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IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”

**Written statement* submitted by the Japan Federation of Bar Associations (JFBA),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[28 February 2007]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Universal Periodic Review

The Japan Federation of Bar Associations (JFBA) appreciates that the Intersessional Working Group on the universal periodic review (UPR) had deliberated the matter vigorously and that preliminary conclusions by the Facilitator based on those deliberations were issued on November 30, 2006. The JFBA presents its position on UPR as below, in further substantiation of its basic ideas on the matter as were presented at the Second Session of the Human Rights Council (HRC) in response to the preliminary conclusions, hoping that this will contribute to the on-going discussions toward the drafting and the adoption of a resolution on UPR.

1. In light of universality and non-selectivity, UPR should be undertaken for all member states every three to five years. Time allocated for reviewing each State should be three to six hours. In the formal session of HRC for UPR (the formal review), delegation of the State under review, NGOs concerned, other civil society organizations and national human rights institutions (NHRIs) and special rapporteurs, if any, may be able to participate.
2. In order to avoid duplication with examinations by treaty bodies or special rapporteurs, as well as to enhance efficiency, a country dossier should be compiled by the Office of the High Commissioner for Human Rights (OHCHR), covering relevant information on the human rights situation in the State concerned.
3. Prior to the formal review, a process should be established, as has been proposed by some States, for a preliminary review to be undertaken during the period of a session by a working group or a sub-committee.
4. For the purposes of the preliminary review, member States of the HRC organize a working group or a sub-committee consisting of nine or ten Member States in each of the five regions, taking consideration of geographic distributions according to the UN and other practices and standards. Working groups or sub-committees may be able to receive assistance from experts who have been registered in a roster maintained by the OHCHR.
5. Conducting a preliminary review in each region is recommended for the following reasons:
 - (1) It is consistent with the policy of expanding country and regional offices, which the High Commissioner for Human Rights (HCHR) presented in the action plan issued in May 2005, and with the idea of enhancing access of interested parties to the UN human rights bodies through the method of reviewing reports within their individual regions, proposed by HCHR in her Concept Paper on the unified treaty bodies issued in March 2006;
 - (2) Given that a formal review will be time-constrained and be held in Geneva, it may be quite difficult for developing States that do not have representative offices in Geneva to participate. In this respect, conducting a preliminary review in the

region would avoid limiting opportunities for sufficient and constructive dialogues among the participating government delegations, NGOs, civil society organizations, NHRIs, and any special rapporteurs for the State reviewed;

- (3) Conducting a preliminary review would also guarantee opportunities for other States in the same region as the State reviewed, as well as NGOs, civil society organizations and NHRIs in those States to participate.
6. In order for a formal review to be substantive within a limited time, while taking into account the burden on the State reviewed, the procedure for preliminary reviews should be as follows:
- (1) Written questionnaire should be sent to the State reviewed on the situation of human rights in that State, six (6) months prior to the preliminary review;
 - (2) The State reviewed should be required to submit its written responses to the questions, three (3) months before the preliminary review;
 - (3) The responses should be posted on the website of the OHCHR;
 - (4) Concerned NGOs, civil society organizations, and NHRIs in the State reviewed, should be asked to provide information two (2) months before implementation;
 - (5) A list of issues to be addressed in the preliminary review should be sent to the State reviewed one (1) month before the preliminary review;
 - (6) The preliminary review should be implemented, allotting one day (six hours) to each State ; and
 - (7) In addition to the State under formal review, other member States in the region, as well as concerned NGOs, civil society organizations, NHRIs in those States and a special rapporteur, if any, for the State reviewed, should be able to participate in the preliminary review.
7. Preliminary reviews of member States in the Asia-Pacific region should be undertaken within the Asia-Pacific region, in, for example, Bangkok, where the OHCHR Asia-Pacific Regional Office is located, and States subject to such preliminary reviews should be those for whom a formal review is scheduled within one year. A suitable budget will be required to implement preliminary reviews in Bangkok or at some other location in the Asia-Pacific region for member States in the region. In light of their significance, however, the JFBA expects that the matter will be sincerely discussed toward realization and that actions will be taken such as computing an additional budget in comparison with the cost of implementing preliminary reviews in Geneva, and that it will be met by voluntary contributions.
8. Implementing preliminary reviews in the Asia-Pacific region for member States in the region – where no regional human rights mechanism exists, ratio of ratification of the human rights treaties with a review system is low, and proportion of developing States is high – has particularly large significance and importance. It is also consistent with

the toward expediting regional arrangement for the promotion and protection of human rights, which has been repeatedly assured in the Vienna Declaration and the Programme of Action and resolutions by the UN General Assembly.
