



## **Human Rights Council – 12<sup>th</sup> session, 25 September 2009**

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

Mr President,

The general debate at recent Council sessions under Item 6 has witnessed a near uniform praise of the success of the UPR process. In many, although not all, cases this is merited, as we have seen reviews where political will has allowed States to affirm their commitment to contributing to the UPR's primary objective of improving the situation of human rights on the ground.

However, the International Service for Human Rights (ISHR) would like to draw attention to the responsibilities of States as members of the UN Working Group and of the Human Rights Council, and particularly the perception by a majority of States of their responsibilities in providing recommendations [to the State under review]. As ISHR has previously highlighted, a number of States continue to make recommendations that run contrary to treaty body obligations of the State-under-review, do not comply with international law, or contribute nothing to meeting the objectives of the UPR. ISHR calls on the President of the Council to issue a statement reminding States of their obligation to issue recommendations in accordance with the basis of the review, as clearly stipulated in paragraph 1 of Council *Resolution 5/1*.

ISHR has also taken note of the worrying practice of States to perceive their responsibility in the UPR process as ending at the point of making recommendations. [We wish to stress that] this approach severely undermines the ability of the UPR to improve the situation of human rights on the ground, as many States under review have intentionally or otherwise neglected to update the Council of their position on outstanding recommendations before the adoption of the outcome. ISHR recalls that it is the responsibility of all participants, particularly Human Rights Council members, to pursue clarification and seek acceptance of outstanding recommendations.

While we commend the clarifications sought by a small number of States at the current adoption phase on both accepted and rejected recommendations, ISHR calls on States to ensure that States under review provide clear responses to all pending recommendations in accordance with the institution-building text. The task of real follow-up, meeting the primary objective of the UPR, should not be left to NGOs, but is the responsibility of the Human Rights Council as a whole.

Thank you Mr President