

Review of the work and functioning of the Human Rights Council

Presentation by the facilitator on the UPR
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Geneva, 11 January 2011



Introduction 1/2

- We have now less than four weeks to the 2nd session of the Working Group on the review of the Human Rights Council scheduled for February 2011.
- Since the 1st session of the Working Group and for almost two months and half, we have considered all the proposals concerning the UPR.
- Thus, we have identified in green issues upon which there was a wide convergence of views, issues that require further discussions were identified in orange and issues with deep divergences were identified in red.



Introduction 2/2

- Up to now, we have only identified areas of convergences.
- The next step that we should start now is to buildup convergences on the basis of compromises and reciprocal concessions.
- I would like to recall that we have the obligation to move forward in our works and to produce a document that will be submitted to the meeting of the Working Group in February.
- Thus, it is time for issues identified in orange to turn green.
- In this regard, I will submit to you today a package of middle ground and compromise proposals.



Structure of the Presentation

- Today's presentation will be divided into three chapters:
 - I. Issues upon which there is a wide convergence of views.
 - II. Issues upon which a compromise is possible.
 - III. Issues with deep divergences.



I. Issues upon which there is a wide convergence

- Under this chapter, I will recall issues upon which there were wide convergence of views that were identified in green.
- This chapter will be divided into three sections following the same structure of our first informal consultations:
 1. General issues;
 2. Process and modalities of the review;
 3. Follow-up of the review.

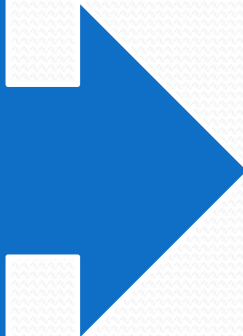
1. General issues

This chapter has known a large convergence of views on all the proposals

- 1. Maintain the basis of the UPR as defined in paragraphs 1 and 2 of IBP.
- 2. Maintain the Principles and Objectives of the UPR as defined in paragraph 3 and 4 of the IBP.
- 3. Maintain the order of the review of States during the 1st cycle for the 2nd cycle.

2. Process and modalities of the review 1/3

Modalities of the review



- 1. Extend the duration of the interactive dialogue by one hour, while keeping the same proportionality between the time allotted to the SuR and the list of speakers.
- 2. Extend the duration of the HRC plenary for UPR outcome adoption by half hour, while keeping the same proportionality between the time allotted to the SuR and the list of speakers.
- 3. Separate HRC plenary meetings for the adoption of the UPR outcomes from the HRC regular sessions, while keeping the general debate under agenda item 6 within the HRC regular sessions.
- 4. Hold the three annual UPR sessions (Working Group followed by HRC plenary) respectively in February, June and October.
- 5. Strengthen, operationalize and make more funds available the UPR Voluntary Trust Fund to facilitate the participation of developing countries, particularly LDCs and small island states, in the different stages of their review.

2. Process and modalities of the review 2/3

Documentation
and focus of the
2nd cycle



- 1. Focus the 2nd cycle of the UPR on reviewing:
 - a. Follow-up to and implementation of accepted recommendations made in the preceding cycle, as well as voluntary pledges and commitments;
 - b. Developments in the SuR since the preceding cycle;
 - c. Assessment of received assistance for implementation of the outcome of the preceding review.
- 2. Preserve the UPR documentation as set for in paragraph 15 of IBP.
- 3. Adjust, at the latest by September 2011, the guidelines for the UPR reports defined in the HRC decision 6/102 of September 2007 in order to adequate them to the 2nd cycle.
- 4. Dedicate a separate section of the Stakeholders summary to contributions by A-Status NHRIs.
- 5. Encourage Stakeholders to report on the implementation of accepted recommendations.

2. The process and modalities of the review 3/3

Recommendations



- 1. Cluster the recommendations thematically, with the full consent of the SuR and the States that made them.
- 2. Maintain the role of the Troika as defined in the IBP and the Presidential statement 8/1 of 9 April 2008.
- 3. SuR should provide its clear position on the received recommendations.

3. The follow-up of the review

The
follow-
up of
the
review



- 1. Encourage States to provide the Council with a mid term reporting on the follow-up of their review. The report would be presented under the general debate agenda item 6.
- 2. Encourage States to continue consultations with civil society on the follow-up of their review.
- 3. Strengthen and operationnalize the voluntary trust fund for financial and technical assistance.
- 4. OHCHR could operate as a clearing house for financial and technical assistance upon the request of the States.

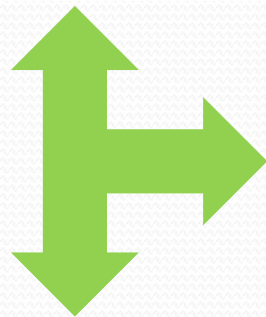


II. Issues upon which a compromise is possible

- Under this chapter, I will present compromise proposals on the following issues that were identified in orange as requiring further discussions:
 1. The periodicity of the cycle.
 2. The gap between the 1st and the 2nd cycle.
 3. Addendum to the final report.
 4. Implementation plan for recommendations.
 5. OHCHR compilation of information from the previous review
 6. Role of UN Country teams.

1. Periodicity of the review

Maintain the status quo: a periodicity of 4 years
- 16 countries per session, 3 sessions per year and 12 sessions per cycle



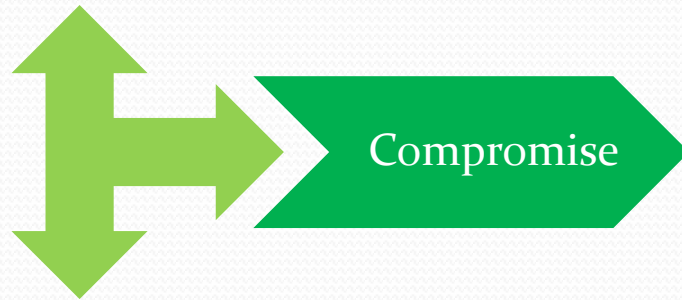
Compromise:

Establish a cycle of 5 years:
- 13 countries per session, 3 sessions per year and 15 sessions per cycle

- This compromise is a middle ground between 4 years et 5 years, meaning 4 years and half, while maintaining 3 sessions per year.
- It implies 14 countries per session and 14 sessions per cycle.

2. Gap between the 1st and the 2nd cycle

Start the 2nd cycle immediately after the end of the 1st cycle



Establish a gap of one year between the 1st and the 2nd cycle

Hold the 1st session of the 2nd cycle in June 2012, meaning:

- Two months after the end of the 1st cycle by the adoption of the last report in March 2012.

- Nine months after the adjustment of the guidelines for the reports of the UPR in September 2011.

3. Addendum to the final report

The SuR should submit, before the adoption of the final report by the Council, an addendum containing its position on all received recommendations.

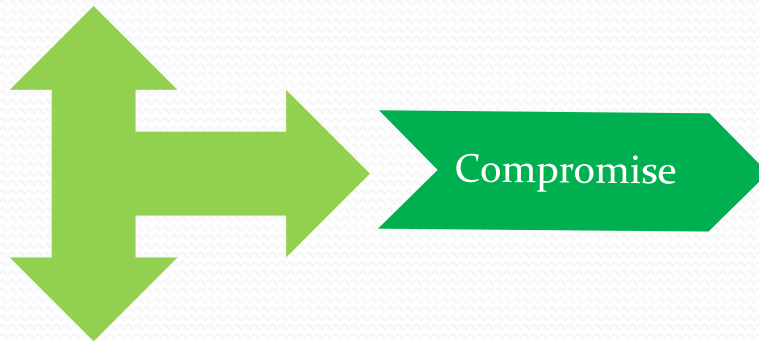


Maintain the current practice: the addendum to the final report should remain optional

Encourage the SuR to submit an addendum to the final report stating clearly its position on all received recommendations.

4. Implementation plan for recommendations

The SuR should submit to the Council an implementation plan for accepted recommendations within 12 months after its review

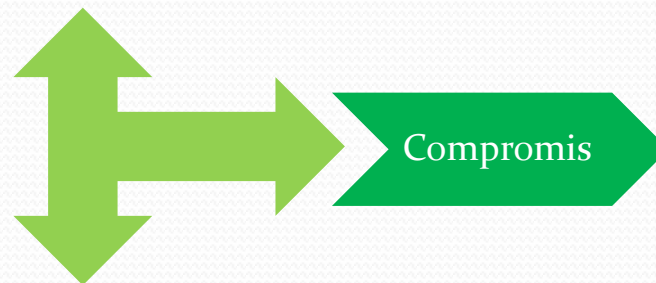


No implementation plan for accepted recommendations should be imposed on the SuR

The SuR is encouraged to submit, within a reasonable period, an implementation plan for accepted recommendations

5. OHCHR compilation of information from the previous reviews

OHCHR should compile the recommendations from the UPR for each country, together with its comments in their regard and their voluntary pledges and commitments

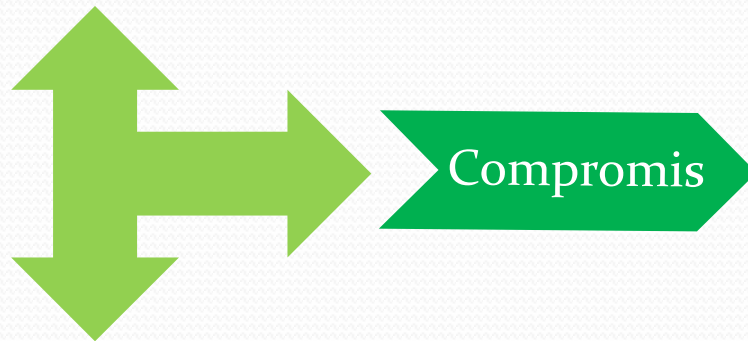


Maintain the status quo: this information is already available in the UPR reports

OHCHR could prepare, for information, a compilation of received recommendations by the SuR

6. Role of UN country team

Involvement of UN country teams in the follow-up of the review



The follow-up of the review is the responsibility of the SuR

The Involvement of the UN country teams in the implementation of accepted recommendations will only be done at the request of the SuR



III. Issues with deep divergences

- Under this chapter, I will recall the issues with deep divergences.
- On these issues, there will be no change and the status quo will be maintained by going back to the provisions of the IBP, unless the delegations that made these proposals come up with compromise proposals.
- This chapter will be divided into three sections:
 1. General issues;
 2. The process and modalities of the review;
 3. The follow-up of the review.

1. General issues

No divergence on the proposals under this section

2. The process and modalities of the review 1/3

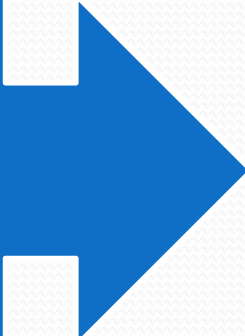
Modalities of the review



- 1. Flexibility with regards to the duration of the review depending on the number of States in the list of speakers.
- 2. Cluster the interactive dialogue into themes.
- 3. Allow NHRIs and NGOs to participate in the Working Group and to make recommendations to the SuR.
- 4. Allow 72 hours between the interactive dialogue with the SuR and the adoption of the outcome of the review by WG.

2. The process and modalities of the review 2/3

Documentation
and focus of
the 2nd cycle



- 1. Add a new report as basis for the review, such as an assessment of follow-up of the review or contributions from NHRIs.
- 2. Develop guidelines for national consultations or tabling reports to national parliaments.
- 3. Develop guidelines for reports prepared by OHCHR.
- 4. OHCHR to present the two reports it prepares before the Working Group.
- 5. Use new information technologies for the participation of other stakeholders.

2. The process and modalities of the review 3/3



Recommendations

- 1. Giving consideration to non accepted recommendations or including assessment of recommendations from special procedures.
- 2. Develop guidelines for recommendations or for clustering recommendations.
- 3. Establish a limit for the number of recommendations.
- 4. Take into consideration recommendations by States that did not take the floor during the interactive dialogue.
- 5. Allow one delegation to make a recommendation on behalf of several delegations.
- 6. Use of Independent expertise or legal advise to ensure the conformity of the recommendations with IHRL.
- 7. Nominate a Rapporteur among the Troika members.

3. Follow-up of the review

Follow-
up of
the
review



- 1. Ensure implementation of recommendations by treaty bodies and special procedures.
- 2. NHRIs should provide a regular update on the follow-up of the review.
- 3. Provide an implementation plan for recommendations at the request for assistance.
- 4. Link UPR to the other UN mechanisms.



Conclusion 1/2

- I believe that the package that I submitted today represents middle ground solutions and realistic compromises.
- I am not expecting immediate reactions from you.
- In order to give you time to consult among your groups, as well as with your capitals, I will provide you with one week, after which a last meeting will be held to get your agreement.
- Thus, I hope I can count on your flexibility and spirit of compromise and to get positive feedback from you on the presented package.

Conclusion 2/2

- In this regard, I would like to recall three principles that have presided over our consultations :
 1. If no convergence is obtained, the status quo will be maintained, meaning that we will revert back to the fundamental text of IBP.
 2. We should advance in the UPR as if the other clusters do not exist and, similarly, advance on the other clusters as if the UPR does not exist.
 3. The presented package will not prejudge the other clusters as nothing is agreed until everything is agreed.
- I am sure that by progressing on fundamental issues concerning the UPR, we will give a strong signal on the collective will to complete this process, which will have a positive impact on the other facilitations.