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Universal Periodic Review

Written statement* submitted by the Organization for Defending Victims of Violence, 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.

[11 February 2013]

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

The UPR mechanism

From the 21st Session of the Human Rights Council to-date several important and often painful developments have occurred with regards to human rights around the world. The making of an insulting movie about the prophet of Islam and an insult to the good sense of 1.5 billion Muslims, on the pretext of freedom of expression, the killing of many civilians and soldiers during the unrest across the Middle East, and the increase in the possibility of a rise in ethnic and religious tension in the region, increase in ethnic conflict in Afghanistan, Iraq and Pakistan, the killing of many people in religious unrests in Myanmar, the killing of innocent children in Sandy Hook School in America, the painful and tragic rape case in India, and dozens of other events, that in reality there is a big gap between speaking of the observation of human rights and doing it in practice in the world. Unfortunately just like other issues, human rights is subject to the political demands of countries, and often concerns are raised when a stance is taken in these rights support and even they over look it in silence if there is a profit to be gained (hidden or open). The UPR has to-date held 3 sessions from the second round, and slowly moving towards mid second round. Although we believe that the existence of the UPR mechanism is one of the most important accomplishments of the international community for the promotion of human rights at the international level, and this mechanisms effects must be sought over a period of time and on condition of its continuation and steadfast function, nevertheless after the passage of 65 years since the signing of the Universal Declaration of Human Rights and the establishment of the UN Commission on Human Rights and its successor the Human Rights Council, still, the international community witnesses human rights violations instances such as those mentioned earlier, which shows that changes and new initiatives are needed.

With a reiteration on the importance and functionality of UPR mechanism, the ODVV believes now is the right opportunity to pathology this process. In this given opportunity we would like to draw the attention of the Council to two points that require thinking about and take necessary action.

First: in the first round of the UPR almost 21,400 recommendations were exchanged among 192 countries with the aim of further observation of human rights in the world. A major part of these recommendations were with regards to the signing or adopting of international conventions and covenants (4231), women's rights (3693), rights of the child (3442), prohibition of torture (1743), the application of justice (1562). Although this can show the classification and layering of more important issues from other important human rights issues, nevertheless we have another point in mind. In the presentation of recommendations process, some countries were more active than others. We stated in the previous UPR Session that states must bring about the best conditions inside their countries so that they become shining examples for the observation of human rights to others. According to conducted reviews, overall Canada, Norway, France and Spain gave out the most number of recommendations in the first round, then it is expected from these four countries to improve their own human rights conditions. They should be forerunners in the observation of the fundamental spirit of the UPR mechanism, both by themselves and cooperation with others, and they should ditch the failed and tension building "naming and shaming" process. We believe that confrontational processes in the field of human rights although might have short term effects, but they do not bring about the lasting foundations of human rights for the people of a country.

Second: Another of the weak points of the UPR is the repetition of the same recommendations by different countries. Although states cannot be forced to give a specific recommendation and or regarding a subject, due to the relevant recommendation from another state, not take a stance and not express concern, however this process and the

repetition of one recommendations by several states, reduces some opportunities for all sided review of the human rights situation within the state under review.

It is expected from the Council through the adoption of appropriate mechanism, through demand reduce the volume of repeated recommendations and bring about an atmosphere in which debates, exchange of ideas, colloquiums and solutions for human rights issues of states, and without politicized dialogues. For countries to try at least before the UPR working group session finalize their statements and put them on the UNHCHR or their representatives' website for everyone to see can also be a recommendation. In this way other countries can through awareness of the areas of concerns by a state, can concentrate its attention to situations that are reviewed less. Although this recommendation can be put to practice, but its implementation depends on the political will of states too.

In any event, despite some shortfalls, the first cycle of the UPR showed a potential in the process of creating a real development in the subject of human rights, and placing them in the centre of attention of states. Also this resulted in many countries that for years had seen themselves as exempt from human rights commitments, and solely criticized and monitored the human rights situation of other countries, to be carefully scrutinized and assed from human rights aspect, and at least in appearance, to be equally scrutinized alongside other countries. In fact in most instances this process will cause the strengthening of the keenness of the human rights mechanism of the UN as a method to apply pressure on countries and force them to observe and protect their human rights commitments. This process has also gave encouragement and impetus for human rights defenders to interact with other human rights mechanisms such as special procedures.

And finally, the last point, which is Israel's refusal to take part in the UPR process on 29 January of this year, inflicted a heavy damage to the universality, and unavoidability and answerability of states towards this mechanism. We believe the Council must prepare a mechanism where the cost of any similar action would be so high that countries think twice before doing it. Unfortunately Israel founded a process where if serious measures are not taken, very simply the UPR mechanism will within the next few years lose its credibility. We recommend that in this Session a resolution be adopted by the Council that stresses on necessity for positive and full cooperation of states with the UPR mechanism. It must not be forgotten that the disruption of the solidarity of the UPR, will have negative effects on the opportunities that have come about for the civil society to make positive intervention for the improvement of human rights in various parts of the world in coordination with UN bodies and relevant states.

The ODVV hopes that the lessons learned from the first round, alongside the will of countries for distancing themselves from the politicization of human rights, the second round turn it into a mechanism for the real improvement of human rights in all parts of the world.
