

Human Rights Council Review

Joint NGO contribution to the UPR

This contribution is supported by 37 Non-Governmental Organisations:

Action Canada for Population and Development, The African Women Millennium Initiative in Zambia, Amnesty International, Arc International, Asian Forum for Human Rights and Development, Baha'i International, Cairo Institute of Human Rights Studies, Canadian HIV/AIDS Legal Network, Center for the Development of Democracy and Human Rights, CODAP - Youth Resource Center on Human Rights, CIFEDHOP, Coalition pour l'Examen Périodique Universel de la Côte d'Ivoire CEPU-CI, Commonwealth Human Rights Initiative, Conectas Direitos Humanos, CRIN, Democracy Coalition Project, Edmund Rice International, International Federation for Human Rights, FIACAT, Forum Human Rights Germany, Foundation for Marist Solidarity International, Four Freedoms Forum, Geneva for Human Rights, Franciscans International, Human Rights House Foundation, Human Rights Law Resource Centre, Human Rights Watch, International Service for Human Rights, NGO Group for the CRC, North-South XXI, OceaniaHR, Open Society Foundations, Save the Children, Unrepresented Nations and Peoples Organization, UPR Info, Vivat International and World Vision International

Seven key issues

The Human Rights Council (HRC) review provides an opportunity to strengthen the Universal Periodic Review. Seven key issues require the specific attention of the HRC:

- 1- **National consultations with stakeholders:** national consultations should be well prepared, be based on a clear timeframe and held well in advance of the preparation of the State report and fully include civil society

According to resolution 5/1, States are “encouraged” to hold a “broad consultation process at the national level with all relevant stakeholders.” However, the nature of such consultations is not detailed and varies drastically from country to country. National consultations should be held systematically in every country, follow standards developed by the OHCHR and involve a broad range of civil society actors, including NGOs.

- 2- **Introducing OHCHR compilation and summary:** opportunities should be given during the interactive dialogue for the OHCHR compilation of UN information and summary of stakeholder submissions to be introduced to the UPR Working Group

The UPR is based on three reports: the national report, the OHCHR compilation of UN information and the OHCHR summary of information by other stakeholders, including NGOs. Currently, only the national report is introduced during the Working Group review by the State under Review. The two other documents could also be introduced during the review in the Working Group to provide for a complete picture of the human rights situation in the country.

- 3- **Recommendations:** recommendations should be focused, action-oriented and clustered thematically in the outcome report. Particular attention should be given to recommendations which are based on recommendations from other human rights mechanisms

The high interest in the UPR has translated into numerous, general and broad recommendations made to States under Review. Focused and action-oriented recommendations would facilitate their effective implementation on the ground and their further assessment process.

- 4- **Responses to recommendations:** responses to each recommendation should be provided in advance and in writing. All recommendations should receive a response and reasons for rejection should be provided. Recommendations should not be rejected for reasons that are inconsistent with the SuR's international human rights obligations

In order to strengthen the process, States should provide responses to all recommendations in advance of the HRC adoption and in writing, following a consistent approach based on good practices already developed. Reasons for rejection of recommendations should be explained and not contrary to the Vienna Convention on the Law of Treaties and other obligations under international human rights law.

- 5- **Follow-up assessment:** mechanisms and modalities for the assessment of the implementation of recommendations should be developed and the civil society should play an active role in this process

No particular follow-up assessment mechanism exists to date. To ensure the primary objective of the UPR to "improve the human rights situation on the ground" the HRC should tackle this issue by ensuring that the implementation of recommendations is assessed between two reviews.

- 6- **Second cycle:** the second cycle should be devoted to both the assessment of the implementation of recommendations made in the previous review and an assessment of the current human rights situation in the State under review

Resolution 5/1 stipulates that "the subsequent review should focus, inter alia, on the implementation of the preceding outcome". The second cycle should devote time to assess both the implementation of recommendations made during the previous cycle and the evolution of the human rights situation since the previous cycle. The three documents on which the review is based should reflect those two assessments.

- 7- **Non-ECOSOC NGO participation:** NGOs without ECOSOC status should be able to make comments on the UPR outcome at the plenary adoption

Non-ECOSOC accredited NGOs are allowed to provide information on the human rights situation in the country under review. Those NGOs without ECOSOC status should also be able to take part in the adoption stage by taking the floor during the Human Rights Council plenary's consideration of the outcome.