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HUMAN RIGHTS COUNCIL

Geneva, 5 June 2007

Dear Colleagues,

Following the intensive work undertaken in the context of the Working Groups on institutional building of the Human Rights Council, I have submitted for your consideration in the open ended informal meeting held on June 4 a President's text as a basis for our final stage of discussions on this important matter. All efforts are being made in order to obtain translations of the text as soon as possible.

As I indicated in my presentation, the text is largely based on the documents elaborated by the six facilitators who ably guided the Working Groups. It includes my own proposals to solve pending issues, based on the extensive consultations I held during the last weeks.

The document is of a comprehensive nature, in order to address all the main issues of the institution building of the Council as mandated by the General Assembly. While being comprehensive in scope, the text is not intended to be final. I am aware that there are some issues that need to be further discussed before I can submit specific proposals for the consideration of delegations. On this basis the text does not touch upon those issues, which will be addressed once there is a better sense of the possible solutions.

It has become evident that many aspects of the process will need to be developed at later stages of the Council's work, and what we need to ensure is that we take the necessary decisions so that the foundations and the overall framework are well established, allowing us to clearly set out the way ahead.

With these general considerations in mind, and not intending to be exhaustive or selective in any manner, I would like to briefly refer to some specific issues:

To all Members and Observers
To the United Nations
In Geneva

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1. The Universal Periodic Review Mechanism (UPR) is perhaps one of the issues that better illustrates the point that the main decisions will need to be taken at this stage, while operational and technical aspects should be defined afterwards. In this regard, I have incorporated language to ensure that the decisions for the functioning of the mechanism are taken in September 2007 – for example the establishment of rapporteur troikas and the order and modalities of the review – so that the review process can start as soon as possible.
2. At the same time, I have included proposals with respect to the documentation for the review and modalities of the interactive dialogue, aimed at solving the pending issues and also at ensuring the fairness, objectivity, predictability and feasibility of the mechanism.
3. The section on Special Procedures focuses mainly on the selection and appointment of mandate holders and on the review of mandates. On this last issue the text is complemented by its two annexes, which set out in detail the process and calendar for the extension and renewal of the terms of mandate holders, and for the review of mandates. The process of review of mandates should be examined in close connection with the programme of work of the Council, as mandates will be reviewed when the corresponding resolutions are considered in the Council according to its programme.
4. The document does not address the issue of geographic mandates, which is included indicatively to be further developed, since this is one of the issues that I identify as clearly requiring further consultations before presenting a proposal.
5. The text does not include the code of conduct nor issues related to it, since consultations on that matter are still ongoing.
6. Regarding the Human Rights Council Advisory Committee (Expert Advice), the document includes specific proposals to solve pending issues, mainly on its composition, the method to designate its members and their necessary requirements and qualifications.
7. With respect to the Complaint Procedure, proposals are included to deal with the pending issues of designation of members of the Working Group on Communications, the confidentiality of the procedure and the possible follow up measures.

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9. Regarding the Agenda, I have not advanced any compromise proposals, as it is also my sense that further discussions would be needed to do so. At the same time I consider it necessary to set out the full spectrum of elements discussed and contained in the draft agenda elaborated by the facilitator. It is thus necessary to continue working towards an agreement on the pending issues.
10. As for the annual programme of work, we will need to elaborate it further in light of the results of the discussions on the agenda and also taking into account the programme for the review of mandates. I would also like to stress once again the importance of dealing with all human rights in a balanced manner throughout the Council's sessions.
11. Concerning the Methods of Work, I would recall once again that they should remain flexible and evolve as the Council deems appropriate.
12. Concerning the Rules of Procedure some technical adjustments have been made in accordance with the Rules of Procedure of the General Assembly. This includes the place of meeting of the HRC (following rule 3 of the GA) and the holding of public and private meetings (rules 60 and 61 of the GA). Changes and additions have been limited to those strictly necessary for the work of the Council. I have not included the proposal that was made in the working groups regarding resolutions and decisions on country situations, as I considered that further discussions would be needed to reach a conclusion on it.

As we are in the final stage of the process entrusted to us by the General Assembly, I would like to invite you to examine this text bearing in mind that we have major issues still to be resolved within a short period of time. Therefore we will all need to proceed with a clear sense of priority and flexibility in order to reach agreement on all issues.

I thank you sincerely for the cooperation you have continuously extended to me throughout this process and take this opportunity to reassure you of my highest consideration and esteem,

A handwritten signature in black ink, appearing to read "Luis Alfonso de Alba".

Luis Alfonso de Alba
President
Human Rights Council