

## **Outcome of the Review of the Work and Functioning of the United Nations Human Rights Council**

*The Council resolution 5/1 of 18 June 2007 as well as all related Council resolutions, decisions, and presidential statements, namely its resolutions 5/2 of 18 June 2007, 6/17 of 28 September 2007, 8/1 of 18 June 2008 and 11/11 of 18 June 2009, its decisions 5/101 of 18 June 2007, 6/102 of 27 September 2007 and 11/117 of 18 June 2009, as well as the presidential statements 8/1 of 9 April 2008, 8/2 of 18 June 2008 and 9/2 of 24 September 2008 shall continue to apply, unless otherwise stated below.*

### **I. UNIVERSAL PERIODIC REVIEW<sup>1</sup>**

#### **A. Basis, principles and objectives of the review**

1. The basis, principles and objectives of the Universal Periodic Review (UPR) as set forth in paragraphs 1, 2, 3 and 4 of the annex to Human Rights Council resolution 5/1 shall be reaffirmed.

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

2. The second cycle of the review shall begin in June 2012.
3. The periodicity of the review for the second and subsequent cycles will be of four years and a half. This will imply the consideration of forty-two States per year during three sessions of the working group.
4. The order of review established for the first cycle of the review shall be maintained for the second and subsequent cycles.

#### **C. Process and modalities of the review**

##### ***Focus and documentation***

5. The review during the second and subsequent cycles will continue to be based on the three documents identified in paragraph 15 of the annex to Council resolution 5/1.
6. The second and subsequent cycles of the review should focus, inter alia, on the implementation of the accepted recommendations and the developments of the human rights situation in the State under review.
7. The general guidelines for the UPR reports adopted by Council decision 6/102 shall be adjusted to the focus of the second and subsequent cycles before the 18<sup>th</sup> session of the Council.

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<sup>1</sup> Changes to the universal periodic review contained in this part shall be applied starting from the second cycle of the review.

8. Other relevant stakeholders are encouraged to include in their contributions information on the follow-up to the preceding review.

9. The summary of the information provided by other relevant stakeholders should contain, where appropriate, a separate section for the contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. Information provided by other accredited national human rights institutions will be reflected accordingly as well as information provided by other stakeholders.

#### *Modalities*

10. The role of the Troikas shall be maintained as set forth in the annex to Council resolution 5/1 as well as the President's Statement 8/PRST/1.

11. Following the extension of the review cycle to four years and a half and within existing resources and workload, the duration of the working group for the review will be extended from the present three hours and the modalities will be agreed upon at the 17<sup>th</sup> session of the Council, including the list of speakers which shall be based on the modalities appear in **Appendix 1**.

12. The final outcome of the review will be adopted by the Plenary of the Council. The modalities for the organization of the one hour consideration of the outcome shall be in accordance with the President's statement PRST/9/2.

13. The National human rights institutions of the State under Review consistent with the Principles relating to the status of National institutions for the promotion and protection of human rights annexed to the General Assembly resolution 48/134 (the Paris Principles) shall be entitled to intervene immediately after the State under review during the adoption of the outcome of the review by the Council plenary.

14. The Universal Periodic Review Voluntary Trust Fund to facilitate the participation of States established by Human Rights Council resolution 6/17 should be strengthened and operationalized in order to encourage a significant participation of developing countries, particularly least developing countries and small island developing states, in their review.

#### **D. Outcome of the review**

15. The recommendations contained in the outcome of the review should preferably be clustered thematically with the full involvement and consent of the State under review and the States that made the recommendations.

16. The State under review should clearly communicate to the Human Rights Council, in a written format preferably prior to the Council plenary, its positions on all received recommendations, in accordance with the provisions of paragraphs 27 and 32 of the annex to the Council resolution 5/1.

## **E. Follow-up of the review**

17. While the outcome of the review, as a cooperative mechanism, should be implemented primarily by the State concerned, States are encouraged to conduct broad consultations with all relevant stakeholders in this regard.
18. States are encouraged to provide the Council, on a voluntary basis, with a midterm update on the follow up of the accepted recommendations.
19. The Voluntary Fund for Financial and Technical Assistance established by the Council resolution 6/17 should be strengthened and operationalized, in order to provide a source of financial and technical assistance to help countries, in particular Least Developed Countries and Small Islands Developing States to implement the recommendations emanating from their review. A Board of Trustees should be established in accordance with United Nations rules.
20. States may request the United Nations representation at the national or regional level to assist them in the implementation of the follow-up of their review, bearing in mind provisions of paragraph 36 of the annex to the Council resolution 5/1. The Office of High Commissioner for Human Rights may act as a clearing house for such assistance.
21. Financial and technical assistance for the implementation of the review should support national needs and priorities, as may be reflected in national implementation plans.

## **II. SPECIAL PROCEDURES**

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

22. To further strengthen and enhance transparency in the selection and appointment process of mandate holders envisaged in the annex to Council resolution 5/1:
  - a) In addition to entities specified in paragraph 42, national human rights institutions in compliance with the Paris Principles may also nominate candidates as special procedures mandate holders.
  - b) Individual candidates and candidates nominated by entities shall submit an application for each specific mandate, together with personal data and a motivation letter no longer than 600 words. The Office of the High Commissioner for Human Rights shall prepare a public list of candidates applied for each vacancy.
  - c) The Consultative Group will consider, in a transparent manner, candidates having applied for each specific mandate. However, under exceptional circumstances and if a particular post justifies it, the Group may consider additional candidates with equal or more suitable qualifications for the post. The Group shall interview shortlisted candidates to ensure equal treatment of all candidates.
  - d) In implementing paragraph 52, the President shall justify his/her decision if he/she decides not to follow the order of priority proposed by the Consultative Group.

## **B. Working methods**

23. In line with the Council resolution 5/2, States should cooperate with and assist special procedures in the performance of their tasks and it is incumbent on mandate holders to exercise their functions in accordance with their mandates and in compliance with the Code of Conduct.

24. The integrity and independence of special procedures and the principles of cooperation, transparency and accountability are integral to ensuring a robust system of the special procedures that would enhance the capacity of the Council to address human rights situations on the ground.

25. Special procedures shall continue to foster a constructive dialogue with States. Special procedures shall also endeavour to formulate their recommendations in a concrete, comprehensive and action-oriented way and pay attention to technical assistance and capacity building needs of States in their thematic and country mission reports. Comments of the State concerned shall be included as an addendum of country mission reports.

26. States are urged to cooperate with, and assist, special procedures by responding in a timely manner to a request for information and visits and to study carefully the conclusions and recommendations addressed to them by special procedures.

27. The Council should streamline its requests to special procedures, in particular with regard to reporting, to ensure meaningful discussion on the reports. The Council should remain as a forum for open, constructive and transparent discussion on cooperation between States and special procedures allowing for the identification and exchange of good practices and lessons learned.

28. National human rights institutions consistent with the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to the General Assembly resolution 48/134 (the Paris Principles) of the country concerned shall be entitled to intervene immediately after the country concerned during the interactive dialogue following the presentation of a country mission report by a special procedure.

29. The Office of the High Commissioner on Human Rights will continue to maintain information on special procedures, such as mandates, mandate-holders, invitations and country visits and responses thereto as well as reports presented to the Council and the General Assembly in comprehensive and easily accessible manner.

30. The Council strongly rejects any act of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights and urges States to prevent and ensure adequate protection against such acts.

## **C. Resources and funding**

31. The Council recognizes the importance of ensuring the provision of adequate and equitable funding with equal priority accorded to civil and political rights and economic, social and cultural rights, including right to development, to support all special procedures according

to their specific needs, including additional tasks entrusted to them by the United Nations General Assembly. This should be achieved through the regular budget of the United Nations.

32. The Council therefore requests the Secretary-General to ensure the availability of adequate resources within the regular budget of the Office of the High Commissioner for Human Rights to support the full implementation by special procedures of their mandates.

33. The Council also recognizes the continued need for extra-budgetary funding to support the work of special procedures and welcomes further voluntary contributions by Member States, emphasizing that these contributions should be, to the extent possible, un-earmarked.

34. The Council highlights the need for full transparency in the funding of special procedures.

### **III. ADVISORY COMMITTEE**

35. The Council shall, within existing resources, strengthen its interaction with the Advisory Committee and engage more systematically with it through work formats such as seminars, panels, working groups and sending feedback to the inputs provided by the Committee.

36. The Council shall endeavour to clarify specific mandates given to the Advisory Committee under relevant resolutions, including to indicate thematic priorities and provide specific guidelines for the Advisory Committee with a view to triggering implementation-oriented outputs.

37. In order to provide a proper setting for a better interaction between the Council and its Committee, the first annual session of the Committee shall henceforth be convened immediately prior to the March session of the Council while the second session shall be held in August.

38. The annual report of the Committee to the Council shall be submitted to the Council's September session and be the subject of an interactive dialogue with the Committee's Chairperson. This would not exclude other interaction with the Committee should such opportunities arise and be deemed appropriate by the Council.

39. The Committee shall endeavour to enhance the inter-sessional work between its members in order to give effect to the provisions in paragraph 81 of the annex to the Council resolution 5/1.

### **IV. AGENDA AND FRAMEWORK FOR THE PROGRAMME OF WORK**

40. The Council's agenda and framework for programme of work are as is specified in the annex to Council resolution 5/1.

41. The Council's cycle will be aligned with the calendar year and subject to necessary transitional arrangements to be decided by the General Assembly.

## **V. Methods of Work and Rules of Procedure**

### **A. Yearly panel with United Nations agencies and funds**

42. The Council shall hold a half day panel once a year to interact with Heads of Governing Bodies and of Secretariats of United Nations agencies and funds within their respective mandates on specific human rights themes with the objective of promoting mainstreaming of human rights system-wide. This does not preclude other opportunities that may arise for discussions between the Council and United Nations agencies and funds on the mainstreaming of human rights.

43. State or regional group may propose issues to be discussed by the Panel. On the basis of such proposals and consultation with all regional groups, the President of the Council will propose the theme of the panel for the upcoming year for approval by the Council at its relevant organizational session.

44. The Office of High Commissioner for Human Rights, in its capacity of secretariat of the Council, shall coordinate the preparation of the required documentation for the panel.

### **B. Voluntary yearly calendar of resolutions**

45. The Bureau shall establish a tentative yearly calendar for thematic resolutions in the Human Rights Council in consultation with the main sponsors. The yearly calendar will be established on a voluntary basis and without prejudice to the right of States as provided for by paragraph 117 of the annex to Council resolution 5/1.

46. The calendar should also contemplate the appropriate synchronization of schedules for resolutions, mandates and presentation of reports by special procedures taking into account the need for balance between them.

47. The Bureau shall present a report to the Council in its 18<sup>th</sup> session.

### **C. Triennial thematic resolutions**

48. In principle and on a voluntary basis, omnibus thematic resolutions should be tabled on a biennial or triennial basis.

49. Thematic resolutions on the same issue to be presented in between years are expected to be shorter and focused at addressing the specific question or standard gap that justified its presentation.

### **D. Transparency and extensive consultations for resolutions and decisions**

50. The consultation process on, inter alia, resolutions and decisions of the Council, shall observe the principles of transparency and inclusiveness.

### **E. Documentation**

51. There is a need for ensuring availability of working documents in time and in all United Nations languages.

## **F. Deadlines for the notification and submission of draft initiatives, as well as programme budget implication (PBI) information**

52. There is a need for early submission of draft resolutions and decisions by the end of the penultimate week of a session.

53. Sponsors of initiatives are encouraged to be in contact with the Office of High Commissioner for Human Rights before the second week of the session with a view to facilitate the circulation of information on budgetary implications if any.

## **G. Establishment of an Office of the President**

54. In line with the procedural and organizational roles of the President, the Office of the President of the Human Rights Council shall be established, within existing resources, in order to support the President in the fulfilment of his/her tasks and enhance efficiency, continuity and institutional memory in this regard.

55. The Office of the President shall be provided with adequate resources drawing from the regular budget, including staff, office space and necessary equipment required for the fulfillment of their tasks. The appointment of the staff of the office shall promote equitable geographic distribution and gender balance. The staff of the Office shall be accountable to the President.

56. The composition, modalities and financial implications of the Office of President shall be considered by the Council on the basis of the report of the Secretariat at its 17<sup>th</sup> session.

## **H. Human Rights Council secretariat service**

57. The secretariat service to the Council and its mechanism should continue to be improved to enhance efficiency in the work of the Council.

## **I. Accessibility for persons with disabilities**

58. There is a need to enhance accessibility for persons with disabilities to the Council and its mechanism's work, including its information and communication technology, internet resources and documents, in accordance with international standards on accessibility for persons with disabilities.

## **J. The use of information technology**

59. The Council shall explore the feasibility of the use of information technology, such as videoconferencing or video messaging, in order to enhance access and participation by non-resident state delegations, specialized agencies, other intergovernmental organizations and national human rights institutions consistent with the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to the General Assembly resolution 48/134 (the Paris Principles), as well as non-governmental organizations in consultative status, bearing in mind the need to ensure full compliance of such participation with its rules of procedure and rules concerning accreditation.

60. The use of modern information technology, such as the electronic circulation of copies, is encouraged in order to reduce the circulation of paper.

**K. Task force**

61. The Council decides to establish a task force to study the issues envisaged in paragraphs 57, 58, 59 and 60 in consultation with government representatives, the Office of the High Commissioner for Human Rights and the United Nations Office in Geneva and all relevant stakeholders, and submit concrete recommendations to the 19<sup>th</sup> session of the Council.

**L. Technical Assistance Trust Fund**

62. The Council will consider modalities for the establishment of a technical assistance trust fund to support the participation of Least Developed Countries and Small Island Developing States in the work of the Council in its the 19<sup>th</sup> session.

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**Modalities for Establishing the List of Speakers  
for the Working Group of the Universal Periodic Review**

The established procedures, which allow 3 minutes speaking time for Member States and 2 minutes for Observer States, will continue to apply when all speakers can be accommodated within -- minutes hours available to Member and Observer States.

Should it be impossible to accommodate all speakers within -- minutes based on 3 minutes speaking time for Member States and 2 minutes for Observer States, the speaking time will be reduced to 2 minutes for all.

If all speakers still cannot be accommodated, the speaking time will be divided among all delegations inscribed so as to enable each and every speaker to take the floor.

Steps for drawing up the list of speakers

1. The list of speakers will open at 10:00 on the Monday of the week preceding the beginning of the UPR working group session and remain open for a period of four days. It will close on the Thursday at 18:00. A registration desk will be set up at the Palais des Nations. The exact location will be communicated to all permanent missions by the Secretariat.
2. In all cases, regardless of speaking times, the delegations inscribed on the list of speakers will be arranged by alphabetical order of the country names in English. On the Friday morning preceding the beginning of the session, the President, in the presence of the Bureau, will draw by lot the first speaker on the list. The list of speakers will continue from the State drawn onward. On Friday afternoon, all delegations will be informed of the speaking order and of the speaking time available to delegations.
3. Speaking time limits during the review will be strictly enforced. Speakers who exceed speaking time will have their microphones cut off. Speakers may therefore wish to deliver the essential part at the beginning of their statements.
4. All speakers will retain the possibility of swapping place on the speakers list under bilateral arrangement between speakers

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