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Fédération Internationale des Ligues des Droits de l'Homme

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO
ET DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

INTERNATIONAL FEDERATION
OF HUMAN RIGHTS

FEDERACION INTERNACIONAL
DE LOS DERECHOS HUMANOS

الفيدا الدولية لحقوق الانسان



Joint Statement Human Rights Council First Session

Item 4: implementation of General Assembly resolution 60/251 The Universal Periodic Review Mechanism

Geneva (Wednesday 28 June) The creation of the Universal Periodic Review (UPR) is one of the most significant innovations in this new Human Rights Council. Under this system, for the first time, the human rights records of all U.N. Member States regardless of their size, wealth, or military or political importance will be regularly examined through a common mechanism. In establishing the universal review, the General Assembly acknowledged that all states have human rights problems, and room for improving their human rights record. It is crucial in this first year that the Council designs a mechanism that meets the high goals set for it in GA resolution 60/251.

The resolution requires that the review be based on “objective and reliable information.” We propose that the Council designate a session rapporteur, or a panel of experts, from a list of independent experts provided by the Office of the High Commissioner for Human Rights, to assemble all relevant recommendations of treaty bodies and special procedures, reports of the Office of the High Commissioner for Human Rights and relevant U.N. components, as well as NGOs and national human rights institutions reports, and prepare a background note and questions for the state under review. The rapporteur’s background note should be guided by the fundamental human rights enshrined in the Universal Declaration of Human Rights and customary international law, as applicable to all states, as well as all other commitments made by the state under review in treaties, U.N. declarations and conferences, and pledges made while campaigning for election to this Council.

After the State under review prepares its response to the background note and initial questions, the Council itself should engage in a dialogue with the State to examine how well the State is meeting its human rights obligations and implementing recommendations for improvement from special procedures or treaty bodies. It should also consider how the U.N. and other member states might assist the State in improving human rights protection. The process should allow for both presentations and questions by member and observer states of this Council as well as national human rights institutions, regional mechanisms, and nongovernmental organizations. The time demands of UPR, if done right, will be substantial. It is therefore important that the examination of States under the UPR take place outside the Council’s regular sessions.

Each UPR should have an outcome document with appropriate conclusions and recommendations. The session rapporteur, or independent experts, should prepare an initial draft, subject to review and

adoption by the Council. The outcome document should identify measures which could assist and encourage the state to meet its human rights obligations, including technical assistance and capacity-building, and where appropriate the appointment of a country rapporteur.

The crucial work of designing the process for UPR should be entrusted to an open-ended working group including all stakeholders. The meetings should be open and transparent and consider a full range of views. The working group should make a progress report to this Council at each session, leading to the formal adoption of the UPR mechanism no later than spring 2007.

The establishment of Universal Periodic Review presents a historic opportunity for strengthening the promotion and protection of human rights. This Council must seize this opportunity and design a UPR process that will assist states and address the needs of human rights victims in all countries of the world in the decades ahead.