

## **Review of the Human Rights Council**

### **Background**

The founding resolution of the Human Rights Council A/RES/60/251 provides in operative paragraph 1 that the General Assembly shall review the status of the Council within five years.

In operative paragraph 16 of the same resolution the General Assembly also decided that the Human Rights Council shall review its work and functioning five years after its establishment and report to the General Assembly.

*The General Assembly,*

*PP1 Recalling* its resolution 60/251 of 15 March 2006 which established the Human Rights Council;

*PP2 Also recalling* its resolution 62/219 endorsing Human Rights Council resolutions 5/1 and 5/2;

*PP3 Further recalling* operative paragraph 1 of resolution 60/251 mandating the General Assembly to review the status of the Council within five years and operative paragraph 16 of resolution 60/251 mandating the Human Rights Council to review its work and functioning five years after its establishment and report to the General Assembly;

*PP4 Recognizing* the important role of the Human Rights Council as the main body of the United Nations dealing with human rights, which form the third pillar of the UN system alongside peace and security and development;

*PP5 Taking note* of Human Rights Council resolution 16/21 containing the “Outcome of the Review of the Work and Functioning of the Human Rights Council”;

*PP6 Recalling* General Assembly decisions 65/195, 64/507, 63/503, 62/527, 61/503 on the allocation of agenda item “Report of the Human Rights Council”;

*PP7 Recalling* the respective competencies of the Third Committee and the Fifth Committee as Main Committees of the General Assembly;

*PP8 Recalling* its resolution 63/263 endorsing the recommendation of the ACABQ on the consideration of the financial requirements arising from resolutions and decisions of the Human Rights Council;

*OP1 Reaffirms* General Assembly resolution 60/251 of 15 March 2006;

*OP2 Decides* that the present resolution shall be a supplement to General Assembly resolution 60/251 of 15 March 2006;

*OP3 Decides* to maintain the status of the Human Rights Council as a subsidiary body of the General Assembly and to review it again in X years;

*OP4 Decides* that from 2013 onwards, the Human Rights Council will start its yearly cycle on 1 January 2013;

*OP5 Decides* that from 2012 onwards, elections to the Human Rights Council will be held in fall;

*OP6 Decides* that as a transitional measure, the period of office of Members of the Council ending in June 2012, June 2013 and June 2014, will exceptionally be extended until the end of the respective calendar year;

*OP7 Reaffirms* General Assembly decisions 65/195, 64/507, 63/503 and 61/503 to allocate the agenda item entitled “Report of the Human Rights Council” to the plenary meeting and to the Third Committee, on the understanding that

- a) the President of the Human Rights Council will present the report in her/his capacity as President;
- b) the plenary meeting of the General Assembly will consider the annual report of the Human Rights Council on its activities for the year;
- c) the Third Committee will consider and act on all recommendations of the Human Rights Council to the General Assembly, including those that deal with the development of international law in the field of human rights;
- d) the recommendations of the Human Rights Council will be submitted directly to the Third Committee, without prejudice to the right of Member States to present resolutions or decisions on any subject they deem appropriate;
- e) the Third Committee will consider the recommendations of the Human Rights Council individually/collectively;

*OP8 Invites* the Human Rights Council to continue to present its reports to the General Assembly following the format of A/65/53/Add.1;

*OP9 Decides* that the General Assembly will consider all financial implications emanating from the resolutions and decisions of all regular sessions of the Council of that same year, including its September session;

*OP10 Recognizes* the need for adequate modalities for financing unforeseen and extraordinary expenses arising from resolutions and decisions of the Human Rights Council and *requests* the Secretary-General to propose to the Fifth Committee such modalities for its consideration at the sixty-sixth session of the General Assembly;

*OP11 Underlines* the importance of creating an opportunity for States to present to the membership their voluntary pledges and commitments made in connection with their candidatures to the Human Rights Council;

*OP12 Endorses* the text entitled “Outcome of the Review of the Work and Functioning of the United Nations Human Rights Council” annexed to the present resolution;

*OP13 Encourages* the Human Rights Council to continue reviewing its work and functioning, taking into account in particular the provisions of resolution 60/251;



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## Human Rights Council

Open-ended intergovernmental working group on the review  
of the work and functioning of the Human Rights Council

Second session

Geneva, 7, 17–18 and 23–24 February 2011

# Report of the open-ended intergovernmental working group on the review of the work and functioning of the Human Rights Council\*

*Chair-Rapporteur:* Sihasak **Phuangketkeow**

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\* The present report is issued as received. The annexes thereto are reproduced in the language of submission only.

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## **I. Introduction**

1. By its resolution 60/251 of 15 March 2006, the General Assembly established the Human Rights Council (Council) and decided that it “shall review its work and functioning five years after its establishment and report to the General Assembly” (paragraph 16). It also decided that the General Assembly shall review the status of the Council within five years (paragraph 1).

2. At its twelfth session, held from 14 September to 2 October 2009, the Council, by its resolution 12/1, decided “to establish an open-ended intergovernmental working group with the mandate to review the work and functioning of the Council” (IGWG). The Council also decided that the working group shall hold two sessions for five working days each, in Geneva, after its fourteenth session. It also requested the President of the Council to chair the working group and to undertake transparent and all-inclusive consultations prior to working group sessions on the modalities of the review, and to keep the Council informed thereof. The Council also requested the working group to report to the Council at its seventeenth session on the progress achieved in the implementation of resolution 12/1.

3. In addition, pursuant to Council resolution 12/1, and in continuation of the work of his predecessor, on 26 May, 30 August and 6 September 2010, the President of the Council convened open-ended informal consultations to delineate the process and the modalities of the review (Annex I).

4. At the fifteenth session of the Council, held from 13 September to 1 October 2010, the President of the Council presented an oral progress report (Annex II) and informed the membership of the joint understanding reached with the President of the General Assembly in New York, on the coordination of the review processes of the Council and the General Assembly (Annex III).

5. The IGWG held two sessions. The first session from 25 to 29 October 2010 and the second session on 7, 17–18 and 23–24 February 2011, the proceedings of which are summarized below.

## **II. Proceedings of the open-ended intergovernmental working group on the review of the work and functioning of the Human Rights Council**

### **A. First session of the working group**

6. The working group held its first session from 25 to 29 October 2010, in Geneva. In accordance with established practice, the Secretariat posted the Programme of Work, the Modalities for conducting the meeting, including with regard to the interventions by States and other stakeholders, as well as all contributions received, before, during or after the session of the working group, by United Nations Member States, non-member States and observers and non-governmental organizations on the Extranet page of the Council.

7. At the end of the session, the President circulated a compilation of States’ proposals and a List of non-State observer contributions (Annex IV).

8. The compilation of State proposals contained: part one “Concrete proposals” on the Universal Periodic Review, the Special Procedures, the Human Rights Council Advisory Committee and the Complaint Procedure, the Agenda and Framework for a Programme of work and the Council’s Methods of work and Rules of Procedure; part two “Cross-cutting

and other proposals”; and part three “Other issues on which differences exist as to whether they fall within the purview of the review in Geneva and require further determination on which the President will consult with States.”

9. At the end of the first session of the working group, on 29 October 2010, the President of the Council appointed five Facilitators to carry forward the discussion on the review, as follows: H.E. Mr. Omar Hilale, Permanent Representative of Morocco to work on issues relating to the Universal Periodic Review, H.E. Mr. Hannu Himanen, Permanent Representative of Finland to work on issues relating to the Special Procedures, H.E. Ms. Maria Ciobanu, Permanent Representative of Romania to work on issues relating to the Human Rights Council Advisory Committee, the Complaint Procedure and other subsidiary bodies, H.E. Mr. Gopinathan Achamkulangare, Permanent Representative of India, to work on issues relating to the Agenda and the Framework for a Programme of work, H.E. Ms. Maria Nazareth Farani Azevêdo, Permanent Representative of Brazil to work on issues relating to the Methods of Work and Rules of Procedure. The President of the Council also appointed H.E. Mr. Idriss Jazaïry, Permanent Representative of Algeria, as the Coordinator with the Council review process in New York. H.E. Mr. Mohammed Loulichki, Permanent Representative of the Kingdom of Morocco, one of the Co-Facilitators of the review process in New York, participated in the meeting of 27 October 2010.

## **B. Intersessional process**

10. On the basis of a list of issues prepared under their respective cluster, as well as a table for discussion on areas involving an overlap between the reviews of the Council in Geneva and in New York (Annex V), the Facilitators and the Coordinator conducted open-ended informal consultations during the period from 8 November to 10 December 2010 (Annex VI).

11. The Facilitators continued their informal consultations throughout January and February 2011.

## **C. Second session of the working group**

12. An organizational meeting of the second session of the working group was held on 3 February 2011. The Facilitators presented their respective contribution on the current state of the review process. All contributions were compiled in a Compilation of contributions in the context of the facilitation and coordination processes on the review of the work and functioning of the Human Rights Council. The Coordinator also made a presentation.

13. The working group held its second session on 7 February, 17–18 February and 23–24 February 2011, for a total number of ten meetings, in Geneva. The Co-Facilitators of the review process in New York, H.E. Mr. Christian Wenaweser, Permanent Representative of the Principality of Liechtenstein and H.E. Mr. Mohammed Loulichki, Permanent Representative of the Kingdom of Morocco, addressed the session at its first meeting on 7 February 2011.

14. On the basis of the compilation of Facilitators’ contributions, the President circulated, on 14 February 2011, a Negotiating text to all Permanent Missions to the UN Office in Geneva and all other stakeholders.

15. On 17 February 2001, the IGWG took note of the paper “Update Report of the Coordinator to the Human Rights Council on Overlapping Issues”, prepared by the Coordinator (Annex VII), which would serve as a basis for further consultations with the Co-Facilitators of the review process in New York.

## D. Adoption of the outcome

16. At its ninth meeting, on 24 February 2011, the working group considered and adopted the following draft outcome of the review.

*As of 24 February 2011, 17.30 hrs.*

### **Outcome of the review of the work and functioning of the United Nations Human Rights Council**

#### **I. Universal periodic review\***

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

1. The basis, principles and objectives of the universal periodic review as set forth in paragraphs 1, 2, 3 and 4 of the annex to Human Rights Council resolution 5/1 shall be reaffirmed.

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

2. The second cycle of the review shall begin in June 2012.

3. The periodicity of the review for the second and subsequent cycles will be of four and a half years. This will imply the consideration of 42 States per year during three sessions of the Working Group on the Universal Periodic Review.

4. The order of review established for the first cycle of the review shall be maintained for the second and subsequent cycles.

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

###### *(i) Focus and documentation*

5. The review during the second and subsequent cycles will continue to be based on the three documents identified in paragraph 15 of the annex to Council resolution 5/1.

6. The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the developments of the human rights situation in the State under review.

7. The general guidelines for universal periodic review reports adopted by the Council in its decision 6/102 shall be adjusted to the focus of the second and subsequent cycles before the eighteenth session of the Council.

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

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

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\* Changes to the universal periodic review contained in the present section shall be applicable as of the second cycle of the review.



(ii) *Modalities*

10. The role of the troikas shall be maintained as set forth in the annex to Council resolution 5/1 and in President's statement PRST/8/1.
11. Following the extension of the review cycle to four and a half years and within existing resources and workload, the duration of the Working Group meeting for the review will be extended from the present three hours and the modalities will be agreed upon at the seventeenth session of the Council, including the list of speakers, which shall be based on the modalities as appear in the Appendix.
12. The final outcome of the review will be adopted by the plenary of the Council. The modalities for the organization of the one hour consideration of the outcome shall be in accordance with President's statement PRST/9/2.
13. The national human rights institutions of the State under review consistent with the principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 (the Paris Principles) shall be entitled to intervene immediately after the State under review during the adoption of the outcome of the review by the Council plenary.
14. The Universal Periodic Review Voluntary Trust Fund to facilitate the participation of States established by the Council in its resolution 6/17 should be strengthened and operationalized in order to encourage a significant participation of developing countries, particularly least developing countries and small island developing States, in their review.

**D. Outcome of the review**

15. The recommendations contained in the outcome of the review should preferably be clustered thematically with the full involvement and consent of the State under review and the States that made the recommendations.
16. The State under review should clearly communicate to the Council, in a written format preferably prior to the Council plenary, its positions on all received recommendations, in accordance with the provisions of paragraphs 27 and 32 of the annex to Council resolution 5/1.

**E. Follow-up to the review**

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

21. Financial and technical assistance for the implementation of the review should support national needs and priorities, as may be reflected in national implementation plans.

## **II. Special procedures**

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

22. To further strengthen and enhance transparency in the selection and appointment process of mandate holders envisaged in the annex to Council resolution 5/1, the following provisions will apply:

(a) In addition to entities specified in paragraph 42, national human rights institutions in compliance with the Paris Principles may also nominate candidates as special procedures mandate holders;

(b) Individual candidates and candidates nominated by entities shall submit an application for each specific mandate, together with personal data and a motivation letter no longer than 600 words. The Office of the High Commissioner shall prepare a public list of candidates who applied for each vacancy;

(c) The Consultative Group will consider, in a transparent manner, candidates having applied for each specific mandate. However, under exceptional circumstances and if a particular post justifies it, the Group may consider additional candidates with equal or more suitable qualifications for the post. The Group shall interview shortlisted candidates to ensure equal treatment of all candidates;

(d) In implementing paragraph 52, the President shall justify his/her decision if he/she decides not to follow the order of priority proposed by the Consultative Group.

### **B. Working methods**

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

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

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

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

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

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

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

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

### **C. Resources and funding**

31. The Council recognizes the importance of ensuring the provision of adequate and equitable funding, with equal priority accorded to civil and political rights and economic, social and cultural rights, including the right to development, to support all special procedures according to their specific needs, including additional tasks entrusted to them by the General Assembly. This should be achieved through the regular budget of the United Nations.

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

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

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

### **III. Advisory Committee**

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

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

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

38. The annual report of the Committee shall be submitted to the Council at its September session, and be the subject of an interactive dialogue with the Committee Chairperson. The present provision does not exclude other interaction with the

Committee should such opportunities arise and be deemed appropriate by the Council.

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

#### **IV. Agenda and framework for the programme of work**

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

41. Council cycles will be aligned with the calendar year and be subject to any necessary transitional arrangements decided on by the General Assembly.

#### **V. Methods of work and rules of procedure**

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

42. The Council shall hold a half-day panel discussion once a year to interact with heads of governing bodies and secretariats of United Nations agencies and funds within their respective mandates on specific human rights themes with the objective of promoting the mainstreaming of human rights throughout the United Nations system. The present provision does not preclude other opportunities that may arise for discussions between the Council and United Nations agencies and funds on the mainstreaming of human rights.

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

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

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

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

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

47. The Bureau shall present a report to the Council in its eighteenth session.

##### **C. Bi- and triennial thematic resolutions**

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

49. Thematic resolutions on the same issue to be presented in between the above-mentioned intervals are expected to be shorter and focused on addressing the specific question or standard gap that justified their presentation.

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

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

**E. Documentation**

51. There is a need for ensuring the availability of working documents in a timely manner and in all official languages of the United Nations.

**F. Deadlines for the notification and submission of draft initiatives and programme budget implication information**

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

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

**G. Establishment of an office of the President**

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

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

56. The composition, modalities and financial implications of the Office of President shall be considered by the Council on the basis of the report of the secretariat, at its seventeenth session.

**H. Human Rights Council secretariat service**

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

**I. Accessibility for persons with disabilities**

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

**J. Use of information technology**

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

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

**K. Task force**

61. The Council decides to establish a task force to study the issues envisaged in paragraphs 57, 58, 59 and 60 in consultation with Government representatives, the Office of the High Commissioner and the United Nations Office at Geneva and all relevant stakeholders, and to submit concrete recommendations to the Council at its nineteenth session.

**L. Technical assistance trust fund**

62. The Council will consider modalities for the establishment of a technical assistance trust fund to support the participation of least developed countries and small island developing States in the work of the Council at its nineteenth session.

**Appendix**

**Modalities for establishing the list of speakers for the Working Group on the Universal Periodic Review**

The established procedures, which allow speaking time of three minutes for Member States and two minutes for observer States, will continue to apply when all speakers can be accommodated within – minutes available to Member and observer States.

Should it not be possible to accommodate all speakers within – minutes based on three minutes of speaking time for Member States and two minutes for observer States, the speaking time will be reduced to two minutes for all.

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

**Steps for drawing up the list of speakers**

1. The list of speakers will open at 10 a.m. on the Monday of the week preceding the beginning of the session of the Working Group on the Universal Periodic Review and remain open for a period of four days. It will close on the Thursday at 6 p.m. A registration desk will be set up at the Palais des Nations. The exact location will be communicated to all permanent missions by the secretariat.

2. In all cases, regardless of speaking time, the delegations inscribed on the list of speakers will be arranged in alphabetical order of the country names in English. On the Friday morning preceding the beginning of the session, the President, in the presence of the Bureau, will draw by lot the first speaker on the list. The list of speakers will continue from the State drawn onward. On the Friday afternoon, all delegations will be informed of the speaking order and of the speaking time available to delegations.

3. Speaking time limits during the review will be strictly enforced. Speakers who exceed their speaking time will have their microphones cut off. Speakers may therefore wish to deliver the essential part at the beginning of their statements.

4. All speakers will retain the possibility of swapping place on the speakers list under bilateral arrangement between speakers.

**E. Comments made following the adoption of the outcome of the review**

17. Further to the adoption of the outcome document, statements were made as follows:

(a) United States of America recalled that it undertook this process with a view to improving the Council, with a number of proposals, and with an open mind to hear those of others. Yet, it met with a process designed to be a race to the bottom. The United States of America considered that for much of this process, instead of a genuine give and take, delegations repeated fixed positions and blocked opportunities for genuine debate. The Council would be judged by the result of this process, by how well it advanced its ability to improve the human rights situation around the world, address violations and prevent abuses. In this regard, the United States of America registered their continued disappointment with the status of the overall review and the outcome document. A number of issues remained to be addressed particularly with regard to the Council membership, the need to ensure greater scrutiny of the human rights record of countries that offer themselves for election to the Council, the Council's ability to take on country situations in a variety of formats, not limited to resolutions. Moreover, Israel remained the only country singled out on the Council agenda, and considered that, as the Council's most egregious flaws. The United States registered its lack of support for the final outcome because the HRC would have been better served by a more robust result;

(b) Argentina expressed some reservations in connection with the process of review. It requested clarifications from the President on the interpretation of paragraph 6 of the outcome document, particularly with regard to the UPR recommendations to be considered during the second and subsequent cycles;

(c) Israel expressed its disappointment at the outcome document of the review, as it turned a blind eye to the Council's mandate and greatly hindered the Council's ability to promote and protect human rights. It recalled that Israel engaged in the review process with the hope that the Council would take a good look at itself, and in good faith accept that it had failed to adhere to its mandate. Israel had envisaged that the review process would have enabled the principles of universality, impartiality, objectivity and non-selectivity without distinctions of any kind within the Council. It sincerely expected that those involved would refuse to perpetuate the inherent institutional flaws created by the adoption of Resolution 5/1 and its annexes. However, the outcome document further weakened and discredited the work of the Council. All parties to the review process were aware that Israel's exclusion from the Council's regional groups as well as Israel's restricted role within the Council, were contrary to the principle of sovereign equality of all UN Member States and other provisions of the UN Charter. In spite of this, consultations and negotiations proceeded without the interest of Israel being represented in any manner, particularly those held by the President and the Group of Friends. Therefore, Israel categorically rejected references in the outcome document to the regional groups. Furthermore, by maintaining agenda item 7, the Council had acted *ultra vires* contravening to its legal and political authority, and any refusal to rectify these inherent flaws illustrated the Council acting outside of the scope of its mandate and the Council politicizing human rights. Israel requested that all its proposals made during the review process, as well as those of other stakeholders, including national human rights institutions and non-governmental organizations, be reflected in the IGWG report. Lastly, Israel categorically rejected the present draft report on the ground that it did not contain the text of the outcome document, but only a reference that it would be inserted at a later stage. Israel concluded that there was no consensus on the outcome document and categorically rejected it, particularly with regard to paragraph 40;

(d) Cuba considered that the Council was in a better situation than in 2007, when it had to adopt the institution-building package, as the Council was a very energetic body with ability to act. It could also express a number of important reservations, particularly with regard to those issues that were not included in the outcome document. However, it considered that everyone had given in a little during the review process and that, as a result, the Council had been improved and had become a more active body;

(e) France recalled a number of joint initiatives undertaken with other delegations, particularly the setting up with the Mexican delegation of an informal trans-regional think-tank, with the participation of more than twenty States, in order to best prepare the review and open up the road to significantly positive outcomes. France joined consensus but had to express disappointment at the outcome document. In particular, France noted that the outcome document did not contain anything new in terms of Council's ability to address urgent human rights situations. It regretted that it was not possible to create automatic triggers or other mechanisms which would have led to the convening by the President of the Council of informal meetings. In the same vain, it was not possible to clarify the rules which govern the organization of special sittings and briefings. It also regretted that the outcome document did not include many of the proposals aimed at strengthening States' cooperation with the special procedures, which remained inadequate, such as mandating the High Commissioner to report on the matter. The outcome document did not focus sufficiently on the implementation of UPR recommendations, which regrettably remained optional, and emphasized the need for the State under review to clarify in writing what it does with recommendations directed to it and to make clear whether it accepts or rejects such recommendations;

(f) Mexico recalled that it began the review process with the belief that the efforts it was going to make would aim at strengthening the Council in its ability to protect and promote human rights on the ground, so as to ensure the possibility of a real change in people's lives around the world. With that belief, Mexico also recalled, as said by France, that it had conducted a process of reflection, education and dissemination of information on the Council's review, with a view to sharing responsibility and strengthening the Council. Mexico further noted that it had made several proposals aiming at strengthening the Council. However, Mexico had to express disappointment with the final outcome document. In particular, it considered that the outcome document contained few important positive changes but missed fundamental elements, including in connection with the Council's capacity to react to urgent situations with greater flexibility and agility, in a more constructive and cooperative way between States;

(g) Australia expressed disappointment at the IGWG inability to overcome political divisions and opposing viewpoints. It also expressed disappointment at the outcome document, particularly with regard to the issue of the tools at Council's disposal to address the most serious, urgent or emerging situations of human rights violations, wherever they occur; increasing the participation of national human rights institutions and non-governmental organizations across the Council work programme, including in the universal periodic review process and better using expertise in panel discussions, briefing sessions and interactive dialogues; holding Council members to the highest standards of promotion and protection of human rights, including by ensuring their full cooperation with the special procedures; resolving the political imbalances in the Council agenda. Australia considered that the outcome document did not respond to these calls;

(h) Canada stated its belief that the current draft outcome did not adequately address issues which are important to improving the work and functioning of the HRC. In particular, the current draft outcome did not improve upon the Council's ability to address urgent human rights situations, the implementation of UPR recommendations by States and States' cooperation with the special procedures.

Moreover, Canada stated that it remains concerned by item 7 of the Council's agenda and the disproportionate focus such agenda item placed on the situation in the Middle East, which undermines the Council's goal of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues and the elimination of double standards and politicization. Therefore, Canada categorically rejected the draft outcome document.



(i) The European Union joined consensus but expressed disappointment at the minimalistic outcome of the review process. In particular, the European Union considered that the outcome document did not contain significant improvements and expressed the hope that there will be other opportunities to further discuss some of the good ideas that were raised during this exercise. The European Union recalled that it could not accept a review package that would have reduced the number of Council's sessions while providing no opportunities for the Council to address emergency situations in an effective way, as it was not possible to find consensus on flexible work formats, such as informal meetings and briefings. The European Union also recalled that it was prepared to support all proposals aimed at making the overall system of the special procedures more efficient, particularly in terms of enhancing interaction and strengthen States' cooperation with the special procedures and regretted that some of these proposals were not included in the outcome document. On the universal periodic review, the European Union considered it important that States under review clearly indicate which recommendations they accept and which recommendations they reject, as this was essential for a meaningful follow-up. It also considered it important that a solution be found for the list of speakers and that the second universal periodic review cycle focuses on the implementation of the recommendations. In this context, it recognized the importance of providing technical assistance in order to help States to implement recommendations;

(j) Chile valued the inclusion in the outcome document of important issues, such as technical cooperation and capacity building, as key elements that can enhance the Council's capacity to promote and protect all human rights. However, Chile was convinced that further improvements could have been achieved, particularly with regard to the Council's methods of work and the work of the special procedures;

(k) Japan assessed the work of the Council, after nearly five years of existence, as being generally positive. However, it expressed the opinion that there was room to make it more efficient and effective. Japan recalled that it was determined to seize the opportunity of the review to streamline the work of the Council and to make it contribute further to human rights situations on the ground. In this regard, Japan made a number of proposals. For instance, Japan advocated the need to consider methods of work by which to respond more flexibly to urgent situations in addition to special sessions. Japan also presented concrete proposal for improving the process of discussion on the universal periodic review and insisted to pay further attention to the implementation of recommendations. Japan also proposed ways and means to strengthen cooperation with the special rapporteurs, and to strengthen technical assistance. Japan regretted that many of these proposals had not been agreed upon. Nevertheless, it considered that the review had been useful in the sense that extensive discussions were held on all areas of its work and functioning. Japan stated that the outcome document contained some improvements, and that the Council should continue to discuss them as the end of the review did not mean that the Council would cease to function;

(l) Nigeria, on behalf of the African Group, expressed disappointment at the fact that key issues for elaboration and development of human rights infrastructures, and human rights in general, were not reflected in the text. The African Group was also disappointed that certain States were only interested in "triggering mechanisms". Yet, when those States realized that it was not possible to agree on "triggering mechanisms", they stopped negotiations. The African Group also considered that the Council was dealing with a continuous process and recalled that in the UN system there was a midterm review every five years, a review every ten years and a restructuring of the system every twenty years. The African Group expressed the opinion that critical issues and complex situations were not understood by everybody at the same level. In particular, it recalled that while human rights were the key and overriding factor, the issue of development was likewise the key factor impacting of human rights, without which the rights to food, health, and education

could not be taken for granted. On paragraph 9 of the outcome document, the African Group expected that the last line would stop at the word “accordingly” and read, afterwards, “other information will also be provided by other stakeholders” so as to ensure that national human rights institutions would be treated equally. On the UPR, the African Group considered that, while States should have a clear idea of the recommendations that they would accept or would not accept, there should be no imposition on them as to whether, how and when to specify those recommendations. On paragraph 62, particularly on the issue of whether there should be modalities for the provision of technical assistance, the African Group noted that it will be for the Council to elaborate on such modalities. Lastly, on the establishment of the Office of the President, it was the African Group’s opinion that action will not depend on the results of the report mandated on issues relating to the Secretariat support to the HRC, as the Council on its own should elaborate on the work and the basis for the establishment of the President’s Office;

(m) Indonesia, on behalf of the ASEAN, noted that some of the ASEAN proposals aiming at improving the work and functioning of the Council had not been included in the outcome document. However, it acknowledged that this was the result of a compromise that it was ready to accept as a first step in a continued journey. It also recalled that ASEAN countries engaged constructively and flexibly throughout the process and tried their best to bring the quest of the promotion and protection of human rights to the forefront. It was ASEAN countries’ opinion that the Council should continue to make efforts in order to become more responsive to such a quest;

(n) Pakistan, on behalf of the Organization of the Islamic Conference (OIC), recalled that at the beginning of the review process, both the OIC and the Non-Aligned Movement (NAM), had insisted on the need to define the scope of the review with clarity, as reflected in paragraph sixteen of General Assembly Resolution 60/251. In spite of the fact that, in the OIC’s view, many of the issues raised throughout the process fell outside what had been agreed upon, the OIC had always been ready to listen to and discuss all proposals with a constructive and open spirit throughout the process. In the same spirit, it recalled that it was agreed that the outcome document had to be based on consensus. Therefore, while further noting that the OIC was not pleased with the fact that the outcome document did not contain many of the proposals made by the OIC and the NAM, it expressed its readiness to accept the document;

(o) Algeria associated itself with the statements made by Nigeria, on behalf of the African Group, and by Pakistan, on behalf of the OIC. It recalled that at the beginning of last year Algeria hosted a meeting of over one hundred and four Permanent Representatives of the Council members States and observers. It expressed disappointment at the outcome document as not doing justice to the efforts of bridge-building made over the past year. However, it considered that the main issue did not relate to the inadequacy of the Council’s working methods but rather to the difficulty to get all States to be driven by values rather than by politics. Consequently, the Council had not been able to agree on the following: (a) to entrust to independent legal expertise the task of advising the Council on any disagreement between a State and the special procedures mandate holders; (b) to resume the review and rationalisation of the reporting cycles of the special procedures to the Council and to the GA in order to enhance the consistency of their reports and cycle and to enhance their impact for the protection of victims; (c) to extend the UPR cycle to 5 years to ensure effective universal involvement of Council Members and Observers in light of insoluble problems of the speakers’ list under a 4 year or even a four and a half year cycle; (d) to determine how to put into practice Presidential Statement 15/2 on the contribution of the Council, every two years, to the Strategic Framework of the OHCHR. Algeria also joined Nigeria on the reservations on paragraph 9 of the outcome document. It recalled that the rule followed for the entire review of the Council was to exclude any paragraph on which there was no consensus. Algeria had intended to intervene before adoption of the

outcome document to insist that the same rule be applied for this contentious paragraph. However the time between the President's call to order of the resumed meeting, and that when he had gavelled the adoption of the text, was not sufficient for Algeria to get back to its seat and ask for the floor. It was therefore Algeria's expectation that either consensus be reached on an agreed text on paragraph 9 during the sixteenth session of the Council or that the said paragraph be deleted. Lastly, Algeria shared the up-beat vision on the future of the Council expressed by Japan. Likewise, and as mentioned by Indonesia, it considered that the review was but a first step in what should be considered as a common journey;

(p) Egypt, on behalf of the NAM, recalled that it had been constructively engaged throughout the review process, ready to listen to and discuss all proposals made with a view to improving the work and functioning of the Council. However, it had to express disappointment at the outcome document as not fully meeting the NAM's expectations, especially given the efforts that had been exerted and the time spent during the whole exercise. Furthermore, none of the NAM's major issues had been addressed. Egypt recalled that the NAM agreed to the possibility for the Council to hold informal briefings, including on emerging human rights situations, as an additional cooperative and less confrontational element to be added to the current system that presently deals with urgent and country situations through either special session, special sittings and agenda item 4 resolutions, provided that there was the consent or non-objection from the State concerned, so as to reinforce the role of the regional groups and avoid confrontation. Egypt also recalled that, given the equal, interdependent and mutually-reinforcing nature of all human rights, the NAM proposed an equitable system of funding to all special procedures through the establishment of a common fund, following the experience of United Nations High Commissioner for Refugees, made up by devoting a fixed percentage, for example of 10%, of the voluntary funds allocated to specific mandates. However, Egypt was of the opinion that the review process had shown that the politics of human rights were more important than the human rights of people. Nevertheless, it considered that the outcome document represented a step forward and shared the view expressed by Japan and Algeria that the Council should consider this work as a continuous and ongoing process. In this regard, it expressed the hope that all relevant stakeholders would play their role;

(q) The Russian Federation pointed out that not all its suggestions had been included in the outcome document, particularly with regard to the Council's programme of work, the need to ensure transparency and accountability in the work of the special procedures, and some procedural aspects relating to the overall functioning of the Council. It considered that some of the issues raised could be more appropriately addressed through, for example, Council resolutions rather than in the outcome document. The Russian Federation also acknowledged that, in the present circumstances, the outcome document enjoyed the broadest possible consensus;

(r) China recalled that it had constructively participated in the formal and informal consultations held throughout the review process and that it had submitted many proposals in a spirit of flexibility. In spite of the fact that the outcome document did not reflect all its proposals, including with regard to the universal periodic review, the special procedures, the Human Rights Council Advisory Committee, the Council's methods of work and rules of procedures, it expressed willingness to join consensus on its adoption;

(s) South Africa aligned itself with the statement made by Nigeria, on behalf of the African Group, and Egypt, on behalf of the Non-Aligned Movement. It agreed with what was stated by Algeria and considered rather unfortunate that the President had ruled on the adoption of the report while discussions were being held on paragraph 9. It recalled that South Africa had tried to contribute to the review process in the best way possible, particularly with regard to bringing to the Council's attention the importance of including regional mechanisms into its work, as was the case in the General Assembly and the

Security Council. It therefore regretted that, other than paragraph 43, there was no provision on this matter in the outcome document. Accordingly, it expressed the hope that, until the final adoption of the outcome document, the Council would consider allowing inputs from functioning regional mechanisms, particularly in relation to paragraphs 23 to 30 of the outcome document.

18. The International Service for Human Rights, in a joint statement with Amnesty International, the Canadian HIV/AIDS Legal Network and the International Commission of Jurists, and Human Rights Watch also made statements.

#### **F. Adoption of the report of the working group**

19. At its 9th meeting, on 24 February, the working group considered and adopted the present report ad referendum.

## **Annexes**

### **Annex I**

#### **Proposed modalities of the review of the work and functioning of the Human Rights Council in accordance with operative paragraph 16 of United Nations General Assembly resolution 60/251**

##### **Principles**

The HRC review process in Geneva shall be guided by the following principles:

- 1.1 The review shall be the review of work and functioning of HRC based on the institution building package (IBP) in the context of the mandate given by GA Res. 60/251.
- 1.2 The review does not aim to renegotiate the IBP but would seek to make further improvement where necessary for the effective work and functioning of the Council.
- 1.3 The review shall be based on consensus and the outcome shall be a single undertaking.
- 1.4 While the negotiation to be conducted during the review shall be a state-led process, the review shall also be an inclusive process.

##### **Time frame**

Pursuant to HRC Res. 12/1 which established the open-ended intergovernmental working group (WG) to review the work and functioning of the Council and envisaged that the WG shall hold 2 meetings for 5 days each, the timeline for the review will be as follows:

The 1st WG meeting will be held on 25–29 October 2010. Prior to the 1st WG, open-ended consultations may be organized by the President or facilitators appointed by the President for the preliminary discussion on the substance of the review. In this connection, States are encouraged to provide written inputs on substantive issues of the review to the President prior to 1st WG meeting.

The date of the 2nd WG meeting is tentatively scheduled for 17–21 January 2011. However, the final decision on the date should await the progress made at the 1st WG meeting and bear in mind that the final outcome of the review shall be submitted to the 17th Session of the HRC in June 2011.

The outcome of the WG shall be adopted at the 17th session of the Council.

## **Relationship between Geneva and New York**

While Res. 60/251 provided for the division of labour between the review processes in Geneva and New York, the two processes are mutually reinforcing. Therefore, the outcome of the review process in Geneva should feed into the review process in New York.

To ensure consistency, there should be close coordination between the review processes in Geneva and New York. This can be done by coordination between the President of the HRC and the President of the GA.

In order to clarify the sequencing of the review processes in Geneva and New York in Res. 60/251, it may be necessary to have further consultation between the two sides on how to proceed.

### **Structure of the discussion (to be developed into the agenda and programme of work of the 1st WG)**

General discussion on the work and functioning of the Council in the context of mandates given by GA Res. 60/251

Discussion on elements of the IBP

Discussion on concrete proposals

### **Outcome of the review**

The outcome of the review of the work and functioning of the HRC shall be adopted by the HRC and reported to the GA. (The format of the outcome will need to be further discussed.)

The outcome may also include inputs to the GA on the review of the status of the HRC.

### **Appointment and roles of facilitators**

The President may appoint facilitators, as and when needed, to facilitate the discussion on specific issues and consolidate inputs for consideration of the WG.

In appointing the facilitators, the President shall give consideration to expertise on issues concerned while bearing in mind balanced geographical representation.

**Participation by stakeholders** in the WG meeting shall be in the same format as those during the negotiation of the IBP. Written inputs from stakeholders are also welcome in advance of the WG meeting.

*(As of 30 August 2010)*

## Annex II

### **Progress report by the President on the review of work and functioning of the Council (as of 15 September 2010)**

Excellencies,

Ladies and Gentlemen,

I wish to begin by recalling that, in accordance with the mandate given by OP 16 of the UNGA Res. 60/251 for the HRC to review its work and functioning, the Council adopted Res. 12/1 which establishes an open-ended intergovernmental working group to carry out the task. The resolution also requests the President to undertake transparent and all inclusive consultations on the modalities of the review and report to the Council.

Pursuant to this, I carried out extensive informal consultations with various delegations and relevant stakeholders, including 2 open-ended consultations on 30 August and 6 September, to discuss the modalities as well as the agenda and program of work of the review.

Taking this opportunity today, I would like to refer to the paper on “*the proposed modalities of the review of the work and functioning of the HRC in accordance with OP 16 of UNGA Resolution 60/251*” which was circulated as the Chair’s text and which, I understand, has been embraced by all of us as providing the overall parameter and guideline for the review process. I also appreciate the views and comments given by various delegations. I intend to take all these views and comments into account in working with all of you to move the review process forward.

Based on the modalities, I have started consultation on the program of work of the 1st intergovernmental working group which will be held from 25–29 October this year. The first draft of the program of work was presented by me to the open-ended consultation on 6 September and was extensively discussed. I very much welcomed all the valuable inputs given to me by all delegations and stakeholders which I will bear in mind in developing a more detailed program of work to be adopted at the beginning of the working group meeting. My intention is to build consensus around the program of work. I will continue to work with all of you to ensure that the program of work provides enough space for everyone to engage fully in this process and that there is enough flexibility in time management so that there is sufficient time for discussion on all important issues.

As many of you are aware, I made a trip to New York last week specifically to discuss the issue of coordination between the review processes in New York and Geneva, with a view to bring greater clarity to the coordination and timeline of the two processes, I would also like to take this opportunity to share with you an update on this.

From my discussion with the PGA and the 2 facilitators (PR of Liechtenstein and PR of Morocco), the understanding that we have reached is that the review to be undertaken by the UNGA and the review by the Council are distinct processes but mutually reinforcing. Therefore, there needs to be a close coordination between the New York and Geneva and the outcome of the review in Geneva will feed into the review of status in New York. They agreed in principle that the finalization of the review to be undertaken by the UNGA should await the completion of the review in Geneva.

The colleagues I met in New York also welcomed the fact that Geneva has already embarked on the review and they appreciated that the update given by me would help them to prepare for the review by the UNGA. Our colleagues in New York will probably begin

substantive discussion on how they will approach their review after the completion of the 65th session of the UNGA.

I informed them that we plan to conclude our review in June 2011, but if possible we will try to expedite our process bearing in mind the aim of the PGA to conclude the process within his Presidency, by July 2011. I will continue to work closely with the PGA and the facilitators in New York to formalize the shared understanding that I outlined to you on the coordination between the reviews in New York and in Geneva as soon as possible.

I look forward to continue working closely with all of you to move forward the review process. I hope now we can begin discussion on substantive issues. Before the first working group meeting, I intend to convene one or two more open-ended consultations to finalize the draft program of work and perhaps to start the discussion on substantive issues. And to allow all of us to be better prepared for the discussion at the working group meeting, I would like to encourage all delegations and stakeholders to provide their concrete inputs and proposals well in advance of the meeting. All concrete proposals should be submitted by 15 October so that they can be made available via the HRC Extranet.



## **Annex III**

### **Joint understanding reached with the President of the GA in New York, on the coordination of the review processes of the Council and the GA**

General Assembly Resolution 60/251 provides for two processes, one in Geneva and one in New York, as part of the review of the Human Rights Council: The Council itself mandated to review its work and functioning, while the General Assembly is given the mandate to review the status of the Human Rights Council. It is understood that these two processes will be conducted in accordance with Resolution 60/251 and in a manner that fully reflects the authority of the two bodies in their respective areas of work.

Given the complementarity of these areas of work and the thematic overlap of some of the topics under discussion, it is of the utmost importance to ensure close coordination and coherence between the review processes in Geneva and New York. In order to align the two processes and to facilitate both formal and informal channels of communication between Geneva and New York, we intend to keep each other informed of the ongoing discussions and to contribute to each other's work.

It is understood that the formal process in Geneva will commence first and that the discussions in New York will build on the progress made in Geneva. The review process in New York will be finalized only after the review process in Geneva is concluded and should be brought to a conclusion by July 2011.

## Annex IV

### Compilation of State proposals

#### Compilations of proposals made by States under items 3, 4 and 5

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## **Part I**

### **Concrete proposals on:**

#### **I. Universal periodic review**

##### **A. General**

- Preserve the basis of the review of countries within the UPR, as well as the principles and objectives of the UPR, as agreed in the IB package, and maintain its intergovernmental and member driven nature. (Egypt on behalf of NAM)
- Any changes that would result from the review in regard to the UPR mechanism should only take effect after the end of its 1st cycle to ensure equal treatment of all countries. (Egypt on behalf of NAM)
- Correct three flaws of the UPR, namely: the restricted speakers' lists, the lack of clear responses by States to all recommendations received, and the inadequate space for NHRI and NGO participation. (Canada)
- Build on progress achieved during the first cycle and make further recommendations on new or continuing challenges. (Canada)
- Preserve the principles that guided the 1st cycle (universality, objectivity, non selectivity). (Spain)
- Continue to respect and adhere to the principles of objectivity, dialogue and cooperation, non selectivity, non-politicization and transparency within the context of the review process. (Malaysia)
- Keep intact, in the context of article 3 of the IB Text, the principles of objectivity, transparency, non-selectivity, constructiveness, non-politicization and non-confrontation. (Turkey)
- Maintain the basic principles and objectives of the UPR. (Russian Federation)
- Maintain and optimize the existing modalities for the review. (Russian Federation)
- Preserve the basis of the review, principles and objectives of the UPR (Azerbaijan, Sri Lanka); Any changes that would result from this review should take effect after the end of its first cycle. (Sri Lanka)
- Preserve the human rights nature of the UPR mechanism; UPR should not be misused with the purpose of advancing the political agenda. States should touch upon only their own human rights issues, not others. (Azerbaijan)
- Retain the basis of the review as well as its intergovernmental nature. (Malaysia)
- Urgently review the UPR, including on its scope and desired impact, in time for the second UPR cycle. (Malaysia)
- Retain the intergovernmental and cooperative nature of the UPR and not create additional and new burdens on states in the process which was designed to be not overly burdensome. (Philippines)
- Preserve the principles of peer review and modalities to ensure the continuity of the basis premise of cooperative mechanism. (Bangladesh)

- Maintain the principles of objectivity, inclusiveness, non-politicization, non-confrontation and above all, avoiding double standards and ensuring equal and fair participation of all States which should remain as the fundamental requisite of this state-driven process. (Nepal)
- Maintain the intergovernmental nature of the UPR process. (United Arab Emirates)
- Ensure that the review reflect the fact that UPR is an intergovernmental mechanism. (China)
- Maintain the UPR state-driven nature. (Islamic Republic of Iran)
- Preserve the existing basis of the review as well as principles and objectives of the UPR as stipulated in the IB Package. (Islamic Republic of Iran)
- Preserve the intergovernmental character of the mechanism while ensuring the contributions of other relevant stakeholders. (Vietnam)
- Preserve the intergovernmental character of the UPR. (Mauritania)
- Review should be a State driven exercise. (Algeria)
- Preserve the intergovernmental and interactive nature of the mechanism. (Algeria)
- Ensure that UPR is not only used as a tool for identifying problems but also for highlighting good practices and achievements. (Colombia)
- Draft appropriate guidelines for conducting national consultation processes. (Moldova)
- Ensure that the adoption of proposals regarding the UPR be made by consensus, which will certainly contribute to the better implementation of them. (Rwanda)
- All parties should give importance to the UPR process of all other countries. (China)
- Give particular attention to the situation of Least Developed Countries and to landlocked developing countries and small developing island states, which face particular challenges in attaining the realization of human rights, especially of economic, social and cultural rights, when recommendations are made in the UPR. (Rwanda)
- Respect the particularity of each state as to religion, ethics and culture while non jeopardizing the universal nature of the UPR. (Mauritania)
- Strengthen the assistance and cooperation role of OHCHR, together with the UN system and regional organisations, in the preparation of the reports. (Uruguay)
- The Resident Coordinator to operate as a facilitation mechanism at the request of the State concerned. (Uruguay)
- Focus the second round of the UPR on implementation of recommendations as well as ongoing or new human rights situations in the country. (United States of America)
- Preserve the strict intergovernmental nature and the principle of equality established in the mechanism. (Cuba)
- Maintain the basis, principles and objectives of UPR as spelt out in paragraphs 1, 2 3 and 4 of HRC resolution 5/1. (Algeria)
- The outcome document of the review should contain a provision clearly indicating that despite the fact that the review of the periodicity and the modalities of the UPR mechanism have been conducted before the conclusion of the first cycle, as provided

for in footnote (a) para. 14 of HRC resolution 5/1, the result of such a review will not be implemented until the first cycle is concluded. A short procedural decision in this regard could also be adopted by the HRC at its next session. (Algeria)

- Fine tune the UPR to fulfil its potential and deliver change on the ground. (United Kingdom)
- Need to identify adjustments in the UPR. (Timor-Leste)
- Retain the UPR as all states are subjected to it equally. (Libyan Arab Jamahiriya)
- Retain what is set out in the institution building (IB) annex in Council Resolution 5/1 concerning the UPR and its review modalities. (Libyan Arab Jamahiriya)
- Preserve the intergovernmental character of the UPR and its interactive nature. (Nigeria on behalf of the African Group)
- Safeguard the basis, principles and objectives of the UPR should as contained in the IB package. (Nigeria on behalf of the African Group), (Pakistan on behalf of the OIC)
- Preserve the primacy of the UPR intergovernmental nature. (Pakistan on behalf of the OIC), (India), (Libyan Arab Jamahiriya)
- Ask the Secretariat to make a statement on financial implication resulting from the adoption of the report, more particularly relating to the requested technical assistance. (Morocco)

## **B. Periodicity and second cycle**

### **1. Order of review**

- Keep existing order for the review (Russian Federation)
- Keep the same order of review of countries (Venezuela)
- Agree by 12/2011 or 3/2012 at the latest on the order or review and other arrangements (Mauritius)
- Retain order of review (Morocco)
- Maintain the order of country review from the 1st cycle for the 2nd cycle (Brazil) (Egypt on behalf of NAM)
- Keep the current cycle and use the day and a half of each session, right after the review of 16 countries and before the adoption of the 4 remaining reports of the session, when the Group currently does not meet (Morocco)
- The order of the first review be maintained or that there be a drawing of lots on the order of review of countries now listed within any given year (Algeria)
- Maintain the established order of review for the next and subsequent cycles to allow predictability (Nigeria on behalf of the African Group), (Pakistan on behalf of the OIC)
- Preserve to the extent possible the current order of the review so as to ensure predictability (Malaysia)
- Maintain the order of the review in subsequent cycles (Islamic Republic of Iran)
- Keep the order of review in the UPR first cycle in subsequent cycles (Moldova)

- Maintain the order of States to be reviewed from the first cycle for subsequent cycles (Thailand)
- Maintain the order of States' review from the 1st cycle (Australia)
- Maintain the same order of review as the first cycle (Guatemala)

## **2. Four-year periodicity**

- Maintain the 4 years cycle as well as the 3 reports forming the basis of the review. (Spain)
- Keep the periodicity of the review as it is now: 4 years. (Switzerland)
- Do not reduce the current periodicity of four years. A period of more than four years could prevent the proper functioning of the mechanism. (Argentina)
- Maintain the current periodicity of a 4 year cycle for the UPR. (Austria), (Guatemala)
- Maintain the current 4 year periodicity of the UPR as it provides a realistic balance between the demands placed on SuR and the need for an ongoing action-oriented process. (Belgium on behalf of EU)
- Maintain the four year cycle with no gap between rounds of the UPR. (United States of America)
- No need to make the length of the cycle longer than the current four years. (Japan)
- Keep the order of the review. Maintain a 4 year period. However, NAM's proposal of a 5 year period could also be possible. (Chile)

## **3. Five-year periodicity**

- Extend the UPR cycle to 5 years (China)
- Adjust the UPR cycle to a 5 years cycle (Paraguay)
- Extend the UPR cycle to 5 years (Russian Federation)
- Extend the second/subsequent UPR cycles to 5 years (Islamic Republic of Iran)
- Increase the cycle of review to five years, with 13 States being reviewed per session (Venezuela)
- Extend the UPR cycle to 5 years (Nepal)
- Support an expansion of the UPR cycle to 5 years with 13 states examined during each UPR session (Thailand)
- Reiterate the need to expand the cycle of the UPR to 5 years (Bangladesh)
- Extend the 2nd cycle to 5 years (Saudi Arabia)
- Consider the spreading of future UPR cycles over five-year period as it could yield practical benefits including in terms of enhancing stakeholder participation (Malaysia)
- Adopt a 5-year cycle (Morocco)
- Change the UPR periodicity from four to five years having 13 countries instead of 16 reviewed during each UPR Working Group session (Philippines)
- Extend the review cycle to five years (Indonesia)

- Move the periodicity to a five-year cycle to reduce queuing by allowing more time for individual reviews, interactive dialogue in the UPR Working Group as well as the implementation of accepted recommendations (Algeria)
- Extend the UPR cycle to 5 years, thus allowing the examination of 13 States per session instead of 16, in order to, inter alia, resolve the problem of list of speakers (Egypt on behalf of NAM)
- Extend the next and subsequent cycles of the UPR to five years to allow for proper stocktaking (Nigeria on behalf of the African Group)
- Extend the second/subsequent UPR cycle to 5 years (Pakistan on behalf of the OIC)
- Extend the periodicity up to five years (Peru)
- Improve the allocation of time for the review. Proposal to extend the periodicity of the review from four to five years is a plausible option (Colombia)

#### **4. Gap year**

- Observe a break of one year after the 1st cycle (China)
- Give a one-year break between first and second cycles to the States in order to settle procedural issues (Islamic Republic of Iran)
- Give one year between the 2 cycles (Saudi Arabia)
- Consider the possibility of a gap between the first and second UPR cycles (Malaysia)
- Recommend a break between the first and second UPR cycles (Singapore)
- Break up of up to one year between the end of the first cycle and beginning of the second cycle may be useful (Philippines)
- A gap of one year between the end of the first cycle and the beginning of the second cycle would be needed for countries and relevant stakeholders to prepare for the second cycle adequately (Egypt on behalf of NAM)
- Observe a break between the first and second cycles, to conclude procedural issues and to allow for the first countries to be review to prepare accordingly (Nigeria on behalf of the African Group)
- Give one year break between first and second cycles to the States in order to settle procedural issues (Pakistan on behalf of the OIC)

#### **5. No gap year**

- Start the second cycle immediately after the first cycle to ensure continuity (Venezuela)
- Second cycle should follow immediately after the first cycle (Switzerland)
- Start the second cycle without delay (Australia)
- Start the second cycle in May 2012 (Uruguay)
- Establish a gap of less than one year between the first and second cycle (Morocco)
- Second cycle to begin at the earliest possible period in 2012 (Japan)
- No need to have a break between the first and second cycle, inasmuch the modalities of the second cycle are outlined (Peru)

- No breaks or time laps between the two UPR cycles (Guatemala)
- Begin the second cycle during 2012. A short delay could be established (Chile)

## 6. Other

- Advise delegations to inscribe in the speakers list at least one month before a working group session. (Republic of Korea)
- That there is the imperative need to strengthen dialogue and to allocate the time for the interactive dialogue with the SuR. (South Africa)
- Apply any changes to the UPR after the end of the 1st cycle. (Islamic Republic of Iran)
- Ensure that the changes that would result from the HRC review, particularly concerning the UPR mechanism take effect after the end of the first UPR cycle. (Moldova)
- Apply any changes to the present modalities of the UPR in the second cycle to ensure the universality of coverage and equal treatment with respect to all States as stipulated in para. 5(e) of GA Res 60/251. (Singapore)
- Avoid attempts to reform the UPR. (Brazil)
- Dedicate the second cycle to the follow-up of recommendations accepted by States. The 2nd review should be done on the basis of the report of the State under Review and information on the implementation of accepted recommendations in the previous review to be provided by each State. (Cuba)
- Provide more time for the review of each state during the UPR Working Group. (Austria)
- Focus on the implementation of the recommendations accepted during the first review cycle as well as voluntary commitments. (Algeria)
- The subsequent cycle of the UPR should focus mainly on outlining the current developments in the country concerned. (Egypt on behalf of NAM)
- Dedicate subsequent cycles of the UPR to reviewing current developments and following up to those recommendations made in the preceding cycles which enjoyed the support of the SuR as well as the voluntary pledges and already commitments made. (Nigeria on behalf of the African Group) (Pakistan on behalf of the OIC)
- Focus the second cycle on the implementation of accepted recommendations as well as on the changes in the human rights situation of the country since the previous review. (Japan)
- SuRs to report also on additional measures to improve the national situation and the possibility to further accept some of the recommendations it had previously declined to accept. (Japan)
- Address cases of persistent non-cooperation with the UPR mechanism. (Japan)
- Focus second cycle on the follow-up of the implementation of accepted recommendations and voluntary pledges made by SuRs. Not to exclude the possibility of incorporating new developments and the possibility to make further recommendations. Outline the process, modalities and documentation of the second cycle. (Peru)
- Focus second cycle on the follow-up to the implementation of previous recommendations. Favour limitation of recommendations. New recommendations



should be allowed only regarding developments, which occurred after the first cycle. Reiteration of previous recommendations it is not desirable. (Chile)

- Focus second cycle on the implementation of the outcomes of the first cycle. Reflect the degree of the implementation of accepted recommendations and voluntary commitments in the reports and documentation of the second cycle, including information on the achievements, challenges and obstacles. (Colombia)
- The second cycle of the UPR would need to focus on follow-up to recommendations and provide for greater involvement of civil society. (Spain)
- Build the UPR for its second round and expand it in order for it to become truly universal, so that all States and stakeholders have the opportunity to participate in every review. (Canada)

## **C. UPR documentation**

### **1. Contents and focus of second cycle reports**

- Need to develop further guidelines, specific to the second cycle, for the preparation by OHCHR of the two documents (the compilation of information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official UN documents; and the summary of information provided by other relevant stakeholders) mandated in paragraphs 12 (b) and 12 (c) of the IB package. This would reinforce the transparency, objectivity and fairness of the process. (Egypt on behalf of NAM)
- UPR reports should contain information on the implementation of recommendations made during the 1st cycle and presentation of the general situation of human rights in the country. (Spain)
- Focus on the follow-up of the first cycle and new developments in human rights area. (China)
- Focus the second cycle of the UPR should focus on 1) update of the actions carried out by the SuR since the presentation of the first national report and 2) detailed information on achievements realized while implementing recommendations accepted by the SuR. (Paraguay)
- The documentation prepared by OHCHR should be objective and credible. (Russian Federation)
- States to include in their national reports an assessment of the implementation of recommendations made by Special Procedures. (Argentina)
- Give priority in the 2nd cycle to the implementation of recommendations that enjoy the Government's support. (Russian Federation)
- Focus the second UPR report on developments since the first report, particularly on implementation of the recommendations received during the first report. (Thailand)
- Documents which serve as basis of the review are drafted in a manner that ensures both the evaluation of the current human rights situation and the implementation of previous recommendations. (Switzerland)
- Second cycle reports should concentrate on implementation of recommendations and voluntary commitments. (Colombia)
- Modify the information requested in the national and stakeholder reports. Basic information on constitutional structures should no longer be needed, unless a

country's governing system has changed substantially since its previous report. The national reports provide updates on human rights situations and discuss progress in implementing accepted recommendations and pledges made in the first round. (United States of America)

- Devote a special section in OHCHR reports to information coming from A-status National Human Rights Institution of the SUR only. (Morocco)
- A separate section in the initial report prepared by OHCHR containing the views “of other relevant stakeholders” should be devoted to the analysis of A-status NHRIs. A-status NHRIs should be allowed to intervene after the delegation of the SuR at the time of the adoption of the final report in plenary. (France)
- The three reports on each state should contain a thorough assessment of the status of implementation of recommendations that were accepted by the reviewed State during the first cycle. The reports should also contain an update on the general human rights situation. (Austria)
- Include a separate section for National Human Rights Institutions in the report that summarizes the views of ‘other relevant stakeholders’. (Austria)
- All three reports prepared for the Review should include an assessment of the degree of implementation of the accepted recommendations, plus an update on the human rights situation to reflect changes on the ground. (United Kingdom)
- Maintain the three national reports with all reports containing information on (a) the state of implementation by the State reviewed of the commitments made by it in the first cycle and (b) an appraisal of and update on the general human rights situation. (Belgium on behalf of EU)
- Include in the report summarizing the views of “other stakeholders” as defined in paragraph 15 (c) of the IB package, a separate section for National Institutions with “A” Status. (Belgium on behalf of EU)
- Consider the proposal that national reports should be tabled in National Parliaments for discussion prior to their submission to OHCHR. (Belgium on behalf of EU)
- Focus the documentation and modalities of the second cycle on the assessment of the implementation of the recommendations of the first cycle. Not to exclude the possibility of incorporating new developments and the possibility to make further recommendations. Update the general guidelines for the submission of information and documentation, so as to adequate them to the second cycle. (Peru)
- Include in national reports an assessment on the degree of implementation of the recommendations of Special Procedures. (Chile)

## 2. Guidelines for second cycle reports

- Develop guidelines for preparation of the second and third reports, and such guidelines should be compiled by the OHCHR. (Thailand)
- Guidelines should be prepared for the preparation of documents by OHCHR, following UN Charter principles and the respect of States sovereignty. (China)
- Closer cooperation and coordination between States and OHCHR, including in the preparation of the compilation documents, is important. More clarity on the modalities related to the preparation of those reports, including in the form of agreed guidelines are welcomed. (Malaysia)

- Adjust the existing guidelines for the preparation of information for the UPR, to reflect the most recent developments on the ground, both in law and in practice, as well as with regard to the follow up to the recommendations from the previous review and the clearly identified needs for international cooperation. (Mexico)
- Prepare specific guidelines for the drafting of reports by OHCHR. (Venezuela)
- The Council should develop drafting guidelines for the next UPR documents and session. (Kazakhstan)
- That the Council should develop drafting guidelines for the two documents prepared by the OHCHR through establishing an intergovernmental body. (Islamic Republic of Iran)
- Provide clear guidelines for the preparation of 2nd UPR cycle reports. (Moldova)
- Adopt clear and precise guidelines for the preparation of all documents which serve as the basis of the review. (Vietnam)
- Set guidelines for the establishment of compendium reports prepared by OHCHR and stakeholders. (Saudi Arabia)
- Implement guidelines for the preparation of national reports, and summary and compilation documents for the 2nd cycle. (Australia)
- Consider the elaboration of revised guidelines for national reports for the second UPR cycle in view of the required emphasis on follow-up to the recommendations of the first cycle and the elaboration of some form of guidelines for the OHCHR summary and stakeholders' submission. (India)
- Discuss and agree upon guidelines for the OHCHR and stakeholder compilations for the second cycle in the Council. (Philippines)
- Develop general guidelines for the second and third reports. (Azerbaijan)
- Include in the national reports for the second cycle the methodology used for the drafting process of the report; an update of general information pertaining to the State; the follow-up made by the concerned State on the previous review; information on new developments since the last review, according to the template of the initial report. (Morocco)
- Adopt guidelines for the drafting of OHCHR reports. (Morocco)
- Preserve the documentation, as established in resolution 5/1. (Cuba)
- Elaborate a clear and transparent methodology for the elaboration of the two reports that OHCHR prepares. (Cuba)
- Guidelines on the UPR Working Group report should be formulated upon. (Indonesia)
- Guidelines on the preparation of the documentation that will constitute the basis of the second UPR cycle should be elaborated through an intergovernmental process. Such guidelines would not be restricted to the information prepared by the SuR but would also apply to compilations prepared by OHCHR. These should devote comparable space to collation of all sources of information. (Algeria)
- Elaborate guidelines on the preparation of the documents that constitutes the basis of the subsequent UPR cycles, in a sufficient time prior the beginning of the second cycle. (Egypt on behalf of NAM)

- The Council should develop drafting guidelines for the two documents prepared by OHCHR. (Pakistan on behalf of the OIC)
- No need to adopt new guidelines for the submissions of reports from Civil Society Organizations and those of the Special Procedures. OHCHR should be afforded some flexibility in deciding the most efficient way to include information submitted by CSOs and Special procedures. (Argentina)
- Update general guidelines included in Res.6/101 of the Human Rights Council taking into account the experiences accumulated during the first cycle regarding the submission of reports. (Colombia)
- Maintain the current UPR documentation as the basis for the review. (Guatemala)

### **3. Consolidation of documentation**

- The clear response of the State to each recommendation should be provided in an addendum to the Working Group report. This addendum should include all the recommendations made to the State in both cycles. (Belgium on behalf of EU)
- Provide comprehensive information, in an easily accessible format, on the full range of recommendations made to a State during both cycles and the position of the State on each recommendation. (Ireland)
- Operationalize the UPR recommendations and produce one single report of the review, as suggested by OHCHR. (Canada)
- Respect the principle that the summary of State interventions in the UPR Working Group reports should be under the responsibility of States' making interventions. Do not provide room of negotiation for the State under review to introduce changes in the summary of discussion. (Turkey)

### **4. Interim reporting**

- States are invited to inform the Council of the status regarding the implementation of the recommendations 2 years after the review. (Norway)
- Encourage States to keep the Council informed on the follow-up made to the recommendations, notably through the presentation of a midterm assessment within the general debate under item 6 of the agenda. (Morocco)
- In addition States should be given the opportunity to systematically inform the Council on their implementation efforts. (Austria)
- States to provide information on follow-up as they deem fit and on a voluntary basis to the HRC before their next review. (Algeria)
- Each State to submit a follow-up report on the status of implementation of the accepted recommendations no later than two years after the adoption of the review outcome. (Japan)
- Encourage the voluntary submission of follow-up partial reports. Include in these reports an assessment of the level of development of technical cooperation programmes between SuR and the UN system. (Chile)
- A submission of an interim status report on the implementation of recommendations should be encouraged. (Republic of Korea)
- Midterm review should not be compulsory. (China)

- That interim reports should not become part of formal process and can be presented on a voluntary basis. (Islamic Republic of Iran)
- That midterm reporting, while encouraged, should be on a voluntary basis so as not to distract States from the actual implementation of the UPR recommendations on the ground. (Thailand)
- On midterm reports suggested by some States on the progress of the implementation of recommendations, this should remain voluntary to allow States the flexibility to do so, and not add to the obligatory reporting burden of States. (Singapore)
- That there should not be any “midterm review” exercise. (Bangladesh)
- Presentation of an interim report is to remain optional. (Saudi Arabia)
- Establish a voluntary follow-up report half way the process. (Uruguay)
- The midterm exercise should include information on the state’s efforts to engage the international community in the implementation of recommendations and response and assistance provided by, inter alia, the UN system, development banks and bilateral donors. (Norway)
- No inclusion of midterm reports or regular update on the implementation of accepted recommendations as part of the official exercise. (Azerbaijan)
- Encourage a midterm review of the implementation of the recommendations on a voluntary basis. (Brazil)
- Assessment of the human rights situation in the SUR during the period of time between the cycles, following the same modality of three reports. (Brazil)
- Establish templates to serve to serve as a possible guideline for voluntary midterm reporting by States on progress achieved. (Canada)
- A follow-up analysis regarding the implementation of the recommendations received and accepted in the first cycle. (Brazil)
- Develop a new additional OHCHR report for the second round that assesses country responses to recommendations from the first round. This report should list obstacles to implementation of accepted recommendations. (United States of America)
- The Council should also consider innovative mechanisms for the UPR that give countries a possible way to provide report on important developments in the implementation of pledges and accepted recommendations. (United States of America)
- Encourage all States to report annually or every two years on the implementation of UPR recommendations. OHCHR should prepare a short table containing the streamlined, clustered recommendations, and States would simply update this table with areas of progress. Progress reports be placed on a dedicated page on OHCHR website. (Maldives)
- State should make a midterm report to the Council at the half way stage. States could include updated information on requirements for technical assistance. (United Kingdom)
- Already examined SuRs can voluntarily submit reports on the implementation of recommendations without having to wait for the next cycle. (Argentina)
- Item 6 of the Council’s agenda could be better used to allow States to voluntarily submit reports on the implementation of UPR recommendations. (Colombia)

- Each State will present an interim report to HRC after two years on the implementation of the recommendations accepted. (France)
- Important to submit follow-up interim reports. (Qatar)
- Encourage all States to carry out “midterm reviews” of follow-up to UPR recommendations, which indicates the level of implementation of the recommendations. (Turkey)
- Encourage States to make full use of Item 6 of the Council sessions to report on their implementation of the UPR recommendations. (Thailand)
- Create a segment for follow-up to each UPR to allow States to make an oral report, two years after its review, on a voluntary basis, about the implementation of accepted recommendations. (Bosnia Herzegovina)

## 5. Other

- Documentation related to UPR should be user-friendly (Indonesia)
- The limitation on pages of the National report should be reasonably grounded (Kazakhstan)
- Elaborate a Standard Uniform Questionnaire to be addressed to all States to assess their compliance with their international human rights law and humanitarian law obligations (South Africa)
- Consult the SuR for the two UPR documents prepared by the OHCHR (Iran)
- That States should not include political considerations in the reports (Turkey)

## D. Conduct of the review in the Working Group

### 1. Focus of second and subsequent cycle reviews

- Focus on the follow-up on implementation of agreed recommendations, emerging human rights issues and issues of continued concern particularly on Recs. Rejected. (Mauritius)
- That the outcome document of the first review should be the basis of the second review. (Singapore)
- Focus subsequent cycles on the follow-up of the implementation of the UPR recommendations. Ensure that the results of the UPR are implemented so that they have a meaningful effect on the ground. (Thailand)
- That States should be reviewed in subsequent cycles on the basis of a) the recommendations accepted; b) the challenges faced particularly for developing countries and LDCs that may have to shift priorities and resources to address urgent incidents such as natural disasters, financial crises and food crises, etc; and c) assistance received to enhance and build its capacity to live up to its human rights obligations and commitment. (Bangladesh)
- Focus the second cycle on the assessment of the implementation of previous recommendations. States having made recommendations during the first cycle ensure appropriate follow-up. (Switzerland)
- Focus the second cycle on the developments and new follow-up on the recommendations of the 1st cycle. (Saudi Arabia)

- Ensure that the second cycle does not only address the implementation of recommendations but also the new challenges faced. (Uruguay)
- Focus second cycle on monitoring the implementation of those recommendations accepted by SuR. (Mauritania)
- Focus on the implementation of the recommendations during the second cycle. (Guatemala)
- In subsequent reviews, it will be important for both the SuR and Members and Observers of the HRC address follow-up to the recommendations that enjoyed the support of the SuR; while maintaining the possibility for the SuR to consider other recommendations and that other recommendations be formulated by other members of the working group, keeping in mind developments on the ground. (Mexico)

## **2. Other**

- Encourage SuR to include national experts in the composition of their delegations. (Egypt on behalf of NAM)
- The review should define an optimum limit to the number of new proposals each State could make in the second cycle. (Belgium on behalf of EU)
- Make Interactive Dialogue more effective, by clustering issues into themes. (Japan)
- Establish a roster of independent experts to act as Rapporteurs at the end of reviews. Their role would be to assist the troika in reaching an overall picture of the unfolding of the review, the main issues raised, the challenges faced and the commitments made. (Mauritius)
- The review of any country should include an assessment of the adequacy of the assistance received from the international community to enable the implementation of the accepted recommendations. (Egypt on behalf of NAM), (Pakistan on behalf of the OIC)
- UN Country Teams engaged in follow up should have a specific space in the second cycle. (United Kingdom)

## **E. Duration of review and list of speakers**

### **1. General principles**

- Every country wanting to participate to the UPR and make recommendations should be allowed to do so. (Spain)
- Allow time to all the States to intervene during the Working Group by extending the interactive dialogue of one hour to resolve the issue of the list of speakers. If this extension of the duration of the interactive dialogue does not make it possible for some delegations to speak, take into account their recommendations, that will be sent in writing, in the Working Group report. (France)
- In situations where time does not allow all interested delegations to speak, up to three recommendations from these states shall also be included in the report from the UPR WG. (Norway)
- Awareness and responsibility of States participating in the interactive dialogue to observe the time set by the WG President for their statements, so that the greatest possible number of delegations can actually make their statements. (Libya)

- Every States wishing to dialogue in the review and to pose questions and make recommendations should be given the opportunity to do so. More time should be afforded for the Working Group reviews. (Belgium on behalf of EU)
- When possible, include in the written report recommendations submitted from countries, which were denied the opportunity to speak. (Japan)

## 2. Duration of the Working Group interactive dialogue

- A 3 hours session for the review is insufficient. The proposal to have a one day review for each country can be a solution. (Paraguay)
- Extend the time for the review in order to ensure more substantial interactive debate. (Moldova)
- Increase the time allocated to the review of each country. (Switzerland)
- Allocate more speaking time to States so that they may refer to achievements, challenges and obstacles and constraints. (Mauritania)
- That the duration of the sessions of the Working Group on the UPR be extended in order to accommodate all States that would like to speak on a particular SuR – extend the three hours sessions to four hours sessions would resolve the political nature surrounding the queue process as well as address the demand to be on the speaker's list. (Israel)
- More time can be allocated for interactive dialogue and more of delegations wishing to take the floor can be accommodated. (Nepal)
- Extend the time allotted to interactive dialogue for one hour whenever needed after all speakers are registered. (Bosnia Herzegovina)
- Better distribute and rationalize the time allocated for the exercise of the UPR both in the Working Group and at the Human Rights Council. (Costa Rica on behalf of GRULAC)
- Extend the length of the review so as to ensure the participation of all Member and Observer States interested in taking part. (Argentina)
- The review could be increased by one hour where necessary. (Maldives)
- HRC should meet in two sessions and eight weeks in total. The remaining two weeks may be added to UPR to enhance the duration of UPR for each SuR and resolve the problem of speakers' list. (India)
- Duration of the WG sessions should be extended to four hours to accommodate all states who want to speak to do so. As an alternative, the HRC could convene one session per year dedicated entirely to the adoption of UPR WG reports. (Israel)
- Extend the length of the review of each country so as to enable more participation of countries in the list of speakers. (Peru)
- The length of a SuR's review should vary, commensurate with the number of states who have asked to speak. (USA)
- Considering approaching with flexibility the length of the review of each country, having in mind the number of countries included in the list of speakers. (Peru)
- Add another 2,5 days or about 16 hours to each UPR Working Group in which the Council would meet as a regular session to adopt UPR Working Groups reports from the last but one UPR Working Group. (India)



- Have two four-week sessions for the Council, plus a third session of 7,5 days working days devoted to adopt of UPR Working Group reports spread over three parts , one with each UPR Working Group. (India)
- Extend the review time. (Azerbaijan)
- Increase the time allotted to the interactive dialogue by allotting one more hour for statements made by States. (Morocco)
- Increase the period between the review and the adoption of the report from 48 hours to 72 hours. (Morocco)
- More time for the SUR to consider the recommendations before the preliminary adoption of the outcome by the UPR WG. (Norway)
- The UPR WG sessions shall be extended with sufficient time to allow for four hours, the SuR will continue to have one hour, the remaining three hours will be equally divided among the states inscribed on the speakers list, or alternatively, the order of speakers list will be decided by the drawing of lots. (Norway)
- 72 hours shall pass between the end of the interactive dialogue with the state under review and the preliminary adoption of the outcome of the review by the UPR WG. (Norway)
- SUR to have half of the time available rather than just one third as it stands now. (Libya)
- Extend the length of the review to allow the participation of all interested States. If this is not possible, time should be evenly distributed, while ensuring that everyone knows with sufficient time the number of countries, which will intervene during the dialogue. (Chile)
- Extend the duration of the review from 3 to 4 hours. (Kazakhstan)
- Extend the time allocated to the review of a state in the working group session to 4 hours. (Republic of Korea)
- Strongly encourage the Secretariat to arrange the review schedule so that the reviews of two states can be conducted in one day by pairing a state with a long list of speakers and a state with a relatively short list. (Republic of Korea)
- Make the best use of the Thursday and Friday morning of the second week of the working group sessions In case conducting two reviews in day is not feasible. (Republic of Korea)
- Extend time for each of the review to 4.5 hours: reduce the number of State reviewed at each session to 12, and add one additional UPR session per year. (Canada)
- Consider possible time efficiencies, such as starting each session promptly, cutting microphone on speakers automatically at time limit, continuing through lunch period (+2 hours per day). (Canada)
- Leave current speaking arrangements and ratios unchanged. (Egypt on behalf of the NAM)

### **3. List of speakers - general**

- In relation to the list of speakers, provide equal opportunities to all States during the UPR process, which must remain a priority objective. (Turkey)

- That Thailand is prepared to consider all possible options to draw up the speaker's list in a more systemic manner, including the proposed modalities, as communicated by the Bureau in April this year. (Thailand)
- That Israel is open to the proposal to allot adequate time to all delegations that wish to speak. In this regard, it would be necessary for States to register early on the speaker's list for appropriate scheduling. (Israel)
- Improve the list of speakers and allow all States that wish to speak to be able to do so. (Switzerland)
- Elaborate more clear-cut modalities for inscription in the list of speakers. (Vietnam)
- Expand the UPR list of speakers. Reform the speakers' list modalities. All States that wish to speak at the UPR be allowed to do so. (United States of America)
- Find a proper and longstanding solution to the list of speakers. (Brazil)
- Resolve the problem with the UPR speakers list. (Spain, Norway)
- Find an acceptable solution for the UPR list of speakers. (Bangladesh, Australia)
- Make efforts to find a solution to the difficulty in relation to the list of speakers. (Turkey)
- Establish as a firm principle that all States who wish to pose questions and make recommendations be allowed to do so and elicit a clear response from the State under Review. (Ireland)
- Ensure that each delegation intending to pose questions and make recommendations is given the opportunity to do so. (Austria)
- Allow every State to make recommendations. (Ireland)
- Ensure that the necessary attention is given to the list of speakers and any suggestions for solving the issue will be acceptable by everyone. (Libyan Arab Jamahiriya)
- Give all countries, which wish to speak the opportunity to do so. (Japan)
- Resolve the problems surrounding the list of speakers (Argentina, Peru) while taking into account the periodicity and the length of the review. (Peru)
- States should have the right to speak and the system needs to be flexible enough. State could sign up two weeks in advance and the time could be divided between the number of countries. (United Kingdom)
- Importance of dealing with the list of speakers' problem – more time to be allocated to SuR to answer questions. (Qatar)
- Tackle definitely the issue of the list of speakers and find a solution that provides confidence, clarity and transparency. (Costa Rica on behalf of GRULAC)

#### **4. List of speakers – specific proposals**

- The proposal of drawing lots deserve consideration in order to change the system of the list of speakers. (Paraguay)
- That the order of queue be resolved by drawing the list of speakers by alphabetical order. (Israel)
- Establish the list of speakers by drawing of lots or alphabetic order. (Uruguay)

- Reduce to two minutes the time of intervention of all delegations to make possible that a greater number of States may intervene. (Switzerland)
- A delegation should be allowed to make a recommendation on behalf of several delegations, so that the working group can make better use of the time allocated for interactive dialogue. In such case, it should mention in its statement the names of all the other participating delegations. Any delegation, whether inscribed on the speakers' list or not, should be allowed to take part in such joint recommendations. (Republic of Korea)
- Delegations should be able to sign up to UPR LoS via email or secure website. (Maldives)
- Establish an advance speakers list to allow the Secretariat to extend sessions when necessary or balance the scheduling of shorter and longer reviews. Disallow statements that are purely congratulatory with no real recommendations. (United States of America)
- Ensure universality of participation: expand UPR in Second Round to become truly universal so that all states and stakeholders have the opportunity to participate in every review. (Canada)
- Divide time available by number of speakers in cases where insufficient time for all to speak. (Canada)
- Further explore the idea of drawing lots combined with alphabetical approach to find a solution to the issue of the list of speakers. (Indonesia)
- The time for each review shall be four hours to solve the problems of the speakers list. (Norway)
- Draw lots for the list of speakers. (Guatemala)
- Extend the session time to 4 hours. (Guatemala)
- Select speakers by drawing of lots. (Argentina), (Israel), (Morocco)

## **F. Recommendations**

### **1. Clustering/rationalization of recommendations**

- Group and cluster thematically the recommendations to ease the follow-up. (Turkey)
- Structure properly thematic recommendations. (Moldova)
- Task the Troika, with the clustering the UPR recommendations with the necessary support from the Secretariat and with the full involvement of the SuR. (Thailand)
- Request the troika to better structure and synthesize recommendations. (Switzerland)
- Cluster the recommendations with the consent of SuR to avoid repetition of those which are similar in content. (Vietnam)
- Streamline the recommendations. (Kazakhstan)
- Cluster and organise recommendations to make them more concise, clear and manageable. (Bosnia Herzegovina)
- Consider clustering of related recommendations with the full involvement and consent of SuR. (Philippines)
- Cluster recommendations. (Morocco)

- Establish guidelines for the drafting and wording of recommendations. (Morocco)
- Establish uniform criteria for the clustering of recommendations. (Argentina)
- Streamline the formulation and clustering of recommendations so as to ensure that they can be accepted and implemented effectively by the SuRs. (Indonesia)
- “Clustering” the recommendations with the approval of SuR and the State who made the recommendation. (United Kingdom)
- Edit and cluster the content of recommendations only with the consent of the SuR and the State who made the recommendation. (Belgium on behalf of EU)
- Avoid repeating similar recommendations in the WG reports. Such recommendations could be grouped in one, while referring to the names of the States that made them. (Libyan Arab Jamahiriya)
- Organize recommendations by groups in the UPR WG Report, following point 3 of the Council program of work contained in Resolution 5/1. (Costa Rica on behalf of GRULAC)
- Establishment of a formula that organizes recommendations into two sub-categories (positive developments and challenges) in accordance with resolution 5/1. (Costa Rica)
- The recommendations strictu sensu must be incorporated under the sub-category of “challenges”. (Costa Rica)
- Recommendations made by States should be consistent with the basis of the review as stipulated in paragraph 1 of the IB text. (Egypt on behalf of NAM)
- Recommendations to be clustered thematically. (Qatar)
- Allow one delegation to make a recommendation on behalf of several delegations, so that the working group can make better use of the time allocated for interactive dialogue. In such case, it should mention in its statement the names of all the other participating delegations. Any delegation, whether inscribed on the speakers’ list or not, should be allowed to take part in such joint recommendations. (Republic of Korea)
- Any country not able to take the floor should be allowed to submit up to 3 recommendations in writing to be included in the working group outcome document. (Republic of Korea)
- Each country be allowed to make new recommendations or to take up previous recommendations, whether or not the latter have been accepted or not by SuR. (Switzerland)

## **2. Number of recommendations**

- Study the possibility of limiting the number of recommendation to 3 to 5 by country (Uruguay)
- Prevent from being overwhelmed with the number of recommendations, a limit may be set on the number of recommendations (Nepal)
- Limit the number of recommendations given to the SuR ( India) (Argentina)

## **3. Nature/content of recommendations**

- Recommendations should be consistent with the scope of the review and human rights norms (Russian Federation)

- Consideration should be taken on existing capacities and capabilities of the SuR when framing recommendations (Malaysia)
- That the original language of discussions and recommendations made during the course of UPR Working Groups be reflected in the Working Group Reports submitted to the Human Rights Council for adoption (Israel)
- Establish clear criteria for recommendations so that they are made operational and feasible (Mauritania)
- Keep recommendations made by States for the review in line with the text on the establishment of the institution (Saudi Arabia)
- That recommendations made should recognize and be related to the SuR socio-economic contexts and be based on the basis of the review as enumerated in the IB Package (Bangladesh)
- That the outcome of the review process should be more operational and implementable to even deal with situations where the concerned State is not responsive (South Africa)
- Recommendations should be action oriented (Brazil)
- Any recommendations made within the framework of the UPR process should be realistic and implementable (Indonesia)
- Explore the best ways and means to make sure that recommendations are implementable particularly the ones accepted by States under Review (Jordan)
- Take into consideration and respect the culture and religion of the SUR when making recommendations (Libyan Arab Jamahiriya)
- Ensure that State recommendations are limited and consistent with the basis of the review and universally recognized international human rights as stipulated in para. 1 of the IB Package; and that further principles of working methods and code of conduct could also be considered by the Council (Islamic Republic of Iran)

#### **4. Consistency of recommendations with international and human rights law**

- Recommendations to be in line with international human rights standards. (Uruguay)
- Ensure the effectiveness of the UPR process through elaboration of the necessary guidelines for future State's action-oriented recommendations, providing that the latter are consistent with international standards and with the situation on the ground. (Moldova)
- In order to ensure that the recommendations are in conformity with international law, an independent review could be conducted during the Working Group, before the adoption of the report, by OHCHR for example. (France)
- Recommendations should be action-orientated, in line with international human rights law and limited in number. (United Kingdom)
- Alert the Council in those instances where States either make a recommendation or respond to a recommendation in a manner that may be incompatible with a core normative obligation. OHCHR should refer in a footnote, to possible incompatibility with legal obligations. (Ireland)
- Ensure that recommendations made during the UPR are consistent with international standards. (Ghana)

## 5. Position of SuR on recommendations

- Preserve the voluntary nature of the review, which respects State sovereignty to decide on the recommendations to accept. (Singapore)
- Retain the prerogative of the SuR of accepting recommendations that are constructive and that can be implemented and rejecting the ones that it cannot implement. (Nepal)
- The SuR should provide a clear response to each recommendation before the adoption of the final report. (Spain)
- An addendum to report should contain all recommendations with a clear indication of those accepted by the SuR and reasons for the refusal of others. (Spain)
- Standardize the practice of an addendum to clearly indicate the State's response to each recommendation and make it a requirement of the second cycle. (Australia)
- A State under review should clearly indicate in writing its acceptance or rejection of the recommendations made during the interactive dialogue, at least two weeks prior to the final adoption of the outcome. (Republic of Korea)
- Ensure best possible track record evidence on the acceptance/decline of the recommendations during the adoption of the final report by the Council. (Moldova)
- That the language that rejects recommendations in a manner that is not in conformity with the object and purpose of the UN Charter, res. 60/251 or the IB Package be omitted from the Working Group report. (Israel)
- SuR to clearly express its position with regard to all the recommendations before Plenary session. (India)
- Ensure that the second cycle provides an update on the status of the implementation of accepted recommendation; that SuR can be enquired on the recommendations that had been noted; that new recommendations could be formulated. (France)
- SuR in a written document, submitted sufficiently in advance of the adoption of the final report, must clearly indicate the accepted recommendations and those rejected. Eliminate the possibility to note recommendations. (France)
- Ensure clear responses to all recommendations and promote effective follow-up: establish templates for States to clearly indicate to the Working Group whether each recommendation has been accepted or rejected, and to provide a concise rationale. (Canada)
- States to mention why they reject a specific recommendation. The list of all recommendations with a clear indication of acceptance or rejection should be submitted well in advance of the adoption of the UPR outcome report and should be registered as an attachment. Failure to do so should result in the postponement of the adoption and the triggering of a specific sitting of the Human Rights Council. (Austria)
- On adoption, States should indicate clearly which recommendations they accept and both the recommendations and the views of the SUR should be integrated into a single document. (United Kingdom)
- The SuR review shall, prior to the adoption of the outcome in UPR plenary sessions, clearly state its position in writing on all recommendations received during the interactive dialogue. (Norway)

- The SUR has the primary responsibility to implement the outcome of the UPR. (Norway)
- States are invited to inform the Council of the status regarding the implementation of the recommendation 2 years after the review. (Norway)
- Consideration should be given to those recommendations, which have been rejected as the situation in the SUR may have changed and some of those recommendations may eventually be considered positively. (Argentina)
- SuR to provide a clear picture of those recommendations which enjoy its support and of those which are rejected, well in advance the adoption of the outcome of the report. (Peru)

## **G. Adoption of UPR outcomes**

### **1. General**

- More time should be allocated to the adoption of UPR reports (Spain)
- The review in Plenary should be limited at the discussion of the UPR Working Group report (Russian Federation)
- The SuR shall be fully involved in the outcome (Norway)
- Greater attention to the plenary adoption under item 6 of Working Group reports in the second cycle (Belgium on behalf of the EU)

### **2. New mechanism for adoption of outcome**

- The Council should create a UPR Plenary session dedicated to the adoption of UPR final outcomes. These plenary sessions could be held for 3 days immediately after a working group session and consider the outcomes of the preceding working group session. And, reasonable time at the end of the UPR plenary session should be allotted for the adoption of the working group outcomes produced from the reviews conducted on the Thursday and Friday morning of the second week of the working group session. (Republic of Korea)
- That there shall be a separate session of two weeks to adopt the reports of the UPR Working Group as well as to hold a General Debate under Agenda Item 6 (?).
- That Israel is open to the proposal made by some delegations to partition a portion of the Human Rights Council and dedicate it entirely to one or many mini-UPR sessions for the adoption of UPR Working Group reports. (Israel)
- Organize three special sessions for the adoption of reports and withdraw item 6 of the agenda of HR Council's ordinary sessions. Special sessions could follow on directly on the WG sessions. (Switzerland)
- Leaving the room for a session entirely dedicated to the adoption of UPR reports. (Italy)
- Have a 2-week session of the HRC on adopting reports of the UPR Working Group. (Saudi Arabia)
- HRC should devote three sessions of two and a half days for adoption of UPR reports, scheduled at the end of each WG. The reports adopted would be those of the previous WG session. (Mauritius)

- Convene one session of 2 weeks in Sept./Oct. to adopt UPR WG outcome and GD item 6. (Egypt on behalf of NAM)
- Devote one of the 3 existing regular sessions to the adoption of the UPR reports. (Brazil)
- Adopt the reports of the previous session right after each session of the Working Group. (Morocco)
- Modify the timing of the adoption of the final report in the programme of work in order to have the adoption done either in one special session devoted to UPR in September or at the end of each of the three current UPR sessions. (France)
- Consolidating Working Group adoption of draft reports into one meeting at the end of each session (+1 hour per day). (Canada)
- Enhance efficiency and increase attention to UPR outcome reports: convert the final 2, unused days of each UPR session into HRC sessions for adoption of UPR reports from the past working group session. (Canada)
- Dedicate one of the 3 sessions of the HRC annually to the discussion and adoption of the UPR working group reports as well as the final outcomes, under agenda item 6. (Indonesia)
- To add a formal period for adoption to the end of a UPR working group. (United Kingdom)
- The HRC shall schedule three UPR plenary sessions per year, which shall be exclusively dedicated to the adoption of the UPR outcome. (Norway)
- The UPR plenary session shall take place immediately after the sessions of the UPR Working Group and consider the outcome of the preceding session of the UPR Working Group and shall each have a duration of no more than three days. These sessions come in addition to the existing three regular sessions. (Norway)
- There should be a separate session of two weeks to adopt the reports of the UPR Working Group as well as to hold a General debate under Agenda Item 6. (Pakistan on behalf of the OIC)
- Provide one full session (of the HRC) to the examination of the UPR and provide more time for discussion. (Serbia)

## **H. Role of the Troika**

### **1. No modifications**

- Troika should continue its role in keeping with the IB text and existing practices, and should benefit of the cooperation of the Council in this regard. (Russian Federation)
- Retain the merely organizational role of the UPR troika as defined in the IB Package. (Iran)
- Maintain the facilitating role of the Troika during the UPR. (Singapore)
- Maintain the facilitating role of the Troika without any distortion or manipulation of the recommendations and questions that occur during the interactive dialogue. (Nepal)
- Keep the role of the troika as it was for the 1st cycle. (Uruguay)



- The troika as envisaged at present should be maintained. (India). Maintain the current role of Troikas. (Azerbaijan)
- The current role and composition of the troika should be maintained. (Algeria)
- Maintain the current arrangement and the intergovernmental nature of the Troika. (Brazil)
- Preserve the current composition and procedural role of the Troika. (Cuba)
- No substantive role to be given to the troika. (Egypt on behalf of NAM)

## 2. Proposed adjustments

- Troikas and OHCHR should provide more substantive support during the review, for example, by clustering recommendations thematically. The Troika must have the necessary attributions to contribute to ensuring that the reports of the working group are in line with international obligations of the State and international human rights standards. (Mexico)
- The Troikas [and the Office of the High Commissioner for Human Rights] should provide a more substantive support during the review process, for instance by clustering recommendations by thematic areas.
- Troika to better structure and synthesize recommendations. (Switzerland)
- Troika with the assistance of OHCHR Secretariat to ensure that recommendations comply with international human rights standards. (Switzerland)
- Troika to take into consideration all the recommendations made by States, orally or in writing (recommendations made by States which cannot participate in the interactive dialogue due to time constraints). (Switzerland)
- Troika should streamline and cluster Recs. into a more manageable, transparent and implementable series of actions. (Maldives)
- The Troika, with the full consent of the SuR and the assistance of the Secretariat, could play a bigger role in the formulation of the clustered recommendations. (Indonesia)
- The Troika could cluster recommendations according to subject matter so as to limit number of recommendations to a manageable total, in full consultation with States authors of these recommendations and with the State under review. That would be more pragmatic than capping the number of recommendations across the board. (Algeria)
- Develop a guideline for the Troika and the OHCHR, especially with regard to the clustering of the recommendations. (Costa Rica)
- The Troika together with OHCHR should classify the recommendations in accordance with paragraph 27 (a) of resolution HRC 5/1 , with a subcategory “positive developments” including recommendations that a) have already been implemented, b) are part of ongoing actions of the State under Review and c) the acknowledgements. For that purpose the Troika should base itself on the opinion of the State under Review, the technical assessment of OHCHR and the documents prepared for the review. The recommendations on the strict sense of the term should be included under subcategory of “challenges”. Both categories should be summarized and recommendation should appear only once as a “catalogue” (package) to be accepted by the State under Review. This would give a more tangible role to the Troika and the OHCHR. (Costa Rica)

- Each Troika should nominate a rapporteur to coordinate its work. This rapporteur would also present the main findings of the three preparatory reports to the Working Group in an introductory oral intervention. (Belgium on behalf of EU)
- Enhance the role of the Troikas. They should contribute, with the assistance of the Secretariat, to clarify doubts raised about the compatibility of questions and recommendations with the principles and spirit of the UPR. (Colombia)
- Troikas, with the full involvement of SuRs and with the technical assistance of the Secretariat, should highlight in the outcome document the best practices and the most prominent achievements in terms of the implementation of UPR recommendations, as well as the challenges and persistent obstacles, and the areas regarding which the SuR considers that it requires further technical assistance. (Colombia)

### 3. Other

- Inclusion of expert contributions into the second and subsequent cycles should remain the prerogative of the SuR. (Malaysia)
- Involving independent experts in the UPR process is not welcome. (Russian Federation)
- The Council should develop a guiding document or methodology in order to monitor the follow-up of the implementation of recommendations and required technical assistance. In this regard the role of Troika and relevant mechanisms of Council could be examined. (Kazakhstan)
- Need for a mechanism of cooperation between the SuR and the Troika and the secretariat. (Libyan Arab Jamahiriya)
- Develop guidelines for both the Troika and the OHCHR, especially concerning the grouping and filtering of recommendations. (Costa Rica)
- Do not change the current modalities of the UPR to include enhanced roles of independent experts and other stakeholders such as UN country teams. (Philippines)

## I. Role of OHCHR

- OHCHR should compile and systematize the recommendations from the UPR for each country, together with the comments from the State examined in this regard, and their voluntary pledges and commitments, and place this information at the disposal of the Council sufficiently in advance of the next review. (Mexico)
- OHCHR should act as a focal point to facilitate the identification of areas of international cooperation, as well as the possible sources of cooperation, forging the links that are necessary to contribute to the national efforts in the implementation of the UPR outcome. (Mexico)
- The Troikas and the Office of the High Commissioner for Human Rights should provide a more substantive support during the review process, for instance by clustering recommendations by thematic areas.
- OHCHR capacity to provide better assistance to interested States for the purpose of implementing recommendations and preparing for the 2nd cycle should be enhanced. (Mauritius)
- Replicate the experience of others UN fora, such as country strategies devised by the Peace Building Commission (PBC), to provide technical assistance. OHCHR to act

as a clearing house to implement strategies in close consultation with relevant UN agencies and other stakeholders. (Brazil)

- OHCHR should respond as a matter of priority to the request for technical assistance made during the UPR process. (Costa Rica on behalf of GRULAC)
- Secretariat elaborates guidelines on the elaboration of action-oriented questions and recommendations. A limit to the number of questions and recommendations should be considered. (Colombia)
- Systematize information on best practices and make it available to the States, NHRIs and CSOs that so require. (Colombia)

## **J. Role of stakeholders**

### **1. General**

- The role of the civil society, NHRI, and independent experts should be strengthened (Spain)
- NHRIs should participate more actively in the review of their own State (Qatar)
- Enhance NHRI/NGO/stakeholder input into the UPR process (Canada)
- Make efforts through the UPR review to give national human rights institutions and regional organizations a greater role in informing the debate of the Council including UPR (United Kingdom)

### **2. Written contributions**

- The report including the views of other stakeholder, as stated in paragraph 15 (c) of the IB text, should include a separate section for NHRI with “A” Status (Spain)
- That in States where a national human rights institution (NHRI) exists, their third reports to be compiled by the OHCHR should contain a separate section on these NHRIs’ recommendations (Thailand)
- Increase the participation of NHRIs by ensuring their separate contribution to the UPR documentation (Australia)
- Encourage stakeholder reports to include information on implementation of accepted recommendations from the first round (United States of America)
- Allow A-status NHRIs to submit a separate 10 page report as an additional basis for the review (Canada)
- A-status NHRIs should be able to submit a separate report to the UPR on their State and provide regular update information on the status of implementation of recommendations (Poland)
- Dedicate a separate section in the summary of information from other relevant stakeholders to the UPR to information submitted by National Human Rights Institutions (Norway)
- ‘A’ status accredited NHRIs shall be able to provide regular updated information on the status of implementation of UPR outcomes (Norway)
- During the second cycle, information provided by NHRIs should be treated separately from that submitted from other stakeholders (Peru)

### 3. Enhanced participation (oral interventions)

- More time should be allocated to NGOs and NHRI during the adoption of the reports. NHRI should be given the floor just after the SuR. (Spain)
- Allowing A-status NHRIs the opportunity to speak after the state under review in the Working Group session. (Australia)
- Level of NGOs and NHRI participation are optimal and must not change. (Russian Federation)
- More speaking time should be given to NGOs and A-status NHRIs when adopting the final report of the SuR in plenary. (France)
- Consider how regional human rights systems could provide more input into the UPR. (Ireland)
- Request the High Commissioner for Human Rights to present the UN compilation and stakeholder summary reports at the beginning of each country's review. (Canada)
- Create dedicated speaking space during the UPR Working Group for A-status NHRIs (by video-link if necessary) and NGOs. (Canada)
- Allow National Human Rights Institutions with 'A' status to make recommendations with regard to the human rights situation in their jurisdiction. (Ireland)
- "A" status NHRIs should have the ability to take the floor and should be able to make recommendations. (United Kingdom)
- Give National Human Rights Institutions a separate speaking slot during the review in the UPR working group and at the time of the adoption of the report. (Austria)
- 'A' status accredited NHRIs shall be allocated speaking time during the review of its country at the WG of the UPR, following the presentation by the SuR. (Norway)
- 'A' status accredited NHRIs shall be able to provide regular updated information on the status of implementation of UPR outcomes. (Norway)
- Afford increased participation to NHRIs and Civil Society Organizations during the second cycle. (Peru)
- Afford NHRIs and CSOs the opportunity to participate in the UPR ID. (Peru)
- Make possible that NGOs and NHRI intervene during the adoption of the report by the UPR WG. (Chile)

### 4. Other

- States should carry out consultation with civil society in an annual basis on the UPR process (Spain)
- Encourage States to hold an annual consultation on implementation with all relevant stakeholders (Austria) (Belgium on behalf of EU)
- State should be mandated to hold a civil society consultation following their Review (United Kingdom)
- Establish guidelines for States to ensure effective consultation with national civil society and other stakeholders (Canada)

- Spreading future UPR cycles over five-year period should be considered as it could yield practical benefits including in terms of enhancing stakeholder participation (Malaysia)
- Preserve the modalities for the participation and contribution of NGOs and other stakeholders proven to be balanced (Islamic Republic of Iran)
- Take into account the views of CSOs which are recognized by the SuR (Mauritania)

## **K. Trust fund for participation**

- Strengthen the resources of the UPR Voluntary Trust Fund to facilitate the participation of developing countries, particularly the least developed countries, in the UPR mechanism (Egypt on behalf of NAM)
- Establish adequate funds for allowing less advanced countries without permanent mission in Geneva to participate in meetings of the Working Group and to those of the Human Rights Council for the adoption of final UPR reports, particularly during the sessions before their review (Morocco)
- Establish adequate funds for ensuring the participation of the less advanced countries to their review, notably through a delegation composed of more than one representative (Morocco)
- Establish adequate funds, notably for ensuring the participation of the A-Status National Human Rights Institution of the country reviewed and allowing him/her the possibility to take the floor during the adoption of the final report by the Council right after the State reviewed (Morocco)
- The resources of UPR Voluntary Trust Fund should be strengthened enabling the effective participation of developing countries particularly the least developed countries in different stages of the UPR process (Pakistan on behalf of the OIC)
- Strengthen the UPR Voluntary Trust Fund to facilitate the participation of developing countries, especially the least developed countries and small island states (India)
- There is a need to strengthen the resources of the UPR Voluntary Trust Fund enabling the effective participation of developing countries particularly the least developed countries in different stages of the UPR process (Iran)
- That effective use of the voluntary trust fund should be strengthened and fully operationalized in order to enhance the engagement of the SuRs especially small States, in the preparation, participation [and follow-up] phases of the UPR (Thailand)
- Make available more information on the existing funds (Thailand)
- Better and more targeted use of the UPR voluntary fund to assist small States to attend their UPR review and to meet UPR reporting obligations (Australia)
- Set up more targeted technical assistance for small States, including internships, training and skill upgrading (Australia)
- Appoint a dedicated resource person to act as a permanent point of liaison for small States regarding their UPR process (Australia)
- Create conditions for the functioning of UPR Voluntary Trust Fund to assist the developing countries, especially the least developed countries to participate in the UPR (China)

## **L. Follow-up (incl. voluntary fund for financial and technical assistance)**

### **1. General**

- Financial and technical assistance should be provided to States at their request for the implementation of accepted recommendations. (United Arab Emirates)
- Hold an open-ended meeting in Geneva or a regional workshop to consider the areas where further international assistance is required and the extent of resources where necessary. (Japan)
- UPR voluntary funds should be strengthened for both participation and implementation of UPR accepted recommendations, upon the request of the SuR. (Nigeria on behalf of the African Group)
- Current modalities for the trust funds that support UPR are satisfactory and in line with standard secretariat governance and management procedures. (United Kingdom)
- Provide support to countries which asked for technical or financial assistance for the implementation of recommendations made to them. (Morocco)
- Develop concrete tools to provide technical assistance, at the request of interested States, for the implementation of accepted recommendations. (Cuba)
- Address the issue of providing technical and financial assistance to developing countries in need. (China)
- Take advantage of the opportunity provided by the UPR exercise and utilize it as a forum for assessing and addressing technical assistance and capacity-building issues and needs of the SuR, upon its request. (Malaysia)
- Strengthen the technical assistance to SuRs which so require and the exchange of best practices between countries, and international organizations. (Vietnam)
- Expand the UPR Voluntary Fund. OHCHR to provide the Council with information on the Fund's balance sheet at an early date and to make periodic appeals for contributions to the Fund in accordance with the need to replenish the resources therein. (Japan)
- Provide technical assistance when needed for the implementation of recommendations. (Bosnia Herzegovina)
- Convert the UPR to an instrument for technical assistance and cooperation. (Guatemala)
- Adopt modalities for providing the necessary technical assistance to enhance the State's capacity to fulfil its human rights obligations, through implementation of the UPR recommendations. (Ghana)
- Strengthen UPR follow-up. (Norway)

### **2. Implementation of recommendations – general**

- Appropriate modalities for follow-up should be established. SuRs that fail to comply with Recs. must explain within a prescribed time frame the reasons for non-compliance. (Mauritius)
- For the second cycle, priority should be given to the implementation of recommendations that enjoy the Government's support. (Russian Federation)

- Pay further attention to the implementation of UPR recommendations which the State under Review has accepted, in line with paragraph 34 of the annex to Council resolution 5/1. (Japan)
- The Council should develop a guiding document or methodology in order to monitor the follow-up of the implementation of recommendations and required technical assistance. In this regard the role of Troika and relevant mechanisms of Council could be examined. (Kazakhstan)
- That proper and clear follow-up mechanisms should be put in place in assessing the status of implementation of recommendations of the UPR (Have regional special rapporteurs, who would be, among others, tasked with the implementation and follow-up of the UPR recommendations). (South Africa)
- Provide open and clear responses about the implementation of the recommendations, including an update on issues of concern. (Serbia)
- Place focus on the implementation of recommendations from the first round of the UPR, from reports of OHCHR and from Special Procedures. (United States of America)

### **3. Technical cooperation strategies**

- Recommendations to be used as a basis to design strategies for technical assistance and capacity building. (Brazil)
- Mechanisms and strategies for technical assistance and capacity building for the implementation of recommendations made during the UPR process should be created. (Costa Rica on behalf of GRULAC)
- The Council and the OHCHR to adopt follow-up strategies and mechanisms, so as to provide technical assistance and to enhance capacity building. (Peru)
- Technical cooperation strategies should be strengthened in order to assist countries, upon request, in implementing recommendations. (Paraguay)
- Discuss and adopt a strategy for technical cooperation and funding, including the UPR Trust Fund. (Serbia)
- After second UPR, each State to be required to classify the recommendations it has accepted into one of the two following categories and to submit information to the Secretariat for circulation: (i) recommendations which the State concerned can implement on its own; and (ii) recommendations for whose implementation international assistance is required. States which have placed some of the recommendations they have accepted in second category to request bilateral donors and relevant UN agencies, including OHCHR, for assistance. Those States which made the recommendations placed in second category to seriously consider the possibility of extending assistance. (Japan)

### **4. Role of State under review**

- Follow-up and implementation of the recommendations rely on SuR's responsibility and willingness. (Russian Federation)
- Strengthen the focus on implementation and sustained follow-up. States should provide an implementation plan for the accepted recommendations within one year after the adoption of their UPR outcome report and should present this plan to the HRC. (Austria)

- Implementation of recommendations of the UPR is the primary responsibility of government. Thus the Council could examine which states, the possible way of engaging in regular basis, on how to implement the UPR recommendations. In order to continue a dialogue the participation of various stakeholders should be defined. (Kazakhstan)
- SuRs should provide a detailed timetable within 12 months of the adoption of the Review Outcome for implementation of recommendations. (Belgium on behalf of the EU)

#### **5. Role of OHCHR**

- OHCHR should act as a focal point o facilitate the identification of areas of international cooperation, as well as the possible sources of cooperation, forging the links that are necessary to contribute to the national efforts in the implementation of the UPR outcome. (Mexico)
- Each State prepares a report after the review, highlighting the technical assistance required for the implementation of recommendations. This report should be forwarded to the OHCHR, which in turn should respond to the requests made by SuR. (Chile)
- Promote the role of the OHCHR in supporting the UPR process, especially when it comes to building of the national capabilities for the implementation of the UPR recommendations. (Moldova)
- Usefulness of technical assistance and capacity-building provided by OHCHR through its [training] centres and regional offices to assist in the implementation of accepted recommendations. (Qatar)
- Strengthen the assistance and cooperation role of OHCHR, together with the UN system and regional organisations, in the implementation of the accepted recommendations and commitments made. (Uruguay)
- Secure adequate resources to OHCHR in terms of technical cooperation and capacity-building. (Honduras)

#### **6. Role of UN system**

- The Resident Coordinator to operate as a facilitation mechanism at the request of the State concerned (Uruguay)
- SuR should have the option at the end of a review to request the UN system to appoint a dedicated resource person to act as a permanent liaison and support point for implementation (Maldives)
- Specific attention needs to be given to the capacity of the UN system to provide technical cooperation (Colombia)
- UN Country Teams engaged in follow up should have a specific space in the second cycle (United Kingdom)
- Mainstream the UPR recommendations into the UN system especially the UN country team where there is no presence of the OHCHR field office (Thailand)

#### **7. Access to trust fund, terms of reference and board of trustees**

- Operationalize the provision of technical assistance and capacity building in consultation with and with the consent of the State under Review by deciding on its modalities during the review process. (India)



- The Voluntary Fund for financial assistance should provide for a source of financial and technical assistance to help countries implement recommendations, with their consent. Modalities of the functioning of this Fund should be agreed by the HR Council as a matter of priority, preferably before the beginning of the next UPR cycle, and within the context of its review process. (Egypt on behalf of NAM)
- Modalities for the functioning of the Voluntary Fund for Financial and Technical assistance should be adopted and its trustees appointed. (Nigeria on behalf of the African Group)
- Modalities should be finalized at the earliest to operationalize the Voluntary Fund for Financial and Technical Assistance. (Pakistan on behalf of the OIC)
- Further elaboration of the format, resources, allocation and other related modalities – on the need to provide more technical assistance for the preparation of the report and for the implementation of the UPR recommendations, in particular for developing countries. (Indonesia)
- Finalize at the earliest the modalities to operationalize the Voluntary Fund for Financial and Technical Assistance. (Iran)
- The Human Rights Council should indicate how trustees of UPR Voluntary Trust Fund set up by the resolution 6/17 are to be appointed. The HRC should also proceed to their early appointment. (Algeria)
- Make full use of the voluntary fund for the implementation of UPR recommendations. Mandate the establishment of guidelines for the voluntary fund. (Brazil)
- That effective use of the voluntary trust fund should be strengthened and fully operationalized in order to enhance the engagement of the SuRs especially small States, in the [preparation, participation and] follow-up phases of the UPR. (Thailand)
- Support the NAM proposal for the establishment of UPR Voluntary Trust Fund as envisaged in the Council resolution 6/17 and its implementation from the very beginning of the second cycle. (Nepal)
- Make available more information on the existing funds. (Thailand)

## **M. Link with other mechanisms**

- HRC should consider the possibility of establishing regional specific special procedures to ensure that a comprehensive approach is applied to human rights in all countries and regions (Costa Rica)
- That proper and clear follow-up mechanisms should be put in place in assessing the status of implementation of recommendations of the UPR (Have regional special rapporteurs, who would be, among others, tasked with the implementation and follow-up of the UPR recommendations) (South Africa)
- As some mandate holders of the Special Procedures already engage themselves in the UPR follow-up the Council should clearly clarify the role of those in that process (Kazakhstan)
- Review should ensure full implementation of all recommendations, including those of the treaty bodies, special procedures and UPR (Italy)

## II. Special procedures

### A. Special procedures mandates

- Take a cautious view of the possible conversion of some special mandate holders into working groups, since it may lead to a decreased level of human rights protection than currently exists. (Belgium on behalf of the EU)
- Preserve effective and independent functioning of Special Procedures system, opposes any proposal to go beyond the existing mechanisms designed to address the professional conduct of mandate holders. (Belgium on behalf of the EU)
- Bring in line the duration of country mandates with those of thematic mandates as well as introduce automatic independent initiation mechanisms for the consideration of country situations. (Belgium on behalf of the EU)
- The Council should periodically embark on the process of Review, Rationalization and Improvement (RRI) of mandates to avoid unnecessary duplication, and to give full implementation of Para 58 (d) of the Institutional Building Package (IBP). (Nigeria on behalf of the African Group)
- Convert some mandates to Working Groups in view of their sensitive nature to ensure a representative opinion on sensitive issues. (Nigeria on behalf of the African Group)
- Mandate holders to execute their duties with strict adherence to the principles of objectivity, independence, non-selectivity, impartiality and non-politicization. (Nigeria on behalf of the African Group)
- Establish country specific mandates only with the cooperation of the country concerned. (Nigeria on behalf of the African Group)
- The Human Rights Council should establish a “Legal Committee on compliance with the Code of Conduct” on the basis of equitable geographical distribution. (Nigeria on behalf of the African Group)
- Ensure a clear distinction between the independence of the system of special procedures and the need to respect the obligations as determined by the respective mandates, the provisions of the United Nations Charter and the Code of Conduct, while further enhancing the independence, impartiality, integrity and objectivity of the system. (Egypt on behalf of the NAM)
- Apply the Code of Conduct and to address allegations of non-compliance, while respecting Presidential Statement 8/PRST/2 on the persistence non-compliance by a mandate holder with the provisions of resolution 5/2. (Egypt on behalf of the NAM)
- Establish, on the basis of equal geographical representation, a HRC Legal Committee on Compliance with the Code of Conduct, the modalities of which to be determined inter-governmentally. (Egypt on behalf of the NAM)
- Not impose country mandates on any country against its will. The consent of the State concerned should form the basis of any decision to be taken by the HRC in this domain. (Egypt on behalf of the NAM)
- Consider the introduction of applying a two-thirds majority for the establishment of country mandates. (Egypt on behalf of the NAM)
- Consider introducing a two-third majority approval for the adoption of country specific resolutions. (Egypt on behalf of the NAM)

- All mandate holders must act in an objective, independent, non-selective, impartial and non-politicized manner. (Pakistan on behalf of the OIC)
- The HRC should ensure implementing the process of RRI on regular intervals. (Pakistan on behalf of the OIC)
- The HRC may consider converting some Special Procedures into Working Groups. This may be considered by the HRC during the renewing the mandate of a particular Special Procedure or in the context of a continuing RRI process. (Pakistan on behalf of the OIC)
- Country-specific mandates must not be created against the will of those countries. (Pakistan on behalf of the OIC)
- There is need to establish a HRC “legal committee on compliance with the Code of Conduct” on the basis of equitable geographical distribution. (Pakistan on behalf of the OIC)
- Establish a monitoring mechanism to review compliance with the Code of Conduct by Mandate Holders. (Cuba)
- Address certain challenges with regard to Special Procedures going beyond their mandate. Set up a monitoring mechanism over Special Procedures for their observation of the mandate and Code of Conduct to ensure that the Special Procedures work is impartial, objective, and professional. (China)
- Ensure balance between civil and political rights and economic, social and cultural rights mandates and avoid the proliferation of Special Procedures and overlap to avoid the waste of resources and impact on efficiency and effectiveness. (China)
- Convert gradually individual mandates into Working Groups in order to avoid the contradictions amongst various parties over the procedures and to enhance the credibility and legitimacy of the Special Procedures. (China)
- Maintain the existing terms of the mandates of Special Procedures, thus the terms of thematic Special Procedures, except for the mandate of Special Rapporteur on Occupied territories, should be three years and country mandates should be one year. (Russian Federation)
- Consider the introduction of criteria for creating new Special Procedures mandates, and there should be mandatory step-by-step procedure before a mandate is created. (Russian Federation)
- The HRC must provide for a procedure of responsibility of mandate holders for inappropriate performance of their duties including even an earlier termination of their mandate. Complaints by States concerning the breach of the Code of Conduct should be considered by the HRC which should make appropriate decision. In this connection, consider creating the Committee on Ethics to resolve such disputes. (Russian Federation)
- The mandate holders should not exceed the limits of their mandates and should strictly keep to the principles of independence, objectivity, consciousness and lack of bias. In fulfilling their obligation, they must strictly comply with all the provisions of the Code of Conduct. (Russian Federation)
- Review must preserve independence and integrity of Special Procedures. (Israel)
- Allegations of violations of the Code of Conduct by a mandate holder must not be exploited as an excuse to interfere with independence or work of Special Procedures. (Israel)

- Formulate transparent criteria so as to automatically set the establishment of a mandate for country-specific Special Rapporteurs. (Israel)
- Reinforce action of the Coordination Committee whenever there is an issue arising between a mandate holder and a States (in accordance with PRST 8/2 of June 2008). (Switzerland)
- Special Procedures should respect the Code of Conduct as outlined in resolution 5/2, the same Code of Conduct also apply to States to cooperate with the Special Procedures. (Switzerland)
- Reiterates its firm opposition to the establishment of a new monitoring/control mechanism. In fact, the work and role of Coordination Committee have improved and is a sufficient guarantee of the implementation of the Code of Conduct. (Switzerland)
- It could accept that channel of regular communication between the Coordination Committee and the President be established in order to inform the latter of the activities of the Special Procedures. The mechanism established through Presidential statement 8/2 is sufficient in this respect. (Switzerland)
- Oppose the proposal of establishment of a new mandate based by vote of majority by two-thirds of the membership. (Switzerland)
- Extend the duration of thematic mandates from three to four years and the country mandates from one to two years. (Switzerland)
- Bring the duration of country mandates into line with thematic mandates. (Australia)
- Reinforce Special Procedures, guarantee their independence and an adequate duration of the term of their mandates, and therefore align the terms of country mandates to thematic mandates. (France)
- Establish an ethics committee. (South Africa)
- Establish a group of five regional Special Rapporteurs to deal with all human rights situations of concern within various regions of the world. They would be appointed according to current modalities where each region would have one expert being part of the regional rapporteurs for each region. They would work in close cooperation with countries within the region, and would report to the Heads of State summit of each region. (South Africa)
- Does not subscribe to the current practice of having selective country mandates; preference for country mandates to be established for all countries if the current practice of country mandates is retained. Introduce improvements to the system of Special Procedures, in particular in the manner in which country situations are dealt with (South Africa) Create new mandates, whether thematic or country-specific, only in cases where protection gaps have been clearly identified. (Thailand)
- Consider carefully the country-specific mandates in light of the specific situation in each country. A country mandate must reflect both constructive and appropriate level of engagement. (Thailand)
- Fully respect the independence of the Special Procedures system. At the same time, however, the mandate holders should carry out their work in line with their specific mandate and the Code of Conduct. In this regard the issue of persistent and well-substantiated cases of non-compliance would be best addressed by the HRC in accordance with President Statement 8/PRST/2. (Thailand)

- Set up an intergovernmental group of the HRC to complete the RRI process so as to reduce overlapping of mandates and to make recommendations to the HRC accordingly. (Algeria)
- The establishment of new mandates should be subordinated to a cost/benefit analysis to ascertain that they are no alternative and cheaper way of achieving the objective pursued as per para. 58 (d) of IB text, in view of the cost of such a decision. (Algeria)
- As the absorptive capacity of Special Procedures reports by medium and smaller sized Missions has already been exceeded, there should be a temporary halt to the creation of new Special Procedures beyond present numbers, all newly emerging concerns being addressed through redeployment. (Algeria)
- Limit the debates in the Council on the mandates in order to avoid they outweigh issues of substance but also to avoid their anarchic proliferation and their duplication. (Algeria)
- Establish, in the context of the review and on the basis of equitable geographical distribution of an HRC “legal committee on compliance with the Code of Conduct” to which all contentions on compliance of the Code of Conduct should be referred to. (Algeria)
- The Special Procedures should present their reports first to the HRC, and when reporting to the Third Committee, they should include the reaction of the HRC to their reports. (Algeria)
- Not extend the country mandates without evaluating the work of the mandate holder in the field, and without having considered other options as whether there is still a need for a mandate or if the State concerned has rejected the mandate. No mandate can be imposed without getting the approval by the State concerned. (Sudan)
- Promote dialogue and cooperation and reject the principle of selectivity and politicization when dealing with cases in certain countries and where there have been attempts to impose a country mandate without the consent of the country concerned. (Sudan)
- All mandates holders should respect the Code of Conduct in an effective manner. (Sudan)
- Reservations on any proposal that could possibly undermine or threaten independence of Special Procedures. (Republic of Korea)
- Extension of the duration of country-specific mandates should follow the model of thematic mandates since the shortness of their mandate can undermine the effectiveness of their work and inter-active dialogues are likely to focus on the renewal of the mandate and not on the substantive issues at hand. (Republic of Korea)
- Reject additional oversight of the Special Procedures. (United Kingdom)
- Look again at the process of rationalization of special procedures. (Morocco)
- The HRC should encourage the creation of Working Groups or the merging of individual mandates to avoid the multiplication or duplication of mandates and strengthen the expertise of mandate holders. (Morocco)
- Special Procedures should scrupulously respect the Code of Conduct and the mandates granted to them. (Morocco)

- Expresses its firm opposition to the establishment of a legal committee in charge of monitoring the implementation of the code of conduct of special procedures. (France)
- Create regional rapporteurs according to modalities to be determined; these will complement the country-specific special procedures and will not be competent to deal with countries that already have specific country mandates. (France)
- Avoid duplication of mandates. (Bangladesh)
- Establish country mandates only on the basis of consent of the country concerned. (Bangladesh)
- Special Procedures must comply with the Code of Conduct. (Belarus)
- Establish a committee or other body on the compliance of the mandate holders with the Code of Conduct. (Belarus)
- Special Procedures must be independent and guided by the Code of Conduct; they should not go beyond their mandate. (Saudi Arabia)
- Flexibility should be maintained with regard to the establishment of new mandate (Argentina and Chile). There should be no limits to the number of special procedure mandates. On the contrary, flexibility should be preserved to decide on the relevance of the creation of those mandates necessary to address new challenges. Special procedures should be strengthened as a result of the review. (Argentina)
- Oppose any proposal which might restrict the independence of mandate holders. (Peru)
- Improve the Special procedures, so as, with the necessary independence and autonomy, to open new space for cooperation. (Chile)
- Views of concerned countries must be respected and coercive and confrontational imposition of politicized country-specific mandates against their will must be restrained under whatever circumstances. (Democratic People's Republic of Korea)
- Promote continuity and effectiveness of engagement between mandate holders and States by standardizing the terms of all mandates to three years. (Canada)
- Enhance coverage of the Special Procedures system, and enhance the prevention, early warning, and responsiveness function of HRC by establishing new types of Special Procedures to look at all urgent, emerging, persistent or neglected human rights situations around the world, regardless of the country, and to bring these situations to the Council's attention. In this regard, create one Working Group focused on each geographic region. (Canada)
- Refrain from creating new Special procedures mandates in unrestrained manner. (Japan)
- Refers to a number of measures in its written contribution to reduce the number of new Council resolutions, new mandate resolutions in particular in order to make Special Procedures more effective. (Japan)
- Special Procedures should work exclusively within the parameters of the mandate entrusted to them and prepare carefully their reports to ensure that they are realistic, objective and impartial. (Libyan Arab Jamahiriya)
- Respect the independence of mandate holders but also the sovereignty of States that should not be jeopardized. (Libyan Arab Jamahiriya)

- Special Procedures to cooperate with States in keeping the mandate granted to them. (Libyan Arab Jamahiriya)
- Change some Special Procedures to Working Groups to guarantee cultural diversity and equitable geographic distribution. (Libyan Arab Jamahiriya)
- Avoid the appointment of a mandate holder against the will of the country concerned thus jeopardizing the sovereignty of that country. (Libyan Arab Jamahiriya)
- Establish an independent legal committee composed of international independent experts to ensure respect of the Code of Conduct by Special Procedures. (Libyan Arab Jamahiriya)
- Under the RRI process, consider establishing regional Special Procedures specific for all regions of the world in the principle of non selectivity. Possible criteria for the establishment of such procedures could be:
  - Every region have its own special procedure covering every country of the region. The mandate holder would be an independent expert of the region.
  - It would not be a thematic special procedure for region, but rather a special procedure to observe the general situation of human rights in the region.
  - The special procedure should report annually on all countries of the region, identifying areas dealt with, in terms of positive practices and issues of concern as well as challenges.
  - In the report, the regional Special Procedure could refer to information submitted by the State concerned, use information from the UPR, the general system of the UN system or respective regional organizations as well as NHRIs in compliance with the Paris principles.
  - The regional special procedure could function as a mechanism of support and advice that would coordinate with regional OHCHR offices as well as other special procedures. In this respect, it could work to facilitate the cohesion of the system and support the implementation of UPR recommendations.
  - The regional special procedure could contribute to identify priority areas for technical cooperation and develop strategies for the implementation of human rights mechanisms, regional or universal.
  - In cases where a Special Procedure on a given country already exists, these countries might be excluded by the regional special procedure. (Costa Rica)
- Take necessary measures to ensure independence, neutrality, objectivity, non-selectivity and non-politicization of mandate holders and to make sure that they do not go beyond their mandate in compliance of the UN Charter provisions as well as the resolution establishing their mandates and the Code of Conduct. (Yemen)
- The Special Procedures Coordination Committee to continue its efforts to inform Special Procedures of the Code of Conduct and to continue to play its role in resolving concerns that arise with respect to the Code of Conduct. (United States of America)
- Adjust the duration of country mandates to that of thematic mandates, except when the mandate holder advises otherwise. Also every mandate should contain elements for supervision, information and identification of possible assistance and legal advice needs. (Spain)
- Oppose any proposal to limit the independence of Special Procedures. Expand the word of and the dialogue with the Special Procedures. (Spain)

- Special Procedures to act in an objective, independent, non-selective, impartial and non-politicized manner. (Islamic Republic of Iran)
- Establish a monitoring mechanism to review the compliance of the Special Procedures with their mandate and the Code of Conduct. (Islamic Republic of Iran)
- Implement the process of RRI on a regular basis and review the reporting cycle of the Special Procedures mandate holders to rationalize it, and make appropriate recommendations to the GA. (Islamic Republic of Iran)
- Consider converting some Special Procedures into Working Groups during the renewal of their mandates or in the context of a continuing RRI process. (Islamic Republic of Iran)
- Define some criteria for the establishment of new Special Procedures in order to prevent their proliferation and their unnecessary duplication with existing mechanisms. (Islamic Republic of Iran)
- Create country specific mandates on the basis of the approval by a two-thirds majority of the Council. (Islamic Republic of Iran)
- Support the notion that all Special Procedures mandate holders should work to the highest standards of professionalism whilst fulfilling their mandates. Their work should be carried out in full compliance with the Code of Conduct and in an objective, independent, and non-politicized manner. (Indonesia)
- The idea of creating specific Working Groups to undertake the important duties of mandate holders could be further explored. (Indonesia)
- Draw attention of Art 4/3 of Resolution 5/2 which stipulates the necessity for national legislation to be to be respected and upheld at all times. (Indonesia)
- Have a more stringent quality control or screening of Special Procedures before creating new ones, and avoid duplication and explore other means of addressing issues as provided in sub-paragraphs 58 (c) and (d) of the IBP. (Philippines)
- Any attempts to limit the work of Special Procedures through unnecessary oversight mechanisms are unacceptable. (Ireland)
- Consider converting some Special Procedures, the most sensitive ones to begin with, into Working Groups in order to overcome the problem of idiosyncrasies of individual Special Procedures that have at times led to the invoking the Code of Conduct. (India)
- Use the review as an opportunity to streamline, merge or possibly discontinue mandates, in particular where duplication and overlap clearly exists. (India)
- Special procedures should act objectively, independently and impartially and in strict compliance with the Code of Conduct. (Azerbaijan)
- Continue the review, rationalization and improvement of mandates effectively. (Azerbaijan)
- Avoid duplication of mandates and new mandates should be as clear and specific as possible, so as to avoid ambiguity as reflected in paragraph 58 of the IBP. (Azerbaijan)
- Special Procedures to respect and adhere to the Code of Conduct. (Malaysia)
- Retain the present duration of the country specific and thematic mandates. (Malaysia)



- If a HRC Legal Committee in compliance with resolution 5/2 is established, envisage a role for the Consultative Group. (Malaysia)
- Encourage the Coordination Committee and adequately resource it in order to provide new mandate holders with basic training and orientation to enable them to effectively exercise their mandates from day one. (Austria)
- Encourage the Coordination Committee to take on more responsibility in ensuring that also in the future all Special Procedures mandate holders observe the highest standards of professionalism while exercising their mandates. (Austria)
- Reject proposal aimed at limiting the independence of Special Procedures, namely an oversight mechanism of State representatives. (Austria)
- Limit proposals based on political priorities or a simple objective of visibility when creating new mandates; even if the proliferation of Special Procedures should be avoided, the development of priority issues should be one of the main functions of the Council. Balance the creation of new mandates to respond to the priorities of the Council and the avoidance of proliferation of mandates. (Turkey)
- Reiterate the importance of preserving the independence of mandate holders but underscore the need for mandate holders to operate within the defined parameters of their mandate. (Ghana)
- The challenge for this review process is to identify the manner through which further promote the independence, impartiality and objectivity of the mandate holders, while ensuring that due procedure is followed, in accordance with the Code of Conduct and in the conduct of their respective mandates. (Sri Lanka)
- The objective of this review should be to further consolidate the understanding that one should distinguish between the independence of mandate holders, which is absolute in nature, and their prerogatives, circumscribed by their mandates, the mandate of the HRC and the provisions of the UN Charter. (Sri Lanka)
- Support proposal to establish, on the basis of equitable geographical distribution, a HRC “Legal Committee on compliance with the Code of Conduct”, the modalities of which should be elaborated inter-governmentally. (Sri Lanka)
- Respect the views of the concerned country and not to impose country resolutions or mandates against their will. In this regard, country mandates should be established by a two-thirds majority of the HRC. (Sri Lanka)
- Ensure the efficiency, relevance and independence of the Special Procedures. Do not support any proposal which could impact negatively on the independence of Special Procedures. (Sweden)
- Put in place a mechanism to assess the effectiveness of the existing mandates and the prospect they can offer in achieving the objectives of their mandate; to use the result of this assessment to determine steps to be taken to strengthen the mandate in question. (Timor-Leste)
- In relation to country mandate, the establishment of country mandates should be preceded by serious efforts at securing the agreement, at least the consent, of the country concerned. Further, the HRC could work with the concerned country to identify measures which need to be taken to address the human rights situation that initially demanded the establishment of the mandate. (Timor-Leste)
- In exercising their functions mandate holders must scrupulously comply with the Code of conduct as set out by Council res. 5/2. (Rwanda)

- The mission of mandate holders should be clearly and concisely defined in order to avoid any ambiguity which could negatively affect their efficiency in the exercise of their mandate. (Rwanda)
- Mandate holders must be guided by the principles of independence, impartiality, objectivity, non-politicization and non-selectivity and avoid all external pressure and prejudice. (Rwanda)
- Cannot accept any intention to undermine independence, objectivity and responsibility of Special Procedures. (Paraguay)
- Reinforce impartiality, objectivity, non-politicization and non-selectivity of Special Procedures while distinguishing between mandate holders independence and the obligations and responsibilities set in the UN Charter and the Code of Conduct. (Bolivarian Republic of Venezuela)
- Establish a legal Committee on the Special Procedures compliance with the Code of Conduct, composed of equitable geographic distribution. (Bolivarian Republic of Venezuela)
- Dialogue with a concerned country would be the most appropriate mean to deal with human rights situation when compared to the imposition of country resolutions without the consent of the concerned country. (Bolivarian Republic of Venezuela)
- Ensure respect of the independence, neutrality, integrity and objectivity of the system. (Bahrain)
- Mandate holders must respect the terms of their mandates and missions and accord priority to reports that must be drafted not in line with their personal positions but with the Code of Conduct. (Bahrain)
- OHCHR must also verify the respect of the Code of Conduct and of mandates. (Bahrain)
- The independence of Special Procedures should be preserved. (Ukraine)
- Strengthen mechanisms that allow for independence, objectivity, impartiality, transparency, responsibility and all the principles set in fundamental UN texts, including the Code of Conduct. (Ecuador)
- Establish a mechanism to assess Special Procedures mandate holders compliance with the Code of Conduct. (Ecuador)
- The Council should continue to ensure that the Code of Conduct is a mechanism for building trust between stakeholders and strengthen the Special Procedures system. (Kazakhstan)
- Strengthen the value and credibility of mandate holders' functions by ensuring a more effective adherence to the Code of Conduct, mandate holders should give due respect to the views of Governments and should avoid bias. (Nepal)
- Reservation on proliferation of mandates; focus on making the existing mandates more effective, to avoid unnecessary overlapping and duplication. (Nepal)
- Rationalize existing Special Procedures; avoid duplication. (Guatemala)
- Respect the Code of Conduct and ensure mandate holders compliance with its provisions. (Guatemala)
- Taking into account the independence of Special Procedures and the need for a two-way cooperation, address any problems related to the implementation of a mandate with the Coordination Committee, acting as a peer ethics mechanism. (Uruguay)

- Improve Special Procedures independence and their full compliance with the terms of their mandates, the provisions of UN Charter, the IBP, the Code of Conduct and international law. (Qatar)

## **B. Selection of mandate holders**

- Ensure that the most suitably qualified candidates are selected as mandate holders. Add a provision to IBP (or alternatively to Council resolution/decision) that all those participating in this process should be guided by the aims of achieving objectivity, professionalism and independence of experts. (Belgium on behalf of the EU)
- Respect the principle of equitable geographical representation in the appointment of mandate holders. (Nigeria on behalf of the African Group)
- The President of the Council should follow the order of priority as suggested by the Consultative Group and embark on consultations with regional groups to determine the level of acceptability of selected candidates towards achieving consensus. (Nigeria on behalf of the African Group)
- The Consultative Group should request short-listed candidates to provide written submissions on their views on the relevant mandate and vision for implementation, and to base selection on the criteria of competence, gender, and geographic balance. (Egypt on behalf of the NAM)
- The President should follow the order of priority suggested by the Consultative Group and if he/she decides otherwise, he/she should explain the reasons for his/her decision. In addition, he/she is to hold extensive consultations with all regional groups to identify candidates that enjoy consensus. (Egypt on behalf of the NAM)
- Necessary to assess objectively the challenges faced by Special Procedures, respecting the independence of their mandates, with a view to finding adequate solutions towards more transparency and confidence building between the Council, States, relevant stakeholders and Special Procedures. (Costa Rica on behalf of GRULAC)
- Selection should take into account the knowledge and experience in the field of human rights; field experience specifically in the mandate area, gender and geographical balance should be fundamental. (Costa Rica on behalf of GRULAC)
- OHCHR to undertake a more in depth analysis of the candidates based on the criteria set by the HRC before including them in the public list. (Costa Rica on behalf of GRULAC)
- Greater interaction during selection process between Consultative Group and candidates. (Costa Rica on behalf of GRULAC)
- President to undertake open and transparent consultations in due course before selection. (Costa Rica on behalf of GRULAC)
- Respect the principle of equitable geographical representation while appointing new mandate holders. (Pakistan on behalf of the OIC)
- During the selection/appointment of mandate holders, the shortlisted candidatures should be invited to make a written submission presenting their views on the relevant mandates and their vision on their implementation. (Pakistan on behalf of the OIC)
- The President should follow the order of priority as suggested by the CG and should conduct extensive consultations with the regional groups in order to ascertain the

acceptability of selected candidates with the aim to achieve consensus. (Pakistan on behalf of the OIC)

- Respect the principle of geographical balance in the selection and appointment of mandate holders. (China)
- Conduct interviews with candidates in the process of selection through video or teleconference and request them to make a declaration of commitment, once appointed. (China)
- More attention to be paid to the selection and appointment of Special Procedures to secure they have the highest human rights qualifications which necessarily implies broad knowledge and practical experience in the field of human rights. States and all relevant actors should more actively seek for suitable candidates for each mandate, including experts with richer more diverse profiles. (Mexico)
- Before including candidates in the public list, OHCHR should more carefully analyze the candidatures based on the criteria adopted by the HRC. The Presidency could undertake to draw up such a list. (Mexico)
- The Coordination Committee of Special Procedures should play a more active role in the selection process, transmitting their views of the current and outgoing mandate holders with regards to the appropriate qualifications and profiles. (Mexico)
- The Consultative Group could interview candidates to assess their capacity, availability and interest in assuming the mandate. (Mexico)
- States should also undertake a more careful and objective analysis of the candidates in order to avoid that political or regional considerations prevail in the decisions adopted. (Mexico)
- Strengthen the role of the HRC in the system of candidates' selection for the posts of Special Procedures. It should be based first of all on qualifications and experience as well as their abilities to discharge their duties as provided for in para. 31 of IBP. The Consultative Group, in agreeing on short list with regional groups, should conduct personal interview with candidates who are also requested to provide in writing motivation for applying for that mandate. The selection procedure should take into account the principle of a just geographical distribution. (Russian Federation)
- Nomination of Special Procedure mandate holders must be based on clear, uniform and professional criteria as developed by the HC. Safeguards must be in place to ensure candidates successfully meet those requirements before an empowered party includes such names on any relevant list for consideration. (Israel)
- Avoid appointing individuals who do not meet the threshold of impartiality and objectivity required to properly carry out the relevant mandate: candidates who have published or promoted debated positions or campaigned on the topic of the country specific mandate must not be included on any list for consideration. (Israel)
- HC should have significant role in the selection of country specific Special Rapporteurs. (Israel)
- Encourage States and civil society active in the HRC to better advertise the existence of the public list of candidates for special procedures mandate holders in order to ensure that most competent and suitable experts are part of it. (Switzerland)
- Require short-listed candidates for Special Procedures to provide a motivation letter or to reply to a questionnaire in support of their candidacy. (Australia)

- All candidates should clearly specify the vacancy they apply for and explain in details their experiences relevant to the mandate. In addition, eligible candidates should write a motivation letter specifying reasons for their interest in the mandate at hand, in the name of transparency, those motivation letters could be published on OHCHR website. (Finland)
- The Consultative Group should interview short-listed candidates. Interviews could be conducted by using the most cost-effective working methods, including teleconferencing. (Finland)
- The Consultative Group could be enlarged by the inclusion of additional members in order to increase its expertise, experience and effectiveness. (Finland)
- The Consultative Group to substantiate its choices. (Algeria)
- The President of the Council as per para. 52 and 53 of HRC res. 5/1 to follow the order of priority put forward by the Consultative Group in ascertaining acceptability of selected candidates by regional groups. (Algeria)
- In order to identify a candidate who will not call forth a broad opposition in the HRC for each vacancy, the President will ascertain that the country of origin of a mandate holder or the regional group of the country concerned, in case of country specific mandates, do not object to the suggested candidate. Such a possibility to object to a candidate would be allowed only once. In all cases, the President would substantiate his/her choices when transmitting to the HRC the list of candidates he has identified for each vacancy if different from the selection and order of priority proposed by the Consultative Group. (Algeria)
- Re-activate the application of procedures in the IBP aiming at the nomination of competent mandate holders with proper expertise and experience in the relevant fields of human rights that have not been fully applied, focusing on the upholding of guiding principles such as objectivity, professionalism and independence, by all participants in the process of selection and nomination of mandate holders. (Republic of Korea)
- Support proposals to develop improved criteria for inclusion in the roster of Special Procedures mandates holders. (United Kingdom)
- The selection procedure should be improved. The Consultative Group could be supported by an expertise from OHCHR or the Coordination Committee. The candidates should submit a “motivation letter” for their candidature. The Consultative Group should have the possibility to interview all short-listed candidates. Proposals made by the Consultative Group should be motivated. (Morocco)
- Strengthen the selection process to guarantee even more the independence and effectiveness of Special Procedures; independent experts such as the Chair of the International Coordinating Committee of NHRIs, the Chair of the Coordination Committee of Special Procedures or the HC should participate in the work of the Consultative Group. (France)
- Implement adequately para. 40 of the IBP on the principle of equal geographic representation among mandate holders. (Bangladesh)
- Short-listed candidates must submit their vision on how to pursue the tasks of their prospective mandates or a programme of actions on the implementation of their prospective mandates to gain a fuller idea of the candidates. (Belarus)

- There should be an increased transparency in the selection and appointment of Special Procedures in respecting the equitable geographical distribution of the appointment. (Saudi Arabia)
- Improve the selection process ensuring that the most appropriate mandate holder is selected. (Colombia)
- Candidates should be interviewed by the Consultative Group and each candidate should provide something in writing on how they visualize the exercise and why they think they are the best candidates. (Colombia)
- Select and appoint mandate holders on the basis of practical not theoretical criteria e.g. their experience; guarantee equitable geographic, cultural and religious diversity in the appointment process. (Libyan Arab Jamahiriya)
- Ensure transparency in the selection and appointment of mandate holders in terms of equitable geographical distribution in conformity with art. 101 of the UN Charter. (Yemen)
- Introduce improvements into the procedure for selection and appointment of Special Procedure mandate holders, and also ask the secretariat to justify or give reasons for the selection of candidates on a public list, or to ensure that a Special Procedure mandate holder participates in the deliberations of the Consultative Group in that respect. The President should also give reasons for selection made if it does not follow the proposal of the Consultative Group. (Spain), (Australia)
- Decide the appointment of a country specific mandate holder based on the consent of concerned countries. (Islamic Republic of Iran)
- President to follow the order of priority as suggested by the Consultative Group and conduct extensive consultations with the regional groups to ascertain the acceptability of selected candidates to achieve consensus. (Islamic Republic of Iran)
- The Consultative Group should request the short listed candidates to submit in writing their views on the relevant mandate and vision for implementation. The President should follow the order of priority suggested by the Consultative Group and ascertain the suitability of selected candidates by regional groups. (Indonesia)
- Improve the selection process for mandate holders by requiring short-listed candidates to make written submissions on the work of the mandates they are being considered for. (Philippines)
- HRC secretariat to provide rationale for selecting candidates from the public list. (Ireland)
- The President of the HRC should justify fully any decision by to depart from the order of selection indicated by the Consultative Group without seeking to undermine this right (of the President). (Ireland)
- Strengthen the selection process of Special Procedures, also taking into account the views of the outgoing Special Procedures or Chair of the Coordination Committee, as long as the primacy of the inter-governmental process in the Consultative Group is maintained. (India)
- The HRC President should conduct wide consultations for developing a consensus before proposing appointments based on recommendations by the Consultative Group. The President should also follow the order of priority recommended by the Consultative Group and, in case of a departure, provide reasons for the same; but it would not be desirable to give any country or regional group or a stakeholder a veto over the selection of a particular nominee. (India)

- Ensure equitable representation concerning the appointment of mandate holders and select most suitable candidates. (Azerbaijan)
- Selection process positive gains to be preserved through refining the process of consultation as well as the technical and objective requirements for prospective candidates. (Malaysia)
- The Consultative Group could make active use of the contributions of Special Procedures, in its work to enhance the selection process and ensure that nominees meet the requirements of the mandate in terms of independence, expertise and experience. (Austria)
- Respect and enhance the principle of equal geographical representation among mandate holders when they are appointed. (Sri Lanka)
- Strengthen the selection and nomination process of the mandate holders. (Sweden)
- Improve the Special Procedures selection process, in observance of the principle of equitable geographic distribution. The Consultative Group should take into account gender, competence and geographic balance in making selection. (Bolivarian Republic of Venezuela)
- The President should follow the order of priority on the recommended list by the Consultative Group as well as on the basis of consultations with regional groups. (Bolivarian Republic of Venezuela)
- Improve the criteria for the appointment of Special Procedures mandate holders. (Ukraine)
- Improve the selection and appointment process of Special Procedures to avoid any discrimination and manipulation. (Ecuador)
- Effectively introduce equitable geographical balance while selecting and appointing the mandate holders. (Nepal)
- Strengthen the role of OHCHR and the Coordination Committee in the selection process of mandate holders to ensure a better analysis of their experience. (Uruguay)
- Improve transparency in the mandate holders selection process, having due regard to the principle of equitable geographic distribution. (Qatar)

### **C. Methods of work and reporting modalities**

- Mandates studies/reports presented to the Council to always take precedence over un-mandated ones. (Nigeria on behalf of the African Group)
- Add an annex to Special Procedures country visits reports, including information presented to them by State concerned and its comments on the preliminary reports presented by the Special Procedures. (Egypt on behalf of the NAM)
- Publish, if required by States, response to the Special Procedures report on the country visit at the same time as the report, possibly as annex. (Costa Rica/GRULAC)
- OHCHR to provide enhanced capacity building to mandate holders. (Costa Rica on behalf of GRULAC)
- An annex should be added to country visits reports of Special Procedures including information presented to them by the States concerned, and other comments on the preliminary reports prepared by Special Procedures. (Pakistan on behalf of the OIC)

- Revise the cycle of presentation of Special Procedures' reports in order to rationalize them. (Cuba)
- At the request of the State concerned, to ensure that the response of the State concerned to the report of the Special Rapporteur's visit be published simultaneously with the report of the Special Rapporteur. (Cuba)
- Diversify ways and means of interaction between Special Procedures and country visited in addition to country visits including that Special Procedures should proactively engage in bilateral dialogues. (China)
- Once appointed, there should be a better induction process for Special Rapporteurs on the functioning of the system while fully respecting their independence to avoid controversy arise often due to the lack of familiarity with the system. (Mexico)
- Ensure better servicing and training in particular on the general functioning of the HRC to newly appointed special procedures. (Switzerland)
- Develop "best practices" guidelines to guide work of the Special Procedures mandate holders, fact finding missions and other related mechanisms. (Israel)
- De-cluster the current clustered interactive dialogue to allow more time for discussion and Special Rapporteurs to respond after 8 to 10 statements. (Switzerland)
- Reinforce the credibility of Special Procedures. (Australia)
- Include an Annex to Special Procedures' country visits reports of State comments on the initial draft report. (Australia)
- Increase the regularity and focus on interactive dialogue with mandate holders, including through a separate, un-clustered dialogue for each mandate. (Australia)
- Fix interactive dialogue with Special Procedures in the Programme of Work, in line with the practice applied for the adoption of UPR outcomes. (Hungary)
- Further utilize the expertise of the Special Procedures in panel discussions, working groups, briefing sessions and stand-alone dialogue. (Australia)
- Enhance technical cooperation and assistance in order to help States to be able to meet the demands of Special Procedures, such as preparation of reports or field visits. (Thailand)
- Requests of visits should also be combined in order to reduce the burden of the States concerned. (Thailand)
- Following country visits, member states should have the opportunity on a voluntary basis to submit a document containing responses to the Special Rapporteur's visit; this document should be published as annex to the report of the Special Rapporteur. (Bolivia on behalf of Brazil, Ecuador and Colombia)
- Special Procedures should also reply more promptly to the invitations of States. (Algeria)
- Provide technical assistance and consolidation of capacities through country mandates without resorting to pressure between the mandate holder and States concerned. (Sudan)
- Submit written questions in advance by Council members wishing to participate in the interactive dialogues. (Republic of Korea)



- Enhance the level of dialogue with individual Special Procedures and reform the current clustered ID system to allow individual discussion. (United Kingdom)
- The Coordination Committee to open itself to Member States to establish a dialogue with them. (Morocco)
- Mandate holders must encourage the dialogue and consultation with the member states of the HRC by organizing regular discussions with States and allocating more time for ID during the HRC sessions. (Morocco)
- The OHCHR, in consultation with the Coordination Committee, should ensure appropriate training for the new mandate holders to allow them to be familiarized with their mandate and the work within the UN. Regarding country mandates, OHCHR should provide them with reports submitted by the country concerned in addition to OHCHR documents in order to have an objective view of the situation on the ground. (Morocco)
- Establish a system of periodic consultations between the Special Procedures and States in view to enhance the mutual dialogues and exchange, in addition to traditional dialogues following the presentation of reports. (Senegal)
- Hold regular briefings and have dialogue between Special Procedures and States. This is essential because Special procedures play an important role and should be enabled to carry out their mandates on the basis of independence, objectivity and impartiality. States should accord serious cooperation in this regard. By the same token, special procedures should demonstrate more transparency and ensure interaction as all too often their relation with Member States is solely based on communications through note verbal and/or letters, which lack genuine dialogue and interaction. (Jordan)
- Avoid clustering during the ID. (Bangladesh)
- Optimize the gathering of views in the process of preparation of reports and other publications by mandate holders, especially that questionnaires for the preparation of thematic reports and other studies should be translated into all UN languages. (Belarus)
- Establish reasonable deadlines for States to respond to questionnaires and other relevant requests of Special Procedures, of at least two months. (Belarus)
- Mandate holders should share with States their presentations and statements for Council meetings in advance; this will also make it possible for more intensive and focused inter-active dialogues with Special Procedures. (Belarus)
- Special Procedures, in presenting their country visit reports, must include the comments and conclusions of Governments of countries visited. (Saudi Arabia)
- Publish the comments and observations of the State concerned on the country mission reports as Annex to the report of the Special Rapporteur or the Working Group, guarantying a balanced view of the situation. (Colombia)
- De-cluster interactive dialogues with Special Procedures, to foresee at least 2 hours of dialogue with each of them including more time for the special procedures to react to statements by delegations. (Germany)
- Adequate institutional support to the Special Procedures; HRC to make more efforts to this effect. (Germany)
- Have a better coordination between Special Procedures, through:
  - (a) Short, medium and long term planning of country visits;

(b) Information from Special Procedures of criteria used for the selection of countries to be visited;

(c) The strengthening of the work of the Coordination Committee to programme their work using criteria that will provide greater efficiency. (Argentina and Chile)

- Establish new working methods and additional mechanisms such as the holding of briefings and debates that will allow to hear various voices, for example among others testimonies of victims of human rights violations, national experts, representatives of other UN agencies and of regional organizations. (Argentina and Chile)
- Strengthening follow-up recommendations by integrating information analysis and recommendation of Special Procedures into the thematic and country specific discussions with the participation of civil society in these debates, through videoconference, if necessary; by providing regular information by States on compliance of recommendations of Special Procedures in national reports to UPR, by sending reminders to States which do not comply with the recommendations of Special Procedures. (Argentina and Chile)
- Include replies of the country concerned in the Special Procedures' country mission reports. (Peru)
- Allow the National Human Rights Institution of the State visited to take the floor following the State intervention. (Peru)
- Increase the time for the interactive dialogues e.g. by reducing the time for or eliminating the general debates segment which follows the presentation of the reports of Special Procedures. (Peru)
- Special Procedures should coordinate more with regional human rights bodies. (Peru)
- Give Special Procedures a more prominent space for substantive interaction with the Council, and States' engagement and cooperation with them must be strengthened. Enhance quality of HRC interaction with Special Procedures:

(a) Ensure stand-alone interactive dialogue with each Special Procedure by:

- Allowing sufficient time for interventions by all interested States and NGOs
- Allowing time for mandate holders to respond after each 10 interventions
- Encouraging questions to be submitted in advance
- Reducing speaking times for interventions

(b) Engage Special Procedures more frequently via periodic joint briefings/panels on cross-cutting issues (either at the request of the HRC or of the mandate holders). (Canada)

- Existing mandate holders should be encouraged to interact more frequently and deeply to enable the Council to be better apprised of their activities. (Japan)
- Council should be flexible with the format of the reports from and dialogue with mandate holders in order to avoid overloading the programme of work. (Japan)
- Incorporate answers of the States to the mandate holders in the reports. (Libyan Arab Jamahiriya)

- Avoid duplication between the Complaint Procedure and other procedures adopted by the Council and take all measures to reject politicized complaints and verify the credibility of the source of the complaint in order to avoid finger pointing for unfounded and false reasons. (Yemen)
- Give more time to interactive dialogues with special procedures giving up the current system of clustering mandate holders. (Spain)
- Add an annex to country visit reports of Special Procedures including information presented to them by the State concerned and the State's comments to the preliminary report. (Islamic Republic of Iran)
- Outline specific agreed terms and conditions pertaining to the methods, procedure and technical aspects of the visit, between the Special Procedures and countries concerned prior to an official Special Procedures visit; this measure should not in any manner undermine the independence of Special Procedures and should be implemented on a case by case basis with accordance of the specific country and mandate holder concerned. (Indonesia)
- Encourage all special procedures that they submit their reports on time and that Secretariat translate them in a timely manner into all UN languages to ensure a genuine and informed dialogue on relevant issues in the Council. (Philippines)
- Encourage special procedures to coordinate before making requests for country visits, and consider consulting with delegations in Geneva informally before issuing formal request letters for visits. (Philippines)
- Mandate holders to be encouraged to make special reports to the Council either on a thematic or country situation if circumstances justify this. (Ireland)
- Special Procedures to be provided with possibility to present to the Council their reports on country visits as soon as possible to ensure the Council's prompt response to human rights violations. (Hungary)
- Welcome more coordination among Special Procedures, e.g. on visits. (Ireland)
- Enhance the quality of IDs with Special Procedures, preferably through individual dialogue, as distinct from a clustered dialogue with Special Procedures. (India)
- Allocate more time for interactive dialogues and rationalize time management to ensure the proper interactive character of the discussion with special procedures mandate holders, to allow them to respond to the questions addressed to them. (Azerbaijan)
- All reports prepared by mandate holders should be submitted at least two weeks before the session of the Council. (Azerbaijan)
- An annex reflecting views of the countries concerned should be added to the country visits reports. (Azerbaijan)
- Explore the issue of disconnect of Special Procedures bypassing the Council through their direct reporting to the GA. (Malaysia)
- Include a clear reference for Special Procedures to prioritize the delivery of reports mandated or requested by the Council. (Malaysia)
- Special Procedures to respond when extended invitations to undertake country visits in a similar way States are expected to respond to requests for visits by Special Procedures. (Malaysia)

- Allocate more time for IDs with the Special Procedures (Moldova), discontinue the clustered ID. (Austria)
- Make a more effective use of the opportunity to engage with Special Procedures mandate holders throughout the year. Short briefing-sessions could be used by the Council to hear briefing by Special Procedures or other UN agencies on specific or emerging human rights situations in a thematic, regional or country-specific context. (Austria)
- The Coordination Committee could present the report of the annual meeting of Special Procedures at a HRC session. (Austria)
- Encourage the Coordination Committee and adequately resource it in order to provide new mandate holders with basic training and orientation to enable them to effectively exercise their mandates from day one. (Austria)
- Develop ways of cooperating and for constructive dialogue between country rapporteurs and the countries concerned. (Turkey)
- Develop the interactive dialogue with the special procedures and have better coordination among the Special Procedures. (Turkey)
- Take all necessary steps to ensure the Special Procedures are able to meet NGOs' officials when visiting their countries. (Turkey)
- Improve IDs by allocating more time to the dialogue and avoiding the clustering of mandate holders. (Sweden)
- Allocate more time for the IDs between the Council and the Special Procedures. (Timor-Leste)
- Allocate enough time and logistical resources to mandate holders in the exercise of their mandate to allow them to carry out personal and independent evaluation of the situation on the ground and avoid having to use other sources of information that might have preconceived and prejudiced positions. (Rwanda)
- Mandate holders should submit their reports within the time set by the Council in order to allow delegations to better prepare for the interactive dialogues. (Rwanda)
- Mandate holders should formulate their recommendations in more realistic way and more concise and unambiguous manner to ensure that they can be better used. (Rwanda)
- Permanent dialogue with mandate holders is a constructive exchange leading to results and should not be limited to written communications and complaints. (Paraguay)
- Mandate holders would help if they could formulate more concrete proposals of cooperation and solutions that can generate consensus at the local level. (Paraguay)
- Improve transparency and strengthen the interaction of Special Procedures with the Member States of the Council. (Ukraine)
- Ensure better coordination among existing Special Procedures as well as increase the coordination with treaty bodies and other UN bodies and agencies. (Ukraine)
- Special Procedures should seek for as much as possible comprehensive information from Governments prior to their country visits. (Kazakhstan)
- Mandate holders and states should try to exhaust all channels to reach objective, reliable and comprehensive assessment. (Kazakhstan)

- Add final remarks and comments from Governments as annexes to the reports. (Kazakhstan)
- Engage in a separate interactive dialogue with each mandate holder to ensure a positive dialogue and comprehensive assessment of the work of the mandate holders. (Kazakhstan)
- Give the floor to NHRIs, after the State concerned by the country mandate, in interactive dialogues. (Hungary)
- The Coordinating Committee of the Special Procedures should continue to improve its Manual of Operations. (Kazakhstan)
- Improve clarity in the management of Special Procedures funding and to ensure equal support to all Special Procedures; a joint fund should be set up on un-earmarked contribution which can be distributed to all Special Procedures. (Guatemala)
- Invite Special Procedures to verify the credibility of their sources of information. (Qatar)
- Include in Special Procedures reports the comments, replies and views of the concerned country to the Council and the General Assembly. (Qatar)

#### **D. Cooperation with special procedures and follow-up**

- In line with 60/251, States have an obligation to cooperate with different mechanisms of the Council. (Belgium on behalf of the EU)
- Consider more systematic and adequate follow up to recommendations of Special Procedures. (Belgium on behalf of the EU)
- Mutual cooperation and dialogue in the relation between State and Special Procedures should be strengthened. (Costa Rica on behalf of GRULAC)
- Council Members must lead by example by cooperating fully with all Council mechanisms throughout their time in the Council. (Belgium on behalf of the EU)
- Use the level of State's cooperation as an indicator in relation to applications for HRC membership. (Belgium on behalf of the EU)\*
- Preserve Special Procedures as one of the most, if not the most accessible human rights mechanisms to human rights defenders and actual or potential victims; to address acts of intimidation or reprisals against those cooperating or seeking to cooperate with Special Procedures. (Belgium on behalf of the EU)
- On follow-up to work of Special Procedures, ensure that Council is in a position to fulfil its mandate under UNGA resolution 60/251: this requires much greater-follow up to the activities, recommendations and communications of Special Procedures mandate holders; this also implies that Council should devote enough time for interactive dialogues with SP mandate holders and have adequate tools at its disposal to respond to situations of violations of human rights. (Belgium on behalf of the EU)
- While we agree that cooperation is always the preferred approach, where a situation of human rights violations is so serious that it warrants particular attention by the

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\* To be considered in Part III.

Council, and there is no willingness to cooperate by the country concerned, it is crucial that the Council is able to respond in an adequate fashion. Preserve Special Procedures as one of the most, if not the most accessible human rights mechanisms to human rights defenders and actual or potential victims; to address acts of intimidation or reprisals against those cooperating or seeking to cooperate with Special Procedures. Regular dedicated discussion of this topic should be held under the relevant agenda item. (Belgium on behalf of the EU)

- Sponsors of country resolution to take into consideration inputs received from relevant Special Procedures as follow-up to their recommendations. (Hungary)
- Council to address more efficiently acts of intimidation or reprisals against those cooperating or seeking to cooperate with Special Procedures and the related regular discussion on this topic to take place under agenda item 5 together with the assessment of the level of cooperation of States with Special Procedures. (Hungary)
- Consider the establishment of a Voluntary Fund to support persons who are at risk of reprisals as a consequence of having cooperated with the UN human rights mechanisms. (Hungary)
- States should cooperate with Special Procedures in the performing of their mandates by providing required information and responding to their communication in timely manner. (Pakistan on behalf of the OIC)
- Cooperation of all stakeholders, in particular States, with the system is needed to make it effective and able to improve the situation on the ground. (Mexico)
- Cooperation of States implies the organization of country visits, the proper attention to urgent appeals, timely responses to thematic consultations and openness for objective and respectful dialogue with Special Procedures. (Mexico)
- Special Procedures should, within the framework of their mandates, facilitate cooperation and technical assistance in support of national efforts. (Mexico)
- Standing invitation is exclusively a matter of voluntary consideration of States and should not be either an obligation for them, or criteria of assessment on their work in human rights. (Russian Federation)
- Any sitting Member State of the Council should allow Special Procedures mandate holders to visit the country during its membership in the event such a request arises. (Israel)
- Reinforce cooperation between special procedures and States, including in the implementation of the recommendations. (Switzerland)
- Streamline and rationalize presentation of resolutions, decisions and presidential statements requesting reports to special procedures. (Switzerland)
- Create a database, similar to the one on UPR, to include information on country visit requests, responses or lack of response from States as well as other communications from the Special Procedures to States. (Switzerland)
- Establish a public record of how States cooperate with the independent experts, including state responses to visit requests and the number of visits received by each country. (Australia)
- Disclose publicly via official documents the status of cooperation of States with special procedures highlighting inter alia replies to country visits and communications and to discuss this topic annually or alternatively biannually under agenda item 5. (Poland)

- Human Rights Council Member States to allow mandate holders to visit during their membership term if requested. (Australia)
- Dialogue between Special Procedures and Member States should be mutual to achieve concrete results for better implementation of all human rights. (Bolivia on behalf of Brazil, Ecuador and Colombia)
- HC should prepare a compilation on visits for each Special Procedure to include states visited, requests for visits made by states and by Special Procedures and any responses provided. (Bolivia on behalf of Brazil, Ecuador and Colombia)
- Explore possible means and modalities of addressing the issue of lack of cooperation with special procedures in a more systematic way, especially for cases such as persistent denials of mandate holders' field-visit requests. The Council should discuss those cases under relevant agenda items at its regular session. Not to address cases of persistent lack of cooperation with Special Procedures should also be regarded as an implementation gap of operative paragraph 64 of the institution-building package. (Republic of Korea)
- Greater emphasis should be put on States' record of cooperation with the Special Procedures during the meeting of the HRC and this should be taken into account when States are standing for the HRC membership. (United Kingdom)\*
- It should be obligatory for States to cooperate fully with all Council mechanisms throughout their time on the HRC by agreeing to requests for country visit and responding to their communications. (United Kingdom)
- The HRC should enhance its level of attention to the problem of reprisals against those individuals who cooperate with the mechanisms of the UN system including the Special Procedures. (United Kingdom)
- Have dedicated discussion of follow up to previous reports and country visits carried out by Special Procedures. (United Kingdom)
- Have an independent initiation mechanism to ensure that where HR are consistently highlighted by HR mechanisms, the Council moves promptly to act. (United Kingdom)
- Consider degree of cooperation with Special Procedures as one of the criteria for membership in Council, which should be evaluated by OHCHR. Failure to honour standing invitations, not responding to urgent appeals or not systematically following up on request for visits should be taken into account. The GA should study this in its forthcoming discussion on the status of Council. (France)\*
- Create a code of conduct for States with regard to Special Procedures which will establish obligations of States in the area of cooperation. (France)
- To publish the information on visits accomplished and visits requested by States in an organized manner to provide greater transparency. (Colombia)
- Strengthen follow-up to recommendations through:
  - (a) Inclusion of information and analysis of the reports of Special Procedures in the debates on thematic and country issues;
  - (b) Participation of civil society during these dialogues, through videoconferencing which will enable NGOs that do not have the possibility to attend these debates to participate in the dialogues with States and Special Procedures;
  - (c) Provide periodic information by States about the status of implementation of recommendations made by Special Procedures;

(d) Inclusion in the national report presented under the UPR of information related to the implementation of recommendations made by Special Procedures;

(e) Sending reminders to States that have not replied on progress made in the implementation of recommendations made by Special Procedures. (Argentina and Chile)

- Promote mutual cooperation between States and Special Procedures, through:
  - (a) Strengthening the resource and support for the implementation of technical cooperation proposals made by Special Procedures in their recommendations;
  - (b) Considering cooperation of States as a criterion for the election of the Council membership and in this context suggest the following actions: asking the OHCHR to compile and make available objective information on the cooperation programme between States and UN Human Rights mechanisms, giving effect to para. 9 of res. 60/251, including the issue of cooperation under item 5 of the agenda of the HRC, creating a standby group of experts to undertake ad-hoc missions and tasks mandated by the HRC. (Argentina and Chile) \*
- Special Procedures to implement a policy of contact and of constant information with civil society in each country, for example, through the establishment a database of national or local NGOs organized by countries. (Argentina and Chile)
- Special procedures should submit after a certain period of time a report on follow up or implementation of recommendations made during country visits as well as proposals to improve the implementation of a particular right. (Peru)
- Enhance the cooperation between States and Special Procedures. (Brazil)
- Make available a compilation of all information regarding the country visits requests from Special Procedures, invitations received and the status of responses. (Brazil)
- Provide the international community as whole with access to the response from Governments on the content of country visits reports. (Brazil)
- Country visits reports prepared by Special Procedures and responses from Governments should be available as documents of the Council in order to increase the level of information available to all stakeholders. (Brazil)
- States to include in their written input on the country visit report of Special Procedures replies to recommendations by Special Procedures addressed to States. (Hungary)
- Special Procedures should promote technical assistance and capacity building to interested countries. Special Procedures should work as facilitators for the provisions of technical assistance and cooperation. (Brazil)
- Enhance States' cooperation with the system of Special Procedures by elaborating guidelines for effective State engagement with Special Procedures to which all HRC members would by definition be committed to adhere. (Canada)
- The Council to give further thought to countermeasures when faced with persistent non-cooperation. (Japan)
- HC should compile a report on typical benchmarks which indicate the eagerness or reluctance of states to cooperate with Special Procedures, such as the acceptance or refusal of requests for country visits by Special Procedures, and of the corresponding facts pertaining to non-cooperation by specific States. (Japan)



- Need to improve the cooperation between States and Special Procedures. (Costa Rica)
- Non-cooperation should be looked at seriously during review. (Czech Republic)
- Full cooperation should be an obligation for Members of the Council and those who are applying to become a Member: *bona fide* cooperation should be made an important indicator in applications; persistent lack of cooperation should mean State is not qualified for membership. (Czech Republic)\*
- Look for ways to put more pressure on those who already sit in the Council but refuse to cooperate with the mandates. (Czech Republic)
- Ensure that there is appropriate follow-up to the work of the Special Procedures, including follow-up by States on implementation of recommendations as appropriate, and to follow-up by the Council itself. Specifically, to build time for follow-up into the Programme of Work of the HRC, and OHCHR and States should provide reporting on implementation to facilitate the follow-up. (United States of America)
- Improve the independence and work of Special Procedures. Expand support for Special Procedures with respect to the dissemination of their findings, their ability to travel to concerned countries to distribute and discuss their reports, and their ability to participate in public debates on issues covered in their work. (United States of America)
- Encourage cooperation with Special Procedures. Produce a public record of how States cooperate with the Special Procedures, including a database on all communications on an ongoing basis and to submit it to the HRC. Information may be included in the HC annual report to the HRC on States responses to all correspondence and recommendations of Special Procedures, responses to visit requests, number of visits to each country, and promptness of visits, such as date of request, date of State response and date of visit. (United States of America)
- Provide more support for the work of Special Procedures. Establish benchmarks for gauging basic cooperation of States with Special Procedures on country visits, including: States should respond within four months of a country visit request with a suggested time frame for the visit; a State should accommodate a visit request within two years, except where there is a long queue of requests and the State has consistently hosted three visits a year; States should cooperate in assisting the modalities of the country visit. (United States of America)
- Require any State that is a candidate country for the HRC to provide an update/response to Special Procedures inquiries, recommendations, and request for country visits. States should consider a candidate's record of cooperation with the Special Procedures when electing members to the HRC. (United States of America)\*
- Establish a check for "standing invitations" to Special Procedures: if Governments are non-responsive to visit requests or are not cooperating in good faith to allow access to Special Procedures using the benchmark of four months and two years (cited above) that states will no longer be able to claim a standing invitation. (United States of America)
- Require States to respond to issues raised by Special Procedures as an annex to their UPR reports. (United States of America)
- Trigger a meeting and appropriate consideration of the HRC when five different Special Procedures cite the same country as a country of serious concern in their regular reports. (United States of America)

- Cooperation with Special Procedures should be taken as a major indicator on candidacies for countries applying to be members of the Council. (Spain)\*
- Support proposal to discuss under Item 5 objective information collected and provided by OHCHR on the degree of cooperation between States and Special Procedures. (Ireland)
- States to be encouraged to take the degree of cooperation documented into account in guiding the choices for elections to HRC. (Ireland)
- Secretariat should be tasked with monitoring that countries having issued standing invitations operate this policy in practice. The Council to note the updated list of countries with standing invitations under Item 5 and remove from the list those countries who no longer in practice operate this policy. (Ireland)
- States should also cooperate with Special Procedures to enable them to work in a constructive manner. (Azerbaijan)
- Consider the non cooperation of States with Special Procedures as an element of consideration of membership in servicing the HRC. (Austria)\*
- Encourage candidate countries for HRC membership to include in their pledges a commitment to fully cooperate with Special Procedures, including by issuing a standing invitation, and there could be a regular review and follow-up with States on such pledges in the HRC. (Austria)
- Develop effective mechanisms to prevent, and take action on reprisals against those who cooperate with the UN, its representatives and mechanisms in the field of human rights, in particular Special Procedures. (Austria)
- Establish a public record on invitations to Special Procedures, pending request for visits and visits accomplished. (Austria)
- Task OHCHR with setting up a publicly accessible data-base containing all recommendations made to each specific State by Special Procedures, treaty bodies and accepted UPR recommendations, along with indication on the status of implementation of each recommendation. (Austria)
- Create conducive environment for dialogue and mutual cooperation between States and Special Procedures. (Ghana)
- Work towards elimination of bottlenecks hindering cooperation between States and Special Procedures and devise creative means of ensuring that few cases of non-cooperation do not derail Council objective. (Ghana)
- All States should demonstrate unconditional and constructive cooperation with Special Procedures. (Sweden)
- Promote cooperation by keeping a record of responses from States on requests of country visits or of specific information. (Sweden)
- Include the issue of follow-up in the reports by the Special Procedure mandate holder to facilitate the implementation of the recommendations. (Sweden)
- Special Procedures to be obliged, following a country visit, to dedicate one page to follow-up to that mission in all subsequent reports to the Council. This dedicated page would inform the international community about key developments, progress with implementation of recommendations and steps taken by the UN and the wider community to provide capacity-support to the State concerned. (Maldives)

- Member States of the HRC should demonstrate maximum cooperation with its mechanisms. It would be useful if candidates for HRC membership issue standing invitation to Special Procedures as an essential condition for membership. (Paraguay)\*
- Mandate OHCHR to keep and publicize a record of state's non-cooperation or lack of cooperation with the Council and other UN human rights mechanisms. (Republic of Korea)
- Strengthen the role of cooperation to support the implementation of recommendations, with the help of the Secretariat and the UN system, at the request of States. (Uruguay)
- States who have not yet issued standing invitation can at least be expected to invite thematic mandate holders to assist in facing major challenges in specific areas, such as the areas identified by the UPR. (Uruguay)

## **E. Funding/resources**

- Attaches the greater importance to the transparency of funding for Special Procedures. (Belgium on behalf of the EU)
- Allocate funds for Special Procedures mandates in a transparent and even manner, irrespective of whether they are in the sphere of civil and political rights or economic, social and cultural rights. (Nigeria on behalf of the African Group)
- Place all Special Procedures on equal footing. In this regard OHCHR should provide information on the financial resources used by mandate holders in the form of "expenditure report" annexed to their reports. There has to be an exclusive reliance on UN regular budget funding and a ban on any fund-raising, or voluntarily contribution, to individual mandate holders. Any otherwise voluntary contributions should be made to OHCHR in the form of non-earmarked resources, subject to public disclosure, and OHCHR is to allocate them evenly on all mandate holders. The same principle of equal allocation is to be applied to human resources. Furthermore only members of the OHCHR Secretariat should accompany mandate holders during their official country visits. (Egypt on behalf of NAM)
- Important to strengthen the coordination between Special Procedures, as well as their coordination with other entities of the UN system. (Costa Rica on behalf of GRULAC)
- Increased transparency in the resources provided to special procedures, and Council should be informed on availability of and sources of the funding of each Special Procedure. Where external funding is available, a common fund should be established. (Costa Rica on behalf of GRULAC)
- Transparency in resource allocation and expenditure within the system of Special Procedures should be guaranteed. (Pakistan on behalf of the OIC)
- All mandate holders, whether in the domain of ESCR or CPR, should be treated on equal footing as far resource allocation is concerned. (Pakistan on behalf of the OIC)
- Information on the financial resources used by mandate holders in executing their mandates in the form of an "expenditure report" should be annexed to their reports. (Pakistan on behalf of the OIC)

- Voluntary resources should be made to OHCHR in the form of non-earmarked resources, and OHCHR should allocate them equally to all mandate holders. (Pakistan on behalf of the OIC)
- Equal human resources should be provided to all mandate holders and only members of the Secretariat should accompany the mandate holders in the course of their official country visits. (Pakistan on behalf of the OIC)
- Establish a general fund from voluntary contributions to support the activities of Special Procedures, these contributions should be provided without any conditions or specific earmarking for any particular procedures. This allocation of contributions should be subject to a decision by a task force composed of representatives of five Member States of the Council, one from each regional group; all Special Procedures should be treated on an equal footing with regard to resources to undertake their activities unless they have been mandated to undertake specific additional tasks. (Cuba)
- OHCHR should consider disclosing the human and financial resources support to Special Procedures including the sources and the use of earmarked fund. (China)
- Need more transparency for the use of extra budgetary resources. When extra budgetary contribution is required, this contribution can be consolidated into a single fund in order to be equally distributed among all mandates. (Mexico)
- Increase budget to support activities of special procedures, including by creating a single fund which equitably supports all special procedures. (Switzerland)
- Need for equal treatment of all Special Procedures which also applies to the support given to them by OHCHR. The provision should be strengthened so that any financing of Special Procedures, including voluntary financing, must be transparent and should be conducted exclusively through OHCHR on equal and non-selective basis. (Russian Federation)
- Mandate holders should be funded from the regular UN budget or in the case where a separate fund is established, monitoring mechanisms be put in place to ensure that the allocation of funds is on an equal and transparent basis. (South Africa)
- Ensure that adequate resources, both in terms of finance and personnel, are available to support the work of all mandate holders on an equal footing. (Thailand)
- Promote transparency of the resources used by mandate holders. (Thailand)
- Encourage OHCHR to provide information on the financial resources used by mandate holders. (Thailand)
- Voluntary contributions should be made as non-earmarked resources to OHCHR, which shall be allocated among all mandate holders in an equitable manner. (Thailand)
- Any resolution to create a new mandate should be matched by contributions from States. (Thailand)
- HC should submit a report to the Council on the amount of resources used by each special procedure during their country visits. (Bolivia on behalf of Brazil, Ecuador and Colombia)
- Emphasis should be put on the exclusive reliance on UN regular budget to the funding of Special Procedures activities. Any earmarked voluntary contribution should be put in a common fund and distributed to mandate holders equitably. (Algeria)

- Create a special fund to ensure the necessary financing of the functioning of the Special Procedures which should not depend on voluntary contributions to ensure equal treatment of all Special Procedures and guarantee their independence. (Morocco)
- Address the need for sufficient financial and human resources for Special Procedures. (Bangladesh)
- Maintain the universality and objectivity in providing sufficient and adequate financial and human resources for all Special Procedures. (Bangladesh)
- Channel all funding through the OHCHR and their provisions should be transparent. (Bangladesh)
- Enhance resource allocation to Special Procedures. Regarding the extra budgetary, consider the establishment of a mechanism, which comprise 10% to total value of annual contribution to allow less inequality in allocation of resource distribution among Special Procedures without discouraging financing specific mandates. (Argentina and Chile)
- Financing of Special Procedures should be as transparent as possible and undertaken in a way that guarantees the independence of their work. In this regard, the HRC may contemplate creating a common fund to finance the activities of the Special Procedures, mainly their visits, fund to which States and other institutions should contribute without earmarking to a specific mandate. (Peru)
- Financial allocation should be equal to all mandates. (Brazil)
- Provide equal treatment to all mandate holders without any discrimination in the allocation of funds and human resources. (Libyan Arab Jamahiriya)
- Incorporate information on mandate holders' expenses in their reports in order to ensure transparency. (Libyan Arab Jamahiriya)
- Increase resources for Special Procedures, including for staff and country visits, and direct funding to support implementation of the Special Procedures' recommendations. (United States of America)
- Support all activities of the Special procedures from the UN regular budget and guarantee transparency in resource allocation and expenditure within the system. (Islamic Republic of Iran)
- All voluntary contributions to support the activities of the Special Procedures should be provided without conditionality and establish an intergovernmental task force to decide upon these allocations. (Islamic Republic of Iran)
- Treat all mandate holders on an equal footing in terms of resource allocations unless they are specifically mandated with additional tasks by the Council. (Islamic Republic of Iran)
- Annex to the mandate holders' reports an "expenditure report" on the financial resources utilized by mandate holders in implementing their mandates. (Islamic Republic of Iran)
- Underline the need for Special Procedures to stick only to UN regular budget for their operational funding. (Indonesia)
- Mandate holders require adequate budgetary funding. (Ireland), (Australia)
- Address the issue of equitable funding of Special Procedures. (India)

- Have a statement on all funding and expenditure provided for Special Procedures in order to encourage transparency and instil greater confidence in the system. (India)
- Recommend that such a statement be appended to the report submitted by every Special Procedures in each case. On the issues of extra-budgetary funding of Special Procedures, it would consider a study by the OHCHR in order to first have empirical data and diagnosis of the issues before discussing a suitable remedy. (India)
- Treat all mandate holders equally with regards to resource allocation. (Azerbaijan)
- Take concrete steps to address effectively the nagging problem of inadequate resources for Special Procedures. (Ghana)
- Support all mandate holders on equal footing in terms of resources put at their disposal. (Sri Lanka)
- Assess ways of making funding more transparent in the interest of strengthening the integrity and independence of Special Procedures. (Sweden)
- Establish a fund to cover the operational costs for all mandate holders in order to preserve the independence and objectivity of mandate holders in the exercise of their functions. (Rwanda)
- Retain the principle of equality and if regular resources are insufficient, extra-budgetary resources should be equitably distributed. Focus OHCHR's functions on this criterion. (Paraguay)
- Ensure equal support, including from financial point of view, to all mandate holders. (Bolivarian Republic of Venezuela)
- Ensure an adequate and equitable distribution of financial and human resources for Special Procedures to carry out their functions efficiently. (Ukraine)
- Ensure more transparency in the financial administration of the Special Procedures. In this regard, all reports of country visits should also contain a financial report of the visit. (Ecuador)
- Ensure that the system of Special Procedures has sufficient technical, financial and equal human resources. (Kazakhstan)
- Improve clarity in the management of Special Procedures funding and to ensure equal support to all Special Procedures; a joint fund should be set up on un-earmarked contribution which can be distribute to all Special Procedures. (Guatemala)
- With regard to resources for Special Procedures, the best option would be to increase regular budget but consider un-earmarked voluntary contributions if regular budget is not sufficient, or reserve portion of contributions for specific purposes not for traditional overheads but establish a Joint Reserve Fund for urgent or unplanned activities. (Uruguay)
- Ensure adequate, necessary funding to all Special Procedures on an equal basis. (Qatar)
- Make efforts to find solutions on funding of Special Procedures. (Turkey)

## **F. Other issues**

- Strengthen the independence of Special Procedures as early warning mechanisms through the establishment of a mechanism of at least five Special Rapporteurs to alert the Council on imminent crisis. (Argentina and Chile)
- The Special Procedures has a potential role to play more effectively the early warning mechanism of conflict prevention. In this regard, there is a need to be much more consideration of the conclusion and recommendations of the Special Procedures. (United Kingdom)
- Allow Special Procedures to draw to the attention of the Council, the HC, or of a State, in a preventive manner, to any specific situation which may result in a serious violation of human rights and to recommend courses of action which, as far as possible, promote dialogue and cooperation to overcome the threat. (Peru)
- Special procedures should have the capacity to draw the Council's attention to a particular country situation including the possibility of convening a special session of the Council on this basis to deal with a particular country situation. (Spain)
- Make better use of Special Procedures capacity to serve as an early warning mechanism. A specified number of Special Procedures of the Coordination Committee should be able to call for Special Sessions or Urgent Debates – either to address gross and systematic human rights violations or to initiate preventive action by the Council. (Austria)
- Council should be able to benefit from the work of treaty bodies to an increasing extent, the presentations by the Chair of treaty bodies should deal with areas where there is a need for standardisation or that these have been identified, which will be valuable for illustrating best practices in this process and there should be no questioning of the treaty bodies themselves. (Turkey)
- Strengthen the role of Special Procedures mandate holders as an early warning and prevention mechanism. (Ukraine)

## **III. Advisory Committee and complaint procedure**

### **A. Advisory Committee**

#### **1. General**

- Replace the Advisory Committee by a roster of individual experts available to produce studies mandated the Council (Belgium on behalf of the EU)
- Advisory Committee to continue to serve as a think-tank in accordance with the mandates and directions given by Council as stipulated in paragraphs 65 and 75 of Council resolution 5/1 (Pakistan on behalf of the OIC)
- The Advisory Committee has the potential to play a useful role in providing independent expert input and advice to the Council on all range of human rights issues with improved more diverse membership and more efficient working methods which facilitate communication and constructive interaction among members (Canada)
- Only minimum adjustments are needed to enhance the work of the Advisory Committee (Cuba)

- Abolish the Advisory Committee, which is an expensive and duplicative effort, (United States of America)
- Keep the Advisory Committee as is (Bangladesh)
- Keep the system of appointment of members and the working methods of the Advisory Committee as it stands in the current IB package (Russian Federation)
- Maintain the work and functioning of the Advisory Committee as presently constituted in the IB package (Malaysia)
- Maintain mandate and functions of the Advisory Committee (Islamic Republic of Iran)
- Replace the Advisory Committee by a roster of individual experts available to produce studies mandated by the Council (United Kingdom of Great Britain and Northern Ireland)
- Preserve composition and working methods of the Advisory Committee (China)
- Advisory Committee to continue to serve as a think-tank in accordance with the mandate and direction given by the Council, as per paragraphs 65 and 75 of the IB package (India)
- Maintain the Advisory Committee as is (Saudi Arabia)
- Preserve the Advisory Committee as the Council necessitates a mechanism for the provision of technical thematic advice (Argentina)
- Advisory Committee to continue to serve as a think tank on matters addressed to it by the Council (Venezuela, Bolivarian Republic of)

## 2. Functions

- Ensure that the Advisory Committee provides its expertise only at the request of the Human Rights Council (Pakistan)
- Advisory Committee not to adopt resolutions and decisions (Pakistan)
- Consider empowering the Advisory Committee with a limited right to initiative (Russian Federation)
- Advisory Committee to provide its expertise only on the request of the Council (Islamic Republic of Iran)
- Ensure that the Advisory Committee operates only on the basis of explicit mandates given by the Council to avoid duplication and ensure management, taking into account the Committee's added value as a think tank, which we must preserve (Sri Lanka)
- Advisory Committee to present to the Council possible topics for research (China)
- Advisory Committee to continue to work at the discretion of the Council and not to be given any powers to initiate any study *suo motu* (India)
- Better capitalize on diversity of expertise and increase value-added: Expand the Committee's role on longer-term, cross-cutting, systemic issues, such as coordination and mainstreaming of human rights across UN system, and the integration of gender and disabilities perspectives within the work of the Council (Canada)
- Advisory Committee to identify, for further consideration of the Council, problems and protection gaps in relation to certain thematic issues (Thailand)



- Advisory Committee to work under the direction of the Council; it should not have the mandate to initiate studies; it should be encouraged to recommend thematic issues requiring more study or research for the approval of the Council (Thailand)
- Reorient the Advisory Committee, so as to enhance it with an effective capacity to make specific recommendations (Chile)

### **3. Composition and selection of members of the Advisory Committee**

- Develop a transparent process for the selection of qualified members with a system similar to the one used to select special procedures mandate holders (Belgium on behalf of the EU)
- Establish a roster of experts and apply the same eligibility criteria for the selection of candidates (Belgium on behalf of the EU)
- Only experts assigned for a particular task to be considered as active members of the Committee for the purpose of travel to Geneva (Belgium on behalf of the EU)
- Nominees to the Advisory Committee to be proposed and endorsed by the States from their own region (Pakistan on behalf of the OIC)
- Increase the membership to allow for burden-sharing among its members (Nigeria on behalf of the African Group)
- Envisage different system of nomination of experts, which is similar to the selection process of Special Procedures mandate holders (Greece)
- In order to maintain a system of expert advice as mandated by Council resolution 5/1, consider an ad hoc expert advice based on specific requirements, applying qualification criteria similar to that used in the appointment of Special Procedures (United States of America)
- Appoint experts with recognized competence and experience in the field of human rights, high moral standing, independence and impartiality (Islamic Republic of Iran)
- Consider suggestions aimed at improving the utility of the Advisory Committee through a better selection process of its members (India)
- Appointment system of experts to be the same as the one applied for the appointment of Special Procedures mandate holders, and only for the duration of the project for which they have been selected (Mexico)
- Re-create the Advisory Committee, so that it is composed by experts who are appointed on an ad hoc basis to prepare scientific studies or projects, with a view to reducing costs and ensuring adequate expertise in relation to identified theme (Mexico)
- Revise the appointment system to mirror that of Special Procedures in order to ensure a diverse and dynamic expert membership (Canada)
- Ensure that the Advisory Committee be composed of experts of highest possible expertise in different human rights fields; ensuring age diversity and a variety of academic backgrounds (Argentina)
- Develop an appointment system similar to that used for the appointment of Special Procedures mandate holders (Argentina)
- Develop a new appointment system similar to that applied for the appointment of Special Procedures mandate holders (Chile)

- Maintain the current composition of the Advisory Committee, which respects the principle of equitable geographical representation (South Africa)
- Ensure that Advisory Committee members are considered as independent experts rather than geographical regional representatives of the region to which they belong (Turkey)
- Consider the possibility for all State to present their candidature, not only Member States of the Council, as members of the Advisory Committee (Turkey)

#### 4. Methods of work

- Increase time allocation to Advisory Committee meetings for more in-depth and analytical discussions within the Committee (Egypt on behalf of Non-Aligned Movement)
- Provide adequate secretariat support to the Advisory Committee (Egypt on behalf of Non-Aligned Movement)
- Modalities and annual meeting calendar to provide enough flexibility for providing expert input in a timely manner (Belgium on behalf of the EU)
- Apply more flexible and cost-effective working methods, including the use of technologies, such as teleconferencing, so as to render the Committee's regular plenary sessions unnecessary and redundant (Belgium on behalf of the EU)
- Once the Council would have mandated a study or other form for expert input, the President of the Council would appoint an expert or a group of experts from the roster to carry out his assignment (Belgium on behalf of the EU)
- Increase the time allocated to the Advisory Committee (Pakistan on behalf of the OIC)
- Provide the Advisory Committee with adequate secretariat staff (Pakistan on behalf of the OIC)
- Hold more regular meetings in view of the increasing number of studies being mandated by the Human Rights Council (Nigeria on behalf of the African Group)
- Provide adequate Secretariat support (Nigeria on behalf of the African Group)
- Find ways and means to further strengthen the Secretariat support for the Advisory Committee (Sri Lanka)
- Apply more cost-efficient solution within existing resources and meeting time, by resorting to new technology (Greece)
- Encourage small group meetings within the Advisory Committee according to thematic focus (Greece)
- Encourage increased cooperation with other mechanisms (Greece)
- Fully implement paragraphs 81 and 82 of the IB package, whereby members of the Advisory Committee are encouraged to communicate inter-sessionally among themselves (Philippines)
- Allocate more time to the Advisory Committee and adjust its calendar of meetings so as to enable the Advisory Committee to fully accomplish the tasks it has been mandated to do (Philippines)
- Extend the duration of the Advisory Committee's meetings (Malaysia)
- Provide the Advisory Committee with additional secretariat support (Malaysia)

- Provide the Advisory Committee with sufficient time to conduct its regular sessions (Russian Federation)
- Plan the meetings of the Advisory Committee in such way to allow more time for private meetings and consultations; envisage 5-day public sessions from Wednesday through the following Tuesday to give the experts, in particular the members of drafting groups, to meet in private two days before each session (on Monday and Tuesday) and during the weekend (Morocco)
- Encourage Committee members to consult with each other, to work in drafting groups during the inter-sessional period, and to consult with the relevant co-sponsor of mandates assigned to them, either in private meetings in Geneva or by videoconference (Morocco)
- Avoid duplication of work with other United Nations bodies (Islamic Republic of Iran)
- Elaborate more flexible and cost-effective working methods, including through recourse to remote team work, use of E-mails and teleconference facilities, thus making regular sessions unnecessary (United Kingdom of Great Britain and Northern Ireland)
- Increase meeting time by replacing current one-week sessions with two-week sessions (China)
- Provide the Advisory Committee with adequate secretariat support (China)
- To improve time and resource efficiency:
  - Reduce the annual meeting schedule to one 5-day session
  - Revise working methods to give more time for closed working meetings of the Committee
  - Adopt IT solutions to enhance inter-sessional communication between members (Canada)
- Extend the Advisory Committee's meeting time, in order to allow member States and observers to interact in the best possible way with the Advisory Committee (Saudi Arabia)
- Increase meeting time and consider holding one longer session per year instead of two (Chile)
- Increase Secretariat support provided to the Committee (Chile)
- Provide the Advisory Committee with adequate support (South Africa)
- Increase the meeting time for the Advisory Committee (South Africa)
- Maintain methods of work of the Advisory Committee, including two sessions for a maximum of 10 working days per year so as not to place a heavier burden on the programme of work of the Council (Thailand)
- Encourage members of the Advisory Committee to communicate between sessions, and submit proposals for additional ad hoc sessions for the Council's consideration, as and when needed, in accordance with the IB package (Thailand)
- Increase meeting time, as well as resources and Secretariat support (Venezuela, Bolivarian Republic of)

- The Secretariat to provide technical support for the smooth running of the sessions of the Committee, the timely issuance of all relevant documentation and the regular updating of the website (Bolivia, Plurinational State of)
- Issue a compilation of all thematic work undertaken by the Committee (Bolivia, Plurinational State of)
- Increase meeting time from 5 to 7 days for each session of the Committee, while developing technology for inter-sessional teleconferencing (Bolivia, Plurinational State of)

## **5. Relationship with the Human Rights Council**

- Clearer mandate to be provided by the Council, specifying needs for research and advice (Belgium on behalf of the EU)
- Bureau of the Council to propose the agenda for experts based on the requests stemming from resolutions and decisions of the Council (Belgium on behalf of the EU)
- Involve members of the Committee in various panels organized by the Council (Nigeria on behalf of the African Group)
- Establish interaction with States, among others, in accordance with the modalities of the Council, for example in the form of informal meetings between interested states and the members of the Advisory Committee (Philippines)
- Advisory Committee to have the possibility to report to the Human Rights Council after each of its session so as to keep the Council updated of the status of the tasks and themes assigned to it (Morocco)
- Enhance interaction between Member States and the Advisory Committee (Islamic Republic of Iran)
- Strengthen the interaction between the Advisory Committee and the Human Rights Council; invite Committee members to attend panels organized by the Council (China)
- Human Rights Council to provide the Committee with clearer and more focused mandates (Chile)
- Hold regular debates between the Council and the Committee by inviting experts to seminars, panels and dialogues held by the Council (Chile)
- Enhance Advisory Committee role and functions by encouraging States to make full use of its expertise (Thailand)
- Invite at least one member of the Committee to attend, on a rotation basis, all sessions of the Council (Bolivia, Plurinational State of)

## **B. Complaint procedure**

### **1. General**

- Abolish the Complaint procedure so as to favour other mechanisms, which deal with victims with transparency, impartiality, equality and efficiency (Mexico)
- The Complaint Procedure has a critical role in allowing victims of gross human rights violations direct access to the Human Rights Council (Canada)

- The functioning of the Complaint Procedure to date has been entirely ineffective, which has seriously undermined the credibility of the mechanism and the Council itself (Canada)
- The Review provides an opportunity to strengthen the functioning of the Complaint Procedure, including by revamping the selection process for members and improving the efficiency of its structures and procedures (Canada)
- Reallocate the budget of the Complaint procedure so as to strengthen the capacity of Special Procedures to deal with individual complaints (Mexico)
- Address the complaints currently under consideration by the Complaint procedure to the pertinent mechanisms (Mexico)
- The complaint procedure requires urgent modifications and improvement, in particular admissibility criteria should be clarified, as well as the current arrangements of the two working groups should be changed (Poland)
- Render the Complaint procedure accessible and genuinely operational (Switzerland)
- Ensure the efficiency, relevance and independence of the Complaint Procedure (Sweden)
- Improve the Complaint Procedure which is at present not working (Ireland)

## **2. Scope and architecture of the complaint procedure**

- Preserve current composition of the two Working Groups, which ensures proper and comprehensive consideration at both the expert and intergovernmental levels. (Egypt on behalf of NAM)
- Expand the scope of the procedure to also include “gross and reliably attested violations of all human rights and all fundamental freedoms”, further to the proposal by Switzerland on “emerging patterns of violations”. (Belgium on behalf of the EU)
- Present to the Council an exhaustive report on all the cases considered under the complaint procedure, including the ones rejected as inadmissible, discontinued or kept under review by the Working Group on Communications. (Belgium on behalf of the EU)
- Strengthen the Working Group on Communications and abolish the Working Group on Situations. (Belgium on behalf of the EU)
- Nominate members of the Working Group on Communications by the President of Council, on the basis of the advice of the Consultative Group, from a roster of experts. (Belgium on behalf of the EU)
- Retain the system of two working groups (one composed of experts and the second – of representatives of the regional groups, members of the HRC); the Working Group on Communications to continue examining admissibility of communications and report to the Working Groups on Situations; the Working Group on Situations to continue proposing measures to be taken by the HRC. (Pakistan on behalf of the OIC)
- Retain the mechanism and its structure of two working groups. (Nigeria on behalf of the African Group)
- Maintain the procedure as established in Council resolution 5/1. (Cuba)
- Ensure that the working groups compile a complete report of all the cases considered under the complaint procedure, cases forwarded to States for response, and

dismissed/discontinued cases, or cases kept under review by the Working Group on Communications, for submission to the Council. The Report to equally include an Appendix listing all complaints deemed inadmissible prior to engaging a State, including the State involved and the unmet criteria (e.g. failure to exhaust domestic remedies, facts do not amount to a violation, not reliably attested). (United States of America)

- Keep the Complaint procedure as is and retain the two Working groups' system. (Bangladesh)
- Extend the scope of the procedure to also include the emerging trends of human rights violations, in addition to what is already stated in the institutional package under paragraph 85. (Switzerland)
- Merge the two working groups into one new Working Group, to fill the mandate of the Working Group on Situations and the Working Group on Communications. (Switzerland)
- Consider having the new Working Group composed of independent experts, such as former treaty body members, former Special procedures' mandate holders, members of National Human Rights Institutions, and other categories of experts. (Switzerland)
- Recognize that the IB package envisages a multi-stage and multi-track process in providing victims with avenue to address grievances or allegations of human rights violations which includes but is not limited to the complaint procedure. (Malaysia)
- Keep the Complaint procedure in its present format, in particular its two working groups. (Russian Federation)
- Bear in mind that the Complaint procedure's aim must be not at punishing particular States but at revealing tendencies on human rights violations and at repairing the situation in cooperation with the concerned States. (Russian Federation)
- Consider that, if it communications are to be able to be examined under item 4 of the agenda, this should not be interpreted as a departure from IBP. (Russian Federation)
- Maintain the Complaint procedure. (Morocco)
- Maintain the Complaint procedure as it is. (Islamic Republic of Iran)
- Restructure the Working Group on Communications and abolish the Working Group on Situations. The working Group on Communications should be wholly separated from the HRC Advisory Committee. (United Kingdom)
- Give the Human Rights Council's President a role in nominating the members of the Working Group on Communications from a roster of experts, in order to create a more transparent and streamlined process to ensure that legitimate complaints are heard. (United Kingdom)
- All cases considered, including those inadmissible, discontinued, or kept under review, to be reported to the Human Rights Council and the grounds for such decisions to be published. (United Kingdom)
- Preserve the Working Group on Communications and the Working Group on Situations. (China)
- Retain the Complaint procedure whilst exploring the possibility of streamlining its functioning. (India)

- To increase independence, efficiency and responsiveness: Eliminate the Working Group on Situations and merge its functions into those of the Working group on communications. (Canada)
- To expand the range of possible measures for action:
  - Provide for the appointment of an independent expert, within the confidential process, to report on follow-up to a complaint
  - Provide for the adoption of conclusions and recommendations to the State concerned, including a general (public) section and a case specific (confidential) section (Canada)
- To increase transparency of functioning:
  - Provide regular and timely (public) reporting to the Council on all cases received, including the rationale for the actions taken (or for dismissal)
  - Prepare an annual (public) summary report containing aggregated data on the outcome of the cases received and considered (Canada)
- Improve the Complaint Procedure to ensure it adequately addresses violations brought to its attention. Extend the competence of the Complaint procedure so as to enable it to consider “emerging patterns of grave human rights violations”. (Argentina)
- Replace the two existing working groups with a single group, to be composed of five experts. (Argentina)
- Issue a complete study of all cases considered, including those considered as inadmissible, those rejected and those kept under review. (Argentina)
- Maintain the Complaint procedure in order to be able for the Council to address such gross and systematic human rights violations. (Thailand)
- Maintain two separate working groups, given their specific separate responsibilities. (Thailand)
- Promote strongly the principles of transparency and impartiality in the work and functioning of the Complaint procedure. (Thailand)
- Maintain the Complaint procedure. (Venezuela, Bolivarian Republic of)

### **3. Composition, mandate and powers of working groups**

- Respect the principle of equitable geographical representation to the composition of the two Working Groups (Pakistan on behalf of the OIC)
- Nominees to the Working Group on Communications to be appointed by each regional group from the members of the Advisory Committee, while nominees to the Working group on Situations should be appointed by each regional group from the HRC membership (Pakistan on behalf of the OIC)

### **4. Modalities**

- Retain the confidential nature of the Complaint procedure. (Egypt on behalf of NAM)
- Uphold non-duplication between the functioning of the Complaint procedure and other human rights mechanisms, and avoid simultaneous consideration of cases under the confidential and public procedures. (Egypt on behalf of NAM)

- Seek measures to ensure and reinforce adherence to the admissibility criteria, set up in paragraph 87 of the IB package. (Egypt on behalf of NAM)
- The confidentiality of the procedure as stipulated in paragraph 86 should strengthen the cooperation with the concerned State while protecting the complainant. Like OHCHR, we feel that further reflection is required whether the confidentiality clause best serves the needs of victims. In practice, it unduly limits the Council's ability to respond to the needs of victims and ensure redress. For us, the solution is to limit the confidentiality clause of paragraph 86 to the work of the Working Group on communications. (Belgium on behalf of the EU)
- Enable the Complaint procedure to deal with a specific case even if a country is being dealt with by a special procedure, a treaty body or other United Nations or similar regional complaints procedure as long as the latter does not specifically address the case. (Belgium on behalf of the EU)
- Retain the confidentiality of the Complaint procedure. (Pakistan on behalf of the OIC)
- Uphold strictly non-duplication with other human rights mechanisms. (Pakistan on behalf of the OIC)
- Follow strictly the admissibility criteria, as defined by paragraph 87 of HRC resolution 5/1 while undertaking initial screening of communications. (Pakistan on behalf of the OIC)
- Maintain the confidentiality of the mechanism with a view to enhancing cooperation with the State concerned. (Nigeria on behalf of the African Group)
- Ensure that communications before the Complaint procedure are not already being examined by other Council mechanisms. (Nigeria on behalf of the African Group)
- Maintain the confidentiality of the Complaint procedure. (Cuba)
- Respect the principle on non-duplication, including through a better internal coordination within OHCHR, so as to prevent the same case from being dealt with at the same time by other public mechanisms. (Cuba)
- Clarify what is meant in operative paragraph 87(f) of Human Rights Council resolution 5/1, which provides that, in order for a complaint to be admissible, it must not "refer to a case ... already being dealt with by a special procedure, a treaty body or another United Nations or similar regional complaints procedure in the field of human rights". This rule of non-duplication applies to other specific complaint mechanisms of international organizations and not to public consideration of human rights situations by the Human Rights Council. (United States of America)
- The Council's consideration of a specific case under the confidential individual complaint procedure does not prevent the Council or the Special Procedures from addressing publicly a situation involving the same country that is the subject of the specific complaint. Similarly, the fact that the Council is considering publicly a situation concerning a country does not prevent it from taking up an individual complaint under the confidential procedure. (United States of America)
- Ensure that the Working Group on Communications filters more effectively complaints by applying stricter scrutiny of admissibility criteria, so that the Working Group forwards only serious and well-supported complaints to States. (United States of America)
- Increase transparency, by making the Complaint procedure public at an earlier stage; do it automatically, if States fail to respond after a certain delay or if the reply is



considered by the Working Group on Communications to be a formalistic and non-responsive one; alternatively, render it possible for the Working group on Communications to make the complaint public once it has considered that a case is admissible and has advanced the complaint to the Working Group on Situations. (United States of America)

- Envisage making a case public after the Working Group on Situations has transmitted a complaint to the Human Rights Council). (United States of America)
- Keep the Complaint procedure's confidential nature. (Bangladesh)
- Ensure that admissibility is based on sufficient grounds to satisfy that (a) complaints are not politically motivated and (b) existing mechanisms of the country concerned have been exhausted. (Bangladesh)
- Maintain the admissibility criteria for complaints as they stand now, but have the communications examined by a new single Working group, thus eliminating one non-useful filter. (Switzerland)
- Maintain the confidential nature of the procedure, provide that the Human Rights Council receives an exhaustive report on all cases considered under the Complaint procedure, including those rejected as inadmissible, those discontinued, and those kept under review by the new Working Group. (Switzerland)
- Improve the technical capacity of the Secretariat in order to provide information on the documentation in a smooth and adequate manner, in particular the replies from States, along with their translation. (Colombia)
- Envisage that both the Working Group on Communications and the Working Group on Situations have a dialogue with the concerned State before deciding on cases. (Colombia)
- Ensure, in order to avoid duplications, that the Secretariat provides information as to whether the case is already being dealt with by other United Nations or regional procedures. (Colombia)
- Revisit, and where appropriate change, the current administrative arrangements, which appear discriminatory to State representatives before the Council under the Complaint Procedure. (Malaysia)
- Make sure that the Secretariat does respect strictly the confidentiality of the Complaint procedure and does not transmit excerpts of the communications to other UN entities. (Russian Federation)
- Ensure better coordination between the Complaint procedure and other procedures of the Council, in order to avoid duplication. (Morocco)
- Keep the confidentiality as the fundamental principle of the Complaint procedure. (Islamic Republic of Iran)
- Uphold strictly the principle of non-duplication with other human rights mechanisms by mandating OHCHR to ensure a better internal coordination. (Islamic Republic of Iran)
- Follow strictly the admissibility criteria for communications, as defined in paragraph 87, for initial screening of communications. (Islamic Republic of Iran)
- Limit the confidentiality clause to the initial stages of the Working Group on Communications and subject to genuine engagement of the States concerned. (United Kingdom);

- Allow the Complaint procedure to deal with specific cases even if issues involving the State concerned are being dealt with in more general terms by a special procedure, a treaty body, or other UN or regional complaints procedure. (United Kingdom)
- Make it possible to have reopened every communication, if evidence is brought to the attention of the Working Group on Communications showing that the original communication has not been resolved. (United Kingdom)
- Maintain the confidential nature of the Complaint procedure, which is very important to its functioning. (China)
- Retain the confidential form of the Complaint procedure, but consider exploring suggestions on the streamlining of its functioning so long as the elements of States' involvement in the process is retained. (India)
- Revise the appointment system to mirror that of the Special procedures. (Canada)
- Avoid duplication between the work of the Complaint procedure and other HRC procedures. (Saudi Arabia)
- Avoid politicisation. (Saudi Arabia)
- Base admissibility to serious systematic human rights violations. (Saudi Arabia)
- Retain the confidentiality of the procedure. (Saudi Arabia)
- Preserve the current admissibility criteria. (Argentina)
- Keep the confidential nature of the Complaint procedure. (Argentina)
- Keep the confidential nature of the Complaint procedure in accordance with the victim-based approach, and in order to enhance cooperation with the procedure, especially from States. (Thailand)
- Consider ways to reduce duplication of work between the procedure and other mechanisms. (Thailand)
- Keep informed at all stages of the procedure both the author of the communication and the State concerned. (Thailand)
- Convey in a clear and a timely manner to all parties concerned the reasons for either admitting or dismissing a case by the Working Group on Communications in order to enhance the transparency of the process. (Thailand)
- Preserve the procedure's confidential nature. (Venezuela, Bolivarian Republic of)
- Avoid duplication with other mechanisms. (Venezuela, Bolivarian Republic of)
- Maintain fluid dialogue with the country concerned. (Venezuela, Bolivarian Republic of)

### **C. Other subsidiary bodies**

- Allocate significantly less meeting time to the Social Forum given the limited attendance of and lack of dialogue during its sessions. (Belgium on behalf of the EU)
- The EU believes the Council should assess the functioning and effectiveness of the HRC expert fora and in particular the Social Forum. The EU believes that the lack of transparency and consultation over the focus of the Social Forum is a concern and not in line with the spirit of the HRC. (Belgium on behalf of the EU)

- Ensure that the Expert Mechanism on the Rights of Indigenous Peoples avoid, to the extent possible duplication with the work of the Special Rapporteur and the Permanent Forum on Indigenous Issues; and encourage its members to communicate more inter-sessionally in order to optimize their meeting time. (Philippines)
- Assess the functioning and effectiveness of other HRC expert forums in the context of the review, in particular the Social Forum and seriously consider looking at the viability of continuing this Forum. (United Kingdom)

## **IV. Agenda and framework for a programme of work**

### **A. Agenda**

- Maintain the agenda as is. Preserve the extremely delicate balance that the agenda of the HRC represents. (Egypt on behalf of the NAM)
- Preserve the agenda in its current form. (Pakistan on behalf of the OIC)
- Maintain the 10-item agenda structure, which provides opportunity for all human rights issues to be discussed in the Council's framework. (Nigeria on behalf of the African Group)
- Reject any attempt to change the current format of the agenda. (Islamic Republic of Iran)
- Preserve the agenda of the HRC. (Egypt)
- Preserve the delicate balance of the agenda as enumerated in the IB package. (Bangladesh)
- Reinforce the effectiveness of the HRC, particularly through reviewing its agenda. (Bangladesh)
- Preserve the agenda. (Sri Lanka)
- Do not reopen or change the agenda or the PoW. (Morocco)
- Maintain the current agenda. (India)
- Not in a position to accommodate any attempt to reopen the current agenda, with possible polishing of the Programme of Work, if need be. (Algeria)
- Opposes any attempt to delete, modify or dilute agenda item 7. (Algeria)
- Retain the current agenda. (Malaysia)
- No merging of agenda items. (Malaysia)
- Retain the current agenda. (Libyan Arab Jamahiriya)
- Preserve the agenda. (Viet Nam)
- Reject amendment of agenda or any of its items, particularly item 7 which is a thematic issue. (Syrian Arab Republic)
- Undesirable to reopen the segment of the Agenda and Programme of Work of the institution building package. (South Africa)
- Do not support proposal to merge agenda items, particularly agenda items 7 and 9. If agreement cannot be reached, President to address letters to various Heads of State and Government inviting them to agree to the purging of these agenda items from

the PoW of the Council. Such request to be accompanied by a specific timeline within which the Heads of State and Government should respond to the President's recommendation. (South Africa)

- Maintain the present agenda and framework of the PoW. (China)
- Keep the institution building package and the agenda as they stand. (Bahrain)
- Confirm the agenda and the framework for the annual PoW as mentioned in resolution 5/1. (Lebanon)
- Preserve the agenda and framework for the programme of work. (Azerbaijan)
- Preserve the established agenda. (Venezuela)
- Maintain current agenda. (Saudi Arabia)
- Maintain existing agenda. (Thailand)
- No changes to agenda and PoW. (Russian Federation)
- Maintain agenda in its current shape without any change. (Yemen)
- Simplify the agenda of the HRC. (United Kingdom)
- Review the agenda. (Australia)
- Correct current imbalances in the HRC's agenda. (Canada)
- Consider the US proposal of grouping items 4, 7, 10 as well as items 3 and 9. (Belgium on behalf of EU)
- To enhance efficiency, avoid overlap/duplication/selectivity and improve flexibility:
  - Combine agenda items 3, 8, 9 – Thematic HR Issues
  - Combine items 4, 7, 10 – Country related HR issues. (Canada)
- Rationalize the Council's agenda and make it more predictable. (United States of America)
- Rationalize treatment of country situations by combining items 4, 7 and 10. Grant 10 minutes for each intervention under this new item. (United States of America)
- Cluster certain agenda items and/or spread out the ten items among the regular sessions so that they will all be discussed at least once a year. (Japan)
- Increase time allotted to item 4. (Israel)
- Create new agenda item on "best practice in human rights", to showcasing positive human rights stories and best practices that might act as incentives for States to follow-suit. (Maldives)
- Retain the general debate on item 6 in all regular sessions. (Norway)
- Consider redistribution of agenda items; consider each agenda item at least once a year. Item 6 could be considered only once at the September session. (Thailand)
- Remove agenda item 7 from the agenda, so as to allow all country situations to be considered under agenda item 4. (Israel)
- Keep Palestine on the agenda until the conflict is resolved. (Maldives)
- Retain agenda item 7 as defined in the relevant resolution "till the end of occupation". (Palestine)

- Include, under agenda item 9, a new sub-item related to the follow-up to the outcome of the Durban Review Conference. (Algeria)
- Broaden item 9 to the consideration of issues related to non-discrimination. (France)
- The implementation of human rights obligations and follow-up are also set out in OP 5(d) of resolution 60/251. It is our assessment that this all-important focus on implementation and follow-up needs more room in the Council's deliberations, possibly in the form of a separate agenda item. (Austria)
- The EU notes with interest the questions raised about the utility of having each general debate at each session, especially for those agenda items where we have interactive dialogues. (Belgium on behalf of the EU)

## **B. Framework for a programme of work**

- Devote a half day panel, under agenda items 1 or 3, at least once a year, to interact with heads of UN agencies and funds on specific human rights themes with the objective of addressing related issues requiring further coordination or mainstreaming system-wide; OHCHR, in its capacity of Secretariat of the HRC, to prepare the required documentation for the panel; the outcome of the panel to be in the form of a negotiated consensus Presidential Statement. (Algeria)
- Include element of mainstreaming in item 2 by having an annual panel with heads of UN organizations. (Belgium on behalf of EU)
- Include mainstreaming of human rights throughout the UN system under agenda item 2, as well as the regular dialogue with the HC. (United Kingdom)
- Consider the possibility of including an element of mainstreaming under item 2, including by having an annual panel with heads of different UN agencies. (France)
- Add sub-item in item 3 entitled "Mainstreaming of human rights within the UN system, interrelation of human rights and rights thematic issues". (Norway)
- Include, under agenda item 3, a sub-item related to "the right of peoples to self-determination". (Algeria)
- Under item 4, have an expert group established by the President to carry out fact-finding missions established at short notice. (Spain)
- Support the proposal that discussion under agenda item 4 should be divided into five regional segments. (Africa, Asia, Western Europe and Others, Latin America and Caribbean Countries, and Eastern Europe). (Ghana)
- Devote a half day panel under item 5 once a year for the discussion of instances of reprisals, including the SG's annual report on reprisals. States mentioned in the report of the SG on reprisals should be required to report regularly to the Council on measures taken to investigate allegations and hold perpetrators to account. (Norway)
- Include follow-up more explicitly in item 8. (Belgium on behalf of EU)
- The agenda should better incorporate the need to consider follow-up and implementation of HRC initiatives and international human rights law, and we propose that the current agenda item 8 be expanded to include this more explicitly. (United Kingdom)
- Include, under agenda item 9, a sub-item related to the follow-up of the outcome document of the Durban Review Conference. (Algeria)

### C. Annual and sessional programme of work

- The current burden of work in the HRC makes it difficult for States and other actors to follow closely the development of its activities. There must be a will to optimize the time of meetings and to rationalize activities of the Council and resolutions with the aim of achieving more efficiency and quality in the objectives of protection and promotion of human rights. (Costa Rica on behalf of GRULAC)
- Rationalize the PoW and render it more manageable and avoid duplication throughout the annual cycle. (Egypt on behalf of the NAM)
- Rationalize the annual PoW to avoid duplication and repetition of items. (Nigeria on behalf of the African Group)
- Rationalize the PoW to lessen overload of work for delegations and to avoid duplication and repetition throughout the annual cycle. (Pakistan on behalf of the OIC)
- Announce the HRC PoW as far as possible in advance. (Australia)
- Rationalize the PoW. (Islamic Republic of Iran, Switzerland, Sri Lanka)
- Identify adjustments in the HRC programme or work. (Timor-Leste)
- Need to streamline the HRC programme of work. (Philippines)
- The HRC is also a forum for dialogue, guided by the principles of universality.
- Cluster and/or spread the ten agenda items among the regular sessions. (Japan)
- Agenda items and thematic debates to be discussed once a year and there should be appropriate programming within PoW. (Guatemala)
- Regroup thematically related matters by session in the annual PoW. (Morocco)
- Streamline the organization of the Council's work including regular discussions on the annual PoW. (Malaysia)
- Better use of the organizational meetings to plan and prepare HRC sessions and possible rationalization of the PoW to avoid duplication and repetition. (Malaysia)
- Support idea of more effective distribution of workload between sessions, one session devoted to UPR. (Russian Federation)
- Streamline the agenda by introducing a separate session for the UPR. (Moldova)
- All parties to comply with agenda and PoW, and when discussion individual items questions not to be raised which have nothing to do with agenda item. (Russian Federation)
- Closer control and distribution of time within the sessions, allotting time to NGOs shall not occur at the expense of reducing time available for State interventions. (Russian Federation)
- Reduce workload of the Council. (Ghana)
- Need for a more predictable annual PoW, i.e. the Council should annually decide on its PoW and not immediately prior to its sessions. (South Africa)
- Merit in timely decisions on the annual PoW, and to designate a session for a specific set of rights for deliberation at that session (civil and political rights or economic, social and cultural rights session). (South Africa)
- Reorganize the PoW. (Cuba)

- Better streamline the agenda of the Council throughout the year so as to ensure more in-depth discussions on certain important issues. (China)
- Rationalize the POW and agenda and ensure more reasonable and rational management of time and ease the workload, by for example spreading agenda items across sessions. (Spain)
- Make the POW balanced and predictable, by leaving necessary margins to deal with urgent situations. (Spain)
- Restructure the programme of work in order to ameliorate the efficiency of the HRC, with a more balanced agenda, allowing it to address urgent situations. (Chile)
- Adjust the programme of work of the HRC in order to efficiently allocate more time to discuss important and urgent issues. (Thailand)
- Review and streamline the Annual Agenda to avoid repetition over the course of the year. (Maldives)
- Rationalize the PoW. (Azerbaijan)
- Rationalize the calendar and PoW to make them more predictable. (United States of America)
- Rationalize the annual PoW by avoiding duplications and overlaps and reducing heavy burden on delegations. (Saudi Arabia)
- Reallocation of HRC's agenda items, so that they do not need to be considered at each session. (Switzerland)
- Make available on OHCHR website at the beginning of each Council year the annual PoW with approximate dates of consideration of items and issues. (Norway)
- Make available on OHCHR website the PoW for a session at least six weeks before a session. (Norway)
- When considering options, the EU will, inter alia, assess the impact on the participation of non governmental stakeholders in the work of the Council. The specific challenges for small delegations, as well as the financial and other practical implications of certain options should be taken into account. (Belgium on behalf of the EU)

#### **D. Calendar of sessions**

- Three sessions of 10 weeks; 1st session of 5 weeks in February/March to discuss all agenda items except item 6; 2nd session of 3 weeks in June to discuss all agenda items except item 6; 3rd session in September/October dedicated to the adoption of report of the UPR working group and the general debate under agenda item 6. (Egypt on behalf of the NAM)
- Continue to meet for ten weeks – two main sessions to be convened, each of a 4 weeks duration, the first being in February/March and the second in September/October. (Nigeria on behalf of the African Group)
- Consider NAM proposal of devoting a third session exclusively to item 6. We would have to see, however, how to relate this once a year UPR outcome session to the three annual sessions of the UPR working group. (Belgium on behalf of the EU)
- Continue to meet in 3 sessions for 10 weeks per year; dedicate 2 sessions in March and September to all agenda items but item 6; dedicate the third session to the

adoption of UPR report and the general debate under item 6 in June. (Islamic Republic of Iran)

- Maintain 3 annual regular sessions, including a main session, for no less than 10 weeks. (Norway)
- Short of the Council being a permanent body, maintain at least 3 regular sessions per year. (Maldives)
- Maintain 3 annual sessions with 10 weeks a year. (Venezuela)
- Maintain 3 sessions a year for no less than a total of 10 weeks. (Thailand)
- Maintain the current number of sessions. (Azerbaijan)
- Consider reducing the duration of some sessions, thus optimizing the length of time and reducing costs. (Paraguay)
- Streamline the sessions of the Council. (Lebanon)
- Introduce improvements in the periodicity of the HRC's work. (Tunisia)
- Reduce the number of sessions taking into account the proposals made. (Peru on behalf of Chile, Paraguay and Colombia)
- Reduce Council sessions to two sessions per year. (Guatemala)
- Better distribute activities throughout the year and one regular session for each half year (March/September). (Brazil)
- Eliminate one of the sessions. (Turkey)
- Consider rationalizing the periodicity and duration of sessions. (Bangladesh)
- Reduce the number and/or length of regular sessions. (Japan)
- Arrange the annual calendar of sessions in a manner which allows sufficient time between two meetings. (Morocco)
- Re-arrange meeting schedules, particularly HRC sessions, to provide sufficient time for the thorough reading of documents. (Indonesia)
- Support the proposal of two annual sessions in March and June. (Libyan Arab Jamahiriya)
- Hold 2 sessions in February/March and June to discuss all agenda items except agenda item 6 and a third session dedicated to the adoption of UPR reports and the General Debate under item 6 in September/October. (Pakistan on behalf of the OIC)
- Hold 2 sessions to discuss all agenda items, with the exception of item 6 on the UPR process, which would be the focus of a third dedicated session. (Indonesia)
- Hold 2 sessions of 4 weeks in February/March with a HLS and in September. (Morocco)
- Hold 2 instead of 3 sessions a year, of 4 weeks each. Adoption of UPR reports to be separated from regular sessions. (Philippines)
- Hold 2 substantive sessions a year for 8 weeks in total and use remaining time for UPR adoptions, either in September to adopt UPR outcomes, or hold formal sessions for 3 days after each UPR WG to adopt the outcome of previous working groups. (United Kingdom)
- Hold 2 sessions each of 4 weeks and a third session for the general debate under item 6 and the adoption of UPR outcomes. (Syrian Arab Republic)



- Consider Mauritius proposal of having two sessions of four weeks and link the consideration of UPR outcome to WG sessions. (Belgium on behalf of EU)
- Hold 2 main 4 weeks sessions per year in February/March and September/October; three sessions of a 2,5 days for adoption of UPR WG reports immediately after the end of UPR WG; a mini session of 2,5 days in June for consideration of the annual HRC report to the GA or one or two specific issues and follow up actions or decide on a yearly human rights theme. (Mauritius)
- We favour proposals to streamline the sessions to allow for 2 substantive sessions a year for 8 weeks in total. The remaining time could be used for UPR adoptions with the HRC meeting either in September to adopt UPR outcomes or convening in formal session of 3 days after each UPR working group to adopt the outcome of the previous working groups. The UN General Assembly considers human rights issues in autumn of each year so there is no protection gap in the UN system, if the HRC were to convene in 2 sessions in spring and summer. (United Kingdom)
- In order to free up the time necessary to hold such regular briefing sessions, the June-session and the September-session of the Council should be shortened to two weeks each. This could free two weeks that we could consider using for a new distribution of meeting time for the Council. (Austria)
- Around one week could be used for holding dedicated sessions for the adoption of the UPR outcome reports, as proposed by Mauritius. These sessions could also be used for mid-term reporting or voluntary presentations of States on the implementation of their UPR recommendations. (Austria)
- The other week gained should be used for briefing sessions, distributed in accordance with the PoW throughout the year. This would enable the Council to discuss emerging human rights developments throughout the year. (Austria)
- Hold only 2 regular sessions a year. The additional time available following suppression of the HRC September regular session could be devoted to an UPR session in September, which could be used in particular to adopt final reports and may be to mini-sessions. (France)
- Establish one, higher profile main session of 4 to 6 weeks in March for general debates under each agenda item and the negotiation and adoption of all recurring resolutions. (Canada)
- Two sessions of 4 weeks relating to all agenda items but item 6; redistribute the remaining time of 2 weeks to the adoption of UPR report (of the previous working group session) after the working group sessions and enhance the duration of the UPR for each SuR. (Brazil)
- Reorganize the HRC sessions in a more efficient manner, i.e. the ten weeks of session should be distributed in a manner that would yield the best results. (Argentina)
- Hold a mini-session of two and half days in June to focus on the consideration of either the annual HRC report to the General Assembly, or one or two specific issues and follow-up actions as may be necessary, or decide on a yearly human rights theme. (Nigeria on behalf of the African Group)
- Combine UPR and the general debate under item 6 in one session. Except item 6, all other items can be dealt with in 2 sessions. (China)
- Hold two main sessions of 4 weeks, with the remaining third session of 2 weeks dedicated to the adoption of UPR WG reports. (India)

- Hold “UPR adoption sessions” at the end of each UPR WG for the adoption of UPR reports from the past WG session. (Canada)
- Envisage convening 2 UPR working group session per year reviewing 24 States on the basis of the ongoing modalities. (Brazil)
- Hold two sessions of 5 and 3 weeks in February/March and June. A further two weeks sessions would not examine item agenda 6 nor proceed to the adoption of UPR reports. (Algeria)
- Dedicate the third session of the HRC in September/October to the adoption of UPR WG reports and the general debate under item 6. (Sri Lanka)
- Hold 3 sessions of a period of 2,5 days immediately after the end of UPR WG sessions exclusively for the adoption of the reports of countries reviewed in the previous WG. (Nigeria on behalf of the African Group)
- Convene at the end of each UPR WG, a formal session to adopt the UPR reports considered at the previous UPR Working Group. (Maldives)
- Hold 3 UPR sessions of 9 days after each WG session to adopt the final reports of the countries reviewed in the previous WG. (Morocco)
- Hold one session to adopt reports of UPR WG. (Cuba)
- Consider holding short sessions immediately after the WG on UPR. (Algeria)
- Schedule 3 HRC plenary sessions per year for the consideration of UPR outcome. These sessions should last for no more than 3 days and take place immediately after the UPR WG. These sessions come in addition to the existing 3 regular sessions. (Norway)
- Consider NAM proposal of devoting a third session exclusively to item 6. (Belgium on behalf of EU)
- Organize several shorter HRC sessions (3–5 days each) attached to UPR adoption session focussed on emerging/ongoing human rights situations, follow-up to issues from the main session and various cross-cutting thematic issues (e.g. panels and joint interactive dialogues), with only one general debate to address all agenda items. (Canada)
- Hold 2 mini-sessions of one day of procedural nature, one on 18 June marking the end of the HRC cycle to formally adopt the annual report to the GA and one on 19 June to mark the beginning of the new cycle, to elect the new President and members of the Bureau and to adopt the annual PoW. (Morocco)
- Hold monthly mini-sessions, including on follow-up, and yearly thematic issues. The mini or briefing sessions should contain updates by the HC on any emerging human rights issues in a non-selective way, panel debates on thematic issues, briefings by special procedures, other UN agencies or organizations, and also focus on follow-up to special procedure reports, including on country visits. (Austria)
- Hold monthly mini-sessions called by the President of approximately two days each on specific topics. (United States of America)
- Formats of mini-sessions should draw from tools in the IB package, including briefings, open-ended meetings, panel debates, seminars and roundtables. (United States of America)
- Cannot support monthly sessions. (Cuba)

- Hold one Council session annually in each region on a rotational basis, noting the importance of raising awareness of the general public on the works of the HRC, as well as the need to enhance the participation and constructive contribution of relevant stakeholders from developing countries, including national human rights institutions and civil societies. (Indonesia)
- Increase the visibility of the Council by holding the main March session, on special occasions, in NY or in other UN headquarters or in a developing country. (Algeria)
- Geneva to remain the meeting place for all regular and special sessions. (Cuba)

## **V. Methods of work and rules of procedure**

### **A. Debates, dialogues and panels**

- Strictly prevent referring to the names of countries and human rights country situations under agenda items other than item 4. (Islamic Republic of Iran)
- Organize various thematic debates in order to allow more time for interactive debates. (Morocco)
- Avoid clustered interactive dialogues by providing 1h30 to 2h to individual debates with each special procedure. (Morocco)
- Discontinue the current clustering arrangement of interactive dialogues with Special Procedures. (Algeria)
- Give more time to IDs with Special Procedures. (Cuba)
- Avoid clustering of IDs. (Cuba)
- Allow more time for dialogue with special procedures and end clustering of interactive dialogues; spend less time in general debates. (United Kingdom)
- Allocate more time for dialogues with special procedures and deal with the dialogues individually and not grouped them in a cluster. (Spain)
- Expand time and de-cluster IDs with SP. (Belgium on behalf of EU)
- Increase time of interactive dialogues with Special Rapporteurs. (Moldova)
- End the clustering of dialogues with the special procedures. (Lebanon)
- Expand time of IDs with SP, through for example, the establishment of monthly mini-sessions and require more advance notice of these dialogues. (United States of America)
- Strengthen Council interaction with SP, extend duration of IDs with SP. (Norway)
- Increase time for dialogues and debates on topical international issues which have a direct impact on the enjoyment of human rights, including the right to development. (Viet Nam)
- Shorten or re-organize general debates, organize panels, reorganize meetings more efficiently. (Argentina)
- Re-organise the interactive dialogues with Special Procedures mandate holders so that the topics discussed are related and to allow for a genuine exchange between States and mandate holders. (Argentina)

- Contain/limit the debates in the Council on the mandates in order to avoid that they outweigh issues of substance but also to avoid their anarchic proliferation and their duplication. (Algeria)
- Avoid holding parallel meetings. (Viet Nam)
- Consider devoting a half day panel at least once a year to interact with Heads of UN agencies on specific human rights themes; OHCHR to prepare required documentation; the outcome to be a negotiated Presidential Statement; encourage synergy with the Third Committee of the GA to avoid overlapping. (Egypt on behalf of the NAM)
- Enhance efforts to mainstream human rights across the UN system; hold a half day yearly panel to interact with UN Heads of agencies and fund on specific human rights themes. (Australia)
- Involve other agencies and international and regional organizations in the HRC activity to avoid duplication and create synergies for the programme in the HR domain. (Moldova)
- Panels have shown usefulness but the number of Panels has increased and should be streamlined. (Guatemala)
- Rationalize the POW so that fewer items are addressed and more time is given to the quality of interactive dialogues, debates and panels. (Paraguay)
- Rationalize the methods of work. (Switzerland)
- Need to rationalize the functioning of the meetings and methods of work of the Council, so as to avoid excessive workload and non controllable documentation proliferation and duplication. (Algeria)
- Improve the methods of work of the Council to reflect more predictability and transparency. (South Africa)
- Make the HRC more legitimate, the debate more relevant and interactive, and the work more efficient and accessible. (Sweden)
- Convene more information sessions or panels, such as the panel on Somalia in September 2010. (Spain)
- Not to conduct General Debates on every item of the agenda at each session and thus make space and time in the PoW to hold interactive dialogues or panel discussions on issues of substance and importance to the Council and its stakeholders. (Philippines)
- Avoid non-stop meetings which decrease the effectiveness of discussions. (Azerbaijan)
- Avoid full-day meetings. (Norway)
- Expand time for the consideration of UPR outcomes. (Belgium on behalf of EU)
- Expand time of panel discussions to ensure the participation of all or ensure that statements not delivered due to time constraints are publicly recorded. (Belgium on behalf of EU)
- Elaborate official summaries of panels. (Argentina)
- Organize forum with heads of UN agencies within a HRC session. (Serbia)
- Allow five different thematic SP, the SG on advice from Under Secretaries, HC, or Special Representatives as well as 'A Status' NHRIs to trigger dialogue, including

inter-sessionally on a specific country situation with no predetermined outcome. (United States of America)

- Empower the President and the Bureau to propose the inclusion of a discussion on urgent human rights situations within the Council's PoW, taking into consideration situations brought to its attention by the OHCHR and/or the UN SG. The decision by the Bureau as well as arrangements for the discussion would be adopted on the basis of extensive consultations with all regional groups as well as the State or the region concerned and in the light of objective criteria. Such a decision would be a procedural one and the substantive discussion, based on genuine dialogue and cooperation of all relevant actors, would not necessarily lead to the adoption of a specific result. (Mexico, also on behalf of Argentina, Chile and Peru)

## **B. Work formats and arrangements**

- A role for the SG and his representatives, the High Commissioner and the Special Procedures in convening informal and formal meetings of the Council. (United Kingdom)
- Make full use of entire toolbox of mechanisms available to address human rights situations of concern, including better use of open-ended briefings and Presidential Statements; use these tools as early warning mechanisms. (Australia)
- Use of flexible open-ended meeting formats, including panel discussions, working groups, briefing sessions and stand-alone dialogues; utilize the expertise of OHCHR, SP, NHRIs and civil society experts; also provide the opportunity to hear from national experts and representatives of other UN agencies or regional agencies. (Australia)
- More consistent use of the Council's entire toolbox of mechanisms to provide the attention and assistance to people and countries in need, including work on countries unwilling to engage where the situation demands this. (United Kingdom)
- Greater access to the Council for experts, including from other UN entities, and more systematic referral of Council decisions to other parts of the UN system. (United Kingdom)
- Make the HRC more able to effectively fulfil its mandate to address situations of violations of human rights, including gross and systematic violations, and to respond promptly to human rights emergencies. (Canada)
- Strengthen the HRC's role in the prevention of human rights violations. (Canada)
- The HRC should be able to deal more quickly and appropriately with chronic and urgent human rights violations and make recommendations thereon. (Spain)
- The HRC should have an active role in early-warning, operating towards detecting and dealing with emerging and escalating situations. (Spain)
- Improvements are needed to ensure that situations of human rights violations are addressed in a spirit of a dialogue. (Switzerland)
- Address the persisting selectivity in dealing with urgent situations and identify definitive and clearly-defined thresholds for action. (Norway)
- Hold periodic interregional meetings and seminars with the participation of experts on thematic issues to enhance dialogue and mutual understanding. (Turkey)

- Give priority to subjects where interregional cooperation is possible, rather than dealing with the same subjects at every session. (Turkey)
- Increase the number of side events organized by NGOs as well as those organized by the HC and States. (Turkey)
- Tenable Special Sessions to be used more flexibly and effectively: expand the range of possible formats, including:
  - Special briefing/information/discussion sessions (including expert panels)
  - Special high level sessions (e.g. to engage with visiting senior government representatives from a particular State)
  - Special thematic sessions (e.g. with multiple SP mandate holders)
  - Special urgent debate sessions to address grave human rights situations of immediate concern. (Canada)
- Increase more informal opportunities for discussions, such as briefings by the HC and other international organizations, to be held proactively either during regular sessions and/or the in between sessions. (Japan)
- Encourage the holding of informal briefings by OHCH, the country concerned and other affected countries; reach a common understanding on such methods of work and their procedures. (Japan)
- Consider methods by which to respond to urgent situations in addition to special sessions. (Japan)
- Invite the chairs of treaty bodies to give regular oral reports. (Japan)
- Make full use of the existing format for its discussions and not introduce any other format that is not approved by the Council. (China)
- Maintain the balance between civil and political rights and economic, social and cultural rights in the interactive dialogues with the special mechanisms. (China)
- Noting the concerns raised by many delegations about ongoing politicization of action in the HRC we propose that through identifying a set of independent initiation mechanisms, as contained in the EU's written contribution on methods of work, the HRC might better address all situations of concern when the need arises. (United Kingdom)
- Establish WG on Prevention or Early Warning with the authority to request immediate meetings of the Council. (United States of America)
- Allow holding of a special sitting during a regular session at the request of a member of the Council with the support of a third of the Council membership, or at the request of the President or the High Commissioner. (France)
- Hold panels or briefings, with the participation of HC or/and Special Rapporteurs, to respond to problematic situations, adopt presidential declarations, resort to an ad-hoc team of experts to undertake FFM under very short notice in case of HR violations. (France)
- Use fully the available tools such as informal briefings, panel debates, seminars and roundtables to promote discussions on issues requiring the urgent attention of the Council. Enhance the role of the President in addressing these situations: he could, in consultation with the State concerned and other States, carry out briefings, informal consultations, field visits and issue statements. (Thailand)

- Bring the relevant agenda item forward on the PoW if an urgent human rights situation occurs during a regular session. (Egypt on behalf of the NAM)
- Adjust the programme of work in case an urgent human rights situation emerges in the course of a regular session. (Nigeria on behalf of the African Group)
- Methods of work of the Council must reflect a balanced approach, criticize all human rights situations and place itself at the centre of country-specific situations to ensure that credibility of the Council is restored. (South Africa)
- Prevent violations of human rights, and where prevention fails, there must be a maximum provision of remedies to victims and zero tolerance for impunity for grave violations of human rights. (South Africa)
- HRC to be able to deal with urgent human rights situation. (Romania)
- Adjust the relevant agenda item in the POW in case an urgent human rights situation occurs during a regular session. (Pakistan on behalf of the OIC)
- It is necessary to take a thematic approach to human rights violations rather than a country-specific one. (Pakistan on behalf of the OIC)
- Ensure justice to victims of crimes against humanity. (Cuba)
- The HRC should perform better in monitoring human rights situations and preventing new violations, offer alleviation, ensure accountability, and trigger remedies for victims. (Belgium on behalf of the EU)
- Develop a set of criteria for addressing HR situations. (Belgium on behalf of EU)
- Identify more clearly the toolkit for dealing with urgent and chronic situations. (Belgium on behalf of EU)
- The EU would like the HRC to play a more active role as an early warning and preventive mechanism. (Belgium on behalf of the EU)
- Make more use of already existing formats that would better allow for a prompt and non-biased discussion of urgent human rights matters, and to address or update on human rights situations on a regular basis. Such formats could be briefings called for by the HRC President, briefings offered by the High Commissioner and regular informal meetings of the Council in-between sessions. (Germany)
- The Council to better use its mechanisms and tools to effectively prevent and address human rights violations wherever they occur, i.e., dispatch of missions, special procedures' visits and the establishment of country mandates. (Peru)
- The Council's work and agenda should be flexible enough to address urgent situations of human rights violations, as was the case of the "urgent debate" called during the 14th session. (Peru)
- Consider methods by which to respond to urgent situations in addition to special sessions. (Japan)
- Find forms to address serious human rights violations outside ordinary or special sessions. (Spain)
- Urgent meetings should be convened at any time. (Spain)
- Play a more active role as a preventive and early warning mechanism by elaborating criteria that would establish that the human rights situation requires the Council's attention. (Spain)

- Find ways to address country human rights situations in a constructive, incremental manner, designed to engage and build trust with the country concerned. Make more use of well-organized Country Briefing sessions outside the Council chamber, organized by OHCHR in cooperation with the country concerned. (Maldives)
- Improve the way in which situations of human rights violations are addressed, as well as the contribution, through dialogue and cooperation, to preventing human rights violations and responding promptly to emergency situations, as set out in GA resolution 60/251. To that effect, develop objective procedures and criteria to allow the informed discussion of human rights situations, bearing in mind their seriousness and the level of cooperation of the concerned State. (Mexico)
- OHCHR could also report to the Council on serious situations. (Spain)
- Equip the HRC to deal with human rights situations wherever and whenever they occur. (Sweden)
- Make more systematic use of the Council toolbox of mechanisms to address urgent and chronic HR situations. (Belgium on behalf of EU)
- Better use the tools from the institution building package to address situations of violations of human rights. (United States of America)
- Better address human rights crises and chronic situations, by better utilizing the already existing tools, expanding the time allocated to discussions on country situations and by adding new tools to ensure more regular dialogue. (United States of America)
- Enhance the HRC capacity to react to gross human rights violations inclusively by convening formal and informal discussions with the participation of concerned parties and other stakeholders. (Moldova)
- Enhance the HRC's mechanisms to respond objectively, expeditiously and resolutely to human rights emergencies. (Poland)
- Enhance the HRC's early-warning and prevention mechanisms. (Ireland)
- Enhance the toolbox of the HRC including the use of new initiation mechanisms for putting issues on the agenda of the HRC or for the convening of special sessions. (Ireland)
- Create a special procedure for each of the five regions with mandate to examine the situations in their specified region, report their findings to the Council, send communications and urgent appeals to Governments, concerning allegations of violations, carry out country visits and provide recommendations on how to improve the human rights situations under their consideration. (Ghana)

### **C. Special sessions**

- Preserve the current mandate of the HRC outlined in GA resolution 60/251 with regard to special sessions. (Egypt on behalf of the NAM)
- Maintain modalities for convening special sessions. (Islamic Republic of Iran)
- Hold special sessions of the HRC "when needed" to address important, urgent or emerging human rights situations of concern. (Canada)
- Establish a clear process for holding special sessions, urgent debates, special sittings and special briefings during HRC sessions a) at the request of 1/3 of the membership



of the HRC, and b) convened as soon as possible (minimum 24 h) after the submission of the request. (Canada)

- Empower the President to convene a meeting of the HRC (as soon as possible of the call or request; min. 24 hours) at any time he deems necessary:
  - At the request of the GA or the Security Council
  - At the request or on the advice of the Secretary-General or the HC
  - At the request of a member of the Bureau
  - In follow-up to an urgent or emergency response by relevant UN bodies or organizations to situations of concern (e.g. as a result of a non-periodic meeting of the SC under article 35 or under article 11 (3) of the UN Charter, or of the GA, or urgent/emergency responses by OCHA or UNHRC). (Canada)
- Maintain the modalities for convening special sessions. (Nigeria on behalf of the African Group)
- Discuss and treat the urgency with which what are perceived as serious human rights issues. (Nigeria on behalf of the African Group)
- Address the absence of a definition of the purpose of special sessions so as to indicate that they are aimed at addressing urgent human rights situations. (Algeria)
- Preserve the current mechanism to hold special sessions. (Libyan Arab Jamahiriya)
- Maintain the modalities for convening special sessions. (Pakistan on behalf of the OIC)
- Keep the relevant rules for special sessions. (China)
- Ensure universality of a special session by requiring support from all geographic regions. Maintain the 1/3 threshold for convening a special session and include two States from each group. (Israel)
- Develop a system of automatic independent initiation mechanisms for the holding of special sessions which could also determine the need to address an urgent situation in regular session. (Belgium on behalf of EU)
- Find ways to allow the HRC to significantly improve its performance when addressing situations of human rights violations, including through increased demands on its members to genuinely promote human rights, nationally and in the work of the HRC. (Belgium on behalf of the EU)
- Have a system of automatic triggers for convening special sessions in addition to the existing 16 member States system to deal with urgent situations, clearly identify mechanisms of toolkit to deal with such situations. (Spain)
- Define independent triggers (e.g. SG, HC, Security Council, the majority of the GA or at least three Special Rapporteurs in that last case when HR violations occur and there is non-cooperation with the SP) that will led to automatically to convening special session. (France)
- Install a mechanism allowing the Council to seize itself automatically in case of serious human rights violations. (France)
- Convene a special or an ordinary session of the Council if requested by the SG, OHCHR, the GA or the Security Council, as well as on the basis of 3 or more

special procedures which identify serious violations and lack of cooperation with mandate holders. (Spain)

- Enable the HC to convene a special session. (Israel)
- Avoid to transform country-specific special sessions into political forum. (Turkey)
- The President could present a summary including the proposals made during the discussions of special sessions. (Turkey)
- Avoid the discriminatory treatment during special sessions, hold open consultations between countries concerned and the others. (Turkey)

#### **D. Resolutions and other outcomes**

- Avoid proliferation of resolutions and duplication with GA resolutions; allow more time for negotiations on resolutions before action; early notification of meetings and avoid parallel consultations. (Egypt on behalf of the NAM)
- Avoid proliferation of resolutions and duplication with GA resolutions as far as possible. (Pakistan on behalf of the OIC)
- Avoid the proliferation of resolutions and duplications with GA resolutions to allow more time for negotiations before action, early notification of meetings and avoid the holding of parallel consultations, increase the informal contacts and discussions. (Sri Lanka)
- Avoid a proliferation of resolutions and overlapping with the GA, avoid excessive number of informal consultations during Council sessions and promote a method to solve this problem, for example by applying a procedure for information on resolutions or establishing formulae which make it possible to reduce overlapping of meetings. (Paraguay)
- Promote restraint in resorting to resolutions to avoid their proliferation and duplication. Supplement paragraph 117 (e) of the IBP by having an annual calendar of draft resolutions and having biannual instead of annual resolutions. (Philippines)
- Biennialize resolutions, whenever possible. (Nigeria on behalf of the African Group)
- Biennialize thematic and country specific resolutions. (Australia)
- Bi- or triennialize resolutions. (Japan)
- Reduce the number of draft resolutions and improve the process of discussion. (Japan)
- Biennialize thematic resolutions. (Switzerland)
- Bi- or triennialize thematic resolutions to the extend possible. (India)
- Introduce biennial resolutions instead of having them on an annual basis. (Jordan)
- Ensure submission of draft resolutions for adoption as early as possible. (Jordan)
- HRC work to become less repetitive, with resolutions providing more added-value. (Ireland)
- Thematic resolutions to be bi-annualized or tri-annualized to reduce parallel negotiations which create problems for small delegations. (Guatemala)

- Resolutions should not be presented more than once per year or should even be bi- or triennialized and should not overload the OHCHR with requests for reports which can not be duly elaborated by experts or be considered by States. (Argentina)
- Bi-annualize resolutions on commonly established criteria to facilitate the full participation of all UN members. (Belgium on behalf of EU)
- Bi-annualize resolutions. Resolutions should be short, concise and action oriented. Proliferation of resolutions and duplication with General Assembly/Third Committee resolutions should be avoided. (Azerbaijan)
- Bi-annualize thematic resolutions. (Thailand)
- Bi- or triennialization of resolutions and circulation of draft resolutions 2 or 3 weeks in advance. (Turkey)
- Avoid the introduction of distinct resolutions on similar themes, take “quality control” of thematic resolutions with a view to harmonization. (Turkey)
- Promote action-oriented resolutions with new elements with concrete impact in the field. (Moldova)
- Bi-annualize or tri-annualize resolutions without prejudice to urgent issues. (Peru on behalf of Chile, Paraguay and Colombia)
- Consider an annual, bi- or triennial submission of proposals/draft resolutions, as well as shortening the length of resolutions and not being repetitive. (Indonesia)
- Present the resolutions biannually. (Spain)
- Consider introducing a two-third majority for the adoption of country-specific resolutions. (Egypt on behalf of the NAM)
- Adopt country specific resolutions and those establishing new special procedures by a qualified 2/3 majority. (Islamic Republic of Iran)
- New mandates special procedures adopted by qualified majority namely 2/3 members present and voting. (Russian Federation)
- 2/3 majority for country resolutions. (Cuba)
- Formulate criteria to be agreed upon by consensus that would be used as basis for bringing a country under the special procedures mandate. (Ghana)
- Need for a careful examination of the need for resolutions, in particular new mandate resolutions. (Japan)
- Dialogue and cooperation should prevail over confrontation, issue of “numeric majority” is not useful during negotiations. (Guatemala)
- Extend country-mandate terms to two years. (Japan)
- Renew country mandate resolutions every 2 years and run thematic resolutions without mandates no more frequently than every two years. (United States of America)
- Renewal of mandates of special procedures could be less frequent. (Switzerland)
- Procedural rule to be introduced which requires that: (i) a panel discussion or some other form of open-ended discussion first be held in a plenary session of the Council; and (ii) the necessity of new resolution (mandate) be carefully examined and consulted with all concerned parties over a three- to six-month period. Exceptions to this rule to be allowed in exceptional cases where the creation of a

new mandate is urgently required in order to address a serious and concrete human rights. (Japan)

- Make resolutions more action-oriented and consider ways of facilitating their implementation and follow-up. (Nigeria on behalf of the African Group)
- Resolutions to be action oriented. (Australia)
- Resolutions to be short, concise and action-oriented. (Sri Lanka)
- Reduce the number of resolutions and shorten them. (Nigeria on behalf of the African Group)
- Reduce the length of resolutions by reiterating previous ones and concentrating only on new operational elements such as holding of a panel or a workshop. (India)
- Avoid duplication of resolutions of the Council and of the GA. (Libyan Arab Jamahiriya)
- Focus on new progressive elements when tabling various initiatives which could be presented for negotiations, which should as a matter for necessity contribute to the practical enjoyment of human rights and the strengthening of international human rights law, norms and standards. (South Africa)
- Streamline and limit the length of draft initiatives to save costs. (South Africa)
- Reduce the plethora of resolutions adopted at each session. (South Africa)
- Condense resolutions avoiding repetition and duplication of resolutions with the same content; result of the informal consultations to be known ways before action is taken. (Viet Nam)
- Reduce the number of resolutions, thematic resolutions should be submitted triennially, sponsors should distribute the draft at least 2 weeks before the beginning of the Council session. (China)
- Consider better streamlining of initiatives, including running resolutions on a biannual rather than an annual basis. (United Kingdom)
- Focus the debate on the implementation of resolutions of the HRC. (Libyan Arab Jamahiriya)
- Early submission of draft resolutions and decisions (before the beginning of the session). (Switzerland)
- Establish and maintain a draft calendar of resolutions and decisions. (Morocco)
- Establish a calendar of resolutions to be presented annually or on a bi-annual basis. (Mauritius)
- Establish a yearly calendar of resolutions to be reviewed at the organizational session while allowing the flexibility for resolutions which might be needed owing to sudden developments along the cycle. (India)
- Compile a yearly calendar of scheduled proposals. (Indonesia)
- Elaborate tentative yearly calendar of planned resolutions on the basis of information provided at organizational session in June. Update information on planned resolutions to be tabled at the organizational meeting before each session. (Norway)
- A yearly calendar of resolutions should be made available of all delegations and stakeholders to make of resolutions more predictable. (Austria)

- Presidential statements to be made only after extensive consultations with States and on the basis of consensus. (Egypt on behalf of the NAM)
- Presidential and HRC statements to be made only after extensive consultations and on the basis of consensus. (Islamic Republic of Iran)
- Presidential Statements only after extensive consultations and on the basis of consensus. (Nigeria on behalf of the African Group)
- Presidential statements to be made on the basis of consensus and consultations. (Libyan Arab Jamahiriya)
- Presidential and Council Statements only after extensive consultations and on the basis of consensus. (Pakistan on behalf of the OIC)
- Expand the range of possible outcomes including resolutions, decisions, presidential statements, summary reports, joint statements (e.g. HRC and State concerned). (Canada)
- Devise a method to ensure that Member States are well apprised with the outcome of the negotiations conducted in informal meetings, before resolutions or decisions are brought to the HRC for action. (Egypt on behalf of the NAM)
- Implement the President's open-ended information meetings on resolutions, decisions and other related business as stipulated in paragraph 112 of the IB text. (Egypt on behalf of the NAM)
- Establish firm rules and procedures according to which Member States would have sufficient time to consider draft resolutions and decisions with the benefit of necessary information on PBIs, should any exist. (Japan)
- Sponsor(s) to circulate the initial draft of a resolution no later than the first day of a regular session; submit as early as possible and no later than at the end of the penultimate week of the session (firm deadline), the amended draft resolution, incorporating the results of informal consultations. (Japan)
- Sponsor(s) of draft resolutions to provide in consultation with OHCHR PBIs information by the end of the first week of the session; no decision to be taken on a resolution in the event that this deadline is not met. (Japan)
- Interested States to start informal discussions with the President and the Secretariat on a formal office as well as on the staff and budgetary requirements thereof, with a view to clarifying the appropriate modalities of this office as requested in General Assembly resolution 64/144. (Japan)
- OHCHR to provide an explanation on the manner in which the financial requirements of PBIs arising from the resolutions and decisions which the Council has adopted to far during the current 2010–2011 budget period have been or are foreseen to be absorbed. This explanation to be provided by the end of 2010 and to be prepared in consultation with other relevant UN departments such as the UN Secretariat's Office of Programme Planning, Budget and Accounts (OPPBA). (Japan)
- Consider the need for a budgetary responsibility concerning the Council's work, in particular in adopting resolutions with programme budget implications, often with only last-minute information in this regard. (Japan)
- States to respect the thematic focus of a session when submitting resolutions. (Morocco)

- Encourage delegations to disseminate draft resolution and decisions in advance of a sessions and to hold informal consultations during the inter-sessional period. (Morocco)
- Foresee a week before each session for informal consultations on draft resolutions and decisions. (Morocco)
- Foresee the suspension of a session, for one or two days, further to the thematic discussions, to hold informal consultations on draft resolutions and decisions. (Morocco)
- Establish procedures to ensure that formal introduction of resolutions takes place well ahead of adoption; this should not preclude tabling of emergency resolutions, if justified. (Mauritius)
- Table resolutions at the beginning of a session while allowing tabling of resolutions for urgent situations. (Peru on behalf of Chile, Paraguay and Colombia)
- Resolutions should be presented at least two weeks prior to the beginning of the session, if possible, taking into account the annual programme of work of the HRC. (Argentina)
- Allow more time for negotiations on resolutions before action. (Philippines)
- Require that the subject matter of all resolutions be submitted the Friday before the session begins. An initial draft of resolution text must be provided a week before the current tabling deadline (exceptions to be made for crisis situation). (United States of America)
- Have early notification of meetings and draft resolutions, avoid the holding of parallel consultations, increase informal contacts and discussions, thereby promoting more consensual outcomes. (Philippines)
- Ensure better planning and information sharing on resolutions sufficiently in advance. Information on the budgetary implications of resolutions should be made available during informal consultations. (Thailand)
- Implement more extensively paragraph 112 of the IBP on the convening of the President's open-ended information meetings on resolutions, decisions and other related business as a means to ensure information-sharing on the status of negotiations on draft resolutions during Council sessions. (Philippines)
- Better organize informal consultations in order to allow participation of all. (Peru on behalf of Chile, Paraguay and Colombia)
- Ensure effective monitoring and follow-up of resolutions adopted under agenda item 7 since the inception of the HRC. (Lebanon)
- Increase focus on follow-up and on results of the implementation of Council resolutions. The Secretariat could be requested to prepare papers on the status of implementation of certain Council resolutions. (Thailand)
- Encourage cross-regional initiatives. (Azerbaijan)
- Ensure that timely information on the financial consequences of HRC initiatives is made available in the course of negotiations. Main sponsors of initiatives should consult with the secretariat at an early stage to identify the likely costs associated with any initiative and present the information to delegations at least a week before action on any proposal. (United Kingdom)

- Ensure that information on budgetary implications of an initiative is available at least a week before the adoption of a resolution. (Belgium on behalf of EU)

## **E. Reports and documentation**

- Allocate necessary funds to the translation of documents in due time into the six UN languages. (Egypt on behalf of the NAM)
- Allocate necessary funding to enable timely translation of documents. (Australia)
- Distribute all reports, particularly SP reports, to delegations at least 15 days in advance of their consideration by the HRC in all official UN languages. (Islamic Republic of Iran)
- Ensure translation into all official languages of all documents and resolutions. (Viet Nam)
- Develop a system for a daily electronic distributions of all HRC (and other human rights) related documentation, as an alternative to paper copies circulated to all missions. (Canada)
- Require mandate holders to submit only one written report and to take part in only one interactive dialogue during their respective mandate periods. Meanwhile, Council to request mandate holders to provide oral reports to the Council and/or take part in the Council's discussions either individually or together with other mandate holders, in order to take advantage of their knowledge and experience. (Japan)
- Ensure early preparation and circulation in all official languages of the United Nations of all reports, particularly those of special procedures at least 15 days before their consideration by the HRC. (Nigeria on behalf of the African Group)
- Ensure availability of working documents in time and in all UN languages. (India)
- Need to address the issue of resources in particular with regard to the timely processing and availability of documentation in all languages. (Tunisia)
- Need to make documents available on time. (Jordan)
- Replace by half within 5 years paper copies of documentation by electronic copies. (Algeria)
- Introduce electronic access facilities for participation in official HRC meetings through cooperation between the Secretariat and ITU. (Algeria)
- Reduce by 10% the present number of pages as from next year and subject to review afterwards. (Algeria)
- Reports and documents of the Council to be issued in time and in all UN languages. (Libyan Arab Jamahiriya)
- Develop more user-friendly information on the reports which are expected to be or will be effectively examined in each session; the reports of Special Procedures and the topics which have been tabled for debate. (Mauritius)
- Find appropriate solutions to do away with shortcomings of circulation of all reports in due time in all official languages, at least 15 days before official consideration. (Yemen)
- Set criteria to avoid overlap and duplication of reports. (Yemen)

- Working documents need to be ready on time and translated to all official languages, which requires further support to the Secretariat. (Guatemala)
- Transmit to delegations all reports, particularly those of special procedures, in a timely fashion, at least 15 days in advance of their consideration by the Council, and in all official UN languages. (Pakistan on behalf of the OIC)
- Make documentation available at the earliest opportunity and in all UN official languages; Distribute statements or presentations (mandate holders, panellists, or Secretariat) well in advance through emails/internet or if possible, in hard copy. (Indonesia)
- Reduce the circulation of paper documentation by ensuring that all reports are available online in a timely fashion. (United Kingdom)
- Use modern information technology to bring the HRC into the 21st century improving efficiency and protecting the environment. (Maldives)
- Bi-annualize the consideration of certain reports. (Peru on behalf of Chile, Paraguay and Colombia)
- Reflect on how to reduce the number of reports and resolutions stemming from the work of the HRC, which at the current level have a serious impact on the available resources. (Saudi Arabia)
- Submit all reports two weeks before their consideration. (Azerbaijan)
- Ensure all reports submitted to the Council are properly considered. (Azerbaijan)
- Circulate reports at the same time and in all languages. (Saudi Arabia)

## **F. Presidency and bureau**

- President and Bureau to maintain a strictly procedural and organizational role, as stipulated in rule 10 of the Rules of Procedures. (Egypt on behalf of the NAM)
- President and Bureau to maintain a strictly procedural and organizational role in line with rule 10 of the rules of procedure. (Islamic Republic of Iran)
- Bureau to maintain a strictly procedural and organizational role in line with the rule 10 of the Rules of Procedure. (Nigeria on behalf of the African Group)
- Preserve the strictly procedural and organizational role for the President and the Bureau. (India)
- President and assistants shall fulfil function arising from the Rules of Procedure. (Russian Federation)
- Observe the strict procedural nature of the president and the Bureau rule 10 of the RoP. (Cuba)
- The Bureau should be more active in facilitating the work of the HRC. (Argentina)
- The President of the Council should have a more active role in the facilitation of the work of the HRC as well as in the decisions it adopts. (Argentina)
- To strengthen the HRC Secretariat and better ensure the independence of the OHCHR: Establish a Secretariat Branch under the auspices of UNOG rather than OHCHR to support the HRC and its presidency. (Canada)
- Urgently take measures towards the establishment of an office of the president. (Switzerland; Mexico; Nigeria; Thailand and Ukraine)



- Institutionalize and reinforce the Office of the President, on the example of the President of the General Assembly, to enable the HRC President to have the necessary support to perform his mandate. (Switzerland)
- Need to address the relationship between the HRC and OHCHR insofar as it serves as HRC Secretariat. The review will address these systemic issues and will come up with practical and feasible recommendations to resolve them. (India)
- Strengthen the office of the President, by at least provide a communications and a legal experts. (Romania)
- Create a position of communication officer within the Presidency Office. (Turkey)
- The President and the Bureau shall maintain a strictly procedural and organizational role in line with the rule 10 of the RoP. (Pakistan on behalf of the OIC)
- Maintain the organizational and procedural role of the bureau. (Philippines)
- The bureau should only be responsible procedural and organizational matters. (China)
- Further discuss the reinforcement of office of President, taking into account the geographic distribution. (Lebanon)
- Maintain strict procedural and organizational role of Bureau. (Azerbaijan)
- Provide the President with his own permanent team constituted at least of a legal advisor and a communication advisor. (France)
- Explore ways to strengthen the Office of the President. (Thailand)
- Look at ways to enhance the role of the President of the HRC in addressing situations that require the urgent attention of the HRC. The President is in a suitable position to facilitate the consultations to address these situations. (Thailand)
- Attach a legal advisor to the Office of the President, detached from the Office of the Legal Advisor, who should watch over the adequate application of the RoP and the adequacy of the methods of work. The legal advisor should be able to work freely, independently and to be given the authority to solve disputes within an adequate time span and with no damage to the smooth functioning of the Council, meaning for most cases a decision “on the spot”. (Germany)

## **G. Accessibility and stakeholder participation**

- Create a task force on the accessibility of persons with disabilities. (Turkey)
- Create an organ alike the Venice Commission to support legislative work at the national level. (Turkey)
- NGO participation must be reinforced, so that the Council can fully and consistently benefit from NGO perspectives in complement to those of States. (Canada)
- Undertake an “accessibility audit” of the HRC including by exploring the feasibility of captioning, sign language for meetings, webcasting of WGs and subsidiary bodies. (Canada)
- Institute an “Accessibility Task Force” consisting of high-level representatives of States, UNOG, OHCHR and civil society organizations (in particular those of persons with disabilities). (Canada)

- Adopt IT solutions to enhance access of non-resident States and NHRIs, such as videoconferencing or video messaging. (Canada)
- Adopt necessary measures to ensure accessibility of persons with disabilities. (Morocco)
- UNOG and OHCHR to develop, in collaboration with States, civil society organizations and persons with disabilities, a specific and comprehensive accessibility plan for the Council and all of its work and the whole Palais des Nations, also addressing the needs of the broader UN system. (New Zealand and Mexico)
- Raise awareness on accessibility for persons working in and around the Council. (New Zealand and Mexico)
- Create an accessibility plan to be implemented in close consultation with UNOG and persons with disabilities. (Austria)
- Ensure the participation of all in the Council, particularly of persons with disabilities, by elaborating an accessibility plan. (Belgium on behalf of EU)
- Greater access in the HRC and the UPR for victims of violations and for civil society, including through the use of disabled-accessible technology such as videoconferencing. (Ireland)
- Allocate additional resources to OHCHR to facilitate the participation in the work of the HRC and its subsidiary bodies of countries without permanent mission in Geneva and of A-status NHRIs in accordance with the Paris Principles in developing countries. (Morocco)
- The HRC should draw more systematically on the expertise of A-status NHRIs. A-status NHRI representatives should be regularly invited to speak on panels and other expert briefings. (Poland)
- Value the contribution of NHRIs and NGOs in the HRC work (Poland); Recommend the establishment of a special funding mechanism aimed at empowering small delegations, in particular those from Small and Vulnerable Economies and Least Developed Countries, to participate more effectively in the proceedings of the Human Rights Council. (Nigeria on behalf of the African Group)
- Establish a proper technical assistance programme for the HRC to assist small delegations from developing countries to fulfil their responsibility and rights as HRC members; enhance the capacity of small delegations from developing countries and to enable them to better act on the Council's agenda and its various consultative processes. (Mauritius)
- Establish a fund for the above-mentioned purpose as elaborated in the written contribution. (Mauritius)
- Preserve the participation of NGOs and other stakeholders in the HRC deliberations. (Islamic Republic of Iran)
- Allow NHRIs in conformity with the Paris Principles to submit video statements as oral interventions at Council sessions. (Austria)
- Invite NHRI representatives regularly to speak on Council panels and to contribute to other experts meetings and events organized by the HRC and OHCHR. (Austria)
- Give the NHRI from a state concerned in the country-specific or thematic report of a special procedures mandate holder the opportunity to speak immediately after the

concerned country in order to directly contribute to the interactive dialogue. (Austria)

- Allow NHRIs to provide the Council with regular information on the implementation of special procedures' recommendations. (Austria)
- Guarantee the representativeness of the participation of NGOs, which should also reflect geographic balance. (China)
- NGOs' participation should strictly abide by the ECOSOC resolution 96/31. NGOs should not comment on country-specific situations except under agenda item 4. (China)
- At the request of member states, OHCHR should provide technical and financial support to NGOs from developing countries and help them to participate in the Council's work. (China)
- Address certain challenges in relation to NGO participation. (China)
- Increase the participation of NGOs. (Bangladesh, Australia)
- As a form of technical assistance, relevant stakeholders, particularly NGOs from developing countries, can be assisted/facilitated to attend HRC meetings so as to ensure their effective participation, and a wider global stakeholders. (Indonesia)

## **H. Visibility**

- Invite news papers and magazines to prepare articles on the objectives and the functioning of the HRC (Turkey)
- Utilize all communication methodologies (Turkey)
- Increase the visibility of the President in relation to the media, by e.g. conducting information visits to certain countries in certain cases (Turkey)
- Establish a public relations and communications position within the office of the President (Turkey)
- Organize a presentation for information at one of the sessions of IPU (Turkey)
- Increasing the HRC's visibility as well as improving its working methods (Malaysia)
- Increase the visibility of the HRC as a result of the review (Azerbaijan)

## **I. Rules of procedure**

- Continued codification of rules of procedure and practices. (Russian Federation)
- Not alter the Council's ROP as contained in the IB text. (Philippines)
- The Rules of Procedure should support better the existing membership criteria in resolution 60/251 by specifying that candidates will present voluntary pledges and commitments in an interactive dialogue before the GA using a standard format that includes specific and measurable benchmarks; OHCHR to provide a report for this interactive dialogue including information on the implementation of ratified human rights treaties, possible human rights sanctions, nature of human rights complaints against a country, status of implementation of UPR recommendations, level of cooperation with SP, contribution to HR initiatives. (United States of America)\*

- Regional groups should nominate more candidates than available seats, rather than present a clean slate, as competition allows for a better evaluation of candidates. There should be more candidate countries from each region than available openings on the Council to allow for full evaluation of candidate countries. (United States of America)\*

## **Part II**

### **Cross-cutting and other proposals**

- The review is an unique opportunity to discover ways and means by which the HRC can better discharge its mandate. (Nigeria on behalf of the African Group)
- Instead of seeking to tinker with or obliterate the institution building package, it could be useful to enquire how well member States, observers and other stakeholders have effectively utilized these mechanisms at their disposal. (Nigeria on behalf of the African Group)
- Review, not reform the Council; the IBP should not be reopened. Emphasis to be put on build on achievements and enhance them. Avoid politicisation, double standards. The review should be guided by objectivity, transparency, and practicality. (Oman on behalf of the Arab Group)
- The delicate balance achieved in General Assembly resolution 60/251, and in the Human Rights Council with regard to the IB text should be preserved. (Egypt on behalf of NAM)
- The review should not be an attempt to overhaul the Council but rather an exercise aiming at introducing improvements to the work and functioning of the Council where necessary. (Egypt on behalf of NAM)
- The review exercise should be confined to fine-tuning of the work and the functioning of the Council; any reform and any call to link the performance of the Council with its mandate are premature. (Pakistan on behalf of the OIC)
- Find ways to improve the HRC's performance in systematically upholding and ensuring the implementation of existing international norms and standards, including by considering ways to expand the role and the dialogue with independent experts, inter alia Special procedures' mandate holders. (Belgium on behalf of the EU)
- Improve, not reform the Council; keep the institution building package (balanced) as is. (Chile)
- Improve and reinforce the HRC; evaluate what has been done and identify and adequately and efficiently address shortcoming and deficiencies. Need to have a constructive dialogue, so as to ameliorate the work and functioning of the Council. Focus on points of convergence. (Guatemala)
- The review gives an opportunity to streamline the work and to make it contribute further to human rights situation on the ground. (Japan)
- The review is an examination, not a reform, aiming at consolidating achievements. (Algeria)
- The review aims at improving the Council, not at reforming it and at affecting the balance between objectivity, non politicisation and efficiency of the promotion and protection of human rights. (Ecuador)

- The review is not a reform, but an opportunity to improve existing shortcomings within the framework of the IB package. (China)
- The review, which should not be considered as the last one, should aim at preserving the achievements made thus far, in particular with regard to the IB package and its outcome should be adopted by consensus. (Saudi Arabia)
- The assessment of the work and functioning of the Council should be measured against the mandate outlined in GA resolution 60/251. (United States of America)
- The aim of the review is to improve the HRC's ability to fulfil its mandate, including with respect to address violations in an impartial manner. (United States of America)
- The IB package, a balanced result of a long process of difficult negotiations, should be supplemented, rather than re-opened. (Viet Nam)
- The review should preserve and strengthen existing mechanisms and tools. (Argentina)
- The review is not to reinvent the wheel; the spirit of the institution building package should be our guideline; Negotiations should focus on how inclusive participation can be enhanced and the HRC be made more efficient and effective. (Nepal)
- The review shall be based on the IBP in the context of the mandate of General Assembly resolution 69/251. (Azerbaijan)
- Not reopen the institution building package, but refine the work and functioning of the HRC. (Azerbaijan)
- The review exercise must preserve the ability to give effect to the principles of universality, impartiality, objectivity, non-selectivity, dialogue, cooperation and capacity-building. (India)
- The review, while giving due regard to all stakeholders, must preserve the primacy of the inter-governmental nature of HRC mechanism and recognize the primacy of national efforts in the realization of human rights. (India)
- The review exercise must not derogate from the delicate balance in the institution building package of the HRC. (India)
- Reinforce the strengths of the HRC and not reconstruct, reframe or unravel existing arrangements. (Malaysia)
- The purpose of the review is not to introduce reforms to the mechanism that have been established after arduous negotiations in 2007; the purpose is to evaluate the work and functioning of the HRC. (Libyan Arab Jamahiriya)
- The review should serve to strengthen the work of the HRC. (Mexico)
- Undertake the review in a manner that maintains and builds on the achievements of the HRC. (Yemen)
- Too early to start a reform, this is a review; not re-open the institution building package. (Yemen)
- The review should be conducive to an even more efficient and stronger HRC; It is an opportunity to make the necessary adjustments in the work and functioning of the HRC; the balance reached five years ago should not be unravelled. (Brazil); The review process should be an occasion to focus on the possibility of advancing States' commitments, made in 2005, during the UN World Summit. (Brazil)

- The review should address pragmatic issues by strengthening tools currently available in the HRC toolbox. (Thailand)
- Reflect on achievements and shortcomings of the HRC with open-minded approach and constructive spirit so as to identify possible adjustments for the UPR, the HRC programme of work and the Special Procedures. (Timor-Leste)
- Not renegotiate the institution building package, instead, ensure that this intergovernmental negotiating process aims at making further improvement where necessary. (Sri Lanka)
- Identify the substantive and non-substantive elements of the review and focus on those that are doable. (Sri Lanka)
- Base the review on the institution building package and maintain its intergovernmental nature. (Qatar)
- Review, not to reform the work and functioning of the HRC in accordance with the mandate of the GA Res. 60/251. (Islamic Republic of Iran)
- Identify the limited areas which requires adjustments based on consensus with a view to facilitate more smooth work and functioning of the HRC without re-opening the IB text, whose delicate balance should be strictly maintained. (Islamic Republic of Iran)
- Favour an open discussion, in good faith, of all proposals presented by country delegations: all the proposals put forward are equally valid, deserve consideration and must be included for discussion, as a fundamental principle. (Canada)
- Make the HRC to become more able to effectively fulfil its mandate to address situations of violations of human rights, including gross and systematic violations, regardless where they occur and to respond promptly to human rights emergencies by addressing some of the structural and practical challenges that undermine its work. (Canada)
- Strengthen the Council's role in the prevention of human rights violations. (Canada)
- To ensure that the Council better adhere to its funding principles of universality, impartiality, objectivity and non-selectivity: enhance expert, independent input into the Council's work, create new mechanisms to bring issues to the Council's attention, correct current imbalances in the Council's agenda and expand and clarify the toolbox of options at the Council's disposal to address different situations of concern. (Canada)
- The Council and its membership must take seriously the responsibility to uphold and promote international human rights law, including its core principles such as the universality of human rights. (United Kingdom)
- Assess whether the HRC has lived up to the high expectations of the time of its establishment and implement modifications that would address identified shortcomings. (Poland)
- Do not institute deadlines for additional submissions on the review of the Council, i.e. after the end of the present IGWG. (Belgium on behalf of the EU)
- Ensure that national human rights institutions and NGOs will be able to participate fully in the deliberations of the Council's review. (Poland)
- The participation of civil society is crucial and ways should be found for their contribution in the review process. (Netherlands)

- Importance of participation by other stakeholders, while stressing the intergovernmental nature of the review process. (Bahrain)
- The process of review is an intergovernmental process and the participation of stakeholders should take place in accordance with the institution building process. (Libyan Arab Jamahiriya)
- Review process to be one in which Members, Observer States and relevant stakeholders evaluate objectively the performance of the Council with a view to having a clearer perspective on the aspects that need to be improved. The analysis that we shall undertake has a clear and logical context given by resolution 60/251 and the mandates and responsibilities thereby given to the Council. (Costa Rica)
- Inclusiveness of the review, but the intergovernmental nature should be preserved. (Azerbaijan)
- The outcome of the review should be in the form of an annex to Council resolution 5/1. (China)
- Adopt, by consensus, one outcome document as a result of the review. (Belarus)
- The review is an evolving process that should not finish at one and single stage. In that regard, the outcome document should include a provision calling for a new revision after 5 years. (Peru)
- The review is an opportunity to improve the effectiveness and efficiency of the HRC. It is not a reform nor should it reopen the institution building package. (Colombia)
- Expresses the appreciation of the transparency of the process and agreed to not reopen the negotiation op16 of 60/251. (The Sudan)
- The review should be conducted in an atmosphere of non polarization to reach the consensus. (The Sudan)
- Improvement is needed in attitudes and the political culture of all stakeholders in the HRC. (Nigeria on behalf of the African Group)
- The current structure is conceived and sufficiently robust enough. (Nigeria on behalf of the African Group)
- The work of the HRC should be more action-oriented. (Spain)
- Victims must also occupy a greater place and that the HRC further integrates their views. (Switzerland)
- The Council must do more to focus on implementation of human rights standards and address the needs of victims of violations. (United Kingdom)
- We must renew our commitment as states to ensuring the Council stands in support of victims and that we look at ways to ensure that the Council can move more quickly and easily to act. (United Kingdom)
- The Council will continue to be judged by the impact it makes in improving respect for people's rights. 60/251 should remain at the core of all our discussions on the review. (United Kingdom)
- The HRC should give voice to victims. (Netherlands)
- Treat all human rights within the framework of international human rights instruments, not only the instruments of the 1st generation. (Turkey)

- Address the long-neglected inter-linkage between development and human rights and to enable the Council to have a well-coordinated inter-governmental structure to deal with this matter and feed into the NY processes. (South Africa)
- Give priority to themes where interregional cooperation is possible. (Turkey)
- Make the Council more accessible to small States and Islands. (Maldives)
- Focus on positive and best practices of human rights in order to create peer pressure and a race to the top. (Maldives)
- Prevent the evolving trends in the HRC from going down the same path which led to the failure of the former Commission. (Islamic Republic Iran)
- Need of systematised analysis, to be included in a consolidated document, focusing on the six pillars of the IBP (UPR, Special procedures, Advisory Committee; Complaint procedure; PoW (Agenda); Methods of Work). The document should also include information on the dialogue and previous negotiations. (Ecuador)
- Strengthen international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and for diversity. (Pakistan on behalf of the OIC)
- Reinforce international efforts to uphold a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights while taking into account the cultural diversity. (Islamic Republic Iran)
- Dialogue and Cooperation are cross-cutting issues and part of the tools of the Council to fulfil its mandates. However, the Council can adopt other parallel and progressive measures, according to the circumstances, the magnitude of the situation and the political will of the State concerned to protect human rights. Dialogue and Cooperation should not compromise the primary obligation of States to protect victims of human rights violations and prevent this violations to occur. (Peru)
- An adequate approach to this review process requires us to asses if the Council has fulfilled its mandate to promote and protect human rights and to address situations of violations of human rights. (Peru)
- All countries should participate in the review process bearing in mind the importance to adopt the outcome document by consensus. (Peru)
- Reinforce the culture of dialogue, so as to permit the HRC to remain a forum in which respect, persuasion, and mutual understanding prevail. (Algeria)
- The Council should also be a forum for dialogue on all issues. (Spain)
- Guarantee better participation of all actors concerned and establish a real dialogue based on mutual understanding and with a view to improving the human rights conditions for every one. (Morocco)
- The HRC can perform better to promote and effectively coordinate and mainstream of human rights within the UN system. The General Assembly decided that the HRC should ensure participation and consultation with observers, specialized agencies, and other intergovernmental organizations. Strengthen such dialogue as a result of the review. (Belgium on behalf of the EU)
- Reinstate human rights as one of the three pillars upon which the entire United Nations system rests. (Nigeria on behalf of the African Group)



- Mainstream human rights into the United Nations system; strengthen the role of the HRC by incorporating human rights in a cross-cutting manner in the United Nations as one of the three fundamental pillars of the Organization. (Mexico)
- The Council should make more of a contribution to early warning and mainstreaming of human rights into UN development, humanitarian and peace work. It is essential that the Council retains the ability to address specific situations, to convene in an emergency and to access expert monitoring of the situation on the ground. (United Kingdom)
- Consider, inter alia, the establishment of mechanisms and/or strategies for the implementation of recommendations of HRC mechanisms, such as the UPR and special procedures. (Brazil)
- Improve follow-up and implementation to ensure real and measurable impact. (Maldives)
- Take benefit from the outcome and the discussion of treaty bodies by increasing the presentation of treaty bodies to the Council when common areas of interest have been identified. (Turkey)
- The HRC with the support of the OHCHR should have an institutionalized and systematic dialogue with relevant United Nations bodies in order to ensure that priority is accorded to human rights in its work and in particular on the ground. (Mexico)
- Need to beef up coordination among human rights mechanisms and need to avoid duplication and overlap. (Bahrain)
- Make a request to OHCHR, in the framework of the review of the HRC, and aiming to increase awareness in this regard, to elaborate a report that accurately indicates the financial and technical requirements for the adequate functioning of the HRC and its mechanisms, and annex this report to the outcome document of the review. (Costa Rica on behalf of GRULAC)
- Do not institute deadlines for the submission of additional proposals on the review of the Council, i.e. after the end of the present IGWG. (France)
- Reaffirm, as a fundamental principle underlying the work of the Council that any speaker can refer to a specific situation of human rights and make a pertinent point under any agenda item of the Council, without restrictions. (Canada)
- Ensure that not only first generation human rights are being dealt with. (Turkey)
- Make recommendations on the further development of international law in the field of human rights to the GA in line with paragraph 5(c) of resolution 60/251. (Turkey)
- Give special attention to the issue of improving human rights coordination and mainstreaming system wide. (Egypt on behalf of the NAM)
- Coordinate and mainstream human rights in the UN system. (Yemen)
- Critical that the developmental agenda be integrated into the human rights agenda. (South Africa)
- Better coordination between the Council and human rights agencies. (Guatemala)
- Strengthen the voice of human rights victims and defenders in the Council in an objective, non-politicized and balanced manner. (Maldives)
- Ensure that victims have a voice in the proceedings of the Council under agenda item 7, for example by video conferencing. (Lebanon)

- Mainstream human rights within the UN system. (Thailand)
- Request higher level of policy and programmatic streamlining among HLCP, UNDG and CEB. (Serbia)
- Streamline human rights within the UN system and coordinate initiatives between the HRC and other UN bodies. (Serbia)
- Ensure adequate exchange of information between UN-related Permanent Missions. (Serbia)
- Strengthen interaction with other UN Agencies. (Austria)
- Non-cooperation and persistent non-cooperation by some States, be it with the Council, be it with the Council's special procedures, must be addressed. This Council has to be ready, and its members prepared, to address such failures of cooperation in an appropriate way. Furthermore, non-cooperation should also be an element when considering which States should actually serve on the Human Rights Council. (Austria)\*
- Cooperation should be a basis for our work, but it is regrettable that not all states cooperate with this Council, its mechanisms or the wider international human rights system. It would be helpful to have an objective framework by which we could assess a state's level of cooperation. OHCHR should provide a report on an annual basis setting out the facts on every UN member's cooperation with the international human rights system. It could include a state's response to Special Procedures requests for visits, urgent communications and reporting to the treaty bodies. (United Kingdom)
- Establishment of objective criteria to assess whether States are willing to cooperate with the HRC, i.e. an acknowledgement of the violations that are a source of concern, allowing unhindered access to information by independent actors, demonstrating verifiable commitment to remedy these violations through concrete action, including through working with the HRC. (Ireland)
- Need to identify strategies of technical cooperation to respond to requests made by States in support of their efforts to promote and protect human rights, in particular for the implementation of recommendations of the UPR and the Special Procedures. (Costa Rica on behalf of GRULAC)
- HRC and OHCHR to be able to respond, at the request of the State, as facilitators for the implementation of technical cooperation strategies for capacity building. (Costa Rica on behalf of GRULAC)
- Strengthen international cooperation in the field of human rights in order to increase the culture of cooperation, understood not only as the openness to collaborate with the relevant mechanisms in the fulfilment of international obligations, but also in concrete terms, by increasing capacity building and technical assistance. (Mexico)
- Consider ways to provide technical assistance or capacity building to cooperating States after an objective dialogue. (Belgium on behalf of the EU)
- To introduce criteria of the technical cooperation and assistance which a concerned State should meet: 1) acknowledge the violations that are the source of the Human Rights Council's concerns, 2) allow unhindered access to information including in-situ by independent actors such as the UN High Commissioner for Human Rights, UN Rapporteurs, media and human rights defenders, and 3) demonstrate verifiable commitment to remedy these violations through concrete action, including with the assistance of the Human Rights Council. (Poland)

- Increase technical cooperation and genuine dialogue. (Cuba)
- Enhance the HRC's and OHCHR's capacity to provide cooperation and technical assistance to those States requesting it. (Brazil)
- Mainstream technical assistance and capacity building in all areas of the work and functioning of the HRC. (Brazil)
- Enhance capacity-building cooperation to States, following experience of the Commission of Venice, by providing technical assistance to States in the process of implementation of recommendations of the HRC. (Turkey)
- Strengthen existing mechanisms and based on this develop new methods for the High Commissioner and OHCHR to respond effectively to requests for technical cooperation and capacity-building from States should new methods for the HC and OHCHR to respond effectively to respond to requests for technical cooperation from States. (Peru)
- Examine ways to increase the efficiency of the HRC's work, including by supporting States which voluntarily requested technical support and assistance in implementing their human rights obligations. (Indonesia)
- Find ways to strengthen the HRC's ability to promote technical cooperation and capacity-building in areas such as the UPR and the Special Procedures. (Thailand)
- The review of the Council should result in determining ways to move forward in the area of capacity-building and technical assistance. (Egypt on behalf of NAM)
- Need to ensure better synergy and coordination between the HRC and OHCHR and to build a constructive working relation and dialogue between both bodies. (Egypt on behalf of the NAM); Better coordination between the HRC and OHCHR is needed. (Russian Federation)
- HC to report to the HRC only once per year at the main session; reports to other sessions to be restricted to new developments and challenges since the previous session. (Egypt on behalf of the NAM)
- SF and SMP to be consistent with the agreed international human rights law instruments as well as HRC resolutions. (Egypt on behalf of the NAM)
- Include an item on the OHCHR draft SF in the HRC PoW every two years under agenda item 2; the HC to present the draft SF to the HRC prior to its submission to the General Assembly; the President of the HRC should send a report reflecting the discussions in the HRC to the GA and the CPC as an input to their consideration of the draft SF by the HC. (Egypt on behalf of the NAM)
- Include and item on "The OHCHR Strategic Management Plan" in the HRC PoW every two years under agenda item 2; the HC would present the draft SMP to the HRC and an interactive dialogue shall take place between Member/Observer States and the HC; The HRC will ensure its consistency with the SF adopted by the GA and with HRC resolutions. (Egypt on behalf of the NAM)
- HC should report to the HRC only once a year at the main session of the Council. (Pakistan on behalf of the OIC)
- The High Commissioner should report to the HRC at every session and not be limited as to what issues to raise. (Belgium on behalf of the EU)
- HC to report to the HRC only once per year at the main session. (Islamic Republic of Iran)

- HC to present the draft SF to be followed by an interactive dialogue under agenda item 2 biannually. (Islamic Republic of Iran)
- The independence of the OHCHR, critical to its effective functioning, must in no way be undermined. (Canada)
- Ensure better synergy between the HRC and OHCHR and build on the constructive working relationship and dialogue between both sides. (Sri Lanka)
- Include, under agenda item 2, every two years, a new sub-item dedicated to the presentation of and discussion on the HC's Strategic Framework. (Algeria)
- HC to report to the HRC only once a year during the main session and to provide updates at the remaining sessions. (Nigeria on behalf of the African Group)
- In accordance of PRST 15/2, request the HC to present the Strategic Framework for Programme 19 to the HRC prior to its submission to the CPC, for the purpose the HC to compile and submit the views of States and relevant stakeholders for the transmission to CPC. (India)
- HC to present her annual report to the main session in March and to present follow-up reports to others sessions. (Libyan Arab Jamahiriya)
- HC to present annual report at the main sessions, following reports to concentrate on activities of the Office and should not refer to issues appearing under other items; the presentation of updates to be followed by an interactive dialogue; such reports to be available enough in advance. (Cuba)
- Avoid including under agenda item 2 the OHCHR strategic framework and management plan. (Spain)
- HC's two years' strategic framework should be submitted and approved by the Council. (China)
- During the main session, listen to HC annual report under item 2, and listen to reports on new developments during other sessions. (China)
- The OHCHR should strictly carry out the functions of the secretariat and should not be involved in substantive discussions. (China)
- HRC should not take action on either the Strategic Framework or Strategic Management Plan of OHCHR. (United Kingdom)
- Discuss the Strategic Framework in a formal setting. (Azerbaijan)
- Improve coordination between OHCHR and HRC and ensure that the SF and SMP are in line with HRs international standards and with Council resolutions. (Venezuela)
- Strengthen the independence and legal separation of OHCHR from the HRC. (Israel)
- Enable HC to make structural changes to her Office to enhance her staff's expertise. (Israel)
- Maintain independence of OHCHR and not allow the Strategic Framework to be introduced under item 2. (France)
- High Commissioner should continue reporting on new developments under item 2 at each session. (Thailand)
- Distinguish OHCHR as a whole and Council's Secretariat. Only this latter should be subjected to review. (Thailand)

- President to consult with the PGA on options for fast-track approval by the GA of HRC resolutions with financial implications. (Egypt on behalf of the NAM)
- Request the Fifth Committee to consider the feasibility of a meeting within a month after each session of the HRC to consider and approve budget allocations resulting from the adoption of HRC resolutions. (Canada)
- President to consult with the PGA on option for a swift approval by the GA of the HRC resolutions with financial implications. There might be a need for the HRC to review the relationship between the HRC and the 5th Committee of the GA. (India)
- Recommend the GA the provision of financial contingency calculated on the basis of additional funding required to implement HRC resolutions during the last planning period. (Algeria)
- President to consult with PGA on how to fast-track approval by GA of HRC resolutions with financial implications. (Algeria)
- Strengthen and properly align reporting procedures of the Council and the General Assembly. (South Africa)
- Align the Council and General Assembly so that they are complementary and not duplicate their work and approach to human rights issues. To this end, the Council remains the pre-eminent body of first instance, i.e. principal United Nations Human Rights Body to deal with human rights issues and present its report to the General Assembly for adoption. (South Africa)
- Revise the reporting line to the GA, e.g. submit resolutions requiring urgent endorsement by GA shortly after a particular Council session or present to the GA only part of its report listing recommendations with financial implications requiring GA action. (Thailand)
- HRC to make appropriate recommendations on its own budget lines and on those of its subsidiary bodies. (Egypt on behalf of the NAM)
- Make every possible effort to meet unbudgeted financial requirements from existing resources and to this effect, seek further efficiency and rationalization within the UN Secretariat. (Japan)
- The review to result in ways to overcome problems regarding the relationship between the HRC and the GA. On the basis of ongoing arrangements made in Resolution 60/251, the reporting line of the HRC should be directly to the plenary of the GA. (Brazil)

### **Part III**

#### **Other issues on which differences exist as to whether they fall within the purview of the review in Geneva and require further determination on which the President will consult with States**

- Elevate the HRC to a principal organ of the United Nations. (Argentina)
- The members should be chosen according to their contributions to human rights and their own record thereon; the General Assembly should reflect on remedial ways to “clean slates” and to apply existing selection criteria for HRC members. (France)

- Consider the non cooperation of States with Special Procedures as an element of consideration of membership in servicing the HRC. (Austria)
- Non-cooperation and persistent non-cooperation by some States, be it with the Council, be it with the Council's special procedures, must be addressed. This Council has to be ready, and its members prepared, to address such failures of cooperation in an appropriate way. Furthermore, non-cooperation should also be an element when considering which States should actually serve on the Human Rights Council. (Austria)
- Use the level of State's cooperation as an indicator in relation to applications for HRC membership. (Belgium on behalf of the EU)
- Greater emphasis should be put on States' record of cooperation with the Special Procedures during the meeting of the HRC and this should be taken into account when States are standing for the HRC membership. (United Kingdom)
- Consider degree of cooperation with Special Procedures as one of the criteria for membership in Council, which should be evaluated by OHCHR. Failure to honour standing invitations, not responding to urgent appeals or not systematically following up on request for visits should be taken into account. The GA should study this in its forthcoming discussion on the status of Council. (France)
- Promote mutual cooperation between States and Special Procedures, through considering cooperation of States as a criteria for the election of the Council membership and in this context suggest the following actions: asking the OHCHR to compile and make available objective information on the cooperation programme between States and UN Human Rights mechanisms, giving effect to para 9 of res. 60/251, including the issue of cooperation under item 5 of the agenda of the HRC, creating a standby group of experts to undertake ad-hoc missions and tasks mandated by the HRC. (Argentina and Chile)
- Full cooperation should be an obligation for Members of the Council and those who are applying to become a Member: bona fide cooperation should be made an important indicator in applications; persistent lack of cooperation should mean State is not qualified for membership. (Czech Republic)
- Require any State that is a candidate country for the HRC to provide an update/response to Special Procedures inquiries, recommendations, and request for country visits. States should consider a candidate's record of cooperation with the Special Procedures when electing members to the HRC. (United States of America)
- Cooperation with Special Procedures should be taken as a major indicator on candidacies for countries applying to be members of the Council. (Spain)
- States to be encouraged to take the degree of cooperation documented into account in guiding the choices for elections to HRC. (Ireland)
- Member States of the HRC should demonstrate maximum cooperation with its mechanisms. It would be useful if candidates for HRC membership issue standing invitation to Special Procedures as an essential condition for membership. (Paraguay)
- Find ways, during the review, to better fulfil the requirements of 60/251 on the issue of membership. (Sweden)
- Do not change the current limited membership. (Argentina)
- To ensure that the membership of the Council better reflects the universality of human rights as well as the universal engagement of States with the Council and its

mechanisms: The membership of the Council should be made universal, to allow all who wish to do so to participate on an equal basis and fully benefit from the supportive, cooperative and effective forum. (Canada)

- Pending the inception of a universal HRC, establish clear criteria as to what constitutes “upholding the highest standards in the promotion and protection of human rights, and full cooperation with the HRC”. (Canada)
- The Rules of Procedure should support better the existing membership criteria in resolution 60/251 by specifying that candidates will present voluntary pledges and commitments in an interactive dialogue before the GA using a standard format that includes specific and measurable benchmarks; OHCHR to provide a report for this interactive dialogue including information on the implementation of ratified human rights treaties, possible human rights sanctions, nature of human rights complaints against a country, status of implementation of UPR recommendations, level of cooperation with SP, contribution to HR initiatives. (United States of America)
- Regional groups should nominate more candidates than available seats, rather than present a clean slate, as competition allows for a better evaluation of candidates. There should be more candidate countries from each region than available openings on the Council to allow for full evaluation of candidate countries. (United States of America)
- Voluntary presentations of candidate States before the election in order to present their approach to uphold the highest standards and how they have been cooperating with the HRC. (Germany)

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## Appendix

### Written submissions\*

Algeria  
Argentina  
Argentina and Chile (E, S)  
Argentina, Chile, Mexico and Peru  
Armenia  
Belgium on behalf of the European Union  
Canada  
China  
Colombia  
Costa Rica on behalf of GRULAC  
Costa Rica  
Cuba  
Egypt on behalf of the Non Aligned Movement  
India  
Indonesia  
Islamic Republic of Iran  
Israel  
Japan  
Maldives  
Mauritius  
Mexico  
Moldova  
Norway  
Oman on behalf of the Group of Arab States  
Pakistan  
Reflection Group  
Russian Federation  
South Africa  
Switzerland  
Turkey  
United States of America

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\* In alphabetical order.



## List of non-State observers' contributions

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## **Part I**

### **Concrete proposals on:**

#### **I. Universal periodic review**

##### **A. General**

- Provide greater profiling of the objective included in resolution 5/1 “improvements of the human rights situation on the ground” in the second cycle (Commonwealth Secretariat)
- Consider ways in which to enhance opportunities for small States engagement with the UPR, by using for example video submissions or video link (Commonwealth Secretariat)
- Build accessibility, including captioning from the start for any new communication and information initiatives (European Disability Forum)
- Recognise as a basis for the discussion of measures to improve the UPR the complementary character of the international UPR system to the national system (Forum Human Rights Germany/Friedrich Ebert Foundation/German Institute for Human Rights)

##### **B. Periodicity and second cycle**

###### **1. Four-year periodicity**

- Keep the time period of each cycle to four years or less (European Disability Forum)

###### **2. No gap year**

- An immediate move to the second cycle is desirable (Commonwealth Secretariat)

###### **3. Other**

- Devote the second cycle both to the assessment of the implementation of recommendations made in the previous review and to an assessment of the current human rights situation in the State under review (Geneva for Human Rights)
- The next cycle should look at implementation of the outcome of the first cycle (Forum Human Rights Germany/Friedrich Ebert Foundation/German Institute for Human Rights)
- All relevant human rights issues may be addressed during the second cycle, whether or not they were accepted by the State under review during the first cycle (Canadian HIV/AIDS Legal Network)

##### **C. UPR documentation**

###### **1. Methodology and content of second cycle reports**

- States clearly indicate in their national report and during their working group presentations what consultations have taken place (Canadian HIV/AIDS Legal Network)

- Prepare national consultations well based on a clear timeframe, hold them in advance of the preparation of the national report, and include fully civil society (Geneva for Human Rights)
- National reports should reflect international obligations (Indian Council of South America)
- Include a specific section in relevant national reports on territories considered by the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee of 24) as non self-governing (Mouvement contre le racisme et pour l'amitié entre les peuples)
- Include a specific section in the compilation prepared by OHCHR in order to reflect the consideration by the Special Committee of 24 (Mouvement contre le racisme et pour l'amitié entre les peuples)

## **2. Interim reporting**

- Further encourage States to report back to the HRC on progress made on the implementation of recommendations (Commonwealth Secretariat)
- Each State should elaborate a UPR implementation plan and present an interim report on implementation, while there should be a requirement to discuss them in the HRC (Forum Human Rights Germany/Friedrich Ebert Foundation/German Institute for Human Rights)
- Provide interim implementation reports as soon as possible but not later than two years after original UPR session (CIVICUS)
- Provide mid-term reports two years after a State's review on implementation of UPR recommendations (European Disability Forum)
- Encourage States to present a mid-term assessment (Forum Human Rights Germany/Friedrich Ebert Foundation/German Institute for Human Rights)
- States under review should present an implementation plan on how they intend to fulfil their UPR commitments, as well as a mid-term implementation report (Canadian HIV/AIDS Legal Network)
- Further encourage States to report back to the HRC on progress made on the implementation of recommendations (Commonwealth Secretariat)

## **3. Other**

- Make all UPR reports available in Word or html, and make information about the UPR on the internet accessible in line with the Website Accessibility Initiative standards (European Disability Forum)
- Allow NHRI to submit a separate report in future UPR cycles (Asia Pacific Forum of National Human Rights)
- Introduce all input reports and present a summary to the Working Group (instead of the national report only) (Canadian HIV/AIDS Legal Network)
- Adjust the timeline for stakeholder submission to enable stakeholder submissions to address issues raised in the State report (Canadian HIV/AIDS Legal Network)
- All States should present an addendum 1 in a consistent format, preferably a grid and all elements of the outcome should be gathered together into a single consolidated outcome document (Canadian HIV/AIDS Legal Network)

- Enhance clarity of UPR outcomes (Amnesty International)
- Discard suggestions that SuR should be consulted in the preparation of the OHCHR compilation and the stakeholder summary (International Service for Human Rights)

#### **D. Conduct of the review in the Working Group**

- Provide opportunities to introduce the UN compilation and the summary of stakeholders' inputs prepared by the OHCHR into the interactive dialogue of the UPR Working Group (Geneva for Human Rights)
- Present the OHCHR compilation of UN information and summary of information by other stakeholders orally at the beginning of each country's review (National Association of Community Legal Centers)
- Improve the way the examination is carried out in the Working Group by involving e.g. the expertise of Special Procedures into the oral hearing (Forum Human Rights Germany/Friedrich Ebert Foundation/German Institute for Human Rights)
- Bring greater human rights expertise into the UPR process (Amnesty International)
- Stakeholder summary and OHCHR compilation to be presented orally during the UPR working group (International Service for Human Rights)

#### **E. Duration of review and list of speakers**

##### **1. General principles**

- Ensure that all governments participate on an equal footing in the review with flexible time arrangements to meet the needs of all the governments who want to participate (Human Rights Watch)
- Allow any States wishing to make recommendations during the Working Group to do so (Canadian HIV/AIDS Legal Network)
- If a State is unable to take the floor due to time constraints, nonetheless collect and reflect their recommendations in the list of recommendations in the Working Group report (Canadian HIV/AIDS Legal Network)
- Extend the review to allow all States wanting to speak to do so (International Service for Human Rights)

##### **2. Duration of the Working Group interactive dialogue**

- Extend the time allotted for the individual review of country reports to allow all speakers to make comments (CIVICUS)

#### **F. Recommendations**

##### **1. Clustering/rationalization of recommendations**

- Cluster recommendations by theme before the adoption of the report. Any editorial changes would need to be agreed by the receiving and the recommending States. (Commonwealth Secretariat)
- Independent expertise, e.g. SP should help to cluster the recommendations for more clarity. (CIVICUS)

- UPR recommendations should be clustered, streamlined, meaningful and genuinely aimed at improving the human rights situation on the ground. (Asia Pacific Forum of National Human Rights Institutions)

## **2. Nature/content of recommendations**

- Recommendations should be focused, action-oriented, and clustered thematically in the outcome report with particular attention to the recommendations based on recommendations from other human rights mechanisms. (Geneva for Human Rights)
- Make recommendations with the view to have a real beneficial impact on the ground and be monitored and followed up in the second cycle. (CIVICUS)
- Recommendations should be more specific and action oriented, fewer and better. (Forum Human Rights Germany/Friedrich Ebert Foundation/German Institute for Human Rights)
- All recommendations should be focused, action-oriented, implementable, measurable, and designed to improve the human rights situation in the SuR. (Canadian HIV/AIDS Legal Network)
- Adopt a standard format to identify the status of implementation of recommendations, including actions taken, and future actions proposed. (Canadian HIV/AIDS Legal Network)
- A set of specific targeted recommendations and precise comments must result from the review. (Amnesty International)
- Focus the review on addressing questions and making specific recommendations rather than making general or laudatory comments. (International Service for Human Rights)

## **3. Consistency of recommendations with international and human rights law**

- The formal commitment of States to international human rights standards, for example through ratifications, provides a set of legal obligations that might be made explicit when they form the basis of recommendations (Commonwealth Secretariat)
- The formal commitment of States to international human rights standards, for example through ratifications, provides a set of legal obligations that might be made explicit when they form the basis of recommendations (Commonwealth Secretariat)
- Appoint a legal adviser to assist the Troika and the President of the HRC in ensuring that recommendations made by States are consistent with international human rights law, and that SuRs' do not reject recommendations by using arguments contrary to international law (International Service for Human Rights)
- Establish a consultative expert group to review the recommendations made by States during the review to ensure their conformity with international norms and jurisprudence (International Federation for Human Rights Leagues)
- Recommendations and State responses thereto, must be consistent with international human rights law (Canadian HIV/AIDS Legal Network)
- Increase expertise in the review and report adoption process to better identify and provide guidance to States in order to avoid responses to recommendations that are inconsistent with international obligations (Canadian HIV/AIDS Legal Network)

- Affirm, as a principle of the UPR, that no recommendation or State response thereto, may be interpreted to limit the scope of any State's obligations under international human rights law (Canadian HIV/AIDS Legal Network)

#### **4. Position of SuR on recommendations**

- SuR to clearly state their position with respect to each UPR recommendation. (International Coordinating Committee of NHRIs)
- Provide responses to each recommendation in advance and in writing with reasons for reject being provided. Recommendations should not be rejected for reasons that are inconsistent with the SuR's international human rights obligations. (Geneva for Human Rights)
- States subject to review clearly state their position in relation to recommendations prior to the adoption of the outcome report. A tabular template which requires States to accept or reject each recommendation and provide a brief rationale for rejection would be helpful in this respect. (National Association of Community Legal Centers)
- State should indicate clearly in writing in advance of the UPR outcome which recommendations it accepts. (European Disability Forum)
- Provide responses to all recommendations in advance of the HRC adoption of the final report of the UPR. (Human Rights Watch)
- Explain reasons for rejection of recommendations that should not be contrary to the Vienna Convention on the Law of Treaties and other obligations under international human rights law. (Human Rights Watch)
- Require from States to clearly state their position on each recommendation. (Asia Pacific Forum of National Human Rights Institutions), (Forum Human Rights Germany/Friedrich Ebert Foundation/German Institute for Human Rights)
- Provide in writing State responses to all recommendations at least two weeks in advance of the session at which the report will be adopted. Comments should be provided for any recommendations not accepted. (Canadian HIV/AIDS Legal Network)
- Ensure increased clarity in responses to recommendations. SuRs to be required to reply in writing and to make their replies at least one week before the adoption of the UPR outcome by the Council. (International Service for Human Rights)
- SuR should have the obligation to accept or reject the recommendations formulated in a clear and transparent manner, at the adoption of the WG report. (International Federation for Human Rights Leagues)

### **G. Adoption of UPR outcomes**

#### **1. General**

- Allow NGOs without ECOSOC status to make comments on the UPR outcome at the plenary adoption (Geneva for Human Rights)
- Indigenous peoples and non-ECOSOC status NGOs must be able to deliver interventions during the adoption of the report (Indian Council of South America)
- Allocate more time to NGOs at the adoption of the UPR reports (European Disability Forum)

- Provide an opportunity for non-ECOSOC accredited NGOs to speak in the adoption of the UPR outcome for their country in the HRC plenary (Forum Human Rights Germany/Friedrich Ebert Foundation/German Institute for Human Rights)
- Reflect comments of stakeholders prior to the adoption of the final report in the summary, which should form part of the outcome (Canadian HIV/AIDS Legal Network)
- Allocate 15 minutes to each SuR during the plenary session to present its position on recommendations made, and explain its choices so that all 16 reports could be adopted within 4 hours (Mouvement contre le racisme et pour l'amitié entre les peuples)
- Allocate more time than the current twenty minutes for other stakeholders to make general comments before the adoption of working groups reports (International Service for Human Rights)
- Allow NHRIs and NGOs, including NGOs without ECOSOC status having made submissions for the stakeholders' summary, to participate in the adoption of the UPR reports by the Council through the use of video conferencing or pre-recorded statements (International Service for Human Rights)
- Submit in writing any addendum to the Working Group report no later than a week prior to the adoption of the report (CIVICUS)

## **2. New mechanism for adoption of outcome**

- Separate the adoption of the UPR reports in plenary session from regular Council sessions and move it before or after the next UPR WG (CIVICUS)
- Limit the consideration of the UPR outcomes in plenary to a 15 minutes presentation by the State under Review and use the time saved to reinforce the dialogue of the HRC with Special Procedures (Mouvement contre le racisme et pour l'amitié entre les peuples)

## **H. Role of the Troika**

### **1. Adjustments**

- Assign a more substantive role to the Troika in guiding the review in the UPR Working Group. There should be a group of experts who would follow the UPR process for particular States from the beginning to the end, including in implementation. (Forum Human Rights Germany/Friedrich Ebert Foundation/German Institute for Human Rights)

### **2. Other**

- Troika to present to the UPR Working Group all written questions submitted in advance (International Service for Human Rights)

## **I. Role of OHCHR**

- UPR outcomes should be communicated to all relevant stakeholders in the State concerned by the Secretariat of the Council-OHCHR (Nord-Sud XXI)
- OHCHR could play a larger role in assisting national consultations. It could develop guidelines for the conduct of national consultations and assist NGOs in their

contribution to national consultations (Forum Human Rights Germany/Friedrich Ebert Foundation/German Institute for Human Rights)

- The Secretariat could collate best practices relating to particularly effective national consultations that have taken place, as a guide for States under review (Canadian HIV/AIDS Legal Network)

## **J. Role of stakeholders**

### **1. Written contributions**

- Allow NHRIs to submit a separate ten-page report in future UPR cycles, which will be focused both on implementation of UPR recommendations and on the human rights situation in the country (International Coordinating Committee of NHRIs)
- Consider “A” accredited NHRIs report as fourth report to be considered in the UPR as proposed by the International Coordinating Committee (European Disability Forum)
- Allow NHRIs and NGOs, including those without ECOSOC status, to submit written questions in advance of the review (International Service for Human Rights)
- The process for a State’s report on implementation should allow for NGOs and NHRIs to comment on implementation through both written and oral submissions (National Association of Community Legal Centers)

### **2. Enhanced participation (oral interventions)**

- “A” status accredited NHRI to be allocated speaking time during the review at the UPR Working Group following the presentation of the SUR (International Coordinating Committee of NHRIs)
- Allow for “A” status NHRIs to speak after the SUR and before the adoption of the report (International Coordinating Committee of NHRIs)
- Allow the submission of statements via video conferencing in accessible format (International Coordinating Committee of NHRIs)
- ‘A’ status accredited NHRIs should be allocated speaking time during the review of their country, following the presentation by the State under review (International Coordinating Committee of NHRIs)
- Give the floor to A status NHRIs immediately after their State during the Council’s plenary discussion and adoption of the UPR report on that country (Asia Pacific Forum of National Human Rights Institutions)
- Allow NHRIs with “A” status to take the floor and present their assessment of the human rights situation in the SuR during the UPR Working Group (International Service for Human Rights)
- Improve the participation of stakeholders by allowing NGOs to make oral interventions during the consideration of a State in the Working Group (Nord-Sud XXI)
- Allow the NHRI of a state under review to participate in the interactive dialogue (National Association of Community Legal Centers)
- The Council should allow pre-recorded statements from NGOs and NHRIs and should introduce video conferencing in accessible format (National Association of Community Legal Centers)



- Strengthen the role of NGOs in the adoption of the UPR process, by allowing non-ECOSOC accredited NGOs to take the floor during the Plenary session (Human Rights Watch)
- Allow NHRI to submit recommendations toward the review of their country in future UPR cycles to be included in the report of the country (Asia Pacific Forum of National Human Rights Institutions)
- Assign a formal opportunity to A status NHRIs to contribute to the UPR Working Group (Forum Human Rights Germany/Friedrich Ebert Foundation/German Institute for Human Rights)
- Enhance the participation of A-status NHRIs (Canadian HIV/AIDS Legal Network)
- Allow “A” status NHRI to make a more substantive contribution in the UPR in the preparation, conduct and implementation of reviews; “A” status NHRIs to be able to submit their own documents as part of the review basis (Amnesty International)

### **3. Other**

- Explore ways in which awareness raising initiative to national civil society in various parts of the Commonwealth might be enhanced to increase their participation in the UPR (Commonwealth Secretariat)
- Give other actors than States the opportunity to adopt UPR outcomes by committing to fulfilling them (Nord-Sud XXI)
- Bring independent expertise, NHRIs in compliance with the Paris Principles into the UPR process and introduce the OHCHR compilation and summary during the interactive dialogue (Human Rights Watch)
- Increase the role of parliaments in the UPR process (Amnesty International)

## **K. Trust fund for participation**

- Operationalize and ensure adequate resources for the UPR Voluntary Trust Fund for the Participation of developing countries and Voluntary Fund for Financial and Technical Assistance (Nord-Sud XXI)
- Give consideration to establishing an independent voluntary fund to enable indigenous NGOs to fully participate in consultations in the country concerned before, during and after the State’s UPR (Nord-Sud XXI)
- Consider ways in which to enhance opportunities for small States engagement with the UPR, by using for example video submissions or video link (Commonwealth Secretariat)
- Extend the UPR Trust Fund to support NHRI attendance at the Working Group on the UPR and their participation in OHCHR-run trainings on the UPR (Asia Pacific Forum of National Human Rights Institutions)

## **L. Follow-up (incl. voluntary fund for financial and technical assistance)**

### **1. General**

- Make the UPR country report more widely public, widely circulate the UPR outcome document in the country and the entire UN system. (CIVICUS)

- Hold annual consultations as follow up measures to guarantee the continued cooperation of the State with all stakeholders to enhance implementation of the outcome of the UPR. (CIVICUS)
- Include time under Council Agenda Item 6 to discuss UPR follow up. (European Disability Forum)
- Under UPR follow up States should provide information on: a) whether they have disseminated information about the UPR in accessible formats, making them available to persons with disabilities; b) the extent to which they have implemented recommendations directly mentioning persons with disability; c) the extent to which they have implemented other recommendations so as to ensure that persons with disabilities also benefit from implementation; d) whether and how the State is involving organizations of persons from different constituencies of persons with disabilities in implementation, and in consultations for their next UPR State report. (European Disability Forum)
- Monitoring of implementation and follow up to recommendations should include examining how well persons with disabilities are being included. (European Disability Forum)
- National consultations should be inclusive, and the participation of representative organizations of persons with disabilities should be sought. Ensuring that inclusive consultations are being done should be incorporated into the follow up segment. (European Disability Forum)
- States to hold similar consultations with stakeholders after the Working Group review, focused on implementation and follow-up. (Canadian HIV/AIDS Legal Network)
- Council to make provision for mid-term implementation updates from SuRs, and to allocate sufficient time under item 6 for the presentation and discussion of such information. (Amnesty International)

## **2. Implementation of recommendations – general**

- Develop mechanisms and modalities for the assessment of the implementation of recommendations, in which civil society should play an active role (Geneva for Human Rights)
- Implementations plans with a clear time frame and key milestones to be developed within 12 months of the adoption of the review (Amnesty International)
- Give space to other stakeholders in the second cycle including NHRIs and NGOs to report on implementation of recommendation as suggested by Peru (CIVICUS)
- “A” status accredited NHRIs as well as other stakeholders to be able to provide regular update information on the status of implementation of UPR outcomes (International Coordinating Committee of NHRIs)
- Require States to provide oral reports on their implementation of recommendations two years after the review (International Coordinating Committee of NHRIs)
- Council to establish a requirement that each state adopt a national UPR implementation plan to be submitted to the Council (Amnesty International)
- States required to report back on implementation of UPR recommendations two years after the adoption of the final report (National Association of Community Legal Centers)

**3. Technical cooperation strategies**

- Make available technical assistance and funding from the VF for the UPR, if needed (Amnesty International)

**4. Role of SuR**

- Action must be taken by SUR to implement recommendations and commitments at the national level in a systematic and timely manner (Amnesty International)

**M. Link with other mechanisms**

- Incorporate country reports and recommendations of the Special Procedures (CIVICUS)
- Involve regional organisations and national Parliaments in the follow-up (Forum Human Rights Germany/Friedrich Ebert Foundation/German Institute for Human Rights)
- Allow the chairperson of the Special Committee of 24 to make a brief statement at the Working Group (Mouvement contre le racisme et pour l'amitié entre les peuples)
- Remind to each State under review its obligation to abide by all recommendations made by Treaty bodies (Mouvement contre le racisme et pour l'amitié entre les peuples)
- Review could be an opportunity to strengthen the added value of the UPR and diminish its potential challenge to international norms and UN expert mechanisms (International Federation for Human Rights Leagues)
- States should prepare their contribution to the UPR of third countries in drawing on the existing body of expert recommendations, in targeting their questions on the follow-up given to these recommendations, and in targeting their recommendations on specific follow-up activities to the expert conclusions (International Federation for Human Rights Leagues)

**II. Special procedures**

**A. Special procedures mandates**

- Strengthen the independent expertise of SPs, particularly through providing them with the power of initiative to address human rights of concern and/or call for the holding of special sessions (The French National Consultative Commission on Human Rights)
- Enable the Coordination Committee to function as the appropriate body to settle contentions between States and SPs (The French National Consultative Commission on Human Rights)
- Respect the wise decision of rejecting the proposal for an ethics or legal committee made during the institutional-building phase (Amnesty International)
- Reject firmly proposals for a body, by whatever name, to oversee implementation of the CoC (Amnesty International)
- Create regional Working Groups, in order to combat selectivity and complementary to the work of country-specific mandates (Human Rights Watch)

- Shift the burden of proof to the complainant in cases of alleged violations of the Code of Conduct (Friedrich Ebert Stiftung/FEF)
- Ensure that there are no protection gaps in the SPs system (Canadian HIV/AIDS Legal Network)
- Reject calls for a legal oversight mechanism that would undermine independence of Special Procedures, instead of focusing on genuine and constructive dialogue with Special Procedures (Canadian HIV/AIDS Legal Network)

## **B. Selection of mandate holders**

- Allow the Chair and other members of the Coordination Committee, experts from the OHCHR, from academia or NGOs to assist the Consultative Group in identifying candidates in the selection of mandate holders. (CIVICUS)
- Respect provision in IB text, para 47 that Consultative Group provide the President with “a list of candidates”, rather than seeking to identify a preferred candidate, for each position. (Canadian HIV/AIDS Legal Network)
- Preserve the role of the HRC President in the mandate holders’ selection process to assess all candidates on the short list provided by the Consultative Group, taking due regard of regional and gender balance, in order to appoint the most qualified candidate for each position. (Canadian HIV/AIDS Legal Network)
- When appointing country-specific special rapporteur, the President, in consultation with the Bureau, should submit a list of candidates to the country concerned, and allow the latter to express its preferences among them. If this procedure were to be followed, the probability of securing cooperation from the country concerned would be greatly enhanced. (Coordinating Board of Jewish Organizations)
- Develop gradually a global pool of experts for the selection of mandates holders. (FEF)
- Explore the possibility of requesting a motivation letter from the candidates in the appointment process. (ISHR)
- Give more weight to the expertise of the mandate holder in the selection process while maintaining respect for geographical distribution. (North South XXI)
- Create an advisory board of human rights experts to assist the President of the Council and OHCHR in reviewing applications. (North South XXI)

## **C. Methods of work and reporting modalities**

- Where a SP addresses a country situation at the HRC, either through the presentation of a country-specific report or address of a country situation in the thematic report, the NHRI from that State should have the opportunity to speak immediately after the State concerned in order to directly contribute to the interactive dialogue (International Coordinating Committee of NHRIs)
- Replace the current clustered interactive dialogues with thematic procedures under Item 3 by individual and interactive dialogues (ISHR)
- The interactive dialogues with mandate holders should be fixed on the programme of work like the adoption of UPR outcomes to ensure greater predictability and full participation of special procedures (ISHR)

- Consider the Special Procedures reports on country visits separately from their annual reports and debated along thematic or regional lines (ISHR)
- Provide speaking time for NHRIs of the country concerned immediately after the State concerned to comments on the visit report (ISHR)
- All people, including Indigenous People, must be able to dialogue with SPs and States so that States do not water down and negotiate away the international obligations stemming from the right to self-determination, a base problem that does not allow for SPs to give holistic conclusions and recommendations (Indian Council of South America)
- Enhance the complementarity between SPs and UPR (The French National Consultative Commission on Human Rights)
- Strengthen selection criteria for HRC membership (The French National Consultative Commission on Human Rights)
- Enhance orientation and induction for incoming mandate holders (Canadian HIV/AIDS Legal Network)
- Support and enhance the role of the Coordination Committee in engaging in dialogue with States and mandate holders, and seeking positive resolution to any concern that may arise (Canadian HIV/AIDS Legal Network)
- Hold a biennial debate devoted to:
  - Reviewing cooperation with the special procedures that would address states' responsiveness to communications and urgent appeals and assess qualitatively the response
  - Reviewing the status of visit requests, including accepted requests where there have been long delays in setting dates (Amnesty International)
- Allocate more than five minutes to states at the time of presentation of mission reports to the Council in order to have an adequate reflection and dialogue on the mission conclusions and recommendations or for reporting on steps taken to act on them (Amnesty International)
- Develop a roster of independent experts that would be available to carry out ad-hoc tasks assigned by the HRC in response to urgent or special situation so as to avoid over-tasking of thematic procedures (Human Rights Watch)
- Give more time to individual special rapporteurs and do not clustered reports and ensuing interactive dialogues (CIVICUS)
- Give enough time to special procedures to engage in open or closed side events with States, both ECOSOC and non-ECOSOC NGOs, victims and human rights defenders (CIVICUS)
- De-cluster the presentations of the special procedures mandate holders as a matter of accessibility so that the dialogues take place one at a time (European Disability Forum)
- Even if two mandate holders make presentations to the council during the same time slot, divide the time evenly and first have all of the interventions for the first mandate holder, before turning to the dialogue with the second mandate holder (European Disability Forum)

- If the mandate holders have done joint reports, one segment (but not all) on their presentations could be done together, solely for the purpose of the joint report (European Disability Forum)
- Make available all reports of the special procedures mandate holders in Word or HTML, and not PDF, which is inaccessible to some people who use screen readers (European Disability Forum)
- Dedicate more time to the interactive dialogues with Special Procedures (Asia Pacific Forum of NHRIs)
- Provide speaking time for NHRIs right after the statement from the concerned State during the interactive dialogue (Asia Pacific Forum of NHRIs)
- Improve the interactive dialogue by a revision of the clustering of issues and use the modalities of the Third Committee interactive dialogue (FEF)
- Institutionalize the follow up to the Special Procedures recommendations (FEF)
- Strengthen and highlight the prevention role of the Special Procedures (FEF)
- OHCHR to convene seminars on “best practices”, “good practices” that coincide with international human rights obligations (Indian Council of South America)
- Create an atmosphere that will allow for SPs to positively identify the root causes of serious human rights violations: that particular States commit the violations, the underlying cause being, to suppress movements of peoples to free themselves from the yoke of colonialism or violations of the right to people to self-determination (Indian Council of South America)

#### **D. Cooperation with special procedures and follow-up**

- The HRC should adequately address cases of reprisals as a consequence of cooperation with UN mechanism. A fund should be created to support persons who are at risk of reprisal as a consequence of such cooperation. (International Coordinating Committee of NHRIs)
- The HRC should dedicate more time at its sessions to examine follow up to SPs recommendations: NHRIs should be able to provide the HRC regular information on the implementation of SPs recommendations. (International Coordinating Committee of NHRIs)
- Establish a mechanism to monitor States’ compliance with their obligations to cooperate with the SPs. (The French National Consultative Commission on Human Rights)
- Require all states to present a written response to special procedures’ country mission reports concerning them in the form of a distinct document from the report, responding to all recommendations in the report and indicating steps taken or intended to be taken to give effect to them. States could work together with the mandate holders to prioritize the implementation of recommendations. (Amnesty International)
- Present both the special procedure’s country mission report and the state’s written response in a stand-alone interactive dialogue. (Amnesty International)
- Strengthen States cooperation with SPs and to make the HRC to discuss the status of States cooperation with SPs under agenda item 5. (Human Rights Watch)

- Consider a standing invitation to be effective when Governments would respond to a request for a visit within six months and actually schedule the visit within two years from the request. (Human Rights Watch)
- All present and future members of the Council should extend standing invitations to all special procedures. (CIVICUS)
- States should respond in a timely fashion to all recommendations of special procedures, in particular to urgent appeals. (CIVICUS)
- Special procedures should use country visits to engage not only with governments and civil society of the particular country but with larger civil society from the region, in particular civil society from the neighbouring countries. (CIVICUS)
- Use special procedures more fully:
  - In the UPR, when finalizing the review summary reports, helping to cluster recommendations
  - In helping to implement recommendations
  - In thematic panel discussions
  - In stand-alone country or regional dialogues
  - In special sessions (CIVICUS)
- Ensure explicit support to the special procedures and protect them from unreasoned open challenges to their mandates from members of the Council or other UN member states. States should accept that special procedures mandates are not established without a reason. Ensure that once a mandate is established both the party under review and the party that reviews work together in the interest of human rights and of the victims. (CIVICUS)
- Have States candidate to the HRC membership committed to a Declaration of Commitment. (Canadian HIV/AIDS Legal Network)\*
- Address under item 5 the status of cooperation (of a State) with Special Procedures. (FEF)
- Adopt a monitoring system to ensure that standing invitations are effectively implemented. (Asia Pacific Forum of NHRIs/APF)
- Require an explicit commitment to full cooperation with the Special procedures for an election to the Council. (International Service for Human Rights)\*
- Issue standing invitations from all States to all special procedures. (International Service for Human Rights)
- Define what cooperation means in substantive terms and regularly assess the level of State cooperation with Special procedures to be discussed under Item 5. Persistent cases of non-cooperation should be addressed by the Council. (International Service for Human Rights)
- Give fuller attention and follow up to the reports and recommendations of the Special Procedures. (International Service for Human Rights)

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\* To be considered in Part III.

- Consider the Special Procedures reports on country visits separately from their annual reports and allow special procedures to bring the visit reports to the Council as soon as possible. (International Service for Human Rights)
- Improve the follow up to individual communications and consider a joint communication report at every session as the subject of a separate interactive dialogue with mandate holders. (International Service for Human Rights)
- Improve the expert support given to mandate holders by encouraging collaboration with other UN bodies. (North South XXI)
- Support more explicit mechanisms for assessment and discussion within the Council of the degree of State cooperation with the Special Procedures. (Canadian HIV/AIDS Legal Network)

#### **E. Funding/resources**

- Better equip the mandate holders to fulfil their mandates by making fewer earmarks, higher transparency and more freedom to use their funds part of an established mandate (CIVICUS)
- Increase substantially the budget and the equipment of staff (FEF)
- Improve the expert support given to mandate holders by encouraging collaboration with other UN bodies (North South XXI)
- Ensure full transparency on the allocation of resources devoted to each mandate, mainly from regular budget and only seek voluntary contributions as a last resort; (North South XXI)

#### **F. Other issues**

- Providing the opportunity for special procedures to alert the Council to emerging crises to allow it to respond to prevent human rights violations and to call a special session of the Council to discuss urgent situations (ISHR)

### **III. Advisory Committee and complaint procedure**

#### **A. Advisory Committee**

##### **1. General**

- Preserve individual and collective independence of members, which should continue to work as a collective organ of general competence (Commission Nationale Consultative des Droits de l'Homme de France)

##### **2. Functions**

- Re-establish the right of the Advisory Committee to create Working Groups, as well as its own power of initiative to the Council, in order to perform as a true think tank (Commission Nationale Consultative des Droits de l'Homme de France)
- Human Rights Council to seize the Advisory Committee of all projects concerning the elaboration of norms for study and advice and allow treaty organs and thematic



procedures to consult the Advisory Committee (Commission Nationale Consultative des Droits de l'Homme de France)

### **3. Composition and selection of members of the Advisory Committee**

- Develop an appointment process similar to that used for Special Procedures, with clear criteria for selection (International Service for Human Rights; Canadian HIV/AIDS Legal Network)
- Reinforce the independent experts' capacities by ensuring election of candidates which are not only competent and independent but equally available to participate effectively in the work of the Advisory Committee (Commission Nationale Consultative des Droits de l'Homme de France)

### **4. Methods of work**

- Encourage the Advisory Committee to continue engaging with national human rights institutions (International Coordinating Committee of National Human Rights Institutions)
- The Secretariat to disseminate well in advance of Advisory Committee sessions the relevant documentation and programme of work of sessions in all UN languages (International Coordinating Committee of National Human Rights Institutions)
- Increase the duration of the sessions of the Advisory Committee (Commission Nationale Consultative des Droits de l'Homme de France)
- Ensure that Advisory Committee's documents are treated as UN documents and translate them in all official languages (Commission Nationale Consultative des Droits de l'Homme de France)
- Consider ameliorating the relationship between the Advisory Committee, thematic procedures and treaty organs by inviting the President of the Advisory Committee to the annual meetings of thematic procedures and of treaty bodies (Commission Nationale Consultative des Droits de l'Homme de France)
- Expand the number of meetings of the Advisory Committee to one week before the Human Rights Council meetings in June and September and for two weeks before the March Session of the Council (North South XXI)
- Ensure adequate support to the Advisory Committee by the Secretariat or through supplementary funding by the Council (North South XXI)

### **5. Relationship with the Human Rights Council**

- The Council to give more attention to the work of the Advisory Committee (International Service for Human Rights)
- Recommendations of the Advisory Committee to be debated by the Council and a formal and substantive response to be provided by the Advisory Committee (International Service for Human Rights)
- Hold an annual interactive dialogue between the Council and the Chairperson of the Advisory Committee (International Service for Human Rights)
- Encourage the interaction of the Advisory Committee with the Human Rights Council (Commission Nationale Consultative des Droits de l'Homme de France)

- Consider enabling the Chair of the Advisory Committee to present a report to the Council after each session of the Committee, followed by a full interactive dialogue (Canadian HIV/AIDS Legal Network)
- Consider allowing greater involvement of Advisory Committee members in Council panels, debates and discussions (Canadian HIV/AIDS Legal Network)
- Council to provide a clear and substantive response in a timely manner to the Advisory Committee when it identifies research proposals to be undertaken by the Advisory Committee, in accordance with paragraph 77 of the institution building text (Canadian HIV/AIDS Legal Network)
- Consider the possibility for the Advisory Committee to be unambiguously requested to provide specific inputs on targeted issues to the Human Rights Council, which might include requests to provide specific research inputs to the Council (North South XXI)

## **B. Complaint procedure**

### **1. General**

- Improve the Complaint procedure to make it a credible avenue for victims (International Service for Human Rights)
- Avoid limiting the new single “working group on complaints” in its recommendations to the current measures it is mandated to take under paragraph 109, resolution 5/1 (International Service for Human Rights)
- Ensure that the process is, as much as possible, transparent and public (North South XXI)

### **2. Scope and architecture of the complaint procedure**

- Simplify and strengthen the Complaint procedure by abolishing the Working Group on Situations (International Service for Human Rights)
- Transfer the tasks of the current Working Group on Situations to the Working Group on Communications to function as a single working group on complaints (International Service for Human Rights)

### **3. Modalities**

- Consider allowing the President [of the Council] to update the Council at every session under item 5 on the status of the work of the new working group on complaints, including the number of cases before it and their status (International Service for Human Rights)
- Enhance ability of the Working Group on Communications to interact directly with States and victims as a mediator in resolving consistent patterns of gross and reliably attested violations of human rights, that have been found substantiated, before they are sent to the Council’s Working Group on Situations (North South XXI)

## **IV. Agenda and framework for a programme of work**

### **A. Agenda**

- Reaffirm the right to mention situations of human rights violations in countries under each agenda item. (CNCDH)
- Allow placing additional items on the agenda or the call for a special session in urgent situations, by a number (to be determined) of special procedure mandate holders or the Coordinating Committee. (CNCDH)
- The Council to discuss follow-up to instances of reprisals at each of its sessions. (International Service for Human Rights)
- The annual debate on the Secretary-General's report to take place under the agenda item 5 on human rights bodies and mechanisms since reprisals undermine the effectiveness of those mechanisms. The debate on the report should explore how the Council can enhance its response to these alleged human rights violations. (International Service for Human Rights)
- Address in regional segments the general debate on situations under agenda item 4 of the Council agenda. (Friedrich Ebert Stiftung)
- Open all agenda items to address country-related situations of human rights violations. (Friedrich Ebert Stiftung)
- Eliminate agenda item 7. (Coordinating Board of Jewish Organizations)
- Eliminate agenda item 7, thereby allowing all human rights violations around the globe to be treated in the same manner without singling out one particular country among the UN's 192 member States. (Coordinating Board of Jewish Organizations)
- Maintain agenda item 7. (North-South XXI)
- Enhance item 3 by adding the following sub-items: "the seminal human right of self-determination", "human rights in situations of occupation resulting from the illegal use of force", "the mainstreaming of human rights in the United Nations" and "climate change and human rights". (North-South XXI)

### **B. Programme of work**

- In the interest of making the Council more transparent and accessible, the PoW and reports to be made publicly available well in advance of Council sessions. (International Coordinating Committee of National Human Rights Institutions)
- Make the PoW for each session available at least six weeks before the start of the session. (International Service for Human Rights)
- Have the PoW published latest six weeks before the Council session starts. (Friedrich Ebert Stiftung)
- Fix dates for dialogues with Special Procedures, like debates on the outcome of the UPR WG. (Friedrich Ebert Stiftung)
- Individual presentation and discussion of country reports of the High Commissioner and reports of the Special Procedures. (Friedrich Ebert Stiftung)

- Consider further the idea of the hosting of ‘mini sessions’ throughout the year. Ensure that the Council’s programme of work accommodates the contribution of national level actors. (Asia Pacific Forum for NHRIs)
- Make the Council’s programme of work more predictable. (Asia Pacific Forum for NHRIs)

### **C. Calendar of sessions**

- Hold two annual sessions of four weeks (North-South XXI)
- Host a yearly session outside Geneva at one of the UN’s regional centres (Asia Pacific Forum for NHRIs)

## **V. Methods of work and rules of procedure**

### **A. Debates, dialogues and panels**

- Do not cluster interactive dialogues with special procedures (CNCDH)
- Regularly invite NHRI representatives to speak on Council panels and to contribute to other experts meetings and events organized by the Council and OHCHR (International Coordinating Committee of National Human Rights Institutions)
- Include civil society representatives on all panels as a matter of course (International Service for Human Rights)
- Broader participation of NGOs in the interactive dialogues (Friedrich Ebert Stiftung)

### **B. Work formats and arrangements**

- Ensure the Council is equipped to respond to emergency situations, the President of the Council could prepare a list of highly qualified and experienced experts that are prepared to undertake fact-finding missions on short notice. This list should include NHRI representatives. (International Coordinating Committee of National Human Rights Institutions)
- HC to be able to draw to the Council’s attention — during and in between regular sessions — situations, issues and cases that require its immediate attention. (International Service for Human Rights)
- In responding to urgent situations, the Council should consider inviting the relevant Special Representative of the Secretary-General, head of relevant UN peace keeping missions or the Assistant Secretary-General of the Department of Peacekeeping Operations to sessions on situations of human rights violations, particularly if they threaten international or regional peace and security. (International Service for Human Rights)
- Use of different formats or a combination of formats for addressing situations, like sending letters of inquiry, holding briefing sessions and hearings with victims of a particular situation, additionally to adopting resolutions or establishing technical cooperation. (Friedrich Ebert Stiftung)

- Establish a format that includes follow-up of current and past recommendations of Special Procedures mandate holders and the consideration of situations involving failure or denial of cooperation by Governments. (Friedrich Ebert Stiftung)
- Allow other actors than States, e.g. the High Commissioner for Human Rights, the Secretary-General, a group of special procedures mandate holders, to put situations on the agenda. For example, a group of five special procedures mandate holders may put forward an issue for discussion by a joint request which would automatically trigger a formal discussion of the situation. (Friedrich Ebert Stiftung)
- Allow a formal request from a NHRI to act as a ‘trigger’ for action by the Council is deserving of further discussion. (Asia Pacific Forum for NHRIs)
- Make available to all stakeholders a clear yearly calendar of the Council, including a list of resolutions with the plans for holding negotiations. (Human Rights Watch)
- Create independent trigger mechanisms for the consideration of situations in the Council. (Human Rights Watch)
- Require States mentioned in the report of the Secretary-General on cooperation with UN mechanisms to report to the Council on a regular basis on measures taken to investigate allegations and hold perpetrators to account. (International Service for Human Rights)

### **C. Special sessions**

- Extend the (5 days) timeframe for the convening of a special session to facilitate the participation of all (Human Rights Watch)

### **D. Resolutions and other outcomes**

- Make available a yearly calendar of resolutions to all delegations and stakeholders to make the negotiation of resolutions more predictable (International Coordinating Committee of National Human Rights Institutions)
- Make the calendar of resolutions more predictable (Asia Pacific Forum for NHRIs)
- Request delegations to circulate resolutions at least 2 weeks ahead of a session (Human Rights Watch)
- Hold at least two informal meetings on a resolution (North-South XXI)

### **E. Reports and documentation**

- Broadly disseminate in all UN languages reports and other relevant information (International Coordinating Committee of National Human Rights Institutions)
- Make documentation publicly available well in advance of sessions (Asia Pacific Forum for NHRIs)
- Ensure that documents are made available in a timely manner through monthly consultations on the matter between the Bureau and the Secretariat (North-South XXI)

## **F. Presidency and bureau**

- Have dispatched from UN New York office a legal advisor for the HRC Presidency to improve the coherence and continuity of the technical functioning of the Council (Friedrich Ebert Stiftung)

## **G. Accessibility and stakeholder participation**

- Support proposals from the International Disability Alliance to ensure the Council's work and functioning is entirely accessible to persons with disabilities. (International Coordinating Committee of National Human Rights Institutions)
- Ensure accessibility is a principle of the Council. (International Coordinating Committee of National Human Rights Institutions)
- Create a multi-stakeholder task force on accessibility. (International Coordinating Committee of National Human Rights Institutions)
- Create an accessibility plan. (International Coordinating Committee of National Human Rights Institutions)
- 'A' status accredited NHRIs, as well as NGOs in consultative status with the UN Economic and Social Council, to submit video statements in accessible format as oral interventions at Council sessions. (International Coordinating Committee of National Human Rights Institutions)
- Establish a fund to support the participation of representatives from the least developed countries and small and vulnerable economies, NHRIs, and civil society organisations at Council sessions and at meetings of its mechanisms. (International Coordinating Committee of National Human Rights Institutions)
- Make the Council's programme of work and calendar of resolutions more predictable, and, make documentation publicly available well in advance of sessions. (Asia Pacific Forum for NHRIs)
- Make the programme of work, reports and resolutions available sufficiently in advance. (ACPD and Corporación Humanas)
- Add accessibility as a principle of the Council's work, and use the CRPD as an example to amend the IB text, section V.a. (European Disability Forum)
- Create a multilateral task force on accessibility, consisting of UNOG, Council member states, organizations of persons with disabilities, and other stakeholders, to come up with an accessibility plan that will ensure full accessibility within a few years' time, and allocate resources to this every year as well as consult persons with disabilities on the priorities. (European Disability Forum)
- OHCHR, UNOG and missions to the UN should conduct awareness raising, comprising of information materials and trainings, for persons working in and around the council, including the staff working for and at the Council, security people, cafeteria staff, the Council secretariat and the Civil Society Unit. (European Disability Forum)
- Establish a fund to assist small delegations to fully participate in the work of the HRC, including through appropriate training for diplomats in Geneva and in capitals. (CNCDDH)
- Establish a fund for the participation of NHRIs in the work of the HRC. (CNCDDH)

- Allow NGOs and NHRIs to participate in the Council's debates without being physically present at its sessions. This could be achieved by the use of live or pre-recorded video messages. (International Service for Human Rights)
- Strengthen NHRIs and local NGOs as a link between the Council and the grass-roots level e.g. in terms of financially supporting their attendance in Geneva-including their participation at the Advisory Committee. (Friedrich Ebert Stiftung)
- Strengthen participation of women's organizations and those promoting sexuality rights. (ACPD)
- NGOs who sign up on the list of speakers and cannot intervene, should have their contributions placed on the Extranet. (ACPD)
- Establish a fund to support the participation of LDCs, NHRIs, experts and civil society representatives at meetings of the Council and its mechanisms. (Asia Pacific Forum for NHRIs)
- Create a fund to support persons at risk of reprisal as a consequence of having cooperated with the UN's human rights mechanisms. (Asia Pacific Forum for NHRIs)
- Create a Fund to facilitate the participation of small and developing delegations. (Human Rights Watch)
- Ensure transparent and equitable participation of accredited NGOs through consultations between the Secretariat and the NGO Access Committee. (North-South XXI)

## **H. Visibility**

- Review and regularly update in all languages the webpage; the totality of the documentation and information to be posted according to a comprehensible typology (CNCDH)
- Disseminate Special Procedures press conferences by internet through webcast (CNCDH)
- Webcast Council sessions in all six UN languages (International Coordinating Committee of National Human Rights Institutions)

## **I. Relation with the General Assembly**

- The Council should consider inviting the President of the General Assembly for important debates to allow for synergies with the Council's parent body (International Service for Human Rights)
- To ensure adequate resourcing ,fund the Council's work and activities out of the UN general budget (International Coordinating Committee of National Human Rights Institutions)

## **J. Cross-cutting issues**

- In line with its mandate to mainstream human rights into the work of UN agencies and programmes, the Council should improve its engagement with the UN agencies,

particularly those with a clear protection mandate (International Service for Human Rights)

- Include gender analysis in all resolutions and reports and in follow-up (ACPD and Corporación Humanas)
- Include a gender perspective when appointing mandate holders (ACPD and Corporación Humanas)
- Promote the coordination with other UN bodies in terms of their work on gender issues, particularly UN women (ACPD and Corporación Humanas)
- Ensure that the Council facilitate the work of the focal point on gender issues (Informal Group of delegations) and consider the possibility to formalize it (ACPD and Corporación Humanas)
- Ensure the implementation of the principles of cooperation and genuine dialogue, contained in 60/251, by establishing criteria to guide actions on situations of violations distinguishing States committed to engage with the UN human rights system from those who are not (Human Rights Watch)
- Establish a fund at the Council for the protection of human rights defenders who suffer reprisals (Friedrich Ebert Stiftung)

## **Part II**

### **Cross-cutting and other proposals**

- Strengthen A-status national human rights institutions at the HRC in accordance with their independence and unique position. (International Coordinating Committee of NHRIs)
- The object of the review should be to make the Council more effective and more accessible: more effective in its responses to crisis situations and in addressing rights violations and denials everywhere; and more accessible to persons and groups that are exposed to rights violations, and to the people working to defend them in the country. (International Coordinating Committee of NHRIs)
- The HRC review should be seized as an opportunity for us to collectively identify where the Council has done well, and where it should do better. It is a chance to strengthen the Council as the United Nations' premier human rights body. The review should seek to acknowledge best practices, and identify shortcomings. It should result in an effort of the international community to properly redress these shortcomings. (International Coordinating Committee of NHRIs)
- The HRC review to remain a transparent process and inclusive process. This must include drawing on the full range of expertise available to the Council, including NHRIs and civil society. (International Coordinating Committee of NHRIs)
- Ensure broader coverage to lessen selectivity in the HRC's engagement. (HRW)
- Improve the accessibility of the HRC to persons with disabilities. (European disability Forum)
- Set up a task force to ensure full accessibility of persons with disabilities as well as an accessibility plan. (European Disability Forum)
- Ensure regular and appropriate follow-up instances of reprisals against human rights defenders and those who cooperate with human rights mechanisms. (ISHR)



- Reconsider the idea to have the HRC as a principal organ of the General Assembly. (CIVICUS)
- Establish regular speaking procedures, frequent consultations and clear communication channels for civil society participation and secure their input in the HRC's work. (CIVICUS)
- Address the issue of non-cooperation from States with the HRC. (Forum Asia)
- Hold short sessions outside Geneva. (North-South XXI)
- The review to be transparent and inclusive and the compilation of proposals to be a living document and include all recommendations. (International Service for Human Rights)
- The Council to seek tangible solutions for effective coordination and mainstreaming of HR with the UN system as well as for the cooperation with regional mechanisms. (Forum Asia)
- The review should be guided by GA res. 60/251 (North South XXI).

### **Part III**

#### **Other issues on which differences exist as to whether they fall within the purview of the review in Geneva and require further determination on which the President will consult with States**

- Set a standard for membership of the HRC which could include measures such as the outcome of UPR binding recommendations and pledges of candidates, and inclusion of NGOs' evaluation of candidates' human rights standards (CIVICUS)
- Require an explicit commitment to full cooperation with the Special procedures for an election to the Council (International Service for Human Rights)
- Have States candidate to the HRC membership committed to a Declaration of Commitment (Canadian HIV/AIDS Legal Network)
- Elected member of the HRC to enter a declaration of commitments to human rights, including commitments to uphold the highest standards of human rights, to cooperate with the Council and its mechanisms, including the Special Procedures, and to recognize that every human rights situation merits the Council's attention, while paying particular attention to crises or urgent human rights situations (Canadian HIV/AIDS Legal Network)

## Appendix

### Written submissions<sup>a</sup>

#### National human rights institutions

- Asia Pacific Forum of NHRIs
- Commission Nationale Consultative des Droits de l'Homme de France (F, E)
- International Coordinating Committee of NHRIs (E, F, S)

#### Non-governmental organizations

- Amnesty International
- World Alliance for Citizen Participation (CIVICUS)
- Cercle de Recherche sur les Droits et les Devoirs de la Personne Humaine (CRED)
- Fédération internationale de l'Action des chrétiens pour l'abolition de la Torture (FIACAT)
- Human Rights Law Resource Centre (HRLRC)
- Human Rights Watch
- International Disability Alliance (IDA)
- Joint NGO submission<sup>b</sup>
- North South XXI
- UPR-Info
- Joint NGO submission (UPR)<sup>c</sup>

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<sup>a</sup> In alphabetical order.

<sup>b</sup> African Centre for Democracy and Human Rights Studies, ARC International, Asian Forum for Human Rights and Development (FORUM – ASIA), Asian Legal Resource Centre, Cairo Institute of Human Rights Studies, Canadian HIV/AIDS Legal Network, Centro de Estudios Legales y Sociales (CELS), Commonwealth Human Rights Initiative, Conectas Direitos Humanos, Democracy Coalition project, East and Horn of Africa Human Rights Defenders Project, Human Rights Watch, International Federation for Human Rights (FIDH), International Service for Human Rights (ISHR), Open Society Foundations, West African Human Rights Defenders Network.

<sup>c</sup> Action Canada for Population and Development, The African Women Millennium Initiative in Zambia, Amnesty International, Arc International, Asian Forum for Human Rights and Development, Baha'i International, Cairo Institute of Human Rights Studies, Canadian HIV/AIDS Legal Network, Center for the Development of Democracy and Human Rights, CODAP – Youth Resource Center on Human Rights, CIFEDHOP, Coalition pour l'Examen Périodique de la Côte d'Ivoire, Commonwealth Human Rights Initiative, Conectas Direitos Humanos, CRIN, Democracy Coalition Project, Edmund Rice International, International Federation for Human Rights, FIACAT, Forum Human Rights Germany, Foundation for Marist Solidarity International, Four Freedoms Forum, Geneva for Human Rights, Franciscans International, Human Rights House Foundation, Human Rights Law Resource Centre, Human Rights Watch, International Service for Human Rights, NGO Group for the CRC,

### **OHCHR and human rights mechanisms**

- Human Rights Council Advisory Committee
- Special Procedures mandate holders
- Office of the High Commissioner for Human Rights

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North-South XXI, OceaniaHR, Open Society Foundations, Save the Children, Unrepresented Nations and Peoples Organization, UPR Info, Vivat International and World Vision International.

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## Annex V

### Universal periodic review

#### Issues to be discussed

##### A. General issues

- Basis, principles and objectives of the UPR
- When to apply changes to the UPR
- Order of review
- Periodicity
- Gap between first and second cycles
- Other proposals

##### B. Process, modalities and outcome of the review

- Focus of second and subsequent cycles
- Reports of the second and subsequent cycles
- Guidelines for the reports of the second and subsequent cycles
- The interactive dialogue
- List of speakers
- Voluntary Trust Fund for Participation
- Recommendations of the second and subsequent cycles
- Role of the Troika
- Role of OHCHR
- Role of other stakeholders
- Adoption of outcome

##### C. Follow-up of the review

- Implementation of recommendations
- Mid-term reporting
- Voluntary Fund for Financial and Technical Assistance
- Role of OHCHR and other UN mechanisms
- Link with other mechanisms

## **Special procedures**

### **Issues to be discussed**

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

- Issues related to the improvement of the selection and appointment process, including selection criteria, working methods for the selection and interaction with candidates

#### **B. Interaction and methods of work**

- Issues related to the enhancement of interaction between the Human Rights Council and Special Procedures' mandate holders, dialogue and reporting modalities, coordination between mandate holders, capacity building of mandate holders

#### **C. Cooperation with special procedures**

- Issues related to the enhancement of cooperation of States with Special Procedures, including follow-up to their work

#### **D. Special procedures mandates**

- Issues related to the independence of Special Procedures, the implementation of their mandates and the Code of Conduct, and mandates in general

#### **E. Resources**

- Issues related to equitable funding and resources for the Special Procedures

## **Advisory Committee and complaint procedure**

### **Issues to be discussed**

#### **Advisory Committee**

- A. Working relations with the Human Rights Council
- B. Methods of work
- C. Meeting time
- D. Provision of thematic expertise
- E. Composition and selection of members
- F. Resources

#### **Complaint procedure**

- A. Scope of the complaint procedure
- B. Content of reports on cases considered under the complaint procedure
- C. Avoiding duplication with other human rights mechanisms
- D. Structure of the complaint procedure
- E. Selection of members of WG on Communications
- F. Confidential nature of the complaint procedure

#### **Other subsidiary bodies of the Human Rights Council**

## **Agenda and framework for the programme of work**

### **Issues to be discussed**

#### **1. Agenda**

- (a) Maintenance of existing agenda vs. modification of existing agenda

#### **2. Framework for Programme of Work**

- (a) Calendar of regular sessions
  - (i) Number, duration and timing of sessions
  - (ii) Location of sessions
- (b) Improving predictability and managing the workload
  - (iii) Availability of detailed annual programme of work and sessional programme of work well in time
  - (iv) Distribution of agenda items across Council sessions
  - (v) Distribution of general debates across Council sessions
- (c) Maintenance of existing framework vs. modification of existing framework

## **Methods of work and rules of procedure**

### **Issues to be discussed**

#### **A. Work formats and arrangements, and special sessions**

- Issues related to interactive dialogue with special procedures and interaction with UN agencies
- Issues related to dialogues, seminars, panels and round tables
- Issues related to other work formats during regular sessions and issues related to inter-session work formats

#### **B. Documentation/reports – resolutions/other outcomes**

- Issues related to voting on resolutions and decisions
- Issues related to information, periodicity, number and budgetary implications of resolutions and decisions
- Issues related to other outcomes than resolutions and decisions
- Issues related to reports and documentation

#### **C. Office and role of the President of the HRC; relationship of the HRC with the OHCHR**

- Issues related to the Presidency and Bureau: Office/support staff, role, function and visibility
- Relationship between the HRC and OHCHR as regards secretariat support to the activities of the Council

#### **D. Accessibility and stakeholder participation**



## Main areas involving an overlap between the reviews of the Human Rights Council in Geneva and in New York

### HRC contribution to New York review process 19 November 2010

<i>Listing of issues/areas involving an overlap between the reviews of the Human Rights Council in Geneva and in New York</i>	<i>Problems raised</i>	<i>Possible option</i>
<p><b>The relationship between the Human rights Council, the General Assembly and the 3rd Committee</b></p>	<p><b>1. Allocation of annual reports of the HRC to UNGA Third Committee or to the UNGA Plenary</b></p>	<p>The Human Rights Council could make a recommendation to the UNGA on this matter after considering the following options:</p> <p><b>Option 1:</b> Maintain the <i>status quo</i> whereby annual reports of the HRC by the General Committee to the 3rd Committee and to the GA plenary are allocated on an <i>ad hoc</i> basis every year “on the understanding that the Third Committee would consider and act on all recommendations of the Human Rights Council to the Assembly, including those that deal with the development of international law in the field of human rights, without prejudice to the right of Member States to present resolutions and decisions on all issues considered in the report of the Council. Taking this recommendation into account, the General Assembly, in plenary meeting, would consider the report of the Council on its activities for the year. It is also understood that the current agreement is in no way a reinterpretation of Assembly resolution 60/251 and that it will be reviewed before the beginning of the next session of the Assembly”.<sup>a</sup></p> <p><b>Option 2:</b> Convert the <i>ad hoc</i> annual decision described in option 1 above into a standing rule applying to all annual reports of the HRC.</p> <p><b>Option 3:</b> Decide that the reporting line of the HRC should be directly to the Plenary of the UNGA.</p> <p><b>Other options: ....</b></p>

**2. Presentation of the HRC annual report  
by the President of the Council to the UNGA**

**Option 1:** Maintain the current practice whereby the HRC's President in office presents to the 3rd Committee and to the UNGA the report of HRC's activities under his predecessor's presidency except that the report of the September session which he effectively presided is attached as an addendum to the annual report.

**Option 2:** Recommend that the HRC's President presents his own report to the 3rd Committee and to the UNGA provided that the annual cycle of the HRC is aligned with the calendar year. This option would also be helpful in addressing the issue of HRC decisions and resolutions with PBIs.

**Other options: ....**

**3. Consistency of the reporting practice of  
Special Procedures. Two issues arise from the  
current practice:**

(a) **Twenty seven out of forty one  
Special Procedures present once a year a report  
to the General Assembly in addition to their  
report to the HRC. Among those, one Special  
Procedure presents an oral report to the UNGA  
and the others present written reports;**

(b) **All Special Procedures' reports  
presented to the UNGA are unrelated with their  
reports to the HRC.**

**Option 1:** Complete the RRI exercise to ensure consistency of reporting by Special Procedures between the HRC and the UNGA and address the coverage gap in HRC's deliberations resulting from it being unaware of thematic reports in the field of the promotion and the protection of human rights presented directly by Special Procedures to the UNGA.

**Option 2:** Promote through other means consistency of themes envisaged by Mandate Holders to the HRC and the UNGA and provide feedback loops both ways between this two bodies.

**Other options: ....**

**4. Fast tracking of HRC resolutions and  
decisions with programme budget implication.**

**While the Human Rights Council holds three  
ordinary sessions a year and sometimes special  
sessions, adopting each time resolutions and  
decisions with PBIs, its annual report is  
considered only once a year by the GA and its  
relevant main Committees. This situation  
results in postponing/delaying for several  
months and up to 15 or more months, the**

**Option 1:** The HRC can recommend to the UNGA the establishment of a contingency fund for human rights calculated on the basis of the additional funding required to implement HRC resolutions during the last two years for which data are available.

**Option 2:** The annual cycle of the Council should be aligned with the calendar year to enable the presentation to the UNGA of one consolidated annual report of the HRC by its President in office. This option would imply the acceptance by the 5th Committee to act on this report

**Effective coordination and mainstreaming of human rights within the United Nations system**

**Coordination of human rights within the overall UN system: Articles 62 (2) and 63 (2) of the UN Charter entrust this responsibility to ECOSOC and op 3 of UNGA Res. 60/251 entrust it to HRC.**

**allocation/regularization of budgetary requirements necessary for their implementation. Therefore, there is a need to find alternatives so as to make funds available in a timely manner for the implementation of all HRC decisions and resolutions with PBIs.**

before the end of the main part of the UNGA session. It would require the ACABQ/ Fifth Committee to accept a late presentation of the report and associate cost estimates following conclusion of the HRC September session, but would have the advantage of dispensing with the present need for separate *ad hoc* action on the requirements from the September session as an annex to the annual report.

Moreover, the possibility to review the annual programme of work of the HRC to make the September session one without resolutions could also be explored.

**Option 3:** Request the Fifth Committee to consider the feasibility of a meeting within a month after each session of the HRC to consider and approve budget allocations resulting from the adoption of HRC resolutions.<sup>b</sup>

**Other options:** ....

**Approaches to mainstreaming**

**Option 1:** Hold a half day panel at least once a year, by including in the framework of the programme of work a sub-item under agenda items 1 or 3 on “Effective coordination and mainstreaming of human rights within the United Nations system”, to interact with Heads of UN Agencies and Funds on specific human rights themes with the objectives of addressing related issues requiring further coordination or mainstreaming human rights system-wide.

**Option 2:** Add sub-item in item 3 entitled “Mainstreaming of human rights within the UN system, interrelation of human rights and rights thematic issues”.

**Option 3:** Include element of mainstreaming in item 2 by having an annual panel with heads of UN organizations.

**Other options:** ....

**NB: OHCHR to act as Secretariat and to provide requisite documentation**

*Listing of issues/areas involving an overlap  
between the reviews of the Human Rights  
Council in Geneva and in New York*

*Problems raised*

*Possible option*

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**Outcome**

**Option 1:** The outcome could be in the form of a negotiated consensus Presidential Statement.

**Option 2:** The outcome could be in ... (any other form to be determined).

**Other options:** ....

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**Listing of other issues/areas, if any**

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<sup>a</sup> See GA document on the allocation of agenda items of the 65th session of the UNGA A/65/252, item 63.

<sup>b</sup> This option challenges the recommendation of the ACABQ, endorsed by GA resolution A/Res/63/263, in which it “sees merit in an annual presentation to the General Assembly of the revised estimates arising from adoption of the resolutions and decisions by the Human Rights Council”.

## Annex VI

## Calendar of informal consultations (8 November–10 December 2010)

	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>
	8	9	10	11	12
10.00–13.00				<b>UPR<sup>a</sup></b>	<b>HRCAC/CP<sup>b</sup></b>
15.00–18.00				<b>SP<sup>c</sup></b>	
	15	16	17	18	19
10.00–13.00	<b>UPR</b>			<b>SP</b>	<b>HRCAC/CP</b>
15.00–18.00	<b>SP</b>			<b>UPR</b>	
	22	23	24	25	26
10.00–13.00	<b>President</b>		<b>Agenda/PoW<sup>d</sup></b>	<b>Methods of work<sup>e</sup></b>	
15.00–18.00					
	29	30	1	2	3
10.00–13.00	<b>Agenda/PoW Room XX</b>	<b>Methods of work Room XVI</b>		<b>Methods of work Room XIX</b>	<b>President Room XIX</b>
15.00–18.00				<b>Methods of work/agenda/PoW Room XX</b>	<b>President Room XIX</b>
	6	7	8	9	10
			<b>Bangkok retreat</b>	<b>Bangkok retreat</b>	<b>Bangkok retreat</b>

<sup>a</sup> Facilitated by H.E. Mr. Omar Hilale, Permanent Representative of Morocco.

<sup>b</sup> Facilitated by H.E. Ms. Maria Ciobanu, Permanent Representative of Romania.

<sup>c</sup> Facilitated by H.E. Mr. Hannu Himanen, Permanent Representative of Finland.

<sup>d</sup> Facilitated by H.E. Mr. Gopinathan Achamkulangare, Permanent Representative of India.

<sup>e</sup> Facilitated by H.E. Ms. Maria Nazareth Farani Azevêdo, Permanent Representative of Brazil.

## Annex VII

### Update report of the Coordinator to the Human Rights Council on overlapping issues

#### Mr. Idriss Jazaïry, Permanent Representative of Algeria

16 February 2011

Pursuant to its mandate under Op. 16 of Resolution 60/251, the Human Rights Council also reviewed issues concerning its work and functioning which involved possible complementary action to be taken by the General Assembly and by the UN Secretariat in New York. These are referred to as “overlapping issues”.

Overlapping issues have been a particular point of focus of consultations between the President of the Human Rights Council, the Coordinator appointed by him to address this issue on the one hand and the two Facilitators appointed by the President of the General Assembly on the other hand.

In light of the objective of further enhancing the work and functioning of the Council and of the above consultations with respect to overlapping issues, the Council recommends that the UN General Assembly consider taking appropriate action in support of the following:

1. To align the Human Rights Council cycle with the calendar year:

This would imply the following amendments of Op. 7 and Op. 15 of United Nations General Assembly Resolution 60/25 1:

- (a) Op. 7 Would be amended by the addition of the following sentence:

“However as a transitional measure to move from the cycle of the Council as provided for by Op. 15 to a cycle based on the calendar year, the period of office of Members of the Council ending in June 2012 will exceptionally be extended until 31 December 2012. Starting May 2012, new Members elected in May of each year by the General Assembly will take office on the 1 January of the following year.”

- (b) Op. 15 Would be amended by the addition of the following sentence:

“As from January 2013, the Human Rights Council will move from its initial cycle starting in June of each year to a new cycle following the calendar year.”

2. Option 1: To convert into standard practice the current ad hoc practice of the General Committee and the General Assembly concerning the review by the 3rd Committee and the General Assembly of the annual reports.

Option 2: To allocate normative contents of HRC reports first to the 3rd Committee before consideration by the plenary meeting of the General Assembly and to establish a direct reporting line from the HRC to the General Assembly Plenary for other issues.

Thus, the General Committee would decide as a standard practice “that the 3rd Committee will consider and act on all recommendations of the Human Rights Council to the Assembly that deal with the development of international law in the field of human rights without prejudice to the right of member states to present resolutions and decisions on all issues considered in the report of the council.

Taking into account the report of the 3rd Committee thereon, the General Assembly in plenary meeting will consider the full report of the Council on its activities for the year". (Adaptation of recommendation of General Committee as contained in report A/61/250/Add.2, A/63/250/Add.1 and A/64/250 on allocation of items).

3. To convert into standard practice the exceptional arrangement made in 2010 whereby ACABQ/5th, Committee of the General Assembly accept to consider the financial implications of all HRC reports, including work of its September session, during the main session of the General Assembly for the same year.

4. The President of the General Assembly to include the President of the HRC in the list of speakers for the plenary as a separate speaker in that capacity for him to present the report of the HRC.

5. To address the emergency need for funding to enable the HRC to implement in a timely manner urgent and unforeseen actions/activities: with a view to addressing the persistent issue of the provision of funding for urgent activities mandated by the Human Rights Council, notably in the context of its Special Sessions, it may be appropriate to extend the arrangements for meeting unforeseen and extraordinary expenses,\* to encompass human rights issues. Following applied procedure for matters relating to the maintenance of peace and security, the Secretary-General could be authorized to enter into commitments without the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions for urgent human rights activities (e.g. fact-finding missions) mandated by the Human Rights Council. It is proposed that such authority should not exceed a total of US\$1.5 million in any one year.

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It is also suggested that concerns expressed by Member States on the need to enhance the transparency of resource allocation for HRC and its subsidiary bodies as well as its activities be brought to attention of the Controller in order to identify possible options for addressing those concerns.

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\* A/RES/64/246 of 16 March 2010.



# General Assembly

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## Human Rights Council

Sixteenth session

Agenda item 1

Organizational and procedural matters

**Draft resolution presented by the President of the Human Rights Council**

### **16/... Review of the work and functioning of the Human Rights Council**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in paragraph 16 of resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should review its work and functioning five years after its establishment and report to the Assembly,

*Having considered* the report of the open-ended intergovernmental working group on the review of work and functioning of the Human Rights Council,<sup>1</sup> established by the Council in its resolution 12/1 of 1 October 2009,

1. *Takes note* of the report of the open-ended intergovernmental working group on the review of work and functioning of the Human Rights Council,

2. *Adopts* the “Outcome of the review of the work and functioning of the United Nations Human Rights Council” as annexed to the present resolution, to be submitted to the General Assembly;

3. *Decides* that the “Outcome of the review of the work and functioning of the United Nations Human Rights Council” shall be a supplement to the Institution-Building Package contained in Council resolutions 5/1 and 5/2 of 18 June 2007, as well as in other related Council resolutions, decisions and President’s statements;

4. *Also decides* to submit the following draft resolution to the General Assembly for its consideration:

*“The General Assembly,*

*“Taking note* of Human Rights Council resolution 16/... of ... March 2011,

*“Endorses* the text entitled “Outcome of the review of the work and functioning of the United Nations Human Rights Council”.”

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<sup>1</sup> A/HRC/WG.8/2/1.



## Annex

### **Outcome of the review of the work and functioning of the United Nations Human Rights Council**

#### **I. Universal periodic review<sup>2</sup>**

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

1. The basis, principles and objectives of the universal periodic review as set forth in paragraphs 1, 2, 3 and 4 of the annex to Human Rights Council resolution 5/1 shall be reaffirmed.

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

2. The second cycle of the review shall begin in June 2012.

3. The periodicity of the review for the second and subsequent cycles will be of four and a half years. This will imply the consideration of 42 States per year during three sessions of the Working Group on the Universal Periodic Review.

4. The order of review established for the first cycle of the review shall be maintained for the second and subsequent cycles.

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

###### **1. Focus and documentation**

5. The review during the second and subsequent cycles will continue to be based on the three documents identified in paragraph 15 of the annex to Council resolution 5/1.

6. The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the developments of the human rights situation in the State under review.

7. The general guidelines for universal periodic review reports adopted by the Council in its decision 6/102 shall be adjusted to the focus of the second and subsequent cycles before the eighteenth session of the Council.

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

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

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<sup>2</sup> Changes to the universal periodic review contained in the present section shall be applicable as of the second cycle of the review.

## **2. Modalities**

10. The role of the troikas shall be maintained as set forth in the annex to Council resolution 5/1 and in President's statement PRST/8/1.
11. Following the extension of the review cycle to four and a half years and within existing resources and workload, the duration of the Working Group meeting for the review will be extended from the present three hours and the modalities will be agreed upon at the seventeenth session of the Council, including the list of speakers, which shall be based on the modalities as appear in the Appendix.
12. The final outcome of the review will be adopted by the plenary of the Council. The modalities for the organization of the one-hour consideration of the outcome shall be in accordance with President's statement PRST/9/2.
13. The national human rights institutions of the State under review consistent with the principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 (the Paris Principles) shall be entitled to intervene immediately after the State under review during the adoption of the outcome of the review by the Council plenary.
14. The Universal Periodic Review Voluntary Trust Fund to facilitate the participation of States established by the Council in its resolution 6/17 should be strengthened and operationalized in order to encourage a significant participation of developing countries, particularly least developing countries and small island developing States, in their review.

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

15. The recommendations contained in the outcome of the review should preferably be clustered thematically with the full involvement and consent of the State under review and the States that made the recommendations.
16. The State under review should clearly communicate to the Council, in a written format preferably prior to the Council plenary, its positions on all received recommendations, in accordance with the provisions of paragraphs 27 and 32 of the annex to Council resolution 5/1.

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

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

21. Financial and technical assistance for the implementation of the review should support national needs and priorities, as may be reflected in national implementation plans.

## **II. Special procedures**

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

22. To further strengthen and enhance transparency in the selection and appointment process of mandate holders envisaged in the annex to Council resolution 5/1, the following provisions will apply:

(a) In addition to entities specified in paragraph 42, national human rights institutions in compliance with the Paris Principles may also nominate candidates as special procedures mandate holders;

(b) Individual candidates and candidates nominated by entities shall submit an application for each specific mandate, together with personal data and a motivation letter no longer than 600 words. The Office of the High Commissioner shall prepare a public list of candidates who applied for each vacancy;

(c) The Consultative Group will consider, in a transparent manner, candidates having applied for each specific mandate. However, under exceptional circumstances and if a particular post justifies it, the Group may consider additional candidates with equal or more suitable qualifications for the post. The Group shall interview shortlisted candidates to ensure equal treatment of all candidates;

(d) In implementing paragraph 52, the President shall justify his/her decision if he/she decides not to follow the order of priority proposed by the Consultative Group.

### **B. Working methods**

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

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

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

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

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

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

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

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

### **C. Resources and funding**

31. The Council recognizes the importance of ensuring the provision of adequate and equitable funding, with equal priority accorded to civil and political rights and economic, social and cultural rights, including the right to development, to support all special procedures according to their specific needs, including additional tasks entrusted to them by the General Assembly. This should be achieved through the regular budget of the United Nations.

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

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

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

### **III. Advisory Committee**

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

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

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

38. The annual report of the Committee shall be submitted to the Council at its September session, and be the subject of an interactive dialogue with the Committee Chairperson. The present provision does not exclude other interaction with the Committee should such opportunities arise and be deemed appropriate by the Council.

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

#### **IV. Agenda and framework for the programme of work**

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

41. Council cycles will be aligned with the calendar year and be subject to any necessary transitional arrangements decided on by the General Assembly.

#### **V. Methods of work and rules of procedure**

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

42. The Council shall hold a half-day panel discussion once a year to interact with heads of governing bodies and secretariats of United Nations agencies and funds within their respective mandates on specific human rights themes with the objective of promoting the mainstreaming of human rights throughout the United Nations system. The present provision does not preclude other opportunities that may arise for discussions between the Council and United Nations agencies and funds on the mainstreaming of human rights.

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

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

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

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

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

47. The Bureau shall present a report to the Council in its eighteenth session.

##### **C. Bi- and triennial thematic resolutions**

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

49. Thematic resolutions on the same issue to be presented in between the above-mentioned intervals are expected to be shorter and focused on addressing the specific question or standard gap that justified their presentation.

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

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

**E. Documentation**

51. There is a need for ensuring the availability of working documents in a timely manner and in all official languages of the United Nations.

**F. Deadlines for the notification and submission of draft initiatives and programme budget implication information**

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

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

**G. Establishment of an office of the President**

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

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

56. The composition, modalities and financial implications of the Office of President shall be considered by the Council on the basis of the report of the secretariat, at its seventeenth session.

**H. Human Rights Council secretariat service**

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

**I. Accessibility for persons with disabilities**

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

**J. Use of information technology**

59. The Council shall explore the feasibility of the use of information technology, such as videoconferencing or video messaging, in order to enhance access and participation by

non-resident State delegations, specialized agencies, other intergovernmental organizations and national human rights institutions consistent with the principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 (the Paris Principles), as well as by non-governmental organizations in consultative status, bearing in mind the need to ensure full compliance of such participation with its rules of procedure and rules concerning accreditation.

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

**K. Task force**

61. The Council decides to establish a task force to study the issues envisaged in paragraphs 57, 58, 59 and 60 in consultation with Government representatives, the Office of the High Commissioner and the United Nations Office at Geneva and all relevant stakeholders, and to submit concrete recommendations to the Council at its nineteenth session.

**L. Technical assistance trust fund**

62. The Council will consider modalities for the establishment of a technical assistance trust fund to support the participation of least developed countries and small island developing States in the work of the Council at its nineteenth session.

## Appendix

### **Modalities for establishing the list of speakers for the Working Group on the Universal Periodic Review**

The established procedures, which allow speaking time of three minutes for Member States and two minutes for observer States, will continue to apply when all speakers can be accommodated within -- minutes available to Member and observer States.

Should it not be possible to accommodate all speakers within -- minutes based on three minutes of speaking time for Member States and two minutes for observer States, the speaking time will be reduced to two minutes for all.

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

### **Steps for drawing up the list of speakers**

1. The list of speakers will open at 10 a.m. on the Monday of the week preceding the beginning of the session of the Working Group on the Universal Periodic Review and remain open for a period of four days. It will close on the Thursday at 6 p.m.. A registration desk will be set up at the Palais des Nations. The exact location will be communicated to all permanent missions by the secretariat.
  2. In all cases, regardless of speaking time, the delegations inscribed on the list of speakers will be arranged in alphabetical order of the country names in English. On the Friday morning preceding the beginning of the session, the President, in the presence of the Bureau, will draw by lot the first speaker on the list. The list of speakers will continue from the State drawn onward. On the Friday afternoon, all delegations will be informed of the speaking order and of the speaking time available to delegations.
  3. Speaking time limits during the review will be strictly enforced. Speakers who exceed their speaking time will have their microphones cut off. Speakers may therefore wish to deliver the essential part at the beginning of their statements.
  4. All speakers will retain the possibility of swapping place on the speakers list under bilateral arrangement between speakers.
-



## **Coordination between the HRC Review Processes in New York and Geneva**

General Assembly Resolution 60/251 provides for two processes, one in Geneva and one in New York, as part of the review of the Human Rights Council: The Council itself is mandated to review its work and functioning, while the General Assembly is given the mandate to review the status of the Human Rights Council. It is understood that these two processes will be conducted in accordance with Resolution 60/251 and in a manner that fully reflects the authority of the two bodies in their respective areas of work.

Given the complementarity of these areas of work and the thematic overlap of some of the topics under discussion, it is of the utmost importance to ensure close coordination and coherence between the review processes in Geneva and New York. In order to align the two processes and to facilitate both formal and informal channels of communication between Geneva and New York, we intend to keep each other informed of the ongoing discussions and to contribute to each other's work.

It is understood that the formal process in Geneva will commence first and that the discussions in New York will build on the progress made in Geneva. The review process in New York will be finalized only after the review process in Geneva is concluded and should be brought to a conclusion by July 2011.

Non-paper of the Co-facilitators of the New York Chapter of the Review of the Human Rights Council:  
Scope of the Review of the New York Chapter

The scope of the review of the New York chapter is defined in operative paragraph 1 of resolution 60/251, by which the General Assembly established the Human Rights Council. In accordance with operative paragraph 16 of the said resolution, the Assembly will also receive the report of the Human Rights Council itself on the review of its work and functioning. Following the Joint Understanding of 30 September circulated by the President of the General Assembly and the President of the Human Rights Council, the New York chapter of the review will consider the issue of status, with the understanding that no decision will be made on questions related to status before the Geneva chapter has concluded its review.

In accordance with operative paragraph 1 of the said resolution “the Assembly shall review the status of the Council within five years”. In addition to a discussion of the different aspects associated with status *stricto sensu*, this review could include the question of the relationship of the Human Rights Council and the General Assembly, in particular its Third and Fifth Committees. The practice in this respect has been inconsistent and subject to time-consuming and inconclusive discussions. The most obvious difficulty in this respect was the consideration of the report of the Human Rights Council by the General Assembly in New York. While the General Committee, after long discussions, agreed on a split allocation of the relevant agenda item to both the plenary of the Assembly and the Third Committee<sup>1</sup>, the modalities of the consideration of the report were subject to discussions each year. The adoption of a resolution on the report of the Human Rights Council was again subject to a vote during this year’s session.

Furthermore, there is lack of clarity concerning the funding of activities resulting from resolutions and decisions adopted by the Human Rights Council. According to the current practice, the Fifth Committee takes a formal decision on the funding of resolutions and decisions adopted by the Council once a year, after having received its report. In practice, however, most of the Council’s resolutions and decisions with financial implications require immediate or short-term funding which is usually provided by the Office of the High Commissioner for Human Rights. The time discrepancy between the Council’s need for funding and the Fifth Committee’s formal decision on funding as well as the establishment of a regular source of funding for the Council’s resolutions and decisions could be addressed in the review.

### **Possible topics in connection with the status of the Human Rights Council**

#### *Institutional standing*

- The question whether the institutional standing of the HRC and the aspects relevant to its status as a subsidiary organ of the GA should be maintained or reconsidered.

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<sup>1</sup> A/63/250/add.1 paragraph 3

- Aspects relevant to the status of the Council at the time of its establishment (e.g. size, composition, membership of the Council, including a consideration of the current practice of pledges and commitments)

*The relationship between the HRC and the Third Committee*

- The question how to deal with the report of the HRC and how to ensure a consistent application of the allocation decision of the General Committee
- The question whether the reporting cycle includes the September session of HRC
- The question how to consider the recommendations of the HRC to the General Assembly
- The question whether there should be enhanced coordination between the HRC and the Third Committee to avoid duplication and overlap

*The relationship between the HRC and the Fifth Committee*

- Clarifying the interplay between the budget of the OHCHR and the budget of the HRC
- The allocation of regular budget resources to the financing of the implementation of HRC decisions (by a contingency fund or a separate budget item)
- The creation of a “real-time funding mechanism” for HRC decisions within the Fifth Committee

23 November 2010

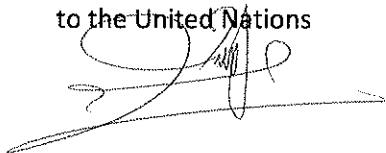
Excellency,

It is our honor to refer to the letter of the President of the General Assembly of 30 September 2010 appointing us as co-facilitators for the consultations of the review of the status of the Human Rights Council, pursuant to operative paragraph 1 of General Assembly resolution 60/251. In this capacity, we will convene a first open-ended informal plenary meeting to discuss the scope of the review of the status of the Human Rights Council on 1 December 2010 from 10 a.m. to 1 p.m. in conference room 1 (NLB). Member States are encouraged to attend at the ambassadorial level. Pursuant to the joint understanding between the President of the General Assembly and the President of the Human Rights Council on the coordination between the review processes in New York and Geneva, the President of the Human Rights Council will be present at the meeting.

Please find, attached to this letter, a non-paper of the co-facilitators on the scope of the review of the status of the Human Rights Council, which we hope will facilitate our discussions next week.

Please accept, Excellency, the assurances of our highest consideration.

Mohammed Loulichki  
Co-facilitator  
Permanent Representative  
Permanent Mission of Morocco  
to the United Nations



Christian Wenaweser  
Co-facilitator  
Permanent Representative  
Permanent Mission of Liechtenstein  
to the United Nations



All Permanent Representatives and  
Permanent Observers to the United Nations  
New York

12 January 2011

Excellency,

As announced in the first open-ended informal plenary meeting of the New York chapter of the review of the Human Rights Council, the co-facilitators will convene a second open-ended informal plenary meeting to discuss the relationship between the Human Rights Council and the Fifth Committee of the General Assembly, on 20 January 2011 from 10 a.m. to 1 p.m. in conference room 4 (NLB). Member States will hear presentations by H.E. Kyung-wha Kang, Deputy High Commissioner for Human Rights, H.E. Gert Rosenthal, Chairman of the Fifth Committee and H.E. Collen V. Kelapile, Chairman of the Advisory Committee on Administrative and Budgetary Questions, followed by an interactive session of questions and answers. Member States are encouraged to attend at the ambassadorial level.

Please accept, Excellency, the assurances of our highest consideration.



Mohammed Loulichki  
Co-facilitator  
Permanent Representative  
Permanent Mission of Morocco  
to the United Nations



Christian Wenaweser  
Co-facilitator  
Permanent Representative  
Permanent Mission of Liechtenstein  
to the United Nations

All Permanent Representatives and  
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New York

14 February 2011


Excellency,

As announced in the second open-ended informal plenary meeting of the New York chapter of the review of the Human Rights Council, the co-facilitators will convene a third open-ended informal plenary meeting to discuss financing mechanisms for Human Rights Council resolutions and decisions, on 22 February 2011 from 10 a.m. to 1 p.m. in conference room 1 (NLB). To prepare for these discussions the co-facilitators have prepared a non-paper based on the discussions of 20 January 2011 and containing the different options available (see annex). During the upcoming meeting the co-facilitators will brief Member States on the first part of the Second Session of the Open-Ended Working Group on the Review of the Work and Functioning of the Human Rights Council in Geneva of 7 February 2011.

Please accept, Excellency, the assurances of our highest consideration.



Mohammed Loulichki  
Co-facilitator  
Permanent Representative  
Permanent Mission of Morocco  
to the United Nations



Christian Wenaweser  
Co-facilitator  
Permanent Representative  
Permanent Mission of Liechtenstein  
to the United Nations

All Permanent Representatives and  
Permanent Observers to the United Nations  
New York

Enclosure

## **Presentation of financial implications arising from urgent resolutions and decisions from the Human Rights Council**

### **Introduction**

The second informal plenary meeting on the review of status of the Human Rights Council was held on 20 January 2011 and dealt with the question of the financing of the implementation of decisions adopted by the Human Rights Council. The comments of delegations were focused on the implementation of urgent mandates from the Human Rights Council as this is the area where Member States see the most pressing need to improve the procedures and current practice. This paper aims to assist delegations in their further discussion of the topic by highlighting the different relevant proposals made by the Secretary-General in his report A/63/541.

It is understood that the financing of other decisions adopted by the Human Rights Council is related to the reporting cycle of the Human Rights Council. These aspects will therefore be dealt with separately and at a point when there is a clearer understanding of where the discussions on the Program of Work are heading in Geneva.

### **Background**

At the time of the creation of the Human Rights Council, the Secretariat applied the same practice that was used in the ECOSOC: the presentation of a revised estimates report after every session of the Human Rights Council, detailing the financial requirements arising from the resolutions and decisions taken during that session. Given the frequency of Human Rights Council's sessions, this practice often resulted in two or three separate reports to the General Assembly each year.

The ACABQ considered this practice a "piecemeal approach to budgeting".<sup>1</sup> In response, the General Assembly requested the Secretary-General in resolution 62/245 of 3 April 2008 to submit proposals to improve the procedure for presenting the financial requirements arising from resolutions and decisions of the Human Rights Council for consideration at its sixty-third session.

Accordingly, the Secretary-General reviewed in his report A/63/541 various mechanisms that are already in place for the administrative and financial functioning of the United Nations and that could serve to improve the procedure for the treatment of the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council. The Secretary-General also expressly stated that these proposals should be re-visited once the General Assembly reviews the status of the Council.<sup>2</sup>

The four proposals as well as the recommendations by the Secretary-General in report A/63/541 were:

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<sup>1</sup> A/62/7/Add.34, para. 8

<sup>2</sup> A/63/541, para. 105 (c)

QUOTE

**A. Procedure in place for treatment of the revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council**

92. Revised estimates arising from resolutions and decisions adopted by the Economic and Social Council are reported by the Secretary-General to the General Assembly annually, at its main session, in a revised estimates report on the financial requirements resulting from such decisions. It has been the norm to submit one such report annually at the main session of the General Assembly, with the exception of the year 2000, when the Secretary-General submitted an additional report (A/C.5/55/25/Add.1) to the Assembly resulting from Economic and Social Council decision 2000/311 adopted by the Council at its resumed substantive session of 2000. As indicated to the Advisory Committee during its review of the Secretary-General's report on revised estimates resulting from the adoption of resolutions by the Human Rights Council at its sixth session and fifth special session (A/62/671), upon establishment of the Human Rights Council, the Secretariat considered that a similar practice as that used for the Economic and Social Council should be applied to the Human Rights Council, which was the same procedure followed for the Council's predecessor, the Commission on Human Rights, when it was a functional Commission of the Economic and Social Council. However, the difference between the two mechanisms has been the absence of specific guidance when the Council was established and the periodicity of the annual sessions and special sessions held by the Human Rights Council. Owing to their frequency and the considered need to keep the Assembly informed, there has been a greater frequency in the submission of reports than had been the case previously regarding revised estimates following the adoption of resolutions and decisions of the Human Rights Council.

**B. General Assembly resolution 41/213, annex I, paragraph 7, relating to expenditures of a "perennial" character**

93. In accordance with paragraph 7 of annex I of General Assembly resolution 41/213, efforts have been made to include provisions in the Secretary-General's proposed programme budgets for all reasonably predictable requirements so as to reduce to a minimum the need to present additional requirements through revised estimates or statements of programme budget implications. Since the biennium 1998-1999, as part of this budgetary process, expenditures related to political activities of a "perennial" character, whose mandates have been renewed or extended for a one-year or three-year period, have been included in the programme budget for section 23, Human rights. As can be noted from annex III to the present report, the Human Rights Council has in response to General Assembly resolution 60/251: (a) extended the mandates of most of the subsidiary machinery it assumed from its predecessor, the Commissioner on Human Rights, for a period of one year or three years; (b) established a number of new mechanisms as part of its subsidiary machinery; (c) established new bodies, such as the Subcommittee on Prevention of Torture and the Committee on the Rights of Persons with Disabilities. With regard to the mandates that have been extended by the Council, the expenditures related to



these activities which are of a “perennial” character have been included in the provisions of the programme budget under section 23, Human rights. However, with regard to the new mandates and bodies that have been established and which fall within the character “perennial activities”, some of the expenditures have been met from within existing resources and some have been reported within the context of the performance report for the respective biennium concerned. The related conference-servicing requirements for meetings of the Human Rights Council subsidiary machinery are also given similar treatment under sections 2 and 28E.

### **C. Treatment of requirements for special missions**

94. Since its inception, the Human Rights Council has held seven special sessions. The Council has mandated a special mission in each of the five special sessions that it held in the biennium 2006-2007, as reflected in annex I. The estimated requirements of \$1,089,200 that arose for the five special missions were met from within existing appropriations. In addition to the mandates of the Human Rights Council, the Secretary-General appointed, in 2006, an Independent Special Commission of Inquiry for Timor-Leste, for which the related resources, although initially met from commitments under the resolution on unforeseen and extraordinary expenses, have been accommodated within the existing appropriations under section 23, Human rights. In the current biennium, the Council has adopted decisions at its sixth and seventh special sessions which did not foresee any additional requirements.

95. In the biennium 2006-2007, additional requirements arising from decisions and resolutions adopted by the Council for special missions have been accommodated from within existing resources. It is anticipated that the additional requirements for the biennium 2008-2009 will either be met from within existing resources or be reported in the performance report for the biennium 2008-2009. Although thus far, since the establishment of the Human Rights Council, approved appropriations under sections 23, Human rights, and 2, Conference servicing, have been utilized to meet these additional requirements, owing to slow implementation of activities and high vacancy rates, the situation is not likely to continue when the activities of the Council are fully implemented in a timely manner and when the posts approved for OHCHR are fully encumbered.

### **D. Procedures on unforeseen and extraordinary expenses**

96. By their very nature, it should be noted that some of the activities undertaken in implementation of human rights measures are unpredictable. The experience gained in one biennium is not necessarily an indication of what will be encountered in the next. As an example, in his statement (A/C.5/47/93) on the programme budget implications of resolution 47/20 B relating to the situation of democracy and human rights in Haiti, the Secretary-General informed the General Assembly that the activities outlined for the special mission while not directly related to the maintenance of peace and security, were of an extraordinary nature and should thus be dealt with outside the procedures related to the contingency fund as provided for in paragraph 11 of annex I to General Assembly resolution 41/213. Most recently, in 2006, the requirements for the Independent Special Commission of Inquiry for Timor-Leste were met under the provisions of the resolution on unforeseen and extraordinary expenses certified by the Secretary-General as relating to maintenance of peace and security.

97. The Advisory Committee on Administrative and Budgetary Questions in its report (A/62/7/Add.25) commented that if, "on the basis of the practice of the last two bienniums, there is recurrent need for special missions in the area of human rights, then, in the interest of budgetary transparency, consideration should be given to including a provision for such requirements in both the budget outline and the proposed programme budget, akin to that used for special political missions". Following that, the Secretary-General proposed in his report (A/62/125) inclusion in the biennial resolution on unforeseen and extraordinary expenses of a new paragraph authorizing the Secretary-General, subject to the Financial Regulations and Rules of the United Nations, to enter into commitments of up to \$2 million during a biennium to meet unforeseen and extraordinary expenses arising from human rights measures. This proposal was not approved by the General Assembly in its resolution 62/236.

98. Following review of the various mechanisms discussed in paragraphs 92 through 97 above, the Secretariat proposes that hereafter the revised estimates arising from adoption of the resolutions and decisions by the Human Rights Council should be presented annually to the General Assembly at its main session. Meanwhile, additional requirements that may arise, excluding those relating to special human rights missions, should to the extent possible be accommodated from within the level of resources approved for any given biennium and reported in the context of the performance report.

99. The Secretariat also further proposes that, since the activities of the Human Rights Council are not directly related to the maintenance of peace and security but can be considered as of an extraordinary nature, the additional resources arising from mandates relating to special missions which cannot be accommodated from within existing resources should be dealt with in accordance with the provisions of General Assembly resolution 41/213.

100. The proposal is made in case the costs of the range of activities adopted by the Human Rights Council, as well as certain new activities which the Secretary-General brought to the attention of the General Assembly in respect of the special missions which OHCHR is mandated to undertake, exceed the level of the fund.

101. The Secretariat further proposes that its proposals in paragraphs 98 to 100 above may have to be reconsidered following the review by the General Assembly of the status of the Human Rights Council in 2011.

#### *UNQUOTE*

The General Assembly in resolution 63/263 endorsed the recommendations of the ACABQ, namely that "the current modalities for consideration of the financial requirements arising from resolutions and decisions of the Council be maintained, albeit on an annual basis, and that they be comprehensively reviewed in the context of the proposed programmed budget for the biennium 2010."<sup>3</sup>

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<sup>3</sup> A/63/629, para 10

The General Assembly also endorsed the ACABQ's recommendation that proposals by the Secretary-General concerning additional requirements and those arising from mandates relating to special missions be further clarified and elaborated.

The General Assembly has not taken any action on the issue during its consideration of the proposed programme budget for 2010-2011.

### **Current situation**

The current procedure for annual reporting on revised estimates continues to be applied, as established during the 63<sup>rd</sup> session of the General Assembly.

The annual presentation does however not take into account the realities of the Human Rights Council. As a quasi standing body, the Council triggers financial requirements throughout the year, during its regular sessions in March, June and September, as well as during its special sessions. Thus, as the Chair of the Fifth Committee, Ambassador Gert Rosenthal, has stated in his remarks on 20 January 2011 "a considerable time-gap is generated in which any decisions with financial implications cannot be implemented if additional resources are needed."

As highlighted by the Deputy High Commissioner for Human Rights in her presentation on 20 January 2011 "without a clearly defined procedure for assessing and approving the resources required to implement the Council's resolutions on a timely basis, the Secretariat has often had to draw on resources approved for other purposes to support these newly mandated activities." She also stated that "it is unreasonable to assume that new mandates can be absorbed and implemented without affecting the plans already established per the approved budget ... The sum of it is that the activities requested by the Human Rights Council have competed directly for resources with other elements of the mandated and budgeted human rights programme."

20 March 2011

Excellency,

The co-facilitators of the New York chapter of the review of the Human Rights Council will convene a sixth open-ended informal plenary meeting to discuss the remaining issues falling under the scope of the review of the status of the Human Rights Council, including aspects relevant to the status of the Council at the time of its establishment. The meeting will take place on 29 March 2011 from 10 a.m. to 1 p.m. in the ECOSOC Chamber (NLB).

Furthermore, the co-facilitators have invited the President of the Human Rights Council to present the outcome of the review of the Human Rights Council of its work and functioning in accordance with operative paragraph 16 of General Assembly resolution 60/251. An informal plenary meeting to that effect will be convened on 30 March 2011 from 10 a.m. to 1 p.m. in the ECOSOC Chamber (NLB). Member States are encouraged to attend at the Ambassadorial level.

Please accept, Excellency, the assurances of our highest consideration.



Mohammed Loulichki  
Co-facilitator  
Permanent Representative  
Permanent Mission of Morocco  
to the United Nations



Christian Wenaweser  
Co-facilitator  
Permanent Representative  
Permanent Mission of Liechtenstein  
to the United Nations

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New York

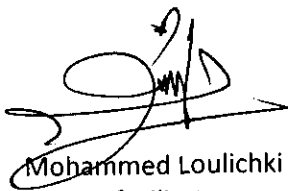
1 April 2011

Excellency,

After conclusion of the informal consultations on the New York chapter of the review of the Human Rights Council and having received the outcome of the Geneva chapter of the review of the Human Rights Council, the co-facilitators will launch the final phase of the review process by convening a round of open-ended informal plenary meetings.

The first meeting will be held on 12 April 2011, from 3 p.m. to 6 p.m., in the General Assembly Hall. Member States will hear a presentation by the co-facilitators of an initial document that proposes elements for a final consolidated outcome of the review process. Member States are invited to share their general comments on this document. A follow-up meeting to further discuss the document will be held on 15 April 2011, from 3 p.m. to 6 p.m., in the General Assembly Hall and a third meeting will be held on 2 May 2011, from 3 p.m. to 6 p.m., in the Economic and Social Council Chamber (NLB).

Please accept, Excellency, the assurances of our highest consideration.



Mohammed Loulichki  
Co-facilitator  
Permanent Representative  
Permanent Mission of Morocco  
to the United Nations



Christian Wenaweser  
Co-facilitator  
Permanent Representative  
Permanent Mission of Liechtenstein  
to the United Nations

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11 April 2011

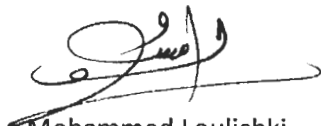
Excellency,

As announced in our last informal consultation held on 30 March 2011, we are pleased to circulate the attached paper as a basis for finalizing our discussion on the review of the Human Rights Council, in accordance with GA resolution 60/251.

The paper is the result of our open-ended informal plenary meetings as well as of the wide consultations which we have held over the past few weeks. It is drafted in particular with the understanding that the review we are undertaking is not meant to be a reform exercise, but should rather result in a General Assembly resolution that is supplementary to resolution 60/251. Also, it reflects the approach recommended by the Human Rights Council on the outcome of the Geneva chapter of the review, when it adopted that outcome without a vote on 25 March 2011.

We believe that a meaningful outcome is within reach, express our hope that the attached paper will be a useful basis for this final phase of the review and reiterate our commitment to make every effort to enable the membership to reach a consensual agreement by July.

At tomorrow's meeting, we will offer a presentation of the attached paper and listen to preliminary comments, if any. We will then engage in a substantive exchange of views at our next meeting on Friday, 15 April 2011 and look forward to a continuation of our positive and pragmatic approach to the review of the Council.



Mohammed Loulichki  
Co-facilitator  
Permanent Representative  
Permanent Mission of Morocco  
to the United Nations



Christian Wenaweser  
Co-facilitator  
Permanent Representative  
Permanent Mission of Liechtenstein  
to the United Nations

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New York

## ***Review of the Human Rights Council***

### **Legal basis and general references:**

- General Assembly resolution 60/251 of 15 March 2006 which established the Human Rights Council;
- Operative paragraph 1 of resolution 60/251 mandating the General Assembly to review the status of the Council within five years and operative paragraph 16 of resolution 60/251 mandating the Human Rights Council to review its work and functioning five years after its establishment and report to the General Assembly;
- Human Rights Council resolution 16/21 containing the “Outcome of the Review of the Work and Functioning of the Human Rights Council”;
- General Assembly decisions 65/195, 64/507, 63/503, 62/527, 61/503 on the allocation of agenda item “Report of the Human Rights Council”;
- Fifth Committee as the Main Committee of the General Assembly responsible for administrative and budgetary matters;
- General Assembly resolution 63/263 (endorsing the recommendation of the ACABQ that “the current modalities for consideration of the financial requirements arising from resolutions and decisions of the Council be maintained, albeit on an annual basis, and that they be comprehensively reviewed in the context of the proposed programmed budget for the biennium 2010”).

### **Possible elements of an outcome**

- General Assembly resolution 60/251 is reaffirmed;
- The resolution to be adopted as consolidated outcome of the review process will be a supplement to General Assembly Resolution 60/251 of 15 March 2006;
- The text entitled “Outcome of the Review of the Work and Functioning of the United Nations Human Rights Council” is endorsed;

### ***The status of the HRC:***

- The status of the Human Rights Council as a subsidiary body of the General Assembly is maintained;
- The status of the Human Rights Council will be reviewed again in X years;

### ***Alignment of the cycle of the HRC:***

- From 1 January 2013 the Human Rights Council will start its yearly cycle at the beginning of the calendar year;
- From 2012 onwards, elections to the Human Rights Council will be held in fall;

- As a transitional measure, the period of office of Members of the Council ending in June 2012, will exceptionally be extended until 31 December 2012;

***Financing of the HRC decisions:***

- Options for financing the Council should be discussed in the 5th committee;
- The General Assembly will consider the financial implications emanating from the decisions of all regular sessions of the Council of that same year, including its September session;
- In the context of the approval of the proposed programme budget for the biennium 2012-13 and subsequent biennia, following a relevant decision by the Fifth Committee, the Secretary General shall be authorized to enter into commitments not exceeding US \$ 2 million in the context of unforeseen and extraordinary expenses arising from urgent decisions of the Human Rights Council, following a relevant decision by the Fifth Committee;

***Consideration of the report in New York:***

- The agenda item entitled "Report of the Human Rights Council" will be considered in plenary meeting and in the Third Committee, on the understanding that the Third Committee would consider and act on all recommendations of the Human Rights Council, including those that deal with the development of international law in the field of human rights;
- The General Assembly will consider in plenary meeting the annual report of the Human Rights Council on its activities for the year, to be presented by the President of the Human Rights Council in his capacity as President;

***Elements for further discussion:***

- Consider, whether to explore, or not, new options to implement operative paragraphs 8 and 9 of General Assembly resolution 60/251; such as the voluntary presentation of pledges by candidates, including their intent to fully and effectively cooperate with the Human Rights Council and its mechanisms during their membership;
- Resolutions of the Human Rights Council brought to the attention of the Third Committee for consideration and possible action will be considered individually/collectively;
- These resolutions are forwarded directly to the Third Committee for consideration and possible action, without prejudice to the right of Member States to present resolutions or decisions;
- The Human Rights Council is encouraged to continue improving its work and functioning.



2 May 2011

Excellency,

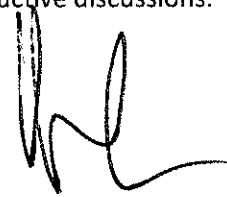
As announced in our last informal plenary meeting held on 15 April 2011, we are pleased to hereby circulate the co-facilitators' text as basis for further discussion on a consolidated outcome of the review of the Human Rights Council, in accordance with GA resolution 60/251. Without prejudice to its final format, the text has the form of a draft resolution and is the result of our extensive consultations since our last informal plenary meeting.

The co-facilitators will convene the next open-ended informal plenary meeting of the General Assembly on 5 May 2011, from 3 p.m. to 6 p.m., in the Economic and Social Council Chamber, to introduce the proposal and hear first reactions from Member States. Further meetings are scheduled for 18 May 2011, from 10 a.m. to 1 p.m., in Conference Room 2 (NLB), and for 1 June 2011, from 10 a.m. to 1 p.m., in Conference Room 3 (NLB).

We continue to believe that consensual agreement on a meaningful outcome of the review can be reached within the contemplated timeframe and look forward to constructive discussions.



Mohammed Loulichki  
Co-facilitator  
Permanent Representative  
Permanent Mission of Morocco  
to the United Nations



Christian Wenaweser  
Co-facilitator  
Permanent Representative  
Permanent Mission of Liechtenstein  
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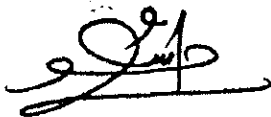
31 May 2011

Excellency,

The co-facilitators of the review of the Human Rights Council have the honor to circulate a revised version of the zero draft dated 2 May 2011. We hope that the text can be another step that brings us closer to our goal of reaching a consensus on a consolidated outcome of the two chapters of the review of the Human Rights Council. As we are entering the final stage of our consultations, we are aware that there are several elements in the text that require further discussion. In this regard, the upcoming debate will be the yardstick for the co-facilitators to decide on the final elements of the consolidated outcome of the review of the Human Rights Council.

In addition to the meeting of 1 June 2011, as announced in the Journal, there will be a further meeting to discuss the revised text. Details will be announced in the Journal beforehand. In the meanwhile, we encourage consultations between different constituencies and groupings as an effort to bridge the existing gaps. Finally, the co-facilitators are pleased to announce that the date of adoption of the consolidated outcome of the review of the Human Rights Council in the General Assembly has been tentatively set for 15 June 2011, from 10 a.m. to 1 p.m.

Please accept, Excellency, the assurances of our highest consideration.



Mohammed Loulichki  
Co-facilitator  
Permanent Representative  
Permanent Mission of Morocco  
to the United Nations



Christian Wenaweser  
Co-facilitator  
Permanent Representative  
Permanent Mission of Liechtenstein  
to the United Nations

All Permanent Representatives and  
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New York

Enclosure

*The General Assembly,*

*PP1 Recalling* its resolution 60/251 of 15 March 2006 establishing the Human Rights Council and in particular its operative paragraphs 1 and 16;

*PP2 Also recalling* its resolution 62/219 of 22 December 2007;

*PP4 Recognizing* the important role of the Human Rights Council in promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner, as human rights are one of the three pillars of the United Nations system alongside peace and security and development;

*PP4bis Recalling* the competencies of the Third and Fifth Committee as Main Committees of the General Assembly tasked with social, humanitarian and cultural issues and administrative and budgetary issues respectively;

*PP5 Taking note* of Human Rights Council resolution 16/21 containing the “Outcome of the Review of the Work and Functioning of the Human Rights Council”;

*PP6 Recalling* all its previous decisions on the allocation of the agenda item “Report of the Human Rights Council”<sup>1</sup>;

*PP8 Recalling* its resolution 63/263 endorsing the relevant conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions on the consideration of the financial requirements arising from resolutions and decisions of the Human Rights Council;

*OP1 Reaffirms* General Assembly resolution 60/251 of 15 March 2006;

*OP2 Decides* that the present resolution shall supplement its resolution 60/251;

*OP3 Decides* to maintain the status of the Human Rights Council as a subsidiary body of the General Assembly and to review the question whether to maintain the status again at an appropriate moment and no later than in 10 years;

*OP4 Decides* that from 2013 onwards, the Human Rights Council will start its yearly cycle on 1 January;

*OP6 Decides* that as a transitional measure, the period of office of Members of the Council ending in June 2012, June 2013 and June 2014, will exceptionally be extended until the end of the respective calendar year;

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<sup>1</sup> A/65/503, A/64/503, A/63/503, A/62/503, A/61/503

*OP7 Reaffirms* its decision 65/503, to allocate the agenda item entitled “Report of the Human Rights Council” to the plenary meeting of the General Assembly and to the Third Committee, on the understanding that

- a) the President of the Human Rights Council will present the report in her/his capacity as President to the plenary meeting of the General Assembly and its Third Committee;
- b) the Third Committee will consider and act on all recommendations of the Human Rights Council to the General Assembly, including those that deal with the development of international law in the field of human rights, without prejudice to the right of Member States to present resolutions and decisions on all issues considered in the report of the Council;
- c) the Assembly, in plenary meeting, will consider the report of the Council on its activities for the year;
- d) the Third Committee will consider the recommendations of the Human Rights Council individually/collectively;
- e) the Third Committee will hold an interactive debate with the President of the Human Rights Council at the time of her/his presentation of the report of the Council to the Committee for its consideration;

*OP7bis Decides* that the annual report of the Human Rights Council shall cover the period from 1 October to 30 September, including its regular September session;

*OP8 Takes note with appreciation of* the format of the most recent report of the Human Rights Council to the General Assembly<sup>2</sup>;

*OP9 Decides* to consider through its Fifth Committee all financial implications emanating from the resolutions and decisions contained in the annual report, including those emanating from its September session;

*OP10 Recognizes* the need to provide adequate financing to fund unforeseen and extraordinary expenses arising from resolutions and decisions of the Human Rights Council and, in this regard, *requests* the Secretary-General to present a report with options for consideration by the Fifth Committee at the main part of the sixty-sixth session of the General Assembly, taking into account the relevant conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions endorsed in the General Assembly resolution 63/263;

*OP11 Underlines* the importance of creating an opportunity for States to present to the membership their voluntary pledges and commitments made in connection with their candidatures to the Human Rights Council;

*OP12 Endorses* the text entitled “Outcome of the Review of the Work and Functioning of the United Nations Human Rights Council” annexed to the present resolution;

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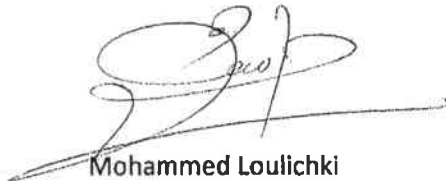
<sup>2</sup> A/65/53/Add.1

14 June 2011

Excellency,

The co-facilitators of the review of the Human Rights Council have the honor to circulate a revised draft resolution on the Human Rights Council review. This new text is the consolidated result of the extensive consultations that we have held since last November and represents the co-facilitators' honest attempt to present a text that is as close to consensus as possible. In line with our agreed goal to accomplish the review as a whole within the current mandate of the Human Rights Council and after consultation with the President of the General Assembly, adoption of the draft resolution by the General Assembly is scheduled for Friday, 17 June 2011, at 3 pm. We look forward to your cooperation in securing consensus on this text, to be presented by the President of the General Assembly.

Please accept, Excellency, the assurances of our highest consideration



**Mohammed Loulichki**  
Co-facilitator  
Permanent Representative  
Permanent Mission of Morocco  
to the United Nations



**Christian Wenaweser**  
Co-facilitator  
Permanent Representative  
Permanent Mission of Liechtenstein  
to the United Nations

All Permanent Representatives and  
Permanent Observers to the United Nations  
New York

Enclosure

2011-6-14

*The General Assembly,*

*PP1 Recalling* its resolution 60/251 of 15 March 2006 establishing the Human Rights Council and in particular its operative paragraphs 1 and 16;

*PP2 Also recalling* its resolution 62/219 of 22 December 2007;

*PP4 Recognizing* that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being;

*PP4bis Reaffirming* that the Human Rights Council was created with the aim of ensuring effective enjoyment by all of all human rights, civil, political, economic, social and cultural, including the rights to development, and that the Human Rights Council is responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner;

*PP4ter Recalling* the competencies of the Third and Fifth Committee as Main Committees of the General Assembly tasked with social, humanitarian and cultural issues and administrative and budgetary issues respectively;

*PP5 Taking note* of Human Rights Council resolution 16/21 containing the “Outcome of the Review of the Work and Functioning of the Human Rights Council”;

*PP6 Recalling* all its previous decisions on the allocation of the agenda item “Report of the Human Rights Council”<sup>1</sup>;

*PP8 Recalling* its resolution 63/263 endorsing the relevant conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions on the consideration of the financial requirements arising from resolutions and decisions of the Human Rights Council;

*OP1 Reaffirms* its resolution 60/251 of 15 March 2006;

*OP2 Decides* that the present resolution shall supplement its resolution 60/251;

*OP3 Decides* to maintain the status of the Human Rights Council as a subsidiary body of the General Assembly and to consider again the question whether to maintain this status at an appropriate moment and at a time no earlier than 10 years and no later than 15 years;

*OP4 Decides* that from 2013 onwards, the Human Rights Council will start its yearly membership cycle on 1 January;

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<sup>1</sup> A/65/503, A/64/503, A/63/503, A /62/503, A/61/503

*OP6 Decides* that as a transitional measure, the period of office of Members of the Council ending in June 2012, June 2013 and June 2014, will exceptionally be extended until the end of the respective calendar year;

*OP7 Decides* to continue its practice of allocating the agenda item entitled "Report of the Human Rights Council" to the plenary meeting of the General Assembly and to the Third Committee, in accordance with its decision 65/503, with the additional understanding that the President of the Human Rights Council will present the report in her/his capacity as President to the plenary meeting of the General Assembly and its Third Committee and that the Third Committee will hold an interactive dialogue with the President of the Human Rights Council at the time of her/his presentation of the report of the Council to the Committee;

*OP7bis Decides* that the annual report of the Human Rights Council shall cover the period from 1 October to 30 September, including its regular September session;

*OP9 Decides* to consider through its Fifth Committee all financial implications emanating from the resolutions and decisions contained in the annual report, including those emanating from its September session;

*OP10 Recognizes* the need to provide adequate financing to fund unforeseen and extraordinary expenses arising from resolutions and decisions of the Human Rights Council and, in this regard, *requests* the Secretary-General to present a report with options for consideration by the Fifth Committee at the main part of the sixty-sixth session of the General Assembly, taking into account the relevant conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions;

*OP12 Adopts* the text entitled "Outcome of the Review of the Work and Functioning of the United Nations Human Rights Council" annexed to the present resolution;

**Statement by Pakistan on the 2<sup>nd</sup> Non-paper by the co facilitator on the HRC Review**

**15 April 2011**

Distinguished Co-facilitators,

Pakistan aligns itself with the statements made by the OIC and the Non Aligned Movement.

We take note of your non-paper of 12<sup>th</sup> April, which understandably is the result of wide ranging consultations you held with the Member States on the ongoing review process. As we stated on 12<sup>th</sup> April, we understand the complexity of the non-paper and continuing demands for additions and deletions. In our view, the only way out to this quandary is to focus on the given mandate entrusted to us by the Res 60/251 and advances in the other areas be made only on the basis of consensus. Pakistan reaffirms its full trust in your abilities to carry forward the process in a consensual manner bringing it to its logical fruition.

Distinguished Co-facilitators,

Our views are well known to you and our distinguished colleagues in the hall. However, as desired by you, we will take this opportunity to reiterate these and also comment on specifics of your non paper. Pakistan believes that the most pertinent issue under the New York chapter of the review is the status of the Council. In our view the general membership has almost unanimous position on maintaining the current status, which is a welcome sign. This effectively solves the core issue / mandate entrusted to us.

We are also aware that there are some linked issues to this mandate. From the very first meeting, Pakistan expressed its readiness to engaging in the most constructive manner to finding a mutually agreeable solution to these issues, which revolve around reporting methodology of the HRC to GA or Third Committee and aligning the HRC's annual cycle to calendar year. We are equally open to finding an appropriate solution to addressing the issue of funding to the HRC for its unforeseen needs. These are the only issues, which in our view have found a general acceptance among the wider membership to be dealt under this review process.



We are aware that some distinguished colleagues have other preferences to be discussed under this review process. We acknowledge their noble ideas and objectives but the wider membership has expressed its desire to stay within the specific mandate of the resolution 60/251. We are also aware of the argument that these proposals are for operationalization of specific paragraphs, which does not amount to re-opening the resolution. However, we would respectfully argue that the same logic could be applied to almost all paragraphs of the resolution. Lets not involve in a cherry picking exercise and through you request all distinguished colleagues to concentrate on the mandate i.e. status *stricto sensu*. Only by following this approach we will be able to finalize the given task within the stipulated time frame of 15<sup>th</sup> June. We stand ready to help you reach this milestone.

On your present non-paper, we have following comments and observations:

- a. Under the legal basis of the review, we would like to include HRC Res 5/1 and 5/2 and its annexes. The reason for this is that we would be endorsing the outcome of Geneva process, which was based on these two resolutions.
- b. We are fine with including the reference to 5<sup>th</sup> committee together with 3<sup>rd</sup> committee or have both of these out.
- c. As for the possible outcome, our preference is to follow the model of Geneva, i.e. one single resolution, which endorses the outcomes of two chapters as its annex.
- d. We have already reflected on the status, however, the issue of revisiting the status of the Council is a premature discussion. We have been asked to take a decision on the subject and we must do it now. A future review of status or for that matter any corresponding issue is to be decided by the GA and we stand ready to discuss it threadbare whenever it is so decided.
- e. Concerning the alignment of the HRC cycle with calendar year, we fully support your proposal. I am sure while doing so we would also take into account the tenure of the HRC President.
- f. On the issue of financing the HRC's unforeseen expenditures, we have repeatedly stated our desire to find the best solution that appropriately addresses the requirements for effective and timely implementation of its mandates.
- g. As regard the issue of HRC reporting lines to the Third Committee or GA, we would support finding a mutually agreeable solution that best encompasses the universal nature of the Third Committee, the

existing status of the Council i.e. its subsidiary role to the GA as well as the right of each Member State to present resolutions and decisions as deemed appropriate. And lastly,

- h. Concerning elements for further discussion, we have clearly stated our preference on how to deal with these issues. Discussions on these issues would only involve unnecessary delays and complicate progress on even those issues, which are ripe for consensus. I can assure you distinguished co-facilitators that my delegation could easily comment on the merits of each proposal as well as bring to fore a range of new ones for consideration. However, in our view, the best way forward is to park these issues for a future discussion, as and when decided by the GA.

I thank you Mr. Facilitator.