

**NON-PAPER ON THE UNIVERSAL PERIODIC
REVIEW MECHANISM**

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**PREPARED UNDER THE AUTHORITY OF THE FACILITATOR AND
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I. BASIS OF 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;
- **International humanitarian law, as and where applicable (*compromise proposal by the Facilitator*).**

II. PRINCIPLES AND OBJECTIVES

1. Principles

The universal periodic review (UPR) should:

- Promote universality, interdependence, indivisibility and the 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;

* As the UPR is an evolving process, the Council, after the conclusion of the first review cycle, will review the modalities of this mechanism, based on best practices and lessons learned.

- 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 (GA) 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,
- 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 OHCHR.

III. PERIODICITY AND ORDER OF REVIEW

- Review begins after the adoption of the UPR mechanism by the Council;
- The order of review should reflect 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 will be either four years (48 countries per year) or five years (39 countries per year).**

IV. PROCESS AND MODALITIES OF REVIEW

(refer to the annexed proposal)

A. Elements of convergence

- The documents on which the review would be based are:
 - A report prepared by the State concerned on the basis of General Guidelines to be adopted by the Council, and any other information considered relevant by the State concerned. States are encouraged to prepare their report through a broad consultation process at the national level with all relevant stakeholders;
 - Compilation by OHCHR (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);
- In the review, the Council could also take into consideration additional credible and reliable information provided by other relevant stakeholders;

- The modalities of the interactive dialogue shall be as follows: (see annex for further details)
 - 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;
 - 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;
 - Interactive dialogue between the country under review and the Council will take place in the Working Group;
- The duration of the review will be three hours for each country. Additional time of up to one hour will be allocated for the consideration of the outcome by the Council plenary;
- The final outcome will be adopted by the plenary of the Council.

B. Elements requiring further consideration

- Involvement of (an) expert (s) to prepare a summary of the information provided for the review process;
- **A rapporteur(s) will be selected, respecting geographical representation, from among the members of the Council to prepare the review outcome (*compromise proposal by the Facilitator*).***

V. OUTCOME OF THE REVIEW

1. Format of the outcome

- Report consisting of a summary of the proceedings of the review process and possible recommendations and/or conclusions.

2. Content of the outcome

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

* The rapporteur(s) will prepare the outcome for consideration by the Working Group and then by the Council plenary.

- 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 (a decision should be taken by the Council on whether to use existing financing mechanisms or to create a new mechanism);
- Voluntary commitments and pledges made by the country reviewed.

3. Mode of adoption

- The reviewed country should be fully involved in the outcome;
- Before the adoption of the outcome by the plenary, 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 consent of the State concerned will be identified as consensus recommendations. The content of those with which the State concerned does not agree should be reflected in the report together with the comments of the State concerned thereon. Both will be included in the outcome report to be adopted by the plenary.**

VI. 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;

- 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 may address, as appropriate, cases of persistent non-cooperation with the mechanism.

* This issue will be decided in connection with the decision to be taken by the working group on implementation of Council resolution 3/4 on the agenda and programme of work.

ANNEX UPR MODALITIES

PROPOSAL

PROPOSAL ON MODALITIES

OHCHR compilation

(*treaty bodies, special procedures, other UN information*)

Report by the country under review

(*prepared on the basis of general guidelines to be adopted by the Council and other information considered as relevant by the country under review*)

Additional information

(*provided by other relevant stakeholders in accordance with GA resolution 60/251, ECOSOC resolution 1996/31, as well as any decisions that the Council may take*)

Working Group (WG)

- > Composed of member States of the Council. Each member State will decide on the composition of its delegation.
- > The WG will be chaired by the President of the Council.
- > The duration of the review in the WG will be 3 hours for each country.
- > The WG should report to the Council plenary.

1 Working Group composed of 47 member States of the Council

Report of the review + Response and commentary by the State reviewed

Plenary of the Human Rights Council Consideration and outcome

Since the review is conducted in the WG, the time to be allocated to the consideration and adoption the outcome will be up to 60 minutes.

39 countries per year (5-year periodicity)

The WG would meet for 4 wks additional to regular sessions of the Council*

Plenary meetings:

- > 39 x 60 mins: 39 hrs
- 13 plenary meetings (1 wk + 1.5 days)

48 countries per year (4-year periodicity)

The WG would meet for 5 wks additional to regular sessions of the Council*

Plenary meetings:

- > 48 x 60 mins: 48 hrs
- 16 plenary meetings (1 wk + 3 days)

*The WG should not meet in parallel to regular session meetings of the Council