

Paving the way to the second cycle of the UPR (Panel on technical cooperation)

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Madam President,

The best recipe for achieving lasting human rights change is genuine cooperation among all actors, but first and foremost among each government and its domestic and independent civil society. Therefore, calls and offers of technical cooperation should be supportive of and in consonance with the efforts of local human rights defenders to press for implementation of human rights obligations. They may aim in particular at strengthening national mechanisms for the protection of human rights defenders and their work.

Effective human rights change happens at the national level, and it is that light that we welcome this annual panel on cooperation. However, for cooperative approaches to yield results it is important to distinguish between governments that engage in genuine dialogue, and those that don't. Lacking such distinctions, there is a risk that some governments will use the idea of cooperation to avoid scrutiny or accountability rather than address real human rights challenges. Calls or offers for technical cooperation should not be used to detract from this basic underlying problem.

In this vein, the serious engagement in all stages of the UPR – preparation, review and implementation – should serve as a concrete test of the willingness of States to actually improve human rights on the ground. The second cycle can help to test this, including by using the following benchmarks:

1. States that orchestrate the UPR to only hear friendly comments fail the test. In the second cycle, we hope to see more reviewing States offer meaningful and constructive criticism that can actually help the State under review to improve. This requires that recommendations are SMART.
2. States that reject virtually all recommendations they feel uncomfortable with, or that do not provide follow-up information on recommendations they did not accept in the first round fail the test. In the second cycle we hope to see genuine follow-up to the outcome of the UPR, and not simply accepted recommendations.
3. States who harass or intimidate human rights defenders participating in the UPR fail the test. The second cycle should pay systematic attention to reprisals against those who use the UPR mechanism. OHCHR should proactively reach out to those submitting information – for instance a month before and after the review - to see if they are still safe and sound, or have suffered as a result of participating in the process.

Finally, we wish to comment on the framing and the modalities of this panel. We agree that States bear the primary responsibility for the promotion and protection of all human rights for all. As the institution-building text says, the outcome of the UPR should be primarily implemented by the State under review. However, allowing NGOs to only speak at the end of both slots suggest that civil society has a less significant role to play than for the consideration of other topics on the Council's agenda. This is a mischaracterisation of the experience of the UPR in its first cycle. Without the full participation of civil society, the UPR would have been meaningless. This same applies to other areas of technical cooperation, and so we hope that future panels on this issue will restore full NGO speaking rights to both slots.