



General Assembly

Distr.: General
15 March 2012

English and French only

Human Rights Council

Nineteenth session

Agenda item 6

Universal Periodic Review

Written statement* submitted by the International Federation of ACAT (Action by Christians for the Abolition of Torture), 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.

[13 February 2012]

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

For a stronger commitment to the Universal Periodic Review process

FIACAT has supported the Universal Periodic Review (UPR) process since its inception. It trains and informs the member associations in its network to enable them to participate fully in that process. FIACAT takes an interest in the review as such, in the opposing sides and, in a report published in 2010¹, it shared its experience and offered an initial mid-term assessment of the Universal Periodic Review. It highlighted a number of recommendations which could pave the way for improvements to the mechanism.

The UPR is a step forward for several reasons. It provides a set time period over which the progress of all states in enforcing human rights can be assessed. The exercise's intergovernmental nature means that states cannot avoid it. It encourages states to express their position on every recommendation put forward in the interactive dialogue.

The UPR can help further the debate on human rights in the country and strengthen cooperation within civil society, especially in monitoring the implementation of the recommendations. Finally, the UPR covers all human rights; thus a State's failure to ratify a treaty is no longer sufficient grounds for it to avoid scrutiny of the rights protected therein.

During its initial cycle the Universal Periodic Review mechanism was an opportunity for sharing best practices and building stronger commitments in promoting and protecting human rights.

However, to render the process more credible, FIACAT is looking for a stronger commitment from states before the UPR, during it and in following up on the recommendations issued therein.

To strengthen the UPR process, FIACAT favours a greater role for non-governmental organizations and national institutions campaigning for human rights at all stages of the UPR process.

Preparation of the review

The preparatory phase mainly involves the collection of information. The State under review is encouraged to organize national consultations involving all stakeholders. These consultations should be arranged well in advance to enable every stakeholder to play a full part and the results to be reflected in the State's report. The consultations may take the form of public meetings in town halls, the involvement of parliamentarians, media questions or online surveys. There are many good practices to be found here.

FIACAT stresses that national consultations are essential to making the process transparent and meaningful.

Review of the human rights situation in a state

Interactive dialogue

The review takes place in Geneva, at a three-and-a-half-hour session of the Human Rights Council's UPR Working Group. The State under review has 70 minutes to present its report, the progress made and the challenges encountered, to answer questions posed by other

¹ The UPR - An ambivalent exercise April 2008 – December 2009, FIACAT, January 2010
<http://www.fiacat.org/fiacat-s-report-the-upr-an-ambivalent-exercise-april-2008-december-2009>

states prior to the examination and during the interactive dialogue, and to conclude. The State under review is asked to make a quick introduction so that there is sufficient time for quality dialogue and for it to answer questions along the way, for example after ten or fifteen interventions, thereby not leaving important points unanswered. The conclusion should be an opportunity for the State to present the procedure it has opted to follow with a view to deciding which recommendations to accept or reject and which stakeholders to consult on this.

The reviewing states, for their part, are asked to make clear, specific and measurable recommendations. These must also be realistic and have a real added value, without lapsing into condemnation or praise.

Since the review is conducted by states, it is important for NGOs to find relays for their concerns from among the states that will intervene during the interactive dialogue. To that end, ascertaining the priorities of a country's foreign policy is important. Another way of engaging them may be to organize parallel events on a given country.

Adoption of working group report

A one-hour session is scheduled during the following session of the Human Rights Council to formally adopt the Working Group report. At this session the State under review, the other states and all other stakeholders each have 20 minutes in which to speak. The Paris Principles-compliant national human rights institution of the State under review is entitled to take the floor immediately after the State under review.

FIACAT is concerned about the tendency of some countries to reject recommendations out of hand, without giving them the necessary attention. FIACAT insists that the State under review should make its position on all the recommendations it has received in the clearest terms, in writing, to the Council before its plenary session.

A good practice is to explain why the recommendations examined have been rejected, so as to allow for better-quality dialogue.

Follow-up to the UPR recommendations

There is no formal mechanism for UPR follow-up. Theoretically, the State has four and a half years to implement the recommendations it accepted during its review and any voluntary commitments made.

FIACAT encourages states to undertake extensive consultations with all the stakeholders concerned to determine how the accepted recommendations can be implemented effectively and promptly. These consultations may result in the formulation of a national plan of action or in the creation of monitoring bodies specifically tasked with overseeing the effective implementation of the UPR recommendations.

NGOs are key to monitoring states' effective implementation of the accepted recommendations. Should the State fail in this respect, it is their responsibility to promote and facilitate their implementation, in particular by publicising them nationally, having the document translated into the national languages, and involving the media, national human rights institutions and parliamentarians.

States are actively encouraged to submit mid-term reports based on a more inclusive follow-up process. In addition, FIACAT calls on delegations to make active use the general debate under item 6 on the Council agenda and the parallel meetings in the following cycle to report on their progress and on the difficulties encountered in implementing the recommendations.

NGOs may also prepare a mid-term report on the progress made after two years with regard to implementation of the recommendations accepted by their State, and assess how the latter has involved civil society in the follow-up. This report may be published at national level, sent to embassies and be raised in an oral statement in the general debate on the UPR² at ordinary sessions of the Council of Human Rights.

² Item 6 on the Council agenda.