



Human Rights Council - 11th Session, 12 June 2009

Oral Statement under Item 6 - universal periodic review (UPR)

Mr. President,

This Council established the universal periodic review mechanism with the clear purpose of promoting the universality, interdependence and indivisibility of all human rights and improving the human rights situation in all countries. The primary basis of the review includes the *Universal Declaration of Human Rights* and human rights instruments to which the State under review is party.

The International Service for Human Rights is therefore concerned about sustained attempts by several States to undermine these fundamental human rights norms and standards that form the basis of the UPR process. While the UPR is still developing and is facing critical challenges to become an effective mechanism, we are very worried about the lack of respect for and implementation of the provisions of the Council's institution-building text on the UPR. We therefore call on all States to demonstrate greater respect for the letter and spirit of the institution-building text.

During the UPR, some States have made recommendations encouraging the State under review to contravene its obligations under international human rights law. Furthermore, States under review have rejected recommendations that reflect their commitments under both international and domestic law. This clear violation of their human rights obligations is unacceptable. We urge all States to refrain from making recommendations that contravene the principles and objectives of the UPR, or rejecting recommendations to comply with their existing obligations.

It is not for States to re-interpret or misrepresent human rights law or the authoritative interpretations provided by the treaty bodies. We therefore encourage all States to use the observations provided by the treaty bodies when framing their recommendations or answer, rather than providing their own interpretations of international human rights law. This is the purpose of the compilation of UN materials, which is part of the basic documents for the review.

Mr President,

In recent days, we have also witnessed new contraventions of the institution-building text with regard to the participation of NGOs in the process, which is of great concern to us. The modalities of the review reserve 20 minutes for NGOs to make general comments before the adoption of the outcome. During the adoption of the outcomes on Canada and Saudi Arabia much less than 20 minutes was available to NGOs due to a general delay in the consideration of UPR reports. We believe that these clear departures from established practice call into question the Council's respect for equal treatment underlying the UPR and violates the Council's mandate to provide for the 'most effective participation' of all stakeholders.

Finally, we wish to express our surprise at the recent instance of some NGOs gaining access the Palais des Nations before it is officially opened. All NGOs need to be given equal opportunity to sign up to speak at the Council.

Thank you.