



ASIA PACIFIC FORUM
ADVANCING HUMAN RIGHTS IN OUR REGION

Universal Periodic Review

APF Annual Conference Paper

APF 13

The 13th Annual Meeting of the Asia Pacific
Forum of National Human Rights Institutions

Kuala Lumpur, Malaysia, 28 to 31 July 2008

Universal Periodic Review

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Human Rights Council Universal Periodic Review												
	1st Session (2008)	2nd Session (2008)	3rd Session (2008)	4th Session (2009)	5th Session (2009)	6th Session (2009)	7th Session (2010)	8th Session (2010)	9th Session (2010)	10th Session (2011)	11th Session (2011)	12th Session (2011)
1	Morocco	Gabon	Botswana	Cameroon	Central African Republic	Côte d'Ivoire	Angola	Guinea	Liberia	Mozambique	Seychelles	Swaziland
2	South Africa	Ghana	Burkina Faso	Djibouti	Chad	Democratic Republic of the Congo	Egypt	Guinea-Bissau	Libyan Arab Jamahiriya	Namibia	Sierra Leone	Togo
3	Tunisia	Mali	Burundi	Mauritius	Comoros	Equatorial Guinea	Madagascar	Kenya	Malawi	Niger	Somalia	Uganda
4	Algeria	Zambia	Cape Verde	Nigeria	Congo	Eritrea	Gambia	Lesotho	Mauritania	Rwanda	Sudan	United Republic of Tanzania
5	Bahrain	Benin	Turkmenistan	Senegal	Vanuatu	Ethiopia	Qatar	Kiribati	Lebanon	Sao Tome and Principe	Palau	Zimbabwe
6	India	Japan	Tuvalu	Bangladesh	Viet Nam	Bhutan	Fiji	Kuwait	Maldives	Myanmar	Papua New Guinea	Syrian Arab Republic
7	Indonesia	Pakistan	United Arab Emirates	China	Yemen	Brunei Darussalam	Iran (Islamic Republic of)	Kyrgyzstan	Marshall Islands	Nauru	Samoa	Tajikistan
8	Philippines	Republic of Korea	Uzbekistan	Jordan	Afghanistan	Cambodia	Iraq	Lao People's Democratic Republic	Micronesia (Federated States of)	Nepal	Singapore	Thailand
9	Argentina	Sri Lanka	Colombia	Malaysia	Uruguay	Cyprus	Kazakhstan	Grenada	Mongolia	Oman	Solomon Islands	Timor Leste
10	Ecuador	Tonga	Bahamas	Saudi Arabia	Belize	Democratic People's Republic of Korea	Bolivia	Guyana	Honduras	Paraguay	Saint Vincent and the Grenadines	Trinidad and Tobago
11	Brazil	Guatemala	Barbados	Cuba	Chile	Costa Rica	Nicaragua	Haiti	Jamaica	Saint Kitts and Nevis	Suriname	Venezuela (Bolivarian Republic of)
12	Netherlands	Peru	Israel	Mexico	Malta	Dominica	El Salvador	Spain	Panama	Saint Lucia	Belgium	Antigua and Barbuda
13	Finland	France	Liechtenstein	Canada	Monaco	Dominican Republic	Italy	Sweden	United States	Australia	Denmark	Iceland
14	United Kingdom	Switzerland	Luxembourg	Germany	New Zealand	Norway	San Marino	Turkey	Andorra	Austria	Greece	Ireland
15	Poland	Romania	Montenegro	Russian Federation	Slovakia	Portugal	Slovenia	Armenia	Bulgaria	Estonia	Hungary	Lithuania
16	Czech Republic	Ukraine	Serbia	Azerbaijan	The Former Yugoslav Republic of Macedonia	Albania	Bosnia and Herzegovina	Belarus	Croatia	Georgia	Latvia	Moldova

States to be considered at the 1st UPR Session

1. Bahrain
2. Ecuador
3. Tunisia
4. Morocco
5. Indonesia
6. Finland
7. United Kingdom
8. India
9. Brazil
10. Philippines
11. Algeria
12. Poland
13. Netherlands
14. South Africa
15. Czech Republic
16. Argentina

States to be considered at the 2nd session

1. Gabon
2. Ghana
3. Peru
4. Guatemala
5. Benin
6. Republic of Korea
7. Switzerland
8. Pakistan
9. Zambia
10. Japan
11. Ukraine
12. Sri Lanka
13. France
14. Tonga
15. Romania
16. Mali

States to be considered at the 3rd session

1. Botswana
2. Bahamas
3. Burundi
4. Luxembourg
5. Barbados
6. Montenegro
7. United Arab Emirates
8. Israel
9. Liechtenstein
10. Serbia
11. Turkmenistan
12. Burkina Faso
13. Cape verde
14. Colombia
15. Uzbekistan
16. Tuvalu

Information note for relevant stakeholders regarding the Universal Periodic Review mechanism

This preliminary note aims at informing relevant stakeholders and providing them with some guidance on the way they may contribute to the Universal Periodic Review (UPR), the new review mechanism established by the Human Rights Council in Resolution 5/1 of 18 June 2007. Further technical guidelines for relevant stakeholders on the UPR can be consulted at: <http://www.ohchr.org/EN/HRBodies/UPR/Documents/TechnicalGuideEN.pdf>

General Assembly Resolution 60/251, which created the Human Rights Council, decided that the Council shall “undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies (...)”. (article 5 (e))

The basis of the review, its principles and objectives, its process and modalities, as well as the outcome of the review are outlined in Resolution 5/1, adopted by the HRC on 18 June 2007, and contained in the Report of the fifth regular session (the so-called ‘institution-building package’) available in all six UN languages at the following link: <http://www2.ohchr.org/english/bodies/hrcouncil/>

Resolution 5/1 allows for an active engagement of NGOs in the UPR mechanism. The UPR shall “*ensure the participation of all relevant stakeholders, including non-governmental organizations and national human rights institutions, in accordance with General Assembly resolution 60/251 of 15 March 2006 and Economic and Social Council resolution 1996/31 of 25 July 1996, as well as any decisions that the Council may take in this regard*”. (Paragraph 3 (m))

1. Objectives of the UPR

The objectives of the review are: (a) The improvement of the human rights situation on the ground; (b) The fulfillment of the State’s human rights obligations and commitments and assessment of positive developments and challenges faced by the State; (c) The enhancement of the State’s capacity and of technical assistance, in consultation with, and with the consent of, the State concerned; (d) The sharing of best practice among States and other stakeholders; (e) Support for cooperation in the promotion and protection of human rights; (f) The encouragement of full cooperation and engagement with the Council, other human rights bodies and OHCHR.

2. Basis

According to Resolution 5/1, the documents on which the review would be based are:

1- Information prepared by the State concerned, which can take the form of a national report, on the basis of General Guidelines adopted by the HRC at its 6th session, and any other information considered relevant by the State concerned, which could be presented either orally or in written, provided that the written presentation summarizing the information will not exceed 20 pages.

2- Additionally a compilation prepared by OHCHR of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official UN documents, which shall not exceed 10 pages.

3- Additional, credible and reliable information provided by other relevant stakeholders to the UPR which should also be taken into consideration by the Council in the review. OHCHR will prepare a summary of such information which shall not exceed 10 pages. **Other relevant stakeholders include NGOs.**

The documents prepared by OHCHR shall follow the structure of the [General Guidelines](#) regarding information prepared by the State concerned, which were adopted by the HRC at its 6th session

3. Process

The UPR review will be conducted in one working group composed of the 47 member States of the HRC, the outcome of which will be a report consisting of a summary of the proceedings, conclusions and/or recommendations, and the voluntary commitments of the State Concerned.

Kindly note that, according to Resolution 5/1:

- i) States are encouraged to prepare the information they submit **"through a broad consultation process at the national level with all relevant stakeholders"** (para. 15(a));
- ii) **"Additional, credible and reliable information provided by other relevant stakeholders to the universal periodic review" will be summarized by the Office of the High Commissioner for Human Rights in a summary which shall not exceed 10 pages (para. 15(c));**
- iii) Other relevant stakeholders may attend the review in the working group (para. 18 (c));
- iv) Before the adoption of the outcome by the plenary of the Council, the State concerned should be offered the opportunity to present replies to questions or issues; Other relevant stakeholders will have the opportunity to make general comments before the adoption of the outcome by the plenary (para. 29 and 31)
- v) The outcome of the universal periodic review, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders (para. 33).

4. Upcoming UPR sessions

Stakeholders may wish to access the following links for an overview of the full cycle of countries to be reviewed and for the timetable for the forthcoming session :

1. [States to be reviewed from 2008 to 2011](#)
2. [Timetable for the forthcoming session](#)

5. Submissions for OHCHR's summary of stakeholders' information

Relevant stakeholders wishing to submit information for consideration and possible inclusion by OHCHR in the summary of stakeholders' information, may send their contribution to UPRsubmissions@ohchr.org

Stakeholders should limit their submission to a **5-page document**, to which a more detailed and factual report may be attached for reference.

Deadlines for submissions by NGOs for the forthcoming UPR sessions are available [here](#).

Please note that the summary of other stakeholders' input prepared by OHCHR will reference the list of relevant sources, which will be made available on-line.

6. Contact information

OHCHR Civil Society Unit

Tel. +41 22 917 9656

Fax. +41 22 917 9011

e-mail: civilsocietyunit@ohchr.org

Information note for NHRIs regarding the Universal Periodic Review mechanism (as of 9 May 2008)

This preliminary note aims at informing NHRIs and providing them with some guidance on the way they may contribute to the Universal Periodic Review (UPR), the new review mechanism established by the Human Rights Council in Resolution 5/1 of 18 June 2007.

General Assembly Resolution 60/251, which created the Human Rights Council, decided that the Council shall "undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States: the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs: such a mechanism shall complement and not duplicate the work of treaty bodies (...)" (article 5 (e))

The basis of the review, its principles and objectives, its process and modalities, as well as the outcome of the review are outlined in Resolution 5/1, adopted by the HRC on 18 June 2007, and contained in the Report of the fifth regular session (the so-called "institution-building package") available in all six UN languages at the following link: <http://www2.ohchr.org/english/bodies/hrcouncil/>

Resolution 5/1 allows for an active engagement of NHRIs in the UPR mechanism. The UPR shall "ensure the participation of all relevant stakeholders, including non-governmental organizations and national human rights institutions, in accordance with General Assembly resolution 60/251 of 15 March 2006 and Economic and Social Council resolution 1996/31 of 25 July 1996, as well as any decisions that the Council may take in this regard". (Paragraph 3 (m))

1. Objectives of the UPR

The objectives of the review are: (a) The improvement of the human rights situation on the ground; (b) The fulfillment of the State's human rights obligations and commitments and assessment of positive developments and challenges faced by the State; (c) The enhancement of the State's capacity and of technical assistance, in consultation with, and with the consent of, the State concerned; (d) The sharing of best practice among States and other stakeholders; (e) Support for cooperation in the promotion and protection of human rights; (f) The encouragement of full cooperation and engagement with the Council, other human rights bodies and OHCHR.

2. Basis

According to Resolution 5/1, the documents on which the review would be based are:

- 1- Information prepared by the State concerned, which can take the form of a national report, on the basis of General Guidelines adopted by the HRC at its 6th session, and any other information considered relevant by the State concerned, which could be presented either orally or in written, provided that the written presentation summarizing the information will not exceed 20 pages.
 - 2- Additionally a compilation prepared by OHCHR of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official UN documents, which shall not exceed 10 pages.
 - 3- Additional, credible and reliable information provided by other relevant stakeholders to the UPR which should also be taken into consideration by the Council in the review. OHCHR will prepare a summary of such information which shall not exceed 10 pages. Other relevant stakeholders include NHRIs.
- The documents prepared by OHCHR shall follow the structure of the General Guidelines regarding information prepared by the State concerned, which were adopted by the HRC at its 6th session.

3. Process

The UPR review will be conducted in one working group composed of the 47 member States of the HRC, the outcome of which will be a report consisting of a summary of the proceedings, conclusions and/or recommendations, and the voluntary commitments of the State Concerned.

Kindly note that, according to Resolution 5/1:

- States are encouraged to prepare the information they submit "through a broad consultation process at the national level with all relevant stakeholders" (para. 15(a));
- "Additional, credible and reliable information provided by other relevant stakeholders to the universal periodic review" will be summarized by the Office of the High Commissioner for Human Rights in a summary which shall not exceed 10 pages (para. 15(c));
- Other relevant stakeholders may attend the review in the working group (para. 18 (c));
- Before the adoption of the outcome by the plenary of the Council, the State concerned should be offered the opportunity to present replies to questions or issues; Other relevant stakeholders will have the opportunity to make general comments before the adoption of the outcome by the plenary (para. 29 and 31)
- The outcome of the universal periodic review, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders (para. 33).

4. Upcoming UPR sessions

The third UPR session will be held from 1 to 12 December 2008. NHRIs may wish to access the following links for an overview of the upcoming countries under the UPR sessions:

[Overview of States to be reviewed from 2008 to 2011](#)

[States to be reviewed during the 3rd session, in order of review](#)


5. Technical Guidelines

Deadline

The deadline for submission of contributions for the third UPR session (scheduled from 1 to 12 December 2008) has been set at:

- 14 July 2008 for Botswana, Bahamas, Burundi, Luxembourg, Barbados, Montenegro and United Arab Emirates
- 21 July 2008 for Israel, Liechtenstein, Serbia, Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan and Tuvalu

Where to submit?

NHRIs, wishing to submit information for consideration and possible inclusion by OHCHR in the summary of stakeholders' information, may send their contribution to UPRsubmissions@ohchr.org. Please avoid sending information to other OHCHR electronic addresses. Please note (a) the OHCHR secretariat will confirm electronically receipt of your message and submission; and (b) while stakeholders are not encouraged to fax or mail a hardcopy of their submission to the OHCHR secretariat, they may in the case of technical difficulties with electronic mail fax their submission to  +41 22 917 90 11.

Format of the submission

About the Universal Periodic Review

[GA Res. 60/251](#)

[HRC Res. 5/1](#)

[General guidelines for the preparation of information under the UPR](#)

Countries selected for the full cycle (2008-2011)

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Info notes

Info note for other relevant stakeholders:

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Info note for NHRIs:

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[Technical guidelines for the submission of stakeholders' information](#)

[Deadlines for submission of stakeholders' information for the 3rd and 4th UPR sessions](#)

Accreditation:

[E](#)

Media information

[1st session 7-18 April 2008](#)

[2nd session 5-19 May 2008](#)

[Webcast](#)

Each electronic submission and relevant e-mail message should concern one country only. In the e-mail message accompanying the submitted documents kindly include:

- (a) In the title of the e-mail message: the name of the (main) stakeholder/NGO/NHRI submitting the contribution, the kind of contribution (individual and/or joint), the name of the reviewed country and indicate the month and year of relevant UPR session, e.g., "Women's coalition – joint UPR submission – Brazil – April 2008" ;
- (b) In the text of the e-mail message accompanying the submission, kindly indicate the contact details of the reference person in your organization / institution;
- (c) A paragraph describing the main activities of the submitting organization/coalition, as well as date of establishment, especially for those organizations which interrelate for the first time with the United Nations, would be also welcomed. Please note that the summary of other stakeholders' input prepared by OHCHR will reference the list of relevant sources, which will be made available on-line.

Content of the written submission

Submissions should follow the structure of the General Guidelines for the preparation of information under the UPR:

http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/DEC/6/102

- Stakeholders' submissions should not be longer than five pages, to which a more detailed and factual report maybe attached (the page limit for submissions is 10 pages when submitted by large coalitions of stakeholders);
- Submissions should cover a maximum of a 4 year-time period
- Submission documents should be saved as a Word document only, i.e. not as PDF file;
- Written contributions should be submitted in United Nations official languages only, preferably in English, French or Spanish;
- Kindly submit the final version of your text as revised versions might be difficult to be accepted at a later stage;
- Paragraphs and pages of each submission should be numbered;
- Submissions may include an introduction paragraph summarizing the main points contained therein;
- As a way of introduction, stakeholders are also encouraged to indicate key words in relation to their submission (e.g., domestic violence); and
- Stakeholders should refrain from annexing reports from other organizations;

Please note also:


- (a) Submissions substantially in excess of the agreed page and/or time limit will not be considered;
- (b) Submissions containing language manifestly abusive (i.e., incitement to violence, inherently racial language, etc.) will not be considered.

6. Contact information

OHCHR National Institutions Unit stands ready to assist National Human Rights Institutions and answer their queries and may be contacted at:

Mr. Jeroen Klok


E-mail: jklok@ohchr.org

Tel:  +41 22 928 9368

or

Mr. Gianni Magazzeni


Coordinator, National Institutions Unit

Tel:  + 41 22 928 9212

Technical guidelines for the submission of stakeholders' information to OHCHR (as of 1 July 2008)

[French version >>](#)

Where to submit?

Written information for the UPR review should be sent to the following address: uprsubmissions@ohchr.org. Please avoid sending information to other OHCHR electronic addresses. Please note (a) the OHCHR secretariat will confirm electronically receipt of your message and submission; and (b) while stakeholders are discouraged to fax or mail a hardcopy of their submission to the OHCHR secretariat, they may do so in the case of repeated technical difficulties with electronic mail to :  +41 22 917 90 11 .

Format of the written submission :

Each electronic submission and relevant e-mail message should refer to **one country only**. In the **e-mail message** accompanying the submitted documents kindly include:

- In the title of the e-mail message: the name of the (main) stakeholder/NGO submitting the contribution, the kind of contribution (individual and/or joint), the name of the reviewed country and indicate the month and year of relevant UPR session, e.g., *"Women's coalition – joint UPR submission – Brazil – April 2008"* ;
- In the text of the e-mail message accompanying the submission, stakeholders should indicate the details of the relevant contact person;
- A paragraph describing the main activities of the submitting organization/coalition, as well as date of establishment, especially for those organizations which interrelate for the first time with the UN, would be also welcomed;

Should the submission be prepared jointly, the names of all submitting stakeholders should appear at the beginning of the submission text (not in the relevant e-mail message).

Stakeholders' submissions should not be longer than five pages, to which a more detailed and factual report maybe attached; submissions by large coalitions of stakeholders can be up to ten pages;

Written submissions should be saved as a Word document only, i.e. not as PDF file, in Times New Roman, font 12;

Written contributions should be submitted in UN official languages only, preferably in English, French or Spanish;

Written submissions should be final; in principle, it will not be possible to accommodate revisions;

Paragraphs and pages of each submission should be numbered;

Stakeholders are encouraged to include in their written submissions an introductory executive summary, capturing the main points contained therein; as a way of introduction, key words may also be indicated (e.g., domestic violence);

Annexes to the submissions should NOT include pictures, maps, organizations' annual reports or reports from other organizations;

Stakeholders may refer to individuals in their written submission, on the understanding that the OHCHR's summary will only refer to emblematic cases;

The extensive use of footnotes is discouraged.

Please note also:

- Submissions in excess of the five/ten page maximum will not be considered;
- Submissions received in a language other than the six official UN languages will not be considered;
- Submissions received after specified deadlines will not be considered; and
- Submissions containing language manifestly abusive (i.e. incitement to violence, inherently racist language, etc.) will not be considered.

About the Universal Periodic Review

[GA Res. 60/251](#)

[HRC Res. 5/1](#)

[General guidelines for the preparation of information under the UPR](#)

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Accreditation:

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[Webcast](#)



Human Rights Council

Decision 6/102.

**Follow-up to Human Rights Council
resolution 5/1**

At its 20th meeting, on 27 September 2007, the Human Rights Council decided to adopt, without a vote:

“I. GENERAL GUIDELINES FOR THE PREPARATION OF INFORMATION UNDER THE UNIVERSAL PERIODIC REVIEW

“Reaffirming the relevant provisions, related to the universal periodic review, of General Assembly resolution 60/251 of 15 March 2006 and of Human Rights Council resolution 5/1 of 18 June 2007 containing the institution-building package, the Council adopts the following General Guidelines:

- A. Description of the methodology and the broad consultation process followed for the preparation of information provided under the universal periodic review;
- B. Background of the country under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the “basis of review” in resolution 5/1, annex, section IA;
- C. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the “basis of review” in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms ...;

- D. Identification of achievements, best practices, challenges and constraints;
- E. Key national priorities, initiatives and commitments that the State concerned intends to undertake to overcome those challenges and constraints and improve human rights situations on the ground;
- F. Expectations of the State concerned in terms of capacity-building and requests, if any, for technical assistance;
- G. Presentation by the State concerned of the follow-up to the previous review.

II. TECHNICAL AND OBJECTIVE REQUIREMENTS FOR ELIGIBLE CANDIDATES FOR MANDATE HOLDERS

A. Background

According to resolution 5/1, “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) independency; (d) impartiality; (e) personal integrity; (f) objectivity”. Due consideration should be given to gender balance as well as to appropriate representation of different legal systems. “Eligible candidates are highly qualified individuals who possess established competence, relevant expertise and extensive professional experience in the field of human rights” (paras. 39-41).

B. General aspects

1. The Office of the United Nations High Commissioner for Human Rights has the responsibility to “immediately prepare, maintain and periodically update a public list of eligible candidates in a standardized format”. The list shall include “personal data, areas of expertise and professional experience” (resolution 5/1, para. 43).
2. The Secretariat may provide a standardized form, on the basis of the technical and objective requirements stipulated below, for candidates to fill in, and

shall allow for highlighting any expertise they possess in specific areas, so as to facilitate the selection of relevant candidacies from the roster as soon as appointments for particular mandates are necessary.

3. The data and information provided by the candidates shall be substantiated by appropriate written credentials to be annexed to the curricula vitae.

4. “A consultative group would be established to propose to the President, at least one month before 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 meet the general criteria and practical requirements” (resolution 5/1, para. 47).

C. Technical and objective requirements

The following should be considered:

1. Qualifications: relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills in one of the official languages of the United Nations.

2. Relevant expertise: knowledge of international human rights instruments, norms and principles; as well as knowledge of institutional mandates related to the United Nations or other international or regional organizations' work in the area of human rights; proven work experience in the field of human rights.

3. Established competence: nationally, regionally or internationally recognized competence related to human rights.

4. Flexibility/readiness and availability of time to perform effectively the functions of the mandate and to respond to its requirements, including attending Human Rights Council sessions.

III. ADVISORY COMMITTEE OF THE HUMAN RIGHTS COUNCIL

Technical and objective requirements for the submission of candidatures

Mandate: In conformity with resolution 5/1, the technical and objective requirements for the submission of candidatures will be established and approved by the Human Rights 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.

When selecting their candidates, States should consult their national human rights institutions and civil society organizations and apply the following guidelines on technical and objective requirements for the submission of their candidates:

A. Competence and experience

- Academic studies in the field of human rights or related areas and/or experience and exposure to leadership roles in the human rights field at the national, regional, or international level;
- Substantial experience (at least five years) and personal contributions in the field of human rights;
- Knowledge of the United Nations system and of institutional mandates and policies related to the work in the area of human rights, as well as knowledge of international human rights instruments, norms, disciplines, and familiarity with different legal systems and civilizations will be preferable;
- Proficiency in at least one of the United Nations official languages;
- Availability of time to fulfil the work of the Advisory Committee in an effective manner, both to attend its sessions and to carry out mandated activities between sessions.

B. High moral standing

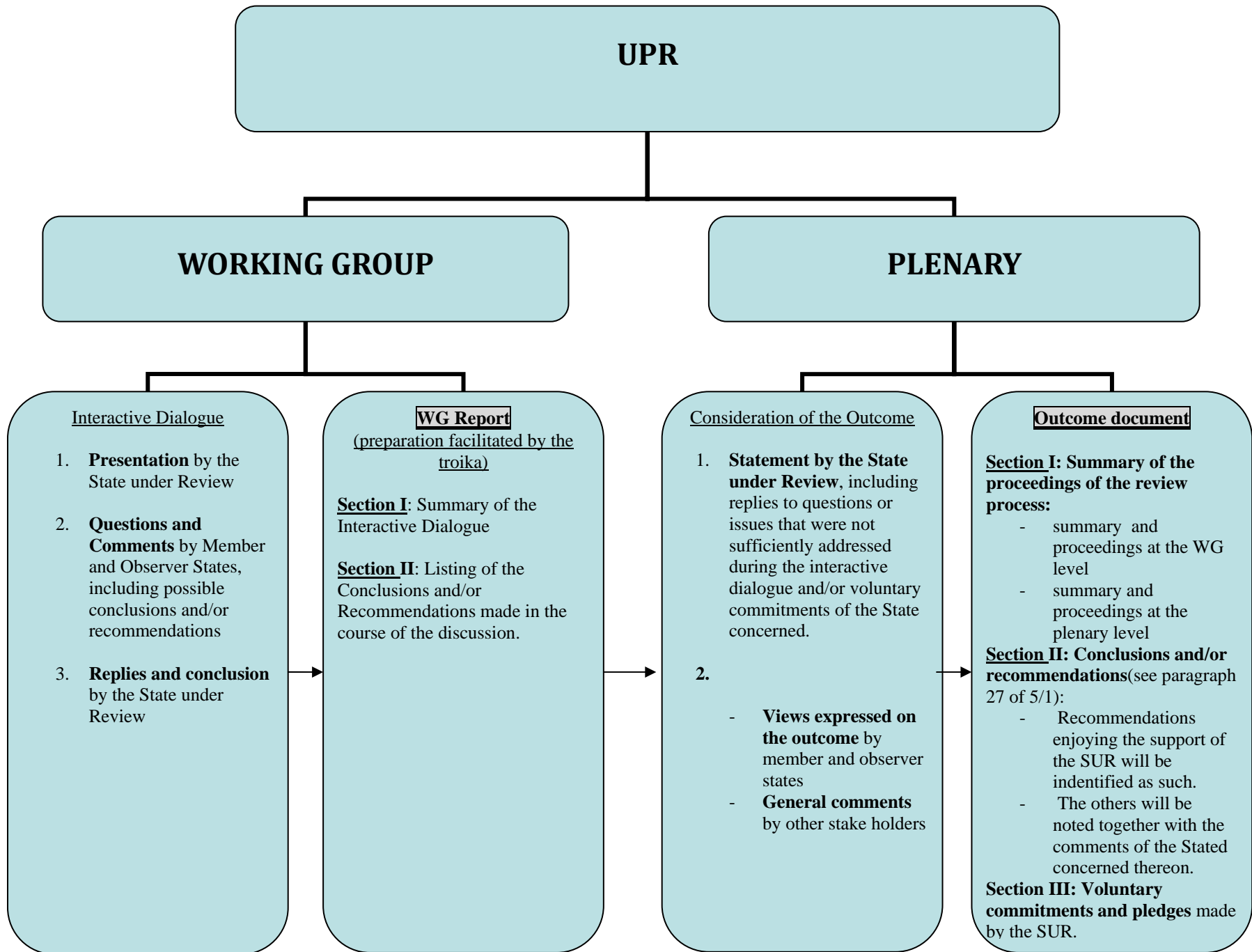
C. Independence and impartiality

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

D. Other considerations

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

In electing members of the Advisory Committee, the Council should give due consideration to gender balance and appropriate representation of different civilizations and legal systems.”





General Assembly

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HUMAN RIGHTS COUNCIL
Eighth session
Agenda item 6

UNIVERSAL PERIODIC REVIEW

8/PRST/1: President statement on modalities and practices for the Universal Periodic Review Process

1. Modalities of work for the Troika Members before the session of the Working Group

1.1. States that wish to raise questions and/or issues with the State under Review may do so via the Troika, who shall relay them to the Secretariat. These questions/issues should conform to the basis of the Review as identified in 5/1 para (1) and shall be raised in a manner that is consistent with the principles and objectives of the UPR, as stated in the Resolution 5/1, and shall be based mainly on the three UPR documents.

1.2. The Secretariat shall then transmit all questions and/or issues to the State under Review no later than 10 working days before the date of the review in the Working Group.

1.3. The Troika Members shall cluster the questions and/or issues in accordance with the content and the structure of the report prepared by the State under review.

1.4. As the UPR is, inter-alia, a transparent process, the questions and/or issues will be circulated among Member and Observer States after being relayed to the State under Review.

1.5. The State under Review is sovereign in addressing the questions/issues it chooses to answer from those transmitted to it by the Troika Members or raised during the Working Group proceedings.

2. Modalities for the review in the Working Group

2.1. The interactive dialogue of the UPR exercise takes place solely in the UPR Working Group.

2.2. The State under Review will be given up to 60 minutes in the Working Group to be used for: a) initial presentation of the national report / responses to written questions; b) replies to the questions raised from the floor during the interactive dialogue, if desired; and; c) concluding comments at the end of the review; in an interactive dialogue under the guidance of the President.

3. The Report of the Working Group

3.1. The Working Group shall prepare a factual report of its proceedings, consisting of a summary of the interactive dialogue, which will reflect recommendations and/or conclusions made by delegations during the interactive dialogue.

3.2. The report of the Working Group shall be prepared by the Troika by fully involving the State under Review, and with the assistance of the Secretariat.

3.3 The State under Review is expected to examine all recommendations made, in accordance with the provisions of the Institutional Building text. In all cases, the recommendations that enjoy the support of the State under review are to be identified as such. Other recommendations, together with the comments of the State under review are to be noted. Both will be included in the report of the Working Group to be adopted by the Council Plenary. The State under review is expected to follow up on those recommendations that enjoy its support as well as on voluntary commitments and pledges.

3.4. The State under Review will inform about its views concerning the recommendations and/or conclusions as well as voluntary commitments/pledges whenever it is in a position to do so: during the meeting of the Working Group; or between the Working Group session and the next Council's session; or during the meeting of the Council Plenary.

4. Modalities of the Plenary

4.1 The review process starts at the Working Group level and ends with the adoption of the outcome of the review by the plenary of the Council.

4.2 The report of the Working Group, together with the views of the State under review concerning the recommendations and/or conclusions, as well as voluntary commitments made by the State under review and replies presented by the State under review before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group, will constitute the outcome of the review which shall be adopted by the HRC plenary through a standardized decision.

4.3 A summary of the views expressed on the outcome of the review by the State under Review, and Member and Observer States of the Council, as well as general comments made by other relevant stakeholders before the adoption of the outcome by the plenary, will be included in the report of the Council's session.

5. General Modalities

5.1 Only the three documents mentioned in 5/1 (para.15) as constituting the basis of the review will be posted on the extranet.

5.2 The Human Rights Council will consider favorably the adoption of a decision on the webcasting of all public proceedings of its various working groups, taking into account the principles of transparency, equal treatment and non-selectivity.

UNIVERSAL PERIODIC REVIEW
Presidential Statement on
Modalities and Practices for the Universal Periodic Review Process (A/HRC/8/L.1 - 8/PRST/1)

Modalities of the Plenary

DOCUMENT	COMPONENTS	SYMBOL NO.	PAGES (WORDS)	COMMENTS
UPR Outcome	▪ Report of the UPR Working Group (by country)	A/HRC/8/XXX	20 (10,700)	
	▪ SuR oral statement during HRC Plenary session on: <ul style="list-style-type: none"> ➢ <i>Recommendations and/or conclusions</i> ➢ <i>Voluntary commitments</i> ➢ <i>Replies to questions not sufficiently addressed</i> 	A/HRC/8/XXX/Add.1	5 pages (2,675)	The Secretariat shall prepare a summary of up to 2675 words (5 pages) of the oral statement
	▪ <i>SuR written submission</i>	A/HRC/8/XXX/Add.2	5 pages (2,675)	<i>The SuR may circulate a written document in support of its oral statement. That submission should also be limited to 2675 words (5 pages)</i>
	▪ HRC Standardized decision	A/HRC/8/L.	N/A	
Summary of Views & General Comments	<ul style="list-style-type: none"> ▪ SuR views on outcome of review ▪ HRC member and observer States views on outcome of review ▪ Stakeholders general comments 	Addendum to the HRC sessional reports	N/A	



Human Rights Council

5/1. 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 5/1 of 18 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(ces).”

*9th meeting
18 June 2007*

[Resolution adopted without a vote.]¹

Annex

UNITED NATIONS HUMAN RIGHTS COUNCIL: INSTITUTION-BUILDING

I. UNIVERSAL PERIODIC REVIEW MECHANISM

A. Basis of the review

1. The basis of the review is:
 - (a) The Charter of the United Nations;
 - (b) The Universal Declaration of Human Rights;
 - (c) Human rights instruments to which a State is party;

¹ See A/HRC/5/21, chap. III, paras. 60-62.

(d) Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the Human Rights Council (hereinafter “the Council”).

2. In addition to the above and given the complementary and mutually interrelated 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

3. The universal periodic review should:

(a) Promote the universality, interdependence, indivisibility and interrelatedness of all human rights;

(b) Be a cooperative mechanism based on objective and reliable information and on interactive dialogue;

(c) Ensure universal coverage and equal treatment of all States;

(d) Be an intergovernmental process, United Nations Member-driven and action-oriented;

(e) Fully involve the country under review;

(f) Complement and not duplicate other human rights mechanisms, thus representing an added value;

(g) Be conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner;

(h) Not be overly burdensome to the concerned State or to the agenda of the Council;

(i) Not be overly long; it should be realistic and not absorb a disproportionate amount of time, human and financial resources;

(j) Not diminish the Council’s capacity to respond to urgent human rights situations;

(k) Fully integrate a gender perspective;

(l) 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;

(m) Ensure the participation of all relevant stakeholders, including non-governmental organizations and national human rights institutions, in accordance with General Assembly resolution 60/251 of 15 March 2006 and Economic and Social Council resolution 1996/31 of 25 July 1996, as well as any decisions that the Council may take in this regard.

2. Objectives

4. The objectives of the review are:

(a) The improvement of the human rights situation on the ground;

(b) The fulfilment of the State’s human rights obligations and commitments and assessment of positive developments and challenges faced by the State;

(c) The enhancement of the State’s capacity and of technical assistance, in consultation with, and with the consent of, the State concerned;

- (d) The sharing of best practice among States and other stakeholders;
- (e) Support for cooperation in the promotion and protection of human rights;
- (f) The 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.

C. Periodicity and order of the review

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

D. Process and modalities of the review

1. Documentation

15. The documents on which the review would be based are:
 - (a) 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;
 - (b) Additionally a compilation prepared by the Office of the High Commissioner for Human Rights 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;

^a The universal periodic review 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.

(c) Additional, credible and reliable information provided by other relevant stakeholders to the universal periodic review which should also be taken into consideration by the Council in the review. The Office of the High Commissioner for Human Rights will prepare a summary of such information which shall not exceed 10 pages.

16. The documents prepared by the Office of the High Commissioner for Human Rights should be elaborated following the structure of the general guidelines adopted by the Council regarding the information prepared by the State concerned.

17. Both the State's written presentation and the summaries prepared by the Office of the High Commissioner for Human Rights 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 United Nations, in accordance with General Assembly resolution 53/208 of 14 January 1999.

2. Modalities

18. The modalities of the review shall be as follows:

(a) 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;^b

(b) Observer States may participate in the review, including in the interactive dialogue;

(c) Other relevant stakeholders may attend the review in the Working Group;

(d) A group of three rapporteurs, selected by the 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. The Office of the High Commissioner for Human Rights will provide the necessary assistance and expertise to the rapporteurs.

19. The country concerned may request that one of the rapporteurs be from its own Regional Group and may also request the substitution of a rapporteur on only one occasion.

20. A rapporteur may request to be excused from participation in a specific review process.

21. Interactive dialogue between the country under review and the Council will take place in the working group. The rapporteurs may 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.

22. 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 plenary of the Council.

23. Half an hour will be allocated for the adoption of the report of each country under review in the working group.

24. A reasonable time frame should be allocated between the review and the adoption of the report of each State in the working group.

25. The final outcome will be adopted by the plenary of the Council.

^b A Universal Periodic Review Voluntary Trust Fund should be established to facilitate the participation of developing countries, particularly the Least Developed Countries, in the universal periodic review mechanism.

E. Outcome of the review

1. Format of the outcome

26. The format of the outcome of the review will be a report consisting of a summary of the proceedings of the review process; conclusions and/or recommendations, and the voluntary commitments of the State concerned.

2. Content of the outcome

27. The universal periodic review is a cooperative mechanism. Its outcome may include, inter alia:

(a) An assessment undertaken in an objective and transparent manner of the human rights situation in the country under review, including positive developments and the challenges faced by the country;

(b) Sharing of best practices;

(c) An emphasis on enhancing cooperation for the promotion and protection of human rights;

(d) The provision of technical assistance and capacity-building in consultation with, and with the consent of, the country concerned;^c

(e) Voluntary commitments and pledges made by the country under review.

3. Adoption of the outcome

28. The country under review should be fully involved in the outcome.

29. Before the adoption of the outcome by the plenary of the Council, the State concerned should be offered the opportunity to present replies to questions or issues that were not sufficiently addressed during the interactive dialogue.

30. 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.

31. Other relevant stakeholders will have the opportunity to make general comments before the adoption of the outcome by the plenary.

32. 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

33. The outcome of the universal periodic review, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders.

34. The subsequent review should focus, inter alia, on the implementation of the preceding outcome.

35. The Council should have a standing item on its agenda devoted to the universal periodic review.

36. 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.

^c A decision should be taken by the Council on whether to resort to existing financing mechanisms or to create a new mechanism.

37. In considering the outcome of the universal periodic review, the Council will decide if and when any specific follow-up is necessary.

38. After exhausting all efforts to encourage a State to cooperate with the universal periodic review 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

39. 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.

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

41. 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.

42. 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. the Office of the High Commissioner for Human Rights); (d) non-governmental organizations; (e) other human rights bodies; (f) individual nominations.

43. The Office of the High Commissioner for Human Rights 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.

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

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

46. Individuals holding decision-making positions in Government or in any other organization or entity which may 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.

47. A consultative group would be established to propose to the President, at least one month before 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 meet the general criteria and particular requirements.

48. 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.

49. 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 the Office of the High Commissioner for Human Rights.

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

51. 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.

52. 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 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.

53. If necessary, the President will conduct further consultations to ensure the endorsement of the proposed candidates. The appointment of the special procedures mandate-holders 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

54. 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.

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

56. 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.

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

58. The Council should always strive for improvements:

(a) Mandates should always offer a clear prospect of an increased level of human rights protection and promotion as well as being coherent within the system of human rights;

(b) Equal attention should be paid to all human rights. The balance of thematic mandates should broadly reflect the accepted equal importance of civil, political, economic, social and cultural rights, including the right to development;

(c) Every effort should be made to avoid unnecessary duplication;

(d) 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;

(e) 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;

(f) 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;

(g) New mandates should be as clear and specific as possible, so as to avoid ambiguity.

59. 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.

60. Thematic mandate periods will be of three years. Country mandate periods will be of one year.

61. Mandates included in Appendix I, where applicable, will be renewed until the date on which they are considered by the Council according to the programme of work.^d

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

63. 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.

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

III. HUMAN RIGHTS COUNCIL ADVISORY COMMITTEE

65. The Human Rights Council Advisory Committee (hereinafter "the Advisory Committee"), composed of 18 experts serving in their personal capacity, will function as a think-tank for 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.

A. Nomination

66. All Member States of the United Nations may 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.

67. 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:

- (a) Recognized competence and experience in the field of human rights;
- (b) High moral standing;
- (c) Independence and impartiality.

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

69. The principle of non-accumulation of human rights functions at the same time shall be respected.

B. Election

70. 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.

^d 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.

71. 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.

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

73. The geographic distribution will be as follows:

African States: 5

Asian States: 5

Eastern European States: 2

Latin American and Caribbean States: 3

Western European and other States: 3

74. 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

75. 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.

76. 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.

77. The Advisory Committee shall not adopt resolutions or decisions. The Advisory 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 research proposals within the scope of the work set out by the Council.

78. 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

79. 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.

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

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

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

83. 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 Advisory Committee based on arrangements, including Economic and Social Council resolution 1996/31 and practices observed by the Commission on Human Rights and the Council, while ensuring the most effective contribution of these entities.

84. 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

85. 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.

86. 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 is 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

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

(a) It is not manifestly politically motivated and its object is 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;

(b) It gives a factual description of the alleged violations, including the rights which are alleged to be violated;

(c) Its language is not abusive. However, such a communication may be considered if it meets the other criteria for admissibility after deletion of the abusive language;

(d) It is submitted by a person or a group of persons claiming to be the victims of violations of human rights and fundamental freedoms, or by any person or group of persons, including non-governmental organizations, acting in good faith in accordance with the 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 the violations concerned. Nonetheless, reliably attested communications shall not be inadmissible solely because the knowledge of the individual authors is second-hand, provided that they are accompanied by clear evidence;

(e) It is not exclusively based on reports disseminated by mass media;

(f) It does not refer 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;

(g) Domestic remedies have been exhausted, unless it appears that such remedies would be ineffective or unreasonably prolonged.

88. National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

C. Working groups

89. 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.

90. 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 may establish their own rules of procedure.

1. Working Group on Communications: composition, mandate and powers

91. The Human Rights Council 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.

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

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

94. The Chairperson of the Working Group on Communications is requested, together with the secretariat, to undertake an initial screening of communications received, 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 Working Group on Communications shall provide all its members with a list of all communications rejected after initial screening. This list should indicate the grounds of all decisions resulting 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.

95. The members of the Working Group on Communications 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 Working Group on Communications shall provide the Working Group on Situations with a file containing all admissible communications as well as recommendations thereon. When the Working Group on Communications requires further consideration or additional information, it may keep a case under review until its next session and request such information from the State concerned. The Working Group on Communications may decide to dismiss a case. All decisions of the Working Group on Communications shall be based on a rigorous application of the admissibility criteria and duly justified.

2. Working Group on Situations: composition, mandate and powers

96. Each Regional Group shall appoint a representative of a member State of the Council, with due consideration to gender balance, to serve on the Working Group on Situations. Members shall be appointed for one year. Their mandate may be renewed once, if the State concerned is a member of the Council.

97. Members of the Working Group on Situations 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.

98. The Working Group on Situations is requested, on the basis of the information and recommendations provided by the Working Group on Communications, 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 the Working Group on Situations requires further consideration or additional information, its members may keep a case under review until its next session. The Working Group on Situations may also decide to dismiss a case.

99. All decisions of the Working Group on Situations 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 that is not possible, by simple majority of the votes.

D. Working modalities and confidentiality

100. 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 session, in order to promptly examine the communications received, including replies of States thereon, and the situations of which the Council is already seized under the complaint procedure.

101. 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 the Council. The State concerned shall also 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.

102. 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.

103. The Council shall consider consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms brought to its attention by the Working Group on Situations as frequently as needed, but at least once a year.

104. The reports of the Working Group on Situations referred to the Council shall be examined in a confidential manner, unless the Council decides otherwise. When the Working Group on Situations recommends to the Council that it consider a situation in a public meeting, in particular in the case of manifest and unequivocal lack of cooperation, the Council shall consider such recommendation on a priority basis at its next session.

105. So as to ensure that the complaint procedure is victims-oriented, efficient and conducted in a timely manner, the period of time between the transmission of the complaint to the State concerned and consideration by the Council shall not, in principle, exceed 24 months.

E. Involvement of the complainant and of the State concerned

106. The complaint procedure shall ensure that both the author of a communication and the State concerned are informed of the proceedings at the following key stages:

(a) When a communication is deemed inadmissible by the Working Group on Communications or when it is taken up for consideration by the Working Group on Situations; or when a communication is kept pending by one of the Working Groups or by the Council;

(b) At the final outcome.

107. In addition, the complainant shall be informed when his/her communication is registered by the complaint procedure.

108. Should the complainant request that his/her identity be kept confidential, it will not be transmitted to the State concerned.

F. Measures

109. In accordance with established practice the action taken in respect of a particular situation should be one of the following options:

- (a) To discontinue considering the situation when further consideration or action is not warranted;
- (b) To keep the situation under review and request the State concerned to provide further information within a reasonable period of time;
- (c) To keep the situation under review and appoint an independent and highly qualified expert to monitor the situation and report back to the Council;
- (d) To discontinue reviewing the matter under the confidential complaint procedure in order to take up public consideration of the same;
- (e) To recommend to OHCHR to provide technical cooperation, capacity-building assistance or advisory services to the State concerned.

V. AGENDA AND FRAMEWORK FOR THE PROGRAMME OF WORK

A. Principles

Universality

Impartiality

Objectivity

Non-selectiveness

Constructive dialogue and cooperation

Predictability

Flexibility

Transparency

Accountability

Balance

Inclusive/comprehensive

Gender perspective

Implementation and follow-up of decisions

B. Agenda

- Item 1. Organizational and procedural matters
- Item 2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General
- Item 3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

- Item 4. Human rights situations that require the Council's attention
- Item 5. Human rights bodies and mechanisms
- Item 6. Universal Periodic Review
- Item 7. Human rights situation in Palestine and other occupied Arab territories
- Item 8. Follow-up and implementation of the Vienna Declaration and Programme of Action
- Item 9. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action
- Item 10. Technical assistance and capacity-building

C. Framework for the programme of work

- Item 1. Organizational and procedural matters
 - Election of the Bureau
 - Adoption of the annual programme of work
 - Adoption of the programme of work of the session, including other business
 - Selection and appointment of mandate-holders
 - Election of members of the Human Rights Council Advisory Committee
 - Adoption of the report of the session
 - Adoption of the annual report
- Item 2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General
 - Presentation of the annual report and updates
- Item 3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development
 - Economic, social and cultural rights
 - Civil and political rights
 - Rights of peoples, and specific groups and individuals
 - Right to development
 - Interrelation of human rights and human rights thematic issues
- Item 4. Human rights situations that require the Council's attention
- Item 5. Human rights bodies and mechanisms
 - Report of the Human Rights Council Advisory Committee
 - Report of the complaint procedure

Item 6. Universal Periodic Review

Item 7. Human rights situation in Palestine and other occupied Arab territories

Human rights violations and implications of the Israeli occupation of Palestine and other occupied Arab territories

Right to self-determination of the Palestinian people

Item 8. Follow-up and implementation of the Vienna Declaration and Programme of Action

Item 9. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Item 10. Technical assistance and capacity-building

VI. METHODS OF WORK

110. The methods of work, pursuant to General Assembly resolution 60/251 should be transparent, impartial, equitable, fair, pragmatic; lead to clarity, predictability, and inclusiveness. They may also be updated and adjusted over time.

A. Institutional arrangements

1. Briefings on prospective resolutions or decisions

111. The briefings on prospective resolutions or decisions would be informative only, whereby delegations would be apprised of resolutions and/or decisions tabled or intended to be tabled. These briefings will be organized by interested delegations.

2. President's open-ended information meetings on resolutions, decisions and other related business

112. The President's open-ended information meetings on resolutions, decisions and other related business shall provide information on the status of negotiations on draft resolutions and/or decisions so that delegations may gain a bird's eye view of the status of such drafts. The consultations shall have a purely informational function, combined with information on the extranet, and be held in a transparent and inclusive manner. They shall not serve as a negotiating forum.

3. Informal consultations on proposals convened by main sponsors

113. Informal consultations shall be the primary means for the negotiation of draft resolutions and/or decisions, and their convening shall be the responsibility of the sponsor(s). At least one informal open-ended consultation should be held on each draft resolution and/or decision before it is considered for action by the Council. Consultations should, as much as possible, be scheduled in a timely, transparent and inclusive manner that takes into account the constraints faced by delegations, particularly smaller ones.

4. Role of the Bureau

114. The Bureau shall deal with procedural and organizational matters. The Bureau shall regularly communicate the contents of its meetings through a timely summary report.

5. Other work formats may include panel debates, seminars and round tables

115. Utilization of these other work formats, including topics and modalities, would be decided by the Council on a case-by-case basis. They may serve as tools of the Council for enhancing dialogue and mutual understanding on certain issues. They should be utilized in the context of the Council's agenda and annual programme of work, and reinforce and/or complement its intergovernmental nature. They shall not be used to substitute or replace existing human rights mechanisms and established methods of work.

6. High-Level Segment

116. The High-Level Segment shall be held once a year during the main session of the Council. It shall be followed by a general segment wherein delegations that did not participate in the High-Level Segment may deliver general statements.

B. Working culture

117. There is a need for:

- (a) Early notification of proposals;
- (b) Early submission of draft resolutions and decisions, preferably by the end of the penultimate week of a session;
- (c) Early distribution of all reports, particularly those of special procedures, to be transmitted to delegations in a timely fashion, at least 15 days in advance of their consideration by the Council, and in all official United Nations languages;
- (d) Proposers of a country resolution to have the responsibility to secure the broadest possible support for their initiatives (preferably 15 members), before action is taken;
- (e) Restraint in resorting to resolutions, in order to avoid proliferation of resolutions without prejudice to the right of States to decide on the periodicity of presenting their draft proposals by:
 - (i) Minimizing unnecessary duplication of initiatives with the General Assembly/Third Committee;
 - (ii) Clustering of agenda items;
 - (iii) Staggering the tabling of decisions and/or resolutions and consideration of action on agenda items/issues.

C. Outcomes other than resolutions and decisions

118. These may include recommendations, conclusions, summaries of discussions and President's Statement. As such outcomes would have different legal implications, they should supplement and not replace resolutions and decisions.

D. Special sessions of the Council

119. The following provisions shall complement the general framework provided by General Assembly resolution 60/251 and the rules of procedure of the Human Rights Council.

120. The rules of procedure of special sessions shall be in accordance with the rules of procedure applicable for regular sessions of the Council.

121. The request for the holding of a special session, in accordance with the requirement established in paragraph 10 of General Assembly resolution 60/251, shall be submitted to the President and to the secretariat of the Council. The request shall specify the item proposed for consideration and include any other relevant information the sponsors may wish to provide.

122. The special session shall be convened as soon as possible after the formal request is communicated, but, in principle, not earlier than two working days, and not later than five working days after the formal receipt of the request. The duration of the special session shall not exceed three days (six working sessions), unless the Council decides otherwise.

123. The secretariat of the Council shall immediately communicate the request for the holding of a special session and any additional information provided by the sponsors in the request, as well as the date for the convening of the special session, to all United Nations Member States and make the information available to the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as to non-governmental organizations in consultative status by the most expedient and expeditious means of communication. Special session documentation, in particular draft resolutions and decisions, should be made available in all official United Nations languages to all States in an equitable, timely and transparent manner.

124. The President of the Council should hold open-ended informative consultations before the special session on its conduct and organization. In this regard, the secretariat may also be requested to provide additional information, including, on the methods of work of previous special sessions.

125. Members of the Council, concerned States, observer States, specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations in consultative status may contribute to the special session in accordance with the rules of procedure of the Council.

126. If the requesting or other States intend to present draft resolutions or decisions at the special session, texts should be made available in accordance with the Council's relevant rules of procedure. Nevertheless, sponsors are urged to present such texts as early as possible.

127. The sponsors of a draft resolution or decision should hold open-ended consultations on the text of their draft resolution(s) or decision(s) with a view to achieving the widest participation in their consideration and, if possible, achieving consensus on them.

128. A special session should allow participatory debate, be results-oriented and geared to achieving practical outcomes, the implementation of which can be monitored and reported on at the following regular session of the Council for possible follow-up decision.

VII. RULES OF PROCEDURE^e

SESSIONS

Rules of procedure

Rule 1

The Human Rights Council shall apply the rules of procedure established for the Main Committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council.

REGULAR SESSIONS

Number of sessions

Rule 2

The Human Rights Council shall meet regularly throughout the year and schedule no fewer than three sessions per Council year, including a main session, for a total duration of no less than 10 weeks.

Assumption of membership

Rule 3

Newly-elected member States of the Human Rights Council shall assume their membership on the first day of the Council year, replacing member States that have concluded their respective membership terms.

^e Figures indicated in square brackets refer to identical or corresponding rules of the General Assembly or its Main Committees (A/520/Rev.16).

Place of meeting

Rule 4

The Human Rights Council shall be based in Geneva.

SPECIAL SESSIONS

Convening of special sessions

Rule 5

The rules of procedure of special sessions of the Human Rights Council will be the same as the rules of procedure applicable for regular sessions of the Human Rights Council.

Rule 6

The Human Rights Council shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council.

**PARTICIPATION OF AND CONSULTATION WITH
OBSERVERS OF THE COUNCIL**

Rule 7

(a) The Council shall apply the rules of procedure established for committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council, and the participation of and consultation with 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 based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities.

(b) Participation of national human rights institutions shall be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005, while ensuring the most effective contribution of these entities.

ORGANIZATION OF WORK AND AGENDA FOR REGULAR SESSIONS

Organizational meetings

Rule 8

(a) At the beginning of each Council year, the Council shall hold an organizational meeting to elect its Bureau and to consider and adopt the agenda, programme of work, and calendar of regular sessions for the Council year indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item.

(b) The President of the Council shall also convene organizational meetings two weeks before the beginning of each session and, if necessary, during the Council sessions to discuss organizational and procedural issues pertinent to that session.

PRESIDENT AND VICE-PRESIDENTS

Elections

Rule 9

(a) At the beginning of each Council year, at its organizational meeting, the Council shall elect, from among the representatives of its members, a President and four Vice-Presidents. The President and the Vice-Presidents shall constitute the Bureau. One of the Vice-Presidents shall serve as Rapporteur.

(b) In the election of the President of the Council, regard shall be had for the 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 four Vice-Presidents of the Council shall be elected on the basis of equitable geographical distribution from the Regional Groups other than the one to which the President belongs. The selection of the Rapporteur shall be based on geographic rotation.

Bureau

Rule 10

The Bureau shall deal with procedural and organizational matters.

Term of office

Rule 11

The President and the Vice-Presidents shall, subject to rule 13, hold office for a period of one year. They shall not be eligible for immediate re-election to the same post.

Absence of officers

Rule 12 [105]

If the President finds it necessary to be absent during a meeting or any part thereof, he/she shall designate one of the Vice-Presidents to take his/her place. A Vice-President acting as President shall have the same powers and duties as the President. If the President ceases to hold office pursuant to rule 13, the remaining members of the Bureau shall designate one of the Vice-Presidents to take his/her place until the election of a new President.

Replacement of the President or a Vice-President

Rule 13

If the President or any Vice-President ceases to be able to carry out his/her functions or ceases to be a representative of a member of the Council, or if the Member of the United Nations of which he/she is a representative ceases to be a member of the Council, he/she shall cease to hold such office and a new President or Vice-President shall be elected for the unexpired term.

SECRETARIAT

Duties of the secretariat

Rule 14 [47]

The Office of the United Nations High Commissioner for Human Rights shall act as secretariat for the Council. In this regard, it shall receive, translate, print and circulate in all official United Nations languages, documents, reports and resolutions of the Council, its committees and its organs; interpret speeches made at the meetings; prepare, print and circulate the records of the session; have the custody and proper preservation of the documents in the archives of the Council; distribute all documents of the Council to the members of the Council and observers and, generally, perform all other support functions which the Council may require.

RECORDS AND REPORT

Report to the General Assembly

Rule 15

The Council shall submit an annual report to the General Assembly.

PUBLIC AND PRIVATE MEETINGS OF THE HUMAN RIGHTS COUNCIL

General principles

Rule 16 [60]

The meetings of the Council shall be held in public unless the Council decides that exceptional circumstances require the meeting be held in private.

Private meetings

Rule 17 [61]

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

CONDUCT OF BUSINESS

Working groups and other arrangements

Rule 18

The Council may set up working groups and other arrangements. Participation in these bodies shall be decided upon by the members, based on rule 7. The rules of procedure of these bodies shall follow those of the Council, as applicable, unless decided otherwise by the Council.

Quorum

Rule 19 [67]

The President may declare a meeting open and permit the debate to proceed when at least one third of the members of the Council are present. The presence of a majority of the members shall be required for any decision to be taken.

Majority required

Rule 20 [125]

Decisions of the Council shall be made by a simple majority of the members present and voting, subject to rule 19.

Appendix I

**RENEWED MANDATES UNTIL THEY COULD BE CONSIDERED
BY THE HUMAN RIGHTS COUNCIL ACCORDING TO ITS
ANNUAL PROGRAMME OF WORK**

Independent expert appointed by the Secretary-General on the situation of human rights in Haiti

Independent expert appointed by the Secretary-General on the situation of human rights in Somalia

Independent expert on the situation of human rights in Burundi

Independent expert on technical cooperation and advisory services in Liberia

Independent expert on the situation of human rights in the Democratic Republic of the Congo

Independent expert on human rights and international solidarity

Independent expert on minority issues

Independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

Independent expert on the question of human rights and extreme poverty

Special Rapporteur on the situation of human rights in the Sudan

Special Rapporteur on the situation of human rights in Myanmar

Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (The duration of this mandate has been established until the end of the occupation.)

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Special Rapporteur on extrajudicial, summary or arbitrary executions

Special Rapporteur on freedom of religion or belief

Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children

Special Rapporteur on the human rights of migrants

Special Rapporteur on the independence of judges and lawyers

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Special Rapporteur on the right to education

Special Rapporteur on the right to food

Special Rapporteur on the sale of children, child prostitution and child pornography

Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Special Rapporteur on violence against women, its causes and consequences

Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises

Special Representative of the Secretary-General for human rights in Cambodia

Special Representative of the Secretary-General on the situation of human rights defenders

Representative of the Secretary-General on human rights of internally displaced persons

Working Group of Experts on People of African Descent

Working Group on Arbitrary Detention

Working Group on Enforced or Involuntary Disappearances

Working Group on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Appendix II

TERMS IN OFFICE OF MANDATE-HOLDERS

Mandate-holder	Mandate	Terms in office
Charlotte Abaka	Independent Expert on the situation of human rights in Liberia	July 2006 (first term)
Yakin Ertürk	Special Rapporteur on violence against women, its causes and consequences	July 2006 (first term)
Manuela Carmena Castrillo	Working Group on Arbitrary Detention	July 2006 (first term)
Joel Adebayo Adeganye	Working Group on Enforced or Involuntary Disappearances	July 2006 (second term)
Saeed Rajae Khorasani	Working Group on Enforced or Involuntary Disappearances	July 2006 (first term)

Mandate-holder	Mandate	Terms in office
Joe Frans	Working Group on people of African descent	July 2006 (first term)
Leandro Despouy	Special Rapporteur on the independence of judges and lawyers	August 2006 (first term)
Hina Jilani	Special Representative of the Secretary-General on the situation of human rights defenders	August 2006 (second term)
Soledad Villagra de Biedermann	Working Group on Arbitrary Detention	August 2006 (second term)
Miloon Kothari	Special Rapporteur on adequate housing as a component of the right to an adequate standard of living	September 2006 (second term)
Jean Ziegler	Special Rapporteur on the right to food	September 2006 (second term)
Paulo Sérgio Pinheiro	Special Rapporteur on the situation of human rights in Myanmar	December 2006 (second term)
Darko Götlicher	Working Group on Enforced or Involuntary Disappearances	January 2007 (first term)
Tamás Bán	Working Group on Arbitrary Detention	April 2007 (second term)
Ghanim Alnajjar	Independent Expert appointed by the Secretary-General on the situation of human rights in Somalia	May 2007 (second term)
John Dugard	Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967	June 2007 (second term)
Rodolfo Stavenhagen	Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people	June 2007 (second term)
Arjun Sengupta	Independent Expert on the question of human rights and extreme poverty	July 2007 (first term)
Akich Okola	Independent Expert on the situation of human rights in Burundi	July 2007 (first term)
Titinga Frédéric Pacéré	Independent Expert on the situation of human rights in the Democratic Republic of the Congo	July 2007 (first term)
Philip Alston	Special Rapporteur on extrajudicial, summary or arbitrary executions	July 2007 (first term)
Asma Jahangir	Special Rapporteur on freedom of religion or belief	July 2007 (first term)

Mandate-holder	Mandate	Terms in office
Okechukwu Ibeanu	Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights	July 2007 (first term)
Vernor Muñoz Villalobos	Special Rapporteur on the right to education	July 2007 (first term)
Juan Miguel Petit	Special Rapporteur on the sale of children, child prostitution and child pornography	July 2007 (second term)
Vitit Muntarbhorn	Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea	July 2007 (first term)
Leila Zerrougui	Working Group on Arbitrary Detention	August 2007 (second term)
Santiago Corcuera Cabezut	Working Group on Enforced or Involuntary Disappearances	August 2007 (first term)
Walter Kälin	Representative of the Secretary-General on the human rights of internally displaced persons	September 2007 (first term)
Sigma Huda	Special Rapporteur on trafficking in persons, especially in women and children	October 2007 (first term)
Bernards Andrew Nyamwaya Mudho	Independent Expert on the effects of economic reform policies and foreign debt on the full enjoyment of human rights, particularly economic, social and cultural rights	November 2007 (second term)
Manfred Nowak	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	November 2007 (first term)
Louis Joinet	Independent Expert appointed by the Secretary-General on the situation of human rights in Haiti	February 2008 (second term)
Rudi Muhammad Rizki	Independent Expert on human rights and international solidarity	July 2008 (first term)
Gay McDougall	Independent Expert on minority issues	July 2008 (first term)
Doudou Diène	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	July 2008 (second term)
Jorge A. Bustamante	Special Rapporteur on the human rights of migrants	July 2008 (first term)

Mandate-holder	Mandate	Terms in office
Martin Scheinin	Special Rapporteur on the promotion and protection of human rights while countering terrorism	July 2008 (first term)
Sima Samar	Special Rapporteur on the situation of human rights in the Sudan	July 2008 (first term)
John Ruggie	Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises	July 2008 (first term)
Seyyed Mohammad Hashemi	Working Group on Arbitrary Detention	July 2008 (second term)
Najat Al-Hajjaji	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2008 (first term)
Amada Benavides de Pérez	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2008 (first term)
Alexander Ivanovich Nikitin	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2008 (first term)
Shaista Shameem	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2007 (first term)
Ambeyi Ligabo	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	August 2008 (second term)
Paul Hunt	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	August 2008 (second term)
Peter Lesa Kasanda	Working Group on people of African descent	August 2008 (second term)
Stephen J. Toope	Working Group on Enforced or Involuntary Disappearances	September 2008 (second term)
George N. Jabbour	Working Group on people of African descent	September 2008 (second term)
Irina Zlatescu	Working Group on people of African descent	October 2008 (second term)
José Gómez del Prado	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	October 2008 (first term)

Mandate-holder**Mandate****Terms in office**

Yash Ghai

Special Representative of the Secretary-General
for human rights in CambodiaNovember 2008
(first term)

DRAFT – NOT FOR GENERAL CIRCULATION

**HARMONIZED APPROACH ON THE INTERACTION
BETWEEN NATIONAL HUMAN RIGHTS INSTITUTIONS AND THE HUMAN RIGHTS
COUNCIL**

The purpose of this document is to identify areas for coordinated and focused involvement of national human rights institutions (NHRIs) in the sessions and mechanisms of the Human Rights Council (especially those NHRIs which are fully compliant with the Paris Principles, i.e. with A-status ICC accreditation¹).

The basis for this involvement is resolution 5/1, adopted by the Human Rights Council on 18 June 2007, entitled “Institution-Building of the United Nations Human Rights Council. The role of NHRIs is specifically mentioned regarding the universal periodic review, special procedures, the Advisory Committee, the Complaint Procedure, methods of work, and the rules of procedure.

The remainder of this paper highlights the possibilities of interaction of NHRIs with the Human Rights Council.

A. Methods of work and rules of procedure

Rule 7 of the Rules of Procedure in resolution 5/1 states that participation of NHRIs shall be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74.

1. NHRIs with “A status” ICC accreditation, the ICC and regional coordinating bodies of NHRIs (speaking on behalf of its “A status members”) can;
 - a. make an oral statement under all agenda items of the Human Rights Council
 - b. submit documents, which will be issued with an own symbol number;
 - c. take separate seating in all sessions.
2. NHRIs could consult at the regional level, either ad hoc or through the regional coordinating body in place, in order to identify trends and common issues which can be reflected in a joint statement at the Human Rights Council;
3. If circumstances are most pressing in terms of the human rights situation, either in the region or at the national level, NHRIs or their regional coordinating bodies could approach Member States to urge the request for holding a special session. NHRIs will have the same participation rights in special sessions as in the regular sessions;

B. Advisory Committee

In accordance with paragraph 66 of resolution 5/1, all Member States of the UN may propose or endorse candidates from their own region. When selecting candidates, States should consult, inter alia, with their NHRIs.

4. NHRIs could hold informal consultations at the national level in order to identify candidates with recognized competence and experience in the field of human rights, a high moral standing, and independence and impartiality;
5. NHRIs could identify one of its commissioners or staff members as a potential candidate for proposing to the State;

¹ The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights has an accreditation procedure through which NHRIs are examined on their compliance with the international standards for NHRIs, the Paris Principles. Those NHRIs deemed to be in full compliance with the Paris Principles receive an A-status accreditation.

6. NHRIs could approach Member State delegations in order to obtain a Human Rights Council request to the Advisory Committee for the provision of expert studies and research-based advice on the human rights issues identified;

Paragraphs 82 and 83 of resolution 5/1 establish consultative and participatory relations between the Advisory Committee and NHRIs.

7. NHRIs should aim at establishing a working relationship with the Advisory Committee, through initiating regular communication, attendance and participation in sessions and the sharing of their reports with members of the Advisory Committee, to the extent that they are relevant and appropriate to the work of the Advisory Committee.
8. If the Advisory Committee receives a specific thematic mandate, NHRIs could organize national consultations on the theme with other relevant stakeholders, and promote the establishment of thematic networks or the conducting of specialised studies.

C. Special Procedures

Resolution 5/1 states that “other human rights bodies” may nominate candidates as special procedures mandate-holders.

9. NHRIs could nominate candidates, keeping the following criteria in mind; (a) expertise; (b) experience in the field of the mandate; (c) independence; (d) impartiality; (e) personal integrity; and (f) objectivity;
10. NHRIs could aim at establishing a national roster of potential candidates for all mandates, so that once a call is made for nomination, ready candidates may be proposed;
11. NHRIs should to the maximum extent possible conduct national consultations, including with reputable human rights NGOs, in order to identify potential candidates;

Although resolution 5/1 does not elaborate upon the actual exercise of the mandate by a special procedure mandate-holder, there are many ways in which NHRIs can become involved in the work of a mandate-holder.

12. NHRIs can encourage the Government to extend a standing invitation to all thematic mandate-holders;
13. NHRI can bring specific human rights developments to the attention of the relevant mandate-holders, and when warranted encourage them to request a country visit to the Government;
14. In the preparation of a country visit, NHRIs are encouraged to propose reliable and relevant interlocutors, as well as provide mandate-holders with relevant background information/materials, including relevant annual or thematic human rights reports;
15. During a country visit of a mandate-holder, NHRIs should ensure that a meeting is planned with the mandate-holder;
16. When a mandate-holder issues a press release or mission report after the country visit, NHRIs could translate and widely publicize the documents at the national level;
17. NHRIs could make take the initiative to actively monitor the follow-up of mandate-holder recommendations;
18. NHRIs could take relevant mandate-holder recommendations into account when submitting opinions, recommendations, proposals and reports to the Government, Parliament or other public body;
19. NHRIs can act as reliable partners at the national level for the monitoring of any retaliatory action against sources of information that have cooperated with a mandate-holder during a country visit;

20. In case of an anticipated or ongoing human rights violation, NHRIs can act as an important link for early warning and may bring such situations to the attention of the relevant mandate-holder for their action;
21. NHRIs could bring a specific situation to the attention of the relevant mandate-holder and suggest specific issues be the subject of, or be included in a thematic study;
22. NHRIs can organize thematic conferences or seminars and invite relevant mandate holders to attend;

D. Universal Periodic Review Mechanism

Synopsis of the UPR

The objectives of the UPR are: (a) The improvement of the human rights situation on the ground; (b) The fulfilment of the State's human rights obligations and commitments and assessment of positive developments and challenges faced by the State; (c) The enhancement of the State's capacity and of technical assistance, in consultation with, and with the consent of, the State concerned; (d) The sharing of best practice among States and other stakeholders; (e) Support for cooperation in the promotion and protection of human rights; (f) The encouragement of full cooperation and engagement with the Council, other human rights bodies and OHCHR.

The documents on which the review would be based are:

1. Information prepared by the State concerned, which can take the form of a national report, on the basis of general guidelines, 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. States are encouraged to prepare the information through a broad consultation process at the national level with all relevant stakeholders;
2. Additionally a compilation prepared by the Office of the High Commissioner for Human Rights 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;
3. Additional, credible and reliable information provided by other relevant stakeholders to the universal periodic review which should also be taken into consideration by the Council in the review. The Office of the High Commissioner for Human Rights will prepare a summary of such information which shall not exceed 10 pages.

The documents prepared by the Office of the High Commissioner for Human Rights should be elaborated following the structure of the general guidelines adopted by the Council regarding the information prepared by the State concerned.

The UPR review will be conducted in a Working Group, the outcome of which will be a report, consisting of a summary of the proceedings of the review process; conclusions and/or recommendations, and the voluntary commitments of the State concerned. This WG report will be adopted by the plenary of the HRC.

Resolution 5/1 states in paragraph 3 (m) that the UPR should ensure the participation of all relevant stakeholders, including NHRIs.

Preparation at the country level

23. NHRIs could proactively ensure that they are included in the broad consultation process at the national level organised by the State for the purpose of the preparation of the information to be submitted to the UPR by the State;
24. NHRIs may wish to facilitate a consultation process with relevant state entities, civil society representatives and NGOs for the submission of the stakeholder information, in order to ensure that all elements of civil society have their voice heard. This process would allow NHRIs and NGOs to identify crucial human rights issues and compile their separate or joint reports which are to be submitted to the HRC for the UPR on behalf of the main stakeholders.

Participation in the UPR review

25. NHRIs may attend the UPR review in the Working Group. Where this is not possible, NHRIs could make use of the presence of the ICC representative in Geneva to speak on their behalf during the session based on a text approved by the concerned NHRI;
26. NHRIs will have the opportunity to make general comments before the adoption of the final outcome by the plenary of the Human Rights Council;

Because of the participation rights in the HRC accorded to “A status” NHRIs, NHRIs without such a status are encouraged to seek ICC accreditation as soon as possible. NHRIs may apply to the NI Unit of OHCHR for this purpose.

Follow-up to the review

27. NHRIs may wish to be directly involved in the follow-up to the outcome of the UPR process, to the extent that this is appropriate;
 - a. Follow-up action could be undertaken in cooperation with the State entities, to whom the recommendations are addressed;
 - b. Follow-up action could also be undertaken in cooperation with other actors of the national human rights protection system, such as Parliament, civil society, academia, media, etc.;
28. NHRIs could disseminate the outcome of the UPR to all major stakeholders at the national level and draw up an action plan or strategy to contribute to the implementation of the various recommendations;
29. NHRIs could actively monitor the implementation of the UPR recommendations, so that next submissions of information may include main observations in this regard;
30. NHRIs could issue communications to the attention of all national stakeholders, including through the media, regarding the UPR and upcoming deadlines.
