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OIC Group on Human Rights and Humanitarian Affairs
Geneva

Paper on the Guidelines for the Universal Periodic Review

OP -5 (e) of Resolution A/60/251 lays down the following principles and parameters of the Universal Periodic Review by the Council:-

- a) Importance of a cooperative mechanism;
- b) Objective and reliable information that does not duplicate the work of treaty bodies;
- c) Review of the fulfillment of each country's human rights obligations in a manner which ensures universal coverage and equality of treatment;
- d) Consideration for the capacity building needs of the country concerned; and
- e) Full involvement of the state concerned.

The OIC understands that the guiding principles of the UPR are voluntarism and full involvement of the state. The UPR is thus a cooperative, not a coercive exercise. It will test the efficacy of the soft law approach.

The correlatives of *development* and *religious and cultural specificities*, are explicitly recognized by the recent standard setting international conferences. Due regard must be given to these specificities during the actual conduct of the review.

The review should be based on an interactive dialogue with the concerned state rather than assuming a prosecutorial orientation. The aim should be *reciprocal altruism: to help states help themselves*.

The basis of the UPR would be the **National Report** and **other compilations** (by OHCHR) to serve as additional credible information available to member states.

The OIC suggests the following general format for the **National Report**:

- a) Methodology of the elaboration of the National Report;
- b) Basic facts;

- c) The constitutional, legal and normative framework of the country being reviewed;
- d) Institutional infrastructure;
- e) Accession to international conventions/treaties and status of ratifications;
- f) Commitments made at the time of announcing candidatures for Human Rights Council, where applicable;
- g) Comprehensive account of the efforts made by the State;
- h) Challenges and deficits;
- i) Plans for the future; and
- j) Technical assistance, capacity building needs, if applicable.

OIC suggests the following criteria for the **OHCHR Compilations**:

- a) The compilations should be objective, impartial and balanced;
- b) Information and data used should be reliable and credible;
- c) Sources of information together with possible comments of the states, if available, should be cited.
- d) To avoid duplication, these compilations should use existing information. No mechanism should be asked to prepare new reports; and
- e) Information from NGOs, based on unsubstantiated allegations, abusive language or clear political motivation should not be reflected in the compilations.

The staff engaged in the compilation and support for the UPR should duly reflect the principle of equitable geographical representation of the UN.

The reporting procedure and requirement should be uniform, simple and practical and not be overly burdensome to the concerned state or the Council. The general guidelines for the *conduct of the review* should also be adopted in the September session.

The agreement for a limitation of 20 pages for National Report and 10 pages each for two compilations of OHCHR should be upheld.

Order of Review

Due consideration be given to the capacity of the States to prepare for the Review and adequately consult all stakeholders.

The first batch of states (especially developing countries) would find it extremely difficult to follow the 1st UPR session in February.

Based on the agreed principles, an early decision must be taken on the order of review. All states must get equal and fair time for preparation. (Suggested formula is annexed)

Rapporteur

Despite sufficient guidance on the selection of rapporteurs, it still is an unsettled issue.

Further open and frank consultations are needed to elaborate and reach a clear understanding on the nature of tasks to be performed by these rapporteurs.

There should be a limit on the number of times a country would perform this task.

Voluntary Trust Fund (VTF)

The issue of VTF is crucial for LDC's participation. The Council must take a decision on VTF as well as address financing mechanisms for the technical assistance / capacity building needs of the state under review in the September session.

Order of Review

During the next four years of UPR, 48 states would be reviewed every year. This number of 48 would be a mix of members and non members.

According to the agreed principles, the initial members elected for one and two years will be reviewed first. Similarly, equitable geographical distribution should be respected in the selection of countries for review.

In order to cover these principles, following may serve as a simple formula:

<u>Year</u>	<u>Members</u>	<u>Non Members</u>	<u>Total</u>
2008 (07-08)	14 (elected for one year)	34	48
2009 (08-09)	15 (elected for two years)	33	48
2010 (09-10)	18 (elected for three years)	30	48
2011 (10-11)	All remaining	All remaining	48

The three sessions of UPR each year must have a mix of members and non members.

The total number of non members to be reviewed each year must be divided in different regional groups according to GA representation and within that the order be decided alphabetically.

An important principle mentioned in the Res A/60/251 that each member be reviewed in its term of membership would be difficult to apply faithfully, as many members elected for one year have already finished their term without being reviewed. Hence the above formula would provide a basic infrastructure to apply the criteria in the closest possible manner.