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UNIVERSAL PERIODIC REVIEW MECHANISM

INTERVENTION BY BRAZIL

Mr Chairman,

- In addition to my previous interventions on UPR, I will address some aspects of the future mechanism that Brazil considers important. ^{Important} ~~not only~~ to guarantee ^{Important} ~~also~~ to avoid excessive politicization. ~~also to avoid~~ duplication of functions with treaty bodies, special mechanisms and the work of the Council itself; *Important to provide the basis for a Global*

- ~~UPR~~ UPR must be conceived as a complement to the UN human rights system. *Report on all countries - an old project*
this universal review
Instead of overlapping with other instruments, ~~the UPR~~ must ~~serve as an instrument~~ *reinforce* receive from and give inputs to other mechanisms of human rights; *NO*

A) Structure:

- ~~As mentioned before~~, Brazil supports ~~a kind of~~ a hybrid system, composed both by States - Members and Observers - and experts. NGOs and representatives of civil society could also participate, providing information for the preparatory process and taking part into the interactive dialogue;

1. STRUCTURE
2. FUNCTIONING
3. STANDING on LEGAL BASIS
4. OUTCOME AND FOLLOW UP

→ replacing the Subcommission,

- The experts could come from special mechanisms, treaty bodies or ~~also from~~ the future "expert adviser" body. ~~We would not oppose the creation of an "expert chamber", but its members should be appointed by the High Commissioner or by the President of the Human Rights Council among the names of the "roster" and must have a fixed mandate.~~ ^{the idea of} Their nomination would consider professional skills and personal qualities, as well as regional representation and gender balance;

- The function of the experts would be to prepare the review – to collect and compile information from many sources on the country, ^{such as:} treaty bodies, special mechanisms, NGOs, OHCHR, national institutions of human rights, international agencies and programs;

- Based on those data, the UPR experts would produce a list of issues, to be submitted in advance (at least one month) to the State concerned. That list would be aimed at clarifying ~~some gaps~~ and at updating ~~some~~ information. Based on the information received, the UPR experts would then elaborate a questionnaire, ^{which would be} ~~and~~ ^{This questionnaire would} be transmitted in advance to the State concerned. ^{summarizing} the issues ~~tasked, in order~~ to guide the interactive dialogue. States and civil society could also send questions to be included in the questionnaire;

- ^{The group of} ~~Among the experts,~~ the High Commissioner or the President of the Human Rights Council would ^{then} choose a name to be the "^{UPR} ~~country~~ Rapporteur". The "^{UPR} ~~country~~ Rapporteur" could have a double function: (1) to write the report on the results of the interactive dialogue; (2) to draft ~~the~~ conclusions and ~~the~~ recommendations to be submitted to the group of experts. Once approved by the ^{UPR} ~~panel of~~ experts, the report with the conclusions and recommendations would be submitted to the consideration of the Human Rights Council;

- ^{mentioned} ~~As mentioned before,~~ The questionnaire must serve as a "road map" for the ^{above} interactive dialogue. ~~States, Members or Observers, NGOs, international agencies~~

~~and programs and intergovernmental bodies should participate in the interactive dialogue,~~

B) Functioning

- The frequency of the ^{UPR} exams ~~must respect a fixed periodicity that would permit an overall view of each and every country and, therefore, preserve the character of universality of the mechanism.~~ ^{should allow so that is preserved.} On one hand, it must consider the capacity of the OHCHR to respond to the demands created by the UPR mechanisms; ^{On} the other hand, it must respect the capacity of States to properly prepare themselves to participate in the mechanism. As a consequence, the UPR mechanism would only works if it bear in mind the capacity-building of the States and if the OHCHR provide cooperation and assistance to them accordingly;
- Another aspect to be considered is that the periodicity of the review must be short enough to reflect some specific changes - such as the adoption of a governmental policy for human rights -; but, at the same time, it must be long enough to provide an accurate follow-up of the process - such as the assessment of the impacts of a specific governmental policy on civil society;

C) Standing: ⁿ LEGAL BASIS

- Brazil deems that the Universal Declaration of Human Rights and the international human rights conventions to which the State is part should serve as a minimal basis for the Review mechanism;
- National obligations, ^{whenever having} ~~even if they have~~ higher standards than international instruments, could ^{the basis of} ~~also be addressed by~~ the UPR mechanism. For this purpose, representatives of national civil society could ^{UPR mechanism.} ~~address the panel of experts or also participate in the interactive dialogue in order~~ to ask for the compliance of national obligations;

D) Outcome and Follow-Up:

- As I mentioned before, a "country Rapporteur" must be appointed to make a report on the results of the interactive dialogue and to draft conclusions and recommendations to be submitted to the panel of experts. Once approved, the report, with its conclusions and recommendations, must be submitted to the Human Rights Council;

Nao

1st)

- In its conclusions, the UPR should, ~~for instance~~, recommend cooperation ~~in order~~ to address problems identified in the State. The UPR mechanism could also recommend the visit of thematic special procedures to the country concerned;

- With regards to the obligations of the States, the UPR could, for instance, recall their obligation to periodically report to the treaty bodies. The UPR mechanism could evaluate if a State has implemented the recommendations from treaty bodies and from the special procedures. In its conclusions, the UPR could also assess if the Government has complied with its national legal obligation or if policies implemented by the Government are effective enough to deal with the problems of human rights;

2nd)

- The importance of maintaining a fixed periodicity ^{of 3 to 4 years for instance} is to permit the UPR mechanism to have a follow-up. This review would evaluate if the State has complied with previous recommendations of the UPR, treaty bodies, special procedures and national laws; *This would reinforce synergies within the HR system.*
- Another possibility for the outcome process would be the publication, by the OHCHR, of a global report on ^{all} ~~each~~ country. *This is an old Brazilian idea.* If the periodicity of the exam is respected, ~~comprising the exam of every country~~, the global report would ~~be composed of sets of~~ ^{comprise} periodical cycles. ~~It would provide a universal view of the situation of human rights in every country.~~ Another advantage of a global report resulting from the UPR mechanism is that it would provide, for the first time, the compilation of many data that are ^{by} ~~at~~ present scattered over many sources. It could *also provide an overall idea of the HR situation in all countries.*

I thank you, Mr. Chairman.