

Elements for an EU intervention on the UPR at the second session of the working group on the review of the Work and Functioning of the Human Rights Council (17 February 2011)

- Express gratitude for the President for the valuable work he done for preparing the document and appreciation for efforts aimed at finding an acceptable outcome for everyone.
- Prepared to engage in a discussion cluster by cluster with the understanding that we take a holistic approach. We see the HRC as a whole and it is too early to assess whether the overall outcome represents an improvement.
- UPR has the potential to make a difference on the ground, if recommendations are implemented. We are prepared to support any proposal that strengthens the UPR.
- We believe that extending the duration of the cycle would weaken the system, and we could therefore only consider accepting the 4,5 year cycle if other elements in this and other clusters are significantly improved.
- Technical and financial assistance should not be a focus of the second cycle. The OHCHR cannot be designated as a clearing house for assistance, which would shift the focus of its mandate. There should be stronger language about implementation and follow-up. *In line with this we propose the deletion of the second part of para 7/a, after the word "cycle" at the end of the first line. We also propose to add in para 21 the word "strongly before encouraged" so it would read: States are strongly encouraged to provide the HRC, on a voluntary basis, with: and then it would continue.*
- The efficiency of technical assistance is clearly linked to a credible implementation plan; this could be expressed for example in para 22. As we are uncertain about the meaning of "strengthening and operationalization" of the Voluntary Fund for Financial and Technical

Assistance in para 16 and 2,. the EU would propose an alternative language. It would read as follows:

Expenditures from the Voluntary Fund for Financial and Technical Assistance established by Human Rights Council resolution 6/17 should be operationalized, as soon as possible, in order to provide a source of financial and technical assistance to help countries implement the recommendations emanating from their review. To this end States applying for assistance will be requested to submit an implementation plan on recommendations they intend to implement.

- In the modalities section, para 14b, the reference to “other stakeholders” has disappeared, in relation to the consideration of the outcome of the review by the plenary of the HRC. Is this a technical error?
- We appreciate that the modalities for the speakers list are part of the negotiation text. This is an improvement. Which we believe is even more important than the extension of the time for dialogue. We are supportive of proposals that allow more time in the interactive dialogue and at the HRC plenary, but would need more information about the budgetary implications of the possible options.
- On para 18: The SuR should clearly articulate its views on all recommendations: indicate which recommendations are accepted, and which are rejected. The reply provided before the plenary adoption should be in a written form, and thus allow for a meaningful debate and serve as a basis for a credible implementation.
- With regard to para 23 we would prefer to revert to the original language of the IB package (para 36) which has a broader scope and refers to the international community rather than only to the UN.