



## Human Rights Council – 8<sup>th</sup> session

NGO Statement on Item 6 – Friday, 13 June 2008

*This is a joint statement on behalf of the Asian Legal Resource Centre, Ba’hai International Community, the Cairo Institute for Human Rights Studies, the Centre for Housing Rights and Evictions (COHRE), Conectas (Brazil), Asian Forum for Human Rights and Development (FORUM-ASIA), Franciscans International, Human Rights Watch, the International Service for Human Rights (ISHR), Pax Romana, and Rights and Democracy.*

Mr President and members of the Council,

We would like to provide general comments on the UPR process both during the first two sessions of the UPR and on the consideration of reports at the present session of the Council, with specific attention to the role and contribution of NGOs.

The UPR was set up with the main objective of improving human rights on the ground. We commend those governments that have taken this process seriously and engaged in a substantive discussion of their human rights record in a transparent manner involving all sectors of government and civil society. The state report and the two summaries prepared by the Office of the High Commissioner for the UPR also constitute a useful overview of country situations.

On the UPR Working Group, we note the value of a cooperative approach but express serious concern at the practice of some States which have been lining up only to praise their allies. This approach runs contrary to the agreed principle that the UPR should be conducted in an ‘objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner’. In this sense, the UPR has not lived up to the expectations of a move away from the ‘politicisation’ of the past. Indeed, in many cases, this ‘politicisation’ has seemed more pronounced than ever. In several instances information provided by states under review, or by those praising them, has been misleading at best.

Furthermore, we are concerned that often the final report of the UPR and the interactive dialogue during the review do not reflect information contained in the summary documents, which constitute the basis on which all reviews should be conducted. This exposes a serious shortcoming in the process. We are also concerned that in some cases recommendations provided in the reports of the Working Group are so vague as to be

meaningless. For future reviews, we urge members of the Working Group to provide recommendations that are measurable, concrete, realistic, and victims-oriented. Finally, we reaffirm that a periodic process such as the UPR can in no way replace the ongoing attention provided by other key mechanisms, including the country mandates of the Human Rights Council.

The plenary session provides the only opportunity for NGOs to participate in the UPR process at the international level. However, the lack of clarity surrounding NGO speaking time for this first session, and the finalisation of these modalities on the working day before the first consideration of UPR reports, meant it has not been possible for many NGOs to secure funding or visas to come to Geneva. Whilst we commend the efforts of the President to resolve these matters at the earliest opportunity, we deeply regret the lack of attention given by Council members to the uncertainty that this has created for many NGOs based outside Geneva. This has negatively impacted the substantive input by NGOs this week, and constitutes a missed opportunity by the Council to illustrate its commitment to engaging with civil society.

Concerning the content of NGO statements made during the present session, Council *Resolution 5/1* clearly states that NGOs may make ‘general comments’ before the adoption of the report. The rationale for this is clear, making up for the fact that NGOs were prevented from engaging in the dialogue of the UPR Working Group. We also stress that comments by NGOs that build on the outcome of the review, including by highlighting its omissions, provide a valuable and focused contribution. However, attempts by a small number of States to censor certain NGO contributions run contrary to the spirit of cooperation of the UPR. The unwillingness of such States to listen to NGOs calls into question their commitment upon becoming members of the Council and projects a lack of confidence on their part to accept balanced scrutiny and hear the voices of their own civil society. We would urge all States to be more resolute in supporting the role of NGOs and in upholding the letter of the law as it stands in Council *Resolution 5/1*.

The credibility of the Human Rights Council rests on its ability to meaningfully engage with civil society and produce a UPR process that improves the human rights situation on the ground. We hope that in the future the knowledge and expertise of NGOs will help improve the functioning and effectiveness of the UPR.

Thank you

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