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HUMAN RIGHTS COUNCIL

Fifth session  
Agenda item 2

**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251  
OF 15 MARCH 2006 ENTITLED "HUMAN RIGHTS COUNCIL"**

**Note verbale dated 19 June 2007 from the Permanent Mission of the  
Russian Federation to the United Nations Office at Geneva  
addressed to the President of the Human Rights Council**

The Permanent Mission of the Russian Federation to the United Nations Office and Other International Organizations at Geneva presents its compliments to the President of the Human Rights Council and has the honour to forward herewith the position paper\* of the Russian Federation on the institution-building document presented by the President. The Permanent Mission further requests the President to issue this position paper as an official document of the fifth session of the Human Rights Council.

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\* The annex is circulated as received, in Russian and in English only.

## **Annex**

### **POSITION PAPER SUBMITTED BY THE RUSSIAN FEDERATION ON THE TEXT PROPOSED BY THE PRESIDENT ON INSTITUTION-BUILDING OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL**

The Russian Federation joined in the consensus on the text proposed by the President of the Human Rights Council at the Council's fifth session; at the same time, the Russian Federation wishes to set out its interpretation of a number of provisions of that text.

#### **UNIVERSAL PERIODIC REVIEW MECHANISM**

##### **I. Basis of the review**

Fifth paragraph: International humanitarian law may be taken into account during the review only when it is applicable to a specific situation, and to the extent required by the obligations assumed by the State.

##### **III. Periodicity and order of the review**

Tenth paragraph: The Russian Federation has agreed that the periodicity of the first cycle should be four years, taking into account that under General Assembly resolution 60/251 the Council is authorized to review the periodicity after four years. The next cycle must be a 5-year cycle.

##### **IV. Process and modalities of the review**

###### **a. Documents on which the review would be based**

The basis of the review must be the national report of the State under review. All other materials may be used solely to provide additional information during the review.

###### **b. Modalities of the review**

As a matter of principle, the Russian Federation is in favour of the designation of two rapporteurs from States members of the Council to assist in the review and in the preparation of the outcome.

The rapporteurs may not be involved in the selection of the questions to be transmitted to States.

The duration of the review, including adoption of the outcome, in the Working Group should be three hours. One hour should be allocated for consideration and adoption of the outcome by the Council in plenary meeting.

V. Outcome of the review

c. Adoption of the outcome

As a matter of principle, adoption of the outcome should be governed by the rules of procedure as adopted by a decision of the Council. The States concerned and members of the Council may express their views during or after adoption of the outcome by the Council in plenary meeting. In accordance with the rules of procedure, other relevant stakeholders shall not be entitled to do so.

Fifth paragraph: Only those recommendations that enjoy the support of the State concerned and are identified as such should be considered during follow-up of the outcome, and it is on those recommendations only that the State concerned should be required to report. Any other recommendations should be reflected in the outcome only as the view of one or more of its authors, without any measures for their further implementation.

VI. Follow-up to the review

First paragraph: The outcome of the universal periodic review, as a cooperative mechanism, should be implemented primarily by the State concerned. Other relevant stakeholders may participate subject to the agreement of that State.

Second paragraph: The subsequent review should focus, inter alia, on the implementation of the preceding outcome, but only of those recommendations that enjoy the support of the State concerned and have been identified as such.

Fifth paragraph: The need for any specific follow-up shall be determined with the participation and consent of the State concerned.

**HUMAN RIGHTS COUNCIL ADVISORY COMMITTEE**

I. Nomination

When selecting candidates, States may, but shall not be required to, consult their national human rights institutions.

“Candidates holding decision-making positions” is understood to mean individuals authorized to represent their Government in their official capacity. This category of individuals shall be determined by individual States.

III. Functions

The Advisory Committee may not adopt any resolutions or decisions or consider any country situations.

## **COMPLAINT PROCEDURE**

### **IV. Working modalities and confidentiality**

The complaint procedure shall be confidential at all stages. Any change in confidential status or transfer of a situation to consideration under a public procedure shall be possible only after substantive consideration of the complaint by both Working Groups and the Council, and solely on the basis of a decision by the Council.

It is also our understanding that there shall be an unconditional ban on the transfer of any information relating to consideration of the complaint, including between different departments of the United Nations Secretariat.

## **SPECIAL PROCEDURES**

### **I. Selection and appointment of mandate-holders**

Fourth paragraph: It is our understanding that candidates may be nominated by States Members of the United Nations and regional groups of countries operating with the United Nations human rights system.

Eighth paragraph: It is our understanding that representatives of Governments, academic institutions, etc., may hold special procedures mandates, on the understanding that they do so in their personal capacity.

Tenth paragraph: It is our understanding that the Consultative Group should act as an appeals body for the purpose of excluding certain experts from the roster of candidates.

Fifteenth paragraph: It is our understanding that the Council shall appoint special procedures mandate-holders.

### **II. Review, rationalization and improvement of mandates**

The category of country mandates shall exist in the Human Rights Council only for situations characterized by gross and massive violations of human rights.

## **AGENDA AND METHODS OF WORK**

We favour the deletion of item 4, entitled “Human rights situations that require the Council’s attention”, from the agenda and of the corresponding item 4, which is similarly titled, from the programme of work.

## **RULES OF PROCEDURE**

The rules of procedure must contain the provision that resolutions of the Council on country situations must be adopted by a two-thirds majority of States members of the Council.

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