

Review of the Work and Functioning of the Human Rights Council

Open – Ended Intergovernmental Working Group

Item 4.1: Universal Periodic Review

26 October 2010

Statement on behalf of the European Union

Mr President,

The EU shares the positive assessments that have been made about the potential that has been opened by the UPR process. It has brought new energy to the United Nations system through instigating what has been described as 'ongoing national conversations' about human rights, which continue here at intergovernmental level at the UPR working group and plenary stages.

Our written proposals which have been submitted to the President are our initial views on how the potential of the UPR can be realised in the second cycle. The second cycle of the UPR will be the true test of our commitment as States to make that process work. As stated in the IB package the UPR is an evolving process and all proposals which seek to strengthen it should be given due consideration.

The EU proposes that the current 4 year periodicity of the UPR review be maintained as it provides a realistic balance between the demands placed on States under review and the need for an ongoing action-oriented process that translates into tangible results on the ground.

The EU proposes that the three national reports should be maintained with all reports containing information on (a) the state of implementation by the State reviewed of the commitments made by it in the first cycle and (b) an appraisal of and update on the general human rights situation.

As also stated in our written submission, we propose that, in the report summarising the views of 'other relevant stakeholders' as defined in paragraph 15 (c) of the IB package, a separate section should be included for National Institutions with 'A' Status. The EU believes that the proposal that has been made that national reports should be tabled in National Parliaments for discussion prior to their submission to OHCHR is worthy of serious consideration.

The first cycle of the UPR has seen significant increase in the number of recommendations made to States. Should this rapid inflation of recommendations continue throughout the second cycle, the process risks becoming unmanageable for States under Review. We propose that the review define an optimum limit to the number of new proposals each

State can make in the second cycle. We will note with interest the views of all stakeholders as to what the optimum number of new recommendations in the second cycle should be.

It is crucial to the ongoing development of the UPR that States give clear responses made to each individual recommendation made to them. The EU proposes that the clear response of the State to each recommendation be provided in an addendum to the Working Group report. It would be important that this addendum include all the recommendations made to the State in both cycles.

The IB package envisages the UPR as a process in which all States receive equal treatment. The difficulties in ensuring equal participation of all States in the speakers list have eroded this principle. The EU is open to discussing with other delegations constructive proposals to address this issue, but we view the current situation as unacceptable. The EU proposes that every State wishing to dialogue in the review and to pose questions and make recommendations should be given the opportunity to do so. We support proposals that allow for more time to be afforded for the Working Group reviews.

The EU proposes that each troika nominate a rapporteur to coordinate the work of the troika. This rapporteur would also present the main findings of the three preparatory reports to the Working Group in an introductory oral intervention.

The EU proposes that any editing or clustering of the content of recommendations should be carried out only with the consent of the State under Review and the State who made the recommendation.

The current situation with regard to the plenary adoption under Item 6 of Working Group reports is not allowing the Council to pay sufficient attention to the final report and the State under Review's responses. Greater attention to this exercise in the second cycle will also allow the Council to discuss follow-up.

The EU has proposed in this regard that States under Review provide a detailed timetable within 12 months of the adoption of the Review Outcome for implementation of recommendations.

The EU agrees with strengthening and consolidating the role of civil society in the UPR process and review, and proposes that States should be encouraged to hold an annual consultation on implementation with all relevant stakeholders.