

OUTCOME OF THE REVIEW

AM

2/14/07

Patrick Smellie

Format of the outcome

- A summary should be prepared for each UPR review, recording the issues raised and discussed, including the replies of the state concerned.
- If shared conclusions are reached with the state concerned or recommendations are made about technical assistance or capacity building, these should be recorded.
- ~~We would like the Facilitator to clarify his intentions with regard to the format of the outcome.~~ In our view it is up to the working group to decide what the report might contain. We cannot mandate now that in every case there will be decisions, recommendations, and/or conclusions.
- We believe that the outcome report from the working group for each country should be entered in the record of the Council as part of the annual UPR review once or twice a year.
 - This could be noted by the Council in a "statement," as the Facilitator suggests, that would not be prescriptive.
 - It is crucial to underline that we must be very careful in this area not to suggest that the working group would propose conclusions and recommendations in all 40 or 50 states it reviews every year, or that the plenary would then have to review, revise, and approve or reject them. This would create a completely unmanageable burden on the Council.

Content of the Outcome

- We can accept the elements of convergence, except that we believe the paper should not speculate on budget issues. This is a matter that will need more discussion elsewhere, including in the Fifth Committee in New York.
- As for the elements requiring further consideration, we believe we don't need to be prescriptive here and should delete them. This would not prevent the plenary in its discretion to take such actions or any other action in a specific case, but we don't need to get into a long debate over powers.

Mode of Adoption

- We agree that the outcome should be published. We take the point made by Canada that this need not be published in paper format, but should be readily available electronically and on the OHCHR website.
- Any actions emanating from the UPR process, including recommendations for assistance or other resolutions should be adopted by the Council plenary during its session on UPR once or twice a year.
- We understand the Facilitator's compromise formulation on decision-making to mean that decisions related to UPR will be adopted by the Council either by consensus or by majority vote.

*the
said this
was the
proposal*