

**Intersessional open-ended intergovernmental working group to
develop the modalities of the universal periodic review
mechanism established pursuant to Human Rights Council
decision 1/103**

**NON-PAPER ON THE UNIVERSAL PERIODIC
REVIEW MECHANISM**

**PREPARED UNDER THE AUTHORITY OF THE FACILITATOR AND
VICE-PRESIDENT OF THE HUMAN RIGHTS COUNCIL:**

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I. BASIS OF REVIEW

A. Elements of convergence

- The United Nations Charter;
- 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;
- **International humanitarian law, as and where applicable (*revised compromise proposal by the Facilitator*).**
- Commitments **undertaken in relevant** United Nations conferences and summits (*compromise proposal by the Facilitator*).

II. PRINCIPLES AND OBJECTIVES

1. Principles

A. Elements of convergence

The UPR should:

- Be a cooperative mechanism based on objective and reliable information and on interactive dialogue;
- Promote universality, interdependence, indivisibility and the interrelatedness of all human rights;
- Not be **overly** burdensome to the reporting State or to the agenda of the Council;
- Complement and not duplicate other human rights mechanisms, thus representing an added value;
- Ensure universal coverage and equal treatment of all States;
- Be conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner;
- Fully involve the country under review;

- Be an intergovernmental process, **United Nations** Member-driven and action-oriented;
- **Ensure participation of all relevant stakeholders, including non-governmental organizations (NGOs) and national human rights institutions (NHRIs), in accordance with General Assembly (GA) resolution 60/251 and Economic and Social Council resolution 1996/31, as well as any decisions taken by the Council in this regard (*revised compromise proposal by the Facilitator*).**
- 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 (*compromise proposal by the Facilitator*).

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;
- Support for cooperation in the promotion and protection of human rights;
- Not diminishing the Council's capacity to respond to urgent human rights situations;
- Encouragement of full cooperation and engagement with the Council, other human rights bodies and OHCHR.

III. PERIODICITY AND ORDER OF REVIEW

A. Elements of convergence

- Review begins after the adoption of the UPR mechanism by the Council;
- The order of review should reflect 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 by drawing of lots. Alphabetical order will then be applied beginning with these two countries, with the exception of those who volunteer to be reviewed (compromise proposal by the Facilitator);**
- 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 will be either four years (48 countries per year) or five years (39 countries per year) to be decided;**
- **The duration of the review is three hours. Additional necessary time (approximately one hour) will be allocated for the consideration of the outcome by the Council plenary.**

IV. PROCESS AND MODALITIES OF REVIEW (refer to the annexed two options)

A. Elements of convergence

- The documents on which the review would be based are:
 - **A report prepared by the State concerned on the basis of General Guidelines** to be adopted by the Council, and any other information considered relevant by the State concerned. States are encouraged to prepare their report through a broad consultation process at the national level with all relevant stakeholders;
 - **Compilation by OHCHR (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);**
- **In the review, the Council could also take into consideration additional credible and reliable information** provided by other relevant stakeholders *(revised compromise proposal by the Facilitator);*
- Interactive dialogue between the country under review and the Council should take place;

- Final outcome will be adopted by the Council in plenary session;
- UPR should not be overly long. It should be realistic and not absorb a disproportionate amount of time, human and financial resources;
- **Whether the review is conducted in plenary or in working groups, a rapporteur(s) will be selected, respecting geographical representation, from among the members of the Council or of the working groups to prepare the review outcome by the plenary (compromise proposal by the Facilitator).***

B. Elements requiring further consideration

- Should there be a prior review by regional group or a group of friends of the country under review?
- UPR conducted in the Council's plenary meeting and/or working groups;
- Involvement of (an) expert (s) **to prepare a summary of the information provided for the review process.**

V. OUTCOME OF THE REVIEW

1. Format of the outcome

- Report containing decisions and/or recommendations and/or conclusions;
- Report consisting of a summary of the proceedings of the review process.

2. Content of the outcome

A. Elements of convergence

The UPR is a cooperative mechanism. Its outcome could include, inter alia :

- Assessment in an objective and transparent manner of the human rights situation in the reviewed country, **including positive developments and challenges** faced by the country;
- Sharing of best practices;
- Emphasis on enhancing cooperation for the promotion and protection of human rights;

***Depending on the two options annexed to the revised non-paper, the rapporteur(s) will prepare the outcome for consideration either by the working group and then by the Council plenary, or directly by the plenary. The modalities of selection of the rapporteur(s) need to be further considered.**

- Provision of technical assistance and capacity-building **in consultation with and with the consent of the country concerned** (a decision should be taken on whether to use existing financing mechanisms or to create a new mechanism);
- Voluntary commitments and pledges made by the country reviewed.

3. Mode of adoption

A. Elements of convergence

- Whether the review is done by the Council plenary or by working groups, the outcome should be adopted by the plenary;
- The reviewed country should be fully involved in the outcome;
- Before the adoption of the outcome, the State concerned should be offered the possibility to present replies to questions or issues that were not sufficiently addressed during the interactive dialogue;
- The outcome should be published and widely disseminated.
- **The decision-making for UPR outcomes, in which the country concerned should be fully involved, should be the same as for other decisions of the Council (*compromise proposal by the Facilitator*).**

VI. FOLLOW-UP TO THE REVIEW

A. Elements of convergence

- **The outcome of UPR, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders;**
- The subsequent review should focus, inter alia, on the implementation of the preceding outcome;
- The Council should have a standing item on its agenda devoted to UPR;
- The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, **in consultation with and with the consent of the country concerned.**

B. Elements requiring further consideration

- The State reviewed should report to the Council on the implementation of UPR outcomes;
- A rapporteur should be nominated to ensure the follow-up of UPR outcomes;
- At the end of every cycle and after all countries have been reviewed, all UPR reports should be consolidated into a global report;
- After exhausting all efforts to encourage a State to cooperate with the UPR mechanism, the Council will address, as appropriate, cases of persistent non-cooperation with the mechanism (*compromise proposal by the Facilitator*).

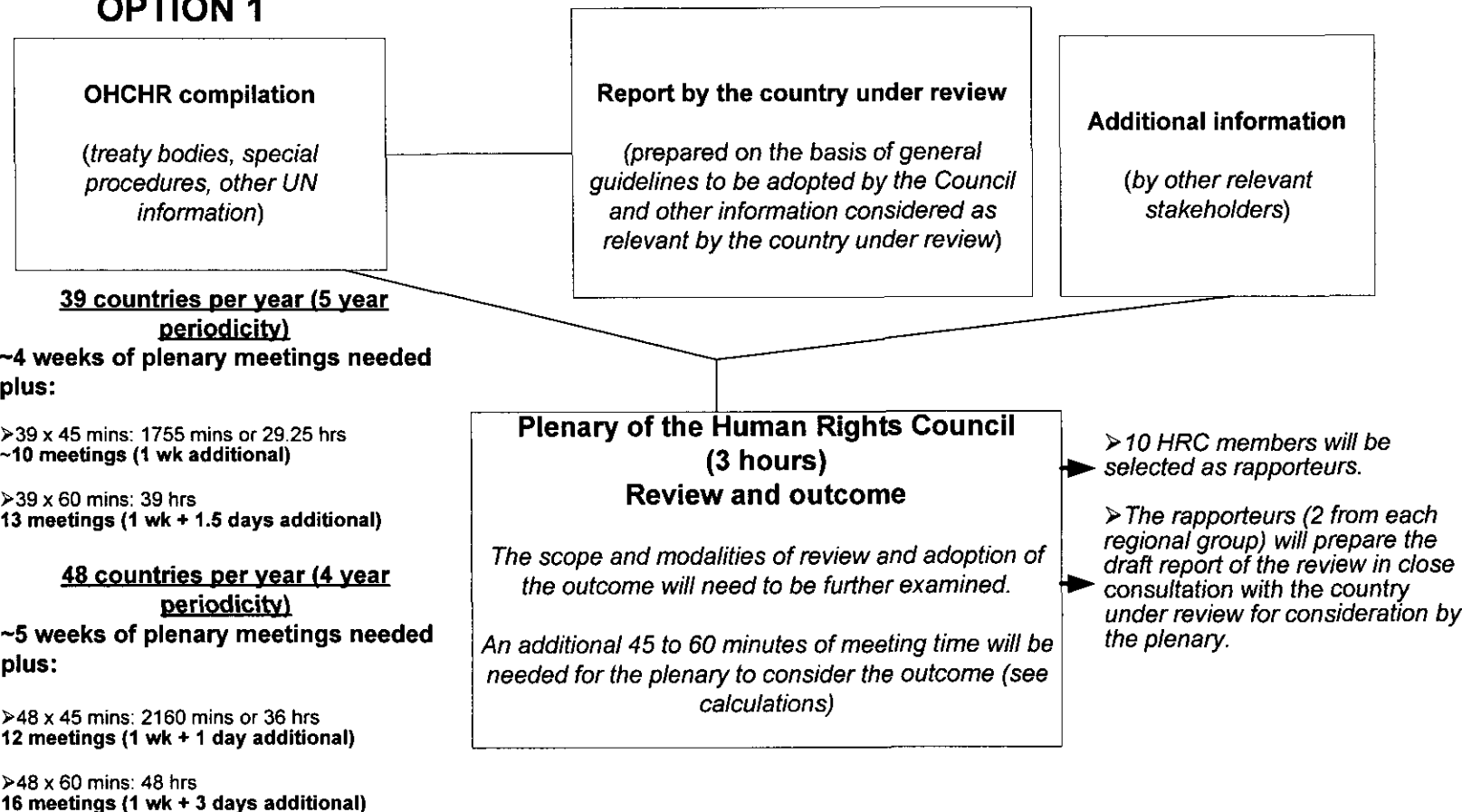


ANNEX

UPR MODALITIES

OPTIONS

OPTION 1



OPTION 2

