

Switzerland's views on the process and modalities of the Human Rights Council Review

Reacting to the paper of the President of the Human Rights Council on the process and modalities of the Council review in preparation for the informal consultations to be held on Tuesday, 25 May 2010, Switzerland would like to give the following answers to the issues and questions raised by the President of the Human Rights Council:

- Switzerland welcomes the leading role of the President and supports his efforts in this regard. Switzerland encourages him to concretize the mandate of Human Rights Council Resolution 12/1 which requests the President to undertake transparent and all-inclusive consultations prior to working group sessions on the modalities of the review, and to keep the Council informed. The same resolution requests the President to chair the Working Group.
- As a consequence, Switzerland expects the President of the Human Rights Council to follow up on his consultation with the President of the General Assembly on the timeframe of the Review processes in Geneva and New York, on the coordination between the two processes and to come back to the Human Rights Council with a concrete proposal on this issue.
- While recognizing the importance of the Review as mandated by the General Assembly, Switzerland considers that this process should not hamper the ability of the Human Rights Council to fulfill its core mandate of promotion and protection of human rights.

Coordination between New York and Geneva

- Switzerland favors close coordination between Geneva and New York in order to implement the mandate of General Assembly resolution 60/251 while avoiding unnecessary overlapping.
- Switzerland remains flexible on the timing of the adoption by the Human Rights Council of the outcome of the Review of the Human Rights Council (March or June 2011) as long as both the President of the Human Rights Council and the President of the General Assembly agree on it.
- Switzerland favors inviting the two facilitators nominated by the President of the General Assembly to the sessions of the Open Ended Working Group.

Preparatory work

- The President of the Human Rights Council should seek the views of all stakeholders. The documents resulting from the different informal preparatory discussions should be published on a website created to this effect and disseminated to a wide audience so as to have a cross-fertilizing impact. It would allow all stakeholders to benefit from a wide range of constructive ideas.

Scope of the Review

- Switzerland is of the view that the Review should focus on improving the existing instruments of the Council in promoting and protecting human rights. It should not lead to "rebuilding the Human Rights Council".
- Switzerland considers that the Review of the UPR should take place at a later stage, according to the footnote of paragraph 14 of Human Rights Council res. 5/1 which provides

that “[...] the Council, after the conclusion of the first review cycle, may review the modalities and periodicities of this mechanism, based on best practices and lessons learnt”.

Agenda of the two sessions of the OEWG

First session

- Switzerland expects the President of the Human Rights Council, as Chair of the OEWG, to prepare a draft agenda for the first session of the OEWG in October.
- For Switzerland, the first session should focus on the scope of the Review in order to enable all stakeholders to first identify the issues which need to be addressed during the Review.
- During this first phase, the review of the work and functioning of the Human Rights Council should be based on the mandates of General Assembly Resolution 60/251 to the Human Rights Council. The aim should be to evaluate how the different mechanisms of the Human Rights Council implement their mandates and to identify proposals for improvements.

Intersessional consultations + Second session of the OEWG

- Switzerland is of the view that it is too early to determine how the intersessional consultations and the second session of the OEWG should be structured.
- The work of the President of the Human Rights Council's should be guided by the principles of transparency and broad participation. Likewise, substance should define the format of future discussions.

Participation

- Switzerland considers that all stakeholders, including civil society should be closely involved in this process: the stakeholders participating in the present work of the Human Rights Council should participate in the assessment and review of the institution.
- Modalities for the participation of civil society to the work of an intergovernmental OEWG already exist.

Format of the final outcome

- Switzerland is of the view that the format of the final outcome of the Review of the Human Rights Council can not be defined at the present stage, but may be discussed based on the scope and content of the Review, i.e. at the earliest after the first session of the OEWG. Furthermore, the format of the final outcome should be consulted between the President of the Human Rights Council and the President of the General Assembly.