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HUMAN RIGHTS COUNCIL  
Fifth session  
Agenda item 2

**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251  
OF 15 MARCH 2006 ENTITLED "HUMAN RIGHTS COUNCIL"**

**President: draft resolution**

**5/... Institution-building of the United Nations Human Rights Council**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the United Nations  
General Assembly in resolution 60/251 of 15 March 2006.

*Having considered* the draft text on institution-building submitted by the President of the  
Council.

1. *Adopts* the draft text entitled "United Nations Human Rights Council:  
Institution-Building", as contained in the annex to the present resolution, including its  
appendix(ces),

2. *Decides* to submit the following draft resolution to the General Assembly for its adoption as a matter of priority in order to facilitate the timely implementation of the text contained thereafter:

*The General Assembly,*

*Taking note* of Human Rights Council resolution 5/... of ... June 2007,

1. *Welcomes* the text entitled "United Nations Human Rights Council: Institution-Building", as contained in the annex to the present resolution, including its appendix(es).

**Annex**

**UNITED NATIONS HUMAN RIGHTS COUNCIL:  
INSTITUTION-BUILDING**

**I. UNIVERSAL PERIODIC REVIEW MECHANISM**

**A. Basis of the review**

- The Charter of the United Nations;
- The Universal Declaration of Human Rights;
- Human rights instruments to which a State is party;
- Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the Human Rights Council (hereinafter "the Council");
- In addition to the above and given the complementary and mutually **inter-related** nature of international human rights law and international humanitarian law, the review shall take into account applicable international humanitarian law.

**B. Principles and objectives**

**1. Principles**

The Universal Periodic Review (UPR) should:

- Promote the universality, interdependence, indivisibility and interrelatedness of all human rights;
- Be a cooperative mechanism based on objective and reliable information and on interactive dialogue;
- Ensure universal coverage and equal treatment of all States;

- Be an intergovernmental process. United Nations Member-driven and action-oriented:
- Fully involve the country under review:
- Complement and not duplicate other human rights mechanisms, thus representing an added value:
- Be conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner;
- Not be overly burdensome to the concerned State or to the agenda of the Council:
- Not be overly long. It should be realistic and not absorb a disproportionate amount of time, human and financial resources;
- Not diminish the Council's capacity to respond to urgent human rights situations;
- Ensure that a gender perspective is fully integrated in UPR:
- UPR should, without prejudice to the obligations contained in the elements provided for in the basis of review, take into account the level of development and specificities of countries;
- Ensure participation of all relevant stakeholders, including non-governmental organizations (NGOs) and national human rights institutions (NHRIs), in accordance with General Assembly resolution 60/251 and Economic and Social Council resolution 1996/31, as well as any decisions that the Council may take in this regard.

## 2. Objectives

- Improvement of the human rights situation on the ground;
- Fulfilment of the State's human rights obligations and commitments and assessment of positive developments and challenges faced by the State;
- Enhancement of the State's capacity and technical assistance, in consultation with and with the consent of the State concerned;

- Sharing of best practices among States and other stakeholders in consultation with and with the consent of the State concerned;
- Support for cooperation in the promotion and protection of human rights;
- Encouragement of full cooperation and engagement with the Council, other human rights bodies and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

### **C. Periodicity and order of the review**

- Review begins after the adoption of the UPR mechanism by the Council;
- The order of review should reflect the principles of universality and equal treatment;
- The order of review should be established as soon as possible in order to allow States to prepare adequately;
- All member States of the Council shall be reviewed during their term of membership;
- The initial members of the Council, especially those elected for one or two-year terms, should be reviewed first;
- A mix of member and observer States of the Council should be reviewed;
- Equitable geographic distribution should be respected in the selection of countries for review;
- The first member and observer States to be reviewed will be chosen from each Regional Group in such a way as to ensure full respect for equitable geographic distribution, by drawing of lots. Alphabetical order will then be applied beginning with these countries, with the exception of those who volunteer to be reviewed;
- The period between review cycles should be reasonable so as to take into account the capacity of States to prepare and the capacity of other stakeholders to respond to the requests arising from the review;

- The periodicity of the review for the first cycle will be of four years. This will imply the consideration of 48 States per year during three sessions of the Working Group of two weeks each.<sup>1</sup>

#### D. Process and modalities of the review

##### 1. Documentation

The documents on which the review would be based are:

- Information prepared by the State concerned, which can take the form of a national report, on the basis of General Guidelines to be adopted by the Council at its sixth session (First session of the second cycle), and any other information considered relevant by the State concerned, which could be presented either orally or in writing; provided that the written presentation summarizing the information will not exceed 20 pages, to guarantee equal treatment to all States and not to overburden the mechanism. States are encouraged to prepare the information through a broad consultation process at the national level with all relevant stakeholders;
- Additionally OHCHR will prepare a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents, which shall not exceed 10 pages;
- In the review, the Council should also take into consideration additional credible and reliable information provided by other relevant stakeholders to UPR. OHCHR will prepare a summary of such information that shall not exceed 10 pages;

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<sup>1</sup> UPR is an evolving process; the Council, after the conclusion of the first review cycle, may review the modalities and the periodicity of this mechanism, based on best practices and lessons learned.

- The documents prepared by OHCHR should be elaborated following the structure of the General Guidelines adopted by the Council regarding the information prepared by the State concerned;
- Both the State's written presentation and the summaries prepared by OHCHR shall be ready six weeks prior to the review by the Working Group to ensure the distribution of documents simultaneously in the six official languages of the General Assembly, in accordance with General Assembly resolution 53/208 of 14 January 1999.

## 2. Modalities

The modalities of the review shall be as follows:

- The review will be conducted in one Working Group, chaired by the President of the Council and composed of the 47 member States of the Council. Each member State will decide on the composition of its delegation;<sup>2</sup>
- Observer States can participate in the review, including in the interactive dialogue;
- Other relevant stakeholders can attend the conduct of the review in the Working Group;
- A group of three rapporteurs, selected by drawing of lots among the members of the Council and from different Regional Groups (*troika*) will be formed to facilitate each review, including the preparation of the report of the Working Group. OHCHR will provide the necessary assistance and expertise to the rapporteurs;
- The concerned country may request that one of the rapporteurs be from its own Regional Group and may also request the substitution of a rapporteur in only one occasion;
- A rapporteur may request to be excused from its participation in a specific review process;

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<sup>2</sup> A UPR Voluntary Trust Fund should be established to facilitate the participation of developing countries, particularly the Least Developed Countries, in the UPR mechanism.

- Interactive dialogue between the country under review and the Council will take place in the Working Group. The rapporteurs could collate issues or questions to be transmitted to the State under review to facilitate its preparation and focus the interactive dialogue, while guaranteeing fairness and transparency;
- The duration of the review will be three hours for each country in the Working Group. Additional time of up to one hour will be allocated for the consideration of the outcome by the Council plenary;
- Half an hour will be allocated for the adoption of the report of each country under review in the Working Group;
- A reasonable time frame should be allocated in between the review and the adoption of the report of each State in the Working Group;
- The final outcome will be adopted by the plenary of the Council.

## **E. Outcome of the review**

### **1. Format of the outcome**

A report consisting of a summary of the proceedings of the review process; recommendations and/or conclusions; and voluntary commitments.

### **2. Content of the outcome**

UPR is a cooperative mechanism. Its outcome could include, inter alia:

- Assessment in an objective and transparent manner of the human rights situation in the reviewed country, including positive developments and challenges faced by the country;
- Sharing of best practices;
- Emphasis on enhancing cooperation for the promotion and protection of human rights;

- Provision of technical assistance and capacity-building in consultation with and with the consent of the country concerned:<sup>3</sup>
- Voluntary commitments and pledges made by the country reviewed.

### **3. Adoption of the outcome**

- The reviewed country should be fully involved in the outcome:
- Before the adoption of the outcome by the plenary of the Council, the State concerned should be offered the possibility to present replies to questions or issues that were not sufficiently addressed during the interactive dialogue:
- The State concerned and the member States of the Council, as well as observer States, will be given the opportunity to express their views on the outcome of the review before the plenary takes action on it:
- Other relevant stakeholders will have the opportunity to make general comments before the adoption of the outcome by the plenary:
- Recommendations that enjoy the support of the State concerned will be identified as such. Other recommendations, together with the comments of the State concerned thereon, will be noted. Both will be included in the outcome report to be adopted by the Council.

### **F. Follow-up to the review**

- The outcome of UPR, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders;
- The subsequent review should focus, inter alia, on the implementation of the preceding outcome;

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<sup>3</sup> A decision should be taken by the Council on whether to resort to existing financing mechanisms or to create a new mechanism.

- The Council should have a standing item on its agenda devoted to UPR:
- The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with and with the consent of the country concerned:
- In considering the UPR outcome, the Council will decide if and when any specific follow-up would be necessary:
- After exhausting all efforts to encourage a State to cooperate with the UPR mechanism, the Council will address, as appropriate, cases of persistent non-cooperation with the mechanism.

## II. SPECIAL PROCEDURES

### A. Selection and appointment of mandate-holders

The following general criteria will be of paramount importance while nominating, selecting and appointing mandate-holders: (a) Expertise; (b) Experience in the field of the mandate; (c) Independence; (d) Impartiality; (e) Personal integrity; and (f) Objectivity.

Due consideration should be given to gender balance and equitable geographic representation, as well as to an appropriate representation of different legal systems.

Technical and objective requirements for eligible candidates for mandate-holders will be approved by the Council at its sixth session (First session of the second cycle), in order to ensure that eligible candidates are highly qualified individuals who possess established competence, relevant expertise and extensive professional experience in the field of human rights.

The following entities may nominate candidates as special procedures mandate-holders: (a) Governments; (b) Regional Groups operating within the United Nations human rights system; (c) International organizations or their offices (e.g.: OHCHR); (d) NGOs; (e) Other human rights bodies; (f) Individual nominations.

OHCHR shall immediately prepare, maintain and periodically update a Public List of eligible candidates in a standardized format, which shall include personal data, areas of expertise and professional experience. Upcoming vacancies of mandates shall be publicized.

The principle of non-accumulation of human rights functions at a time shall be respected.

Mandate-holder's tenure in a given function, whether thematic or country mandate, will be no more than six years (two terms of three years for thematic mandate-holders).

Individuals holding decision-making positions in Government or in any other organization or entity which could give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate-holders will act in their personal capacity.

A Consultative Group would be established to propose to the President, at least one month ahead of the beginning of the session in which the Council would consider the selection of mandate-holders, a list of candidates who possess the highest qualifications for the mandates in question and meets the general criteria and particular requirements.

The Consultative Group shall also give due consideration to the exclusion of nominated candidates from the Public List of eligible candidates brought to its attention.

At the beginning of the annual cycle of the Council, Regional Groups would be invited to appoint a member of the Consultative Group, who would serve in his/her personal capacity. The Group will be assisted by OHCHR.

The Consultative Group will consider candidates included in the Public List; however, under exceptional circumstances and if a particular post justifies it, the Group could consider additional nominations with equal or more suitable qualifications for the post. Recommendations to the President shall be public and substantiated.

The Consultative Group should take into account, as appropriate, the views of stakeholders, including the current or outgoing mandate-holders, in determining the necessary expertise, experience, skills, and other relevant requirements for each mandate.

On the basis of the recommendations of the Consultative Group and following broad consultations, in particular through the regional coordinators, the President of the Council will identify an appropriate candidate for each vacancy. The President will present to member States and observers a preliminary list of candidates to be proposed at least two weeks prior to the beginning of the session in which the Council will consider the appointments.

If necessary, the President will conduct further consultations to ensure the endorsement of the proposed candidates. The appointment of the special procedures will **be completed upon the subsequent** approval of the Council. Mandate-holders shall be appointed before the end of the session.

### **B. Review, rationalization and improvement of mandates**

The review, rationalization and improvement of mandates, as well as the creation of new ones, must be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.

The review, rationalization and improvement of each mandate would take place in the context of the negotiations of the relevant resolutions. An assessment could take place in a separate segment of the interactive dialogue between the Council and special procedures mandate-holders.

The review, rationalization and improvement of mandates would focus on the relevance, scope and contents of the mandates, having as a framework the internationally recognized human rights standards, the system of special procedures, and General Assembly resolution 60/251.

Any decision to streamline, merge or eventually discontinue mandates should always be guided by the need for improvement of the enjoyment and protection of human rights.

The Council should always strive for improvements:

- Mandates should always offer a clear prospect of an increased level of human rights protection and promotion as well as of coherence within the system of human rights:
- Equal attention to all human rights should be given. The balance of thematic mandates should broadly reflect the accepted equal importance of civil and political rights and economic, social and cultural rights, including the right to development:
- Every effort should be made to avoid unnecessary duplication:
- Areas which constitute thematic gaps will be identified and addressed, including by means other than the creation of special procedures mandates, such as by expanding an existing mandate, bringing a cross-cutting issue to the attention of mandate-holders or by requesting a joint action to the relevant mandate-holders:
- Any consideration of merging mandates should have regard to the content and predominant functions of each mandate, as well as to the workload of individual mandate-holders:
- In creating or reviewing mandates, efforts should be made to identify whether the structure of the mechanism (expert, rapporteur or working group) is the most effective in terms of increasing human rights protection:
- New mandates should be as clear and specific as possible, so as to avoid ambiguity.

It should be considered desirable to have a uniform nomenclature of mandate-holders, titles of mandates as well as a selection and appointment process, to make the whole system more understandable.

Thematic mandates periods will be of three years. Country mandates periods will be of one year.

Mandates included in Appendix I, **where applicable**, will be renewed until the date on which they will be considered by the Council according to the programme of work.<sup>4</sup>

Current mandate-holders could continue serving, provided they have not exceeded the six years' term limit (Appendix II). On an exceptional basis, the term of those mandate-holders who have served more than six years will be extended until the relevant mandate is considered by the Council and the selection and appointment process has concluded.

Decisions to create, review or discontinue country mandates should also take into account the principles of cooperation and genuine dialogue aimed at strengthening the capacity of Member States to comply with their human rights obligations.

In case of situations of violations of human rights or a lack of cooperation, that require the Council attention, the principles of objectivity and non-selectivity, and the elimination of double standards and politicization should be applied.

### III. HUMAN RIGHTS COUNCIL ADVISORY COMMITTEE

The Human Rights Council Advisory Committee, composed of 18 experts acting in their personal capacity, will function as a think-tank to the Council and work at its direction. The establishment of this subsidiary body and its functioning will be executed according to the guidelines stipulated below.

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<sup>4</sup> \* Country mandates meet the following criteria:

- There is a pending mandate of the Council to be accomplished; or
- There is a pending mandate of the General Assembly to be accomplished; or
- The nature of the mandate is for advisory services and technical assistance.

### **A. Nomination**

All Member States of the United Nations can propose or endorse candidates from their own region. When selecting their candidates, States should consult their national human rights institutions and civil society organizations and, in this regard, include the names of those supporting their candidates.

The aim is to ensure that the best possible expertise is made available to the Council. For this purpose technical and objective requirements for the submission of candidatures will be established and approved by the Council at its sixth session (First session of the second cycle). These should include:

- Recognized competence and experience in the field of human rights;
- High moral standing;
- Independence and impartiality.

Individuals holding decision-making positions in Government or in any other organization or entity which could give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Elected members of the Committee will act in their personal capacity.

The principle of non-accumulation of human rights functions at a time shall be respected.

### **B. Election**

The Council shall elect the members of the Advisory Committee, in secret ballot, from the list of candidates whose names have been presented in accordance with the agreed requirements.

The list of candidates shall be closed two months prior to the election date. The Secretariat will make available the list of candidates and relevant information to member States and to the public at least one month prior to their election.

Due consideration should be given to gender balance and to an appropriate representation of different civilizations and legal systems.

The geographic distribution will be:

- African States: 5
- Asian States: 5
- Eastern European States: 2
- Latin American and Caribbean States: 3
- Western European and other States: 3

The members of the Advisory Committee shall serve for a period of three years. They shall be eligible for re-election once. In the first term, one third of the experts will serve for one year and another third for two years. The staggering of terms of membership will be defined by the drawing of lots.

### **C. Functions**

The function of the Advisory Committee is to provide expertise to the Council in the manner and form requested by the Council, focusing mainly on studies and research-based advice. Further, such expertise shall be rendered only upon the latter's request, in compliance with its resolutions and under its guidance.

The Advisory Committee should be implementation-oriented and the scope of its advice should be limited to thematic issues pertaining to the mandate of the Council; namely promotion and protection of all human rights.

The Advisory Committee shall not adopt resolutions or decisions. The Committee may propose within the scope of the work set out by the Council, for the latter's consideration and approval, suggestions for further enhancing its procedural efficiency, as well as further investigation proposals within the scope of the work set out by the Council.

The Council shall issue specific guidelines for the Advisory Committee when it requests a substantive contribution from the latter and shall review all or any portion of those guidelines if it deems necessary in the future.

#### **D. Methods of work**

The Advisory Committee shall convene up to two sessions for a maximum of 10 working days per year. Additional sessions may be scheduled on an ad hoc basis with prior approval of the Council.

The Council may request the Advisory Committee to undertake certain tasks that could be performed collectively, through a smaller team or individually. The Committee will report on such efforts to the Council.

Members of the Advisory Committee are encouraged to communicate intersessionally, individually or in teams. However, the Committee shall not establish subsidiary bodies unless the Council authorizes it.

In the performance of its mandate, the Advisory Committee is urged to establish interaction with States, national human rights institutions, NGOs and other civil society entities in accordance with the modalities of the Council.

Member States and 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 entitled to participate in the work of the Human Rights Council Advisory Committee 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.

The Council will decide at its sixth session (First session of its Second Cycle) on the most appropriate mechanisms to continue the work of the Working Groups on Indigenous Populations, Contemporary Forms of Slavery; Minorities, and the Social Forum.

## IV. COMPLAINT PROCEDURE

### A. Objective and scope

A complaint procedure is being established to address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 as revised by resolution 2000/3 of 19 June 2000 served as a working basis and was improved where necessary, so as to ensure that the complaint procedure be impartial, objective, efficient, victims-oriented and conducted in a timely manner. The procedure will retain its confidential nature, with a view to enhancing cooperation with the State concerned.

### B. Admissibility criteria for communications

A communication related to a violation of human rights and fundamental freedoms, for the purpose of this procedure, shall be admissible, unless:

- It has manifestly political motivations and its object is not consistent with the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable instruments in the field of human rights law; or
- It does not contain a factual description of the alleged violations, including the rights which are alleged to be violated; or
- Its language is abusive. However, such communication may be considered if it meets the other criteria for admissibility after deletion of the abusive language; or
- It is not submitted by a person or a group of persons claiming to be the victim of violations of human rights and fundamental freedoms or by any person or group of persons, including NGOs acting in good faith in accordance with principles of human rights, not resorting to politically motivated stands contrary to the provisions of the Charter of the United Nations and claiming to have direct and reliable knowledge of

those violations. Nonetheless, reliably attested communications shall not be inadmissible solely because the knowledge of the individual authors is second hand, provided they are accompanied by clear evidence: or

- It is exclusively based on reports disseminated by mass media: or
- It refers to a case that appears to reveal a consistent pattern of gross and reliably attested violations of human rights already being dealt with by a special procedure, a treaty body or other United Nations or similar regional complaints procedure in the field of human rights: or
- The domestic remedies have not been exhausted, unless it appears that such remedies would be ineffective or unreasonably prolonged.

The National Human Rights Institutions (NHRIs), when they are established and work under the guidelines of the Principles Relating to Status of National Institutions (the Paris Principles) including in regard to quasi-judicial competence, can serve as effective means in addressing individual human rights violations.

### **C. Working groups**

Two distinct working groups shall be established with the mandate to examine the communications and to bring to the attention of the Council consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms.

Both working groups shall, to the greatest possible extent, work on the basis of consensus. In the absence of consensus, decisions shall be taken by simple majority of the votes. They can establish their own rules of procedure.

#### **1. Working Group on Communications (WGC): composition, mandate and powers**

The Human Rights Council Advisory Committee (HRCAC) shall appoint five of its members, one from each Regional Group, with due consideration to gender balance, to constitute the WGC.

In case of a vacancy, the HRCAC shall appoint an independent and highly qualified expert of the same Regional Group from the HRCAC.

Since there is a need for independent expertise and continuity with regard to the examination and assessment of the communications, the independent and highly qualified experts of the WGC shall be appointed for three years. Their mandate is renewable only once.

The Chairperson of the WGC is requested, together with the secretariat, to undertake an initial screening of the communications, based on the admissibility criteria, before transmitting them to the States concerned. Manifestly ill-founded or anonymous communications shall be screened out by the Chairperson and shall therefore not be transmitted to the State concerned. In a perspective of accountability and transparency, the Chairperson of the WGC shall provide all members of the WGC with a list of all communications rejected after initial screening. This list should indicate the grounds of all decisions having resulted in the rejection of a communication. All other communications, which have not been screened out shall be transmitted to the State concerned, so as to obtain the views of the latter on the allegations of violations.

The members of the WGC shall decide on the admissibility of a communication, and assess the merits of the allegations of violations, including whether the communication alone or in combination with other communications appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. The WGC shall provide the Working Group on Situations (WGS) with a file containing all admissible communications as well as recommendations thereon. When it requires further consideration or additional information, the WGC may keep a case under review until its next session and request such information from the State concerned. The WGC may decide to dismiss a case. All decisions of the WGC shall be based on a rigorous application of the admissibility criteria and shall be duly justified.

## **2. Working Group on Situations (WGS): composition, mandate and powers**

Each Regional Group shall appoint a representative of a member State of the Council, with due consideration to gender balance, to constitute the WGS. They shall be appointed for one year. Their mandate can be renewed once, if the State concerned is a member of the Council.

Members of the WGS shall serve in their personal capacity. In order to fill a vacancy, the respective Regional Group to which the vacancy belongs, shall appoint a representative from member States of the same Regional Group.

The WGS is requested, on the basis of the information and recommendations provided by the WGC, to present the Council with a report on consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms and to make recommendations to the Council on the course of action to take, normally in the form of a draft resolution or decision with respect to the situations referred to it. When it requires further consideration or additional information, members of the WGS may keep a situation under review until its next session. The WGS may also decide to dismiss a case.

All decisions of the WGS shall be duly justified and indicate why the consideration of a situation has been discontinued or action recommended thereon. Decisions to discontinue should be taken by consensus; if not possible, by simple majority of the votes.

#### **D. Working modalities and confidentiality**

Since the complaint procedure is to be, *inter alia*, victims-oriented and conducted in a confidential and timely manner, both Working Groups shall meet at least twice a year for five working days each period, in order to promptly examine the communications, including replies of States thereon, as well as the situations which the Council is already seized of under the complaint procedure.

The State concerned shall cooperate with the complaint procedure and make every effort to provide substantive replies in one of the United Nations official languages to any of the requests of the Working Groups or of the Council. It shall as well make every effort to provide a reply not later than three months after the request has been made. If necessary, this deadline may however be extended at the request of the State concerned.

The Secretariat is requested to make the confidential files available to all members of the Council, at least two weeks in advance, so as to allow sufficient time for the consideration of the files.