chairperson shall declare the opening and closing of each meeting of the Advisory Committee, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairperson, subject to these rules, shall have control over the proceedings of the Advisory Committee and over the maintenance of order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Advisory Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. The Chairperson shall rule on points of order and shall have the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Advisory Committee, and the Chairperson may call a speaker to order if that speaker's remarks are not relevant to the subject under discussion.

Rule 30 (Points of order)

1. During the discussion of any matter, a member may at any time raise a point of order, which shall immediately be decided by the Chairperson in accordance with these rules. Any appeal against the ruling of the Chairperson shall immediately be put to the vote, and the ruling of the Chairperson shall stand unless overruled by a majority of the members present.

2. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 31 (List of speakers)

1. A list of speakers shall be opened at the beginning of a session for all participants for the inscription on all agenda items. The closure of the list on any particular item shall be announced by the Chairperson in good time, as the work proceeds.

2. When there are no more speakers on the agenda item during a particular meeting, the Advisory Committee shall take up the next item on its calendar without closing the discussion on the preceding item, if deemed necessary.

3. During the course of a debate the Chairperson may announce the list of speakers and, with the consent of the Advisory Committee, declare the list closed. When there are no more speakers, the Chairperson shall, with the consent of the Advisory Committee, declare the debate closed. Such closure shall have the same effect as closure by decision of the Advisory Committee.

Rule 32 (Time limit on speeches)

The Advisory Committee may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds his allotted time, the Chairperson shall call that speaker to order without delay.

Rule 33 (Adjournment of debate)

A member may at any time move the adjournment of the debate on the item under discussion. Permission to speak on the motion shall be accorded only to two members favouring and two opposing the adjournment, after which the motion shall be put to the vote immediately.

Rule 34 (Closure of debate)

A member may at any time move the closure of the debate on the item under discussion, whether or not any other member has indicated the wish to speak. Permission to speak on the motion shall be accorded only to two members opposing the closure, after which the motion shall be put to the vote immediately.

Rule 35 (Suspension or adjournment of the meeting)

During the discussion of any matter, a member may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall be put to the vote immediately.

Rule 36 (Order of motions)

Subject to rule 31, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) For the closure of the debate on the item under discussion.

Rule 37 (Submission of proposals and amendments)

1. Unless otherwise decided by the Advisory Committee, proposals and substantive amendments or motions submitted by members shall be introduced in writing and handed to the Secretariat, and their consideration shall, if so requested by any member, be deferred until the next meeting on the following day.

2. Proposals for recommendations to be presented to the Council shall be submitted by co-sponsors from at least 3 Regional Groups.

Rule 38 (Withdrawal of proposals and motions)

A proposal or motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended. A proposal or a motion which has thus been withdrawn may be reintroduced by another member.

Rule 39 (Decisions on competence)

Subject to rule 37, any motion by a member calling for a decision on the competence of the Advisory Committee to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Rule 40 (Reconsideration of proposals)

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Advisory Committee so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately.

PART X. VOTING

Rule 41 (Voting rights)

Each member of the Advisory Committee shall have one vote.

Rule 42 (Taking of decisions by consensus)

Subject to the provisions of rules 7 and 53, decisions shall be taken by consensus unless a member of the Advisory Committee calls for a vote.

Rule 43 (Majority required)

Except as provided in rule 53, decisions of the Advisory Committee shall be made by a majority of the members present and voting.

Rule 44 (Method of voting)

1. Subject to the provisions of rule 7, the Advisory Committee shall normally vote by show of hands, except that any member may request a roll-call which shall be taken in the English alphabetical order of the names of the members of the Advisory Committee, beginning with the letter "A".

2. The vote of each member participating in a roll-call shall be inserted in the record.

Rule 45 (Explanation of vote)

Members may make brief statements consisting solely of the explanation of their votes, before the voting has commenced or after the voting has been completed. The member sponsoring a proposal or a motion shall not speak in explanation of vote thereon, except if it has been amended.

Rule 46 (Conduct during voting)

After the voting has commenced, it shall not be interrupted unless a member raises a point of order in connection with the actual conduct of the voting.

Rule 47 (Division of proposals and amendments)

Parts of a proposal or an amendment shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal or the amendment which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal or an amendment have been rejected, the proposal or amendments shall be considered to have been rejected as a whole.

Rule 48 (Voting on proposals)

1. If two or more proposals relate to the same question, the Advisory Committee shall, unless it decides otherwise, vote on the proposals in the order in which they were submitted.
2. The Advisory Committee may, after each vote on a proposal, decide whether to vote on the next proposal.
3. A motion requiring that no decision be taken on a proposal shall have priority over that proposal.

Rule 49 (Voting on amendments)

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Advisory Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter should not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.
2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 50 (Equally divided votes)

If a vote is equally divided on a matter other than an election, the proposal shall be regarded as rejected.

This part could be omitted:

**PART XI. APPOINTMENT OF MEMBERS OF THE WORKING GROUP
ON COMMUNICATIONS**

Rule 51 (Appointment of members of the Working Group on Communications)

1. The Advisory Committee shall appoint five of its members, one from each Regional Group, with due consideration to gender balance, to constitute the Working Group on Communications. Candidates shall be presented by the respective Regional Groups.

2. Members of the Working Group on Communications shall be appointed for three years.

3. In case of a vacancy, the Advisory Committee shall appoint a member of the same Regional Group from the Advisory Committee].

PART XII. AMENDMENTS

Rule 52 (Amendments to the Rules of Procedure)

1. Any amendment to these rules must be proposed and circulated to each member, unless the members of the Advisory Committee present unanimously decide otherwise.

2. Any amendment to these rules shall require a decision taken by a two-thirds majority of votes cast.
