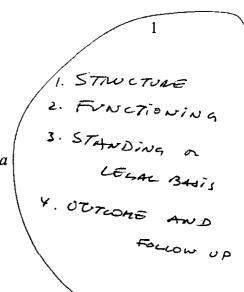


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Human Rights Council Informal Consultations for the Second Session 7-8 September 2006



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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 not only to guarantee non-selectivity and to avoid excessive politicization. In also to avoid duplication of functions with treaty bodies, special mechanisms and the work of the Council itself; Impact to provide the basis for a Greene
- UPR must be conceived as a complement to the UN human rights system.

 Instead of overlapping with the complement to the UN human rights system.

 The reinforce receive from and give inputs to other mechanisms of human rights;

A) Structure:

other mechanisms

Assumentioned before, Brazil supports artificate 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;

- The experts could come from special mechanisms, treaty bodies or association 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. 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 streaty 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 gape and at updating some information. Based on the information received, the UPR experts would then elaborate a questionnaire be transmitted in advance to the State concerned summarises the issues tasked, in order to guide the interactive dialogue. States and civil society could also send questions to be included in the questionnaire;
- Among the experts, the High Commissioner or the President of the Human Rights Council would choose a name to be the "Council Rapporteur". The "Council 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 panel of experts, the report with the conclusions and recommendations would be submitted to the consideration of the Human Rights Council;
- As # mentioned before, The questionnaire must serve as a "road map" for the states, Members or Observers, NGOs, international agencies

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and programs and intergovernmental bodies should participate in the interactive dialogue;

- B) Functioning
- The frequency of the 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. 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;

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C) Standing: LESAL 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, even if they have higher standards than international instruments, could also be addressed by the UPR mechanism. For this purpose, representatives of national civil society could also be addressed by the UPR mechanism. For this purpose, representatives of national civil society could also be addressed by the UPR mechanism. For this purpose, and the second 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;

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- In its conclusions, the UPR should, for instance, recommend cooperation 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;
- The importance of maintaining a fixed periodicity 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 world recompose syneigh, within the HR
 - Another possibility for the outcome process would be the publication, by the OHCHR, of a global report on such country. If the periodicity of the exam is respected, comprising the exam of every country, the global report would is composed of sole of 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 at present scattered over many sources. It could also therefore an oversee ilea of the HR situation in the country.

I thank you, Mr. Chairman.