



Fédération internationale de l'Action des chrétiens pour l'abolition de la Torture
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Federación Internacional de la Acción de los Cristianos para la Abolición de la Tortura

To strengthen the Universal periodic review: FIACAT's recommendations

According to the General Assembly resolution 60/251, the Human Rights Council (HRC) is conducting the review of its work and functioning. The Universal Periodic Review (UPR) as a working group of the HRC is part of the review.

The 2011 review provides an important moment for assessing the UPR process and identify good practices as well as challenges.

In this context, FIACAT shares its experience working with the UPR and contribute its recommendations.

Recommendations to the State under review:

- Organise broad national consultations in the spirit of openness and cooperation with civil society. These consultations should take place sufficiently in advance of the drafting of the national report in order for the points of view of civil society to be included in the discussion.
- Submit a written national report.
- Follow the practice of choosing qualified individuals to represent them.
- Bear gender issues in mind when putting together the delegation that will represent them during their review.
- Develop a sense of self-criticism, cooperation and openness during the interactive dialogue.
- Use their introductory speeches in the working group to respond to questions that have been raised in writing beforehand and outline the latest developments as to human rights in their countries as well as the problems they are facing concerning their implementation.
- Make a brief introductory statement so as to allow sufficient time for meaningful dialogue.
- Not adopt a stance on recommendations until they have consulted the national NGOs on how they can be implemented.
- Follow good practice that involves issuing their responses to the recommendations well in advance (at least 2 weeks before the adoption of the final report) and in writing, so as to ensure better comprehension and a quality debate.
- Make clear commitments and clearly state their position regarding each recommendation.

- Clearly identify those recommendations they accept, give reasons for those they reject when possible and reject any recommendations that undermine human rights.
- Follow up on other recommendations not made due to lack of time and respond to them nonetheless. These recommendations should be included in the working group report, by way of an annex, and taken into consideration at the next review.
- Ensure that reports on the UPR and the recommendations made at the conclusion of the review are widely distributed at a national level.
- Organise nationwide and transparent consultations on the follow-up to the UPR; members of civil society should participate in order to define general policy measures which ought to be taken in order to implement the recommendations.
- Identify and carry out specific steps to accelerate national implementation of recommendations, including the creation of specific bodies and national implementation plan with the participation of the civil society.
- Report, during Agenda Item 6 of the ordinary session of the HRC, on the status of implementation of their UPR commitments within two years of the review. This would create a formal basis for UPR follow-up applicable to all countries.

Recommendations to Member States and Observer States:

- Be active ask their questions quickly and make recommendations clear and assessable.
- See that the recommendations made are realistic and have real added value, while refraining from both condemnation and praise.
- Avoid all recommendations that undermine human rights and see that they conform to international tenets on the promotion and protection of human rights.
- Prevent politics from interfering with the obligation to carry out the UPR “*in an objective, transparent, non-selective, constructive, non-confrontational and non-politicised manner*”.
- Take part in working group sessions and arrive on time. Time constraints are one of the major challenges facing the Council since the UPR's creation.

Recommendations concerning stakeholders:

- Encourage NGOs at the national level to initiate a constructive dialogue with their respective governments prior to, during and after the review.
- Encourage civil society in countries under review to present written contributions to ensure that the documents being used as a basis for the review are sufficiently diversified to enable an objective review.
- Encourage the NGOs and other relevant stakeholders to meet to discuss common problems and present joint contributions to avoid duplication.
- Strengthen the provisions of Resolution 5/1 regarding the participation of NGOs in the UPR process by allocating more time and space to all stakeholders.
- Address the concern that the UN and stakeholders' reports are not formally presented to the working group or the Human Rights Council at any stage of the review process. The Human Rights Council could allow an independent expert or a member of OHCHR to formally present to the working group the main information compiled in the UN and stakeholders' report.
- Allow stakeholders to raise issues which were not addressed during the review itself. In order to show that a review was comprehensive and useful, the opportunity of making

general comments before the final document is adopted in Plenary should be interpreted in a broad sense, in line with Resolution 5/1.

- Encourage the civil society to ensure that UPR's recommendations are widely spread at a national level and to see to it that they are implemented.
- Encourage the civil society to get involved in national initiative aiming at the implementation of the UPR's recommendations and the voluntary pledges.
- Encourage civil society to provide an update, on a regular basis, on the implementation process in their country, under Item 6 of the Agenda of the Human Rights Council.

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