

UNIVERSAL PERIODIC REVIEW MECHANISM

Liechtenstein proposal

Main elements of the Universal Periodic Review Mechanism (UPR)

1. OHCHR publishes on its website for each member State a country page. That country page is composed of the following elements:

i) a country file on the human rights situation in the country concerned which is compiled by OHCHR and includes existing information from UN sources (UN field presences, treaty bodies, thematic special procedures, pledges made during election campaign);

ii) a national report which may be submitted, on a voluntary basis, by the country concerned in order to provide background information on legal, economic, social, cultural, religious or other aspects which should be taken into account when assessing the human rights situation in that country and, if applicable, on its needs for capacity-building. The national report may be based on an (updated) core document as used for the treaty body system;

iii) relevant information submitted by NHRIs or by NGOs with ECOSOC accreditation;

iv) The country page is complemented during the UPR process with the list of issues (see 4.), the replies to the list of issues (see 4.), the draft summary of the review dialogue as approved by the relevant UPR committee (see 7.), the recommendations adopted by the HRC (see 7.) as well as the submissions of the country concerned and, as applicable, UN agencies on their plans with regard to the implementation of the recommendations (see 8.).

2. In order to provide for equal treatment of all countries under review, OHCHR elaborates a draft roster of questions with regard to the application of the Universal Declaration of Human Rights. The HRC plenary discusses, possibly amends and adopts the general roster of questions for at least one full review cycle, i.e. the review of all UN member States. This would be done with the understanding that, in principle, it would be possible to use additional questions in order to take into account any particularity of the country under review.

3. With a view to ensuring efficiency and effectiveness of the review mechanism, the HRC establishes four UPR committees, composed of twelve/eleven HRC member States. For each of the UPR committees three countries are selected (by drawing lots and representing three regional groups) to form a troika which assumes a leadership role during the review of six countries (see periodicity). The members of the troika distribute the following tasks among themselves and assume them on a rotation basis: i.) preparing the review dialogue, i.e. preparing proposal for the list of issues (see 4.) ii.) chairing the meeting during the review dialogue, iii.) preparing the summary of the dialogue (see 5.).

4. Upon proposal by the troika, the UPR committee selects a number of questions from the general roster of questions, taking into account the information contained in the country file and possibly using some additional questions in order to take into consideration any particularity of the country under review. The total number of issues would range for all countries between a minimum and a maximum number agreed upon by the HRC when adopting the general roster of questions. The list of issues is adopted by the UPR committee at the session preceding the review dialogue and sent to the country concerned. The country concerned submits the written answers to the list of issues at the latest two months before the review dialogue takes place.

5. At the review dialogue, which would last three hours, the delegation of the country concerned makes an introductory statement of (at most) 15 minutes, highlighting the main legislative and other projects being undertaken by the government with a view to promoting and protection human rights at the national level. After the introductory statement, members of the UPR committee put questions to the delegation. Questions should primarily be based on the answers to the list of issue. There is a possibility to ask additional questions as well as a possibility for the delegation to submit, within a week, written input to questions which cannot (completely) be answered during the dialogue. The troika may assume a leadership role in the dialogue.

6. After the review dialogue, the troika prepares, under the lead of one of the three members, within two weeks a draft summary of the dialogue, including proposals for recommendations to the country concerned as well as, if applicable, to relevant UN agencies (for the provision of technical assistance). The draft summary is sent to the country concerned for comments to be submitted within a week.

7. The draft summary, including the recommendations, and the comments of the country concerned are discussed by the UPR committee at its next session and approved for transmission to the HRC plenary. The HRC plenary adopts the recommendations at the following UPR session (see periodicity). The country concerned may participate as an observer in the relevant meeting, with the opportunity to take the floor, but not in the adoption of the recommendations.

8. Within six months from the adoption of the recommendations, the country concerned and, if applicable, the UN agencies to which the HRC has addressed its recommendations submit their information on how they intend to implement the recommendations. This information will constitute the basis for the next review cycle. It may also be used as a source of information by relevant treaty bodies.

Periodicity of the review cycles and structure of UPR sessions

The UPR sessions would take place between regular sessions of the HRC. They would be composed of two segments: a first segment with parallel meetings of the four UPR committees and a second segment with joint meetings of all UPR committees as HRC plenary. Each of the UPR committees would review six countries during one UPR

session. There would be two UPR sessions a year. This would mean that all UN member States could be reviewed within four years. The first review cycle would, however, last five years because the first two UPR sessions would only be partial ones.

UPR session 1 (year 1):

Monday/Tuesday/Wednesday:
UPR committees

review dialogue with six countries

Thursday:
UPR committees

consideration and adoption of list of issues for six countries under review at UPR session 2

UPR session 2 (year 1):

Monday/Tuesday/Wednesday:
UPR committees

review dialogue with six countries

Thursday:
UPR committees

consideration and approval of dialogue summaries of six countries from UPR session 1

Friday:
UPR committees

consideration and adoption of list of issues for 6 countries under review at UPR session 3

UPR session 3 (year 2):

Monday/Tuesday/Wednesday:
UPR committees

review dialogue with six countries

Thursday:
UPR committees

consideration and approval of dialogue summaries of six countries from UPR session 2

Friday:
UPR committees

consideration and adoption of list of issues for six countries under review at UPR session 4

Monday/Tuesday:
HRC plenary

adoption of recommendations for 24 countries (with which the dialogue took place at UPR 1)

All further UPR sessions (years 2-5) would be structured like UPR session 3.