

Final

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HUMAN RIGHTS COUNCIL  
Fifth session  
Agenda item 2

**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251  
OF 15 MARCH 2006 ENTITLED "HUMAN RIGHTS COUNCIL"**

**President: draft resolution**

**5/... Institution-building of the United Nations Human Rights Council**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the United Nations  
General Assembly in resolution 60/251 of 15 March 2006.

*Having considered* the draft text on institution-building submitted by the President of the  
Council.

1. *Adopts* the draft text entitled "United Nations Human Rights Council:  
Institution-Building", as contained in the annex to the present resolution, including its  
appendix(es),

2. *Decides* to submit the following draft resolution to the General Assembly for its adoption as a matter of priority in order to facilitate the timely implementation of the text contained thereafter:

*The General Assembly,*

*Taking note* of Human Rights Council resolution 5/... of ... June 2007,

1. *Welcomes* the text entitled "United Nations Human Rights Council: Institution-Building", as contained in the annex to the present resolution, including its appendix(es).

**Annex**

**UNITED NATIONS HUMAN RIGHTS COUNCIL:  
INSTITUTION-BUILDING**

**I. UNIVERSAL PERIODIC REVIEW MECHANISM**

**A. Basis of the review**

- The Charter of the United Nations;
- The Universal Declaration of Human Rights;
- Human rights instruments to which a State is party;
- Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the Human Rights Council (hereinafter "the Council");
- In addition to the above and given the complementary and mutually **inter-related** nature of international human rights law and international humanitarian law, the review shall take into account applicable international humanitarian law.

**B. Principles and objectives**

**1. Principles**

The Universal Periodic Review (UPR) should:

- Promote the universality, interdependence, indivisibility and interrelatedness of all human rights;
- Be a cooperative mechanism based on objective and reliable information and on interactive dialogue;
- Ensure universal coverage and equal treatment of all States;

- Be an intergovernmental process. United Nations Member-driven and action-oriented:
- Fully involve the country under review:
- Complement and not duplicate other human rights mechanisms, thus representing an added value:
- Be conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner;
- Not be overly burdensome to the concerned State or to the agenda of the Council:
- Not be overly long. It should be realistic and not absorb a disproportionate amount of time, human and financial resources;
- Not diminish the Council's capacity to respond to urgent human rights situations;
- Ensure that a gender perspective is fully integrated in UPR:
- UPR should, without prejudice to the obligations contained in the elements provided for in the basis of review, take into account the level of development and specificities of countries;
- Ensure participation of all relevant stakeholders, including non-governmental organizations (NGOs) and national human rights institutions (NHRIs), in accordance with General Assembly resolution 60/251 and Economic and Social Council resolution 1996/31, as well as any decisions that the Council may take in this regard.

## 2. Objectives

- Improvement of the human rights situation on the ground;
- Fulfilment of the State's human rights obligations and commitments and assessment of positive developments and challenges faced by the State;
- Enhancement of the State's capacity and technical assistance, in consultation with and with the consent of the State concerned;

- Sharing of best practices among States and other stakeholders in consultation with and with the consent of the State concerned;
- Support for cooperation in the promotion and protection of human rights;
- Encouragement of full cooperation and engagement with the Council, other human rights bodies and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

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

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

- The periodicity of the review for the first cycle will be of four years. This will imply the consideration of 48 States per year during three sessions of the Working Group of two weeks each.<sup>1</sup>

#### D. Process and modalities of the review

##### 1. Documentation

The documents on which the review would be based are:

- Information prepared by the State concerned, which can take the form of a national report, on the basis of General Guidelines to be adopted by the Council at its sixth session (First session of the second cycle), and any other information considered relevant by the State concerned, which could be presented either orally or in writing; provided that the written presentation summarizing the information will not exceed 20 pages, to guarantee equal treatment to all States and not to overburden the mechanism. States are encouraged to prepare the information through a broad consultation process at the national level with all relevant stakeholders;
- Additionally OHCHR will prepare a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents, which shall not exceed 10 pages;
- In the review, the Council should also take into consideration additional credible and reliable information provided by other relevant stakeholders to UPR. OHCHR will prepare a summary of such information that shall not exceed 10 pages;

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<sup>1</sup> UPR is an evolving process; the Council, after the conclusion of the first review cycle, may review the modalities and the periodicity of this mechanism, based on best practices and lessons learned.