



International Service for Human Rights

## **Oral statement**

### **Item 6, general debate**

20 March 2009

Mr President,

The International Service for Human Rights would like [first of all] to thank you for the manner in which you have steered the work of the Council in relation to the UPR. [As this process continues to evolve there are still challenges to overcome to make it an effective mechanism for the promotion and protection of human rights. At this session] there has been much discussion of the need for States under review to clearly respond to the recommendations from the Working Group. We welcome the statements by several States reaffirming that such responses are essential to the effectiveness of the UPR and that lack of clear responses undermines the principle of transparency and the cooperative spirit of the UPR. The institution building text is clear that States have an obligation to indicate the recommendations that they accept and should provide their views on other recommendations.

The adoption of reports from the first three UPR sessions has witnessed varying practices by States in indicating their responses to recommendations. We believe that only best practice should constitute ‘precedents’ for the future. [In this regard we would like to highlight the very clear responses provided by Botswana and Liechtenstein.] We encourage States to clearly indicate their position and views on recommendations as soon as possible [after the review] and well in advance of the consideration of the report by the Council. [A clear

indication of accepted recommendations and views on other recommendations is] This is key to the meaningful assessment of implementation. It is also crucial for the subsequent follow-up by the State itself and other relevant stakeholders. In this regard we strongly encourage reviewed States to regularly report back to the Council on their continued efforts to implement the UPR outcomes as mentioned by some government speakers today. [Both the general debate under item 6, as well as thematic agenda items would be well suited to provide such information.] In this respect we believe that this general debate must offer an opportunity to discuss specific follow-up to the recommendations.

We have also observed that some States keep recommendations under consideration at the time of the adoption of the outcome. [In a spirit of clarity and transparency, we believe that] States should inform the Council of when it can expect updates on these recommendations.

[We would like to stress that clear responses to recommendations are not sufficient.] Moreover, we are concerned that some States have rejected recommendations with arguments that are in direct contradiction to their human rights obligations under customary international law or treaties to which they are a party. We have heard States reject recommendations claiming that they do not comply with their domestic legislation, their Constitution, their values or interests. ISHR believes that such responses are unacceptable. States should consider all recommendations and provide replies that comply with international human rights law and the principles of the UPR. We expect that all States, [and in particular members of the Council,] will hold their peers to account for such positions.

Finally, we welcome some improvements in the specificity of the recommendations made at the 4<sup>th</sup> UPR Working Group session. [This is an important step towards strengthening the UPR. We encourage States to continue to make their recommendations to other States specific, measurable and time-bound.]

Thank you, Mr President