



Assemblée générale

Distr.
GÉNÉRALE

A/HRC/5/G/12*
20 juin 2007

FRANÇAIS
Original: ANGLAIS/RUSSE

CONSEIL DES DROITS DE L'HOMME
Cinquième session
Point 2 de l'ordre du jour

**APPLICATION DE LA RÉOLUTION 60/251 DE L'ASSEMBLÉE GÉNÉRALE
DU 15 MARS 2006 INTITULÉE «CONSEIL DES DROITS DE L'HOMME»**

**Note verbale datée du 19 juin 2007, adressée au Président du Conseil
des droits de l'homme par la Mission permanente de la Fédération
de Russie auprès de l'Office des Nations Unies à Genève**

La Mission permanente de la Fédération de Russie auprès de l'Office des Nations Unies et des autres organisations internationales à Genève présente ses compliments au Président du Conseil des droits de l'homme et a l'honneur de lui faire tenir ci-joint la déclaration** de la Fédération de Russie sur le document concernant le renforcement de l'institution présenté par le Président. La Mission permanente prie en outre ce dernier de bien vouloir faire distribuer cette déclaration en tant que document officiel de la cinquième session du Conseil des droits de l'homme et saisit cette occasion pour lui renouveler les assurances de sa très haute considération.

* Nouveau tirage pour raisons techniques.

** L'annexe est reproduite telle qu'elle a été reçue, en anglais et en russe seulement.

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.
