

Oral statement by the Secretariat in connection with DRAFT
RESOLUTION A/HRC/5/L.2
Institution-Building of the United Nations Human Rights Council

This statement is made in accordance with rule 153 of the Rules of Procedure of the General Assembly.

1. This oral statement is made in accordance with rule 153 of the rules of procedure of the General Assembly.
2. Under the terms of the draft resolution A/HRC/5/L.2, the Human Rights Council would adopt the text entitled Institution-Building of the United Nations Human Rights Council annexed to the resolution, including its appendix (ces) and decide to submit a draft resolution to the General Assembly for its adoption as a matter of priority in order to facilitate the timely implementation of the text contained thereafter.
3. Under the terms of the draft resolution, the Council would decide to establish a Universal Periodic Review mechanism, Special Procedures, Human Rights Council Advisory Committee and Complaint Procedure. According to the text of the annex to the draft resolution the operational structure and modalities of the Human Rights machinery would be established. Incremental resource requirements in respect of some of the proposals in the President's Text are being addressed in a separate report of the Secretary General to the General Assembly on the implementation of the Human Rights Council decision 3/104, namely additional sessions of the Council (regular/organizational, etc.), special sessions and high-level segment. Therefore, only incremental resources requirements over and above those submitted in connection with the decision 3/104 are included in this statement.
4. As regards the Universal Periodic Review mechanism, the Council would decide that:
 - i. the review would begin after the adoption of the UPR mechanism by the Council;
 - ii. the periodicity of the review for the first cycle would be of four years, implying the consideration of 48 States per year during three sessions of the working group of two weeks duration each;
 - iii. a summary of the 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, will be prepared by OHCHR, which shall not exceed ten pages;

- iv. in the review, the Council could also take into consideration additional credible and reliable information provided by other relevant stakeholders to the UPR. OHCHR will prepare a summary of such information that shall not exceed 10 pages;
 - v. each member State will decide on the composition of its delegation [to the review] and a UPR Voluntary Trust Fund should be established to facilitate the participation of developing countries, particularly LDCs, in the UPR mechanism;
 - vi. a group of three rapporteurs, selected by drawing of lots among the members of the Council and from different regional groups (troika) will be formed to facilitate each review, including the preparation of the report of the working group. The OHCHR will provide the necessary assistance and expertise to the rapporteurs;
 - vii. Interactive dialogue between the country under review and the Council will take place in the working group. Prior to the dialogue, the rapporteurs, in consultation with the country under review and assisted by the OHCHR, should identify issues with the aim of focusing the interactive dialogue while guaranteeing fairness, transparency and the adequate preparation by the State under review. OHCHR will provide the necessary assistance and expertise to the rapporteurs selected to facilitate each review, including the preparation of the report of the working group.
5. In order to implement the above-mentioned proposals, it is estimated that the following additional resources would be required:
- (a) 17 new posts for the OHCHR at the P-4 level to ensure the preparation of the relevant documents to be submitted for the review of each country during the sessions of the UPR working group and for support to the rapporteurs in their review and preparation of the report of the country group as from 2007;
 - (b) Conference services requirements for six weeks of meetings of the UPR working group starting from 2008; and

(c) Information services requirements to provide for press, radio, television and documentation coverage as well as webcasting.

6. Total estimated resource requirements would amount to:

	<u>2006-2007</u>	<u>2008-2009</u>
Section 2, General Assembly Affairs and Conference Services	-	\$3,847,300
Section 23, Human Rights	-	\$3,139,800
Section 27, Information Service	-	\$353,700
Section 28E, Administration-Geneva	-	<u>\$323,100</u>
Total	\$	\$7,672,900

7. Provisions have not been made in the Proposed Programme Budget for the biennium 2008-2009 for the above-mentioned activities, and as illustrated under paragraph 5 above. It does not appear that it will be possible to absorb the estimated additional requirements within the provisions for the 2008-2009 biennium. Therefore, an additional appropriation by the General Assembly would be required for the biennium 2008-2009. Although it is estimated that the 17 new P-4 posts will be required as from 2007, since it is expected that the General assembly will only approve the requirements at its 62nd session and recruitment will take a couple of months the workload will be met by use of temporary arrangements such as the use of vacant posts.

8. As regards with the Special Procedures, the Council would decide that:

- i. The OHCHR shall immediately prepare, maintain and periodically update a Public List of eligible candidates in a standardized format, which shall include personal data, areas of expertise and professional experience. Upcoming vacancies of mandates shall be publicized.
- ii. A Consultative Group would be established to propose to the President ... a list of candidates who possess the highest qualifications for each mandate and meets the general criteria and particular requirements ... [and] the Group would be assisted by OHCHR.
- iii. The Council will continue the review of mandates through an individual consideration of each mandate during its session of 2007/2008. With this purpose the Council will extend the mandates until they would be reviewed, in accordance with

annex I [of the President's text on Institution Building].

9. In order to implement the proposals relating to the Public List and the Consultative Group, one additional new post for the OHCHR at the P-3 level is required. For the biennium 2006-2007 the workload will be met through temporary arrangements such as the use of a vacant post for the reason given in paragraph 6 above. As from biennium 2008-2009 it is proposed to established a new poat at the P-3 level to implement the terms of the President's statement.

10. Total estimated resource requirements would amount to:

	<u>2006-2007</u>	<u>2008-2009</u>
Section 23, Human Rights:	-	\$156,200
Section 28E, Administration, Geneva -	-	<u>\$ 17,400</u>
Total		<u>\$173,600</u>

11. Provision has not been made in the Proposed Programme Budget for the biennium 2008-2009 for the above-mentioned activities, and as illustrated under paragraph 9 above. It does not appear that it will be possible to absorb the estimated additional requirements of \$151,200 within the provisions for the 2008-2009 biennium. Therefore, an additional appropriation by the General Assembly would be required for the biennium 2008-2009.

12. As regards the extension of existing special mandates, related provisions have been included under Section 23, Human Rights, of the programme budget for the biennium 2006-2007 and requested under the proposed programme budget for the biennium 2008-2009.

13. The Human Rights Council Advisory Committee would replace the former Sub-Commission on the Promotion and Protection of Human Rights. The Council would decide that the Advisory Committee shall convene up to two sessions for a maximum of ten working days per year. Additional sessions may be scheduled on an ad hoc basis with prior approval of the Council.

14. In order to implement the above-mentioned proposals, resources of \$710,600 for travel and DSA for 18 Committee members attending two sessions annually would be needed under Section 23, Human Rights starting from the biennium 2008-2009.

15. Provisions for travel and DSA on a maintenance basis for the former Sub-Commission and its working groups have been requested under the proposed programme budget for the biennium 2008-2009.

16. Requirements for confereance servicing of two sessions of the Advisory Committee of five days duration each

required under Sections 2, DGACM and 28E, Administration Geneva will be covered within the resources approved for the former Sub-Commission (three weeks per year). The resulting one-week saving in conference servicing requirements vis-à-vis the existing provisions for the Sub-Commission will be used to offset requirements for an additional week of meetings of the Working Group on Situations under the Complaint Procedure (see paragraph 18 below).

17. Resource requirements for travel, DSA and conference services relating to the working groups of the former Sub-Commission will be determined in connection with the Council's review of their status at its sixth session.
18. The Complaint Procedure would replace the former 1503 Procedure. The Council would decide that:
 - i. Two distinct Working Groups (WG) shall be established with the mandate to examine the communications and to bring to the attention of the Human Rights Council consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms;
 - ii. The Human Rights Council Advisory Committee (HRCAC) shall appoint five of its independent and highly qualified experts from each of the five regional groups to constitute the Working Group on Communications (WGC);
 - iii. The President of the Human Rights Council shall appoint five representatives of member States of the Council to serve in their personal capacity and to constitute the Working Group on Situations (WGS);
 - iv. Both Working Groups shall meet at least twice a year for five working days each period.
19. In order to implement the above-mentioned proposals, conference servicing resources starting in the biennium 2008-2009 would be required for two five-day sessions per year for each of the Working Group on Communications and the Working Group on Situations.
20. Provisions for two weeks of meetings for the Working Group on Communications and one week for the Working Group on Situations under the former Commission and Sub-Commission mandates have been included in the 2006-2007 budget and were also requested under the proposed programme budget for the biennium 2008-2009. The additional week of meetings for the Working Group on Situations would be offset against savings from the reduction of meetings of the former Sub-Commission by one week. Thus, no additional resources would be required.

21. In summary, should the Council adopt the proposed resolution, the following additional resources would be required by budget section:

	<u>2006-2007</u>	<u>2008-2009</u>
Section 2, General Assembly Affairs and Conference Services	-	\$3,847,300
Section 23, Human Rights	-	\$3,296,000
Section 27, Information Service	-	\$353,700
Section 28E, Administration-Geneva	-	\$349,500
Total	-	<u>\$7,846,500</u>

22. The Secretary-General notes that the Council is expected to continue its review in September 2007 of the existing special mandates through 2007/2008. Accordingly, it may also be noted that the submission of related estimated additional requirements of \$7,846,500 will be submitted to the General Assembly at its 62nd session by which time the Council is expected to have concluded its revision of such mandates. The Secretariat will then be in a better position to determine the totality of resources required to implement recent Human Rights Council decisions.
