



WILPF REPORT ON HRC SIDE EVENT: **UPR MECHANISM SEMINAR**

(10th HRC Session - 20 March 2009)

Ireland representative:

This seminar provides discussions about how complimentary Treaty Bodies and the UPR mechanism are. An organizers' summary report will be processed, which could be a basis for future discussions.

Hernandez (Deputy minister multilateral affairs, Colombia):

This discussion links in with Resolution 6251; in which is stated that the human rights mechanisms will be reviewed soon. A positive point is the process which the UPR ensures in the country, in working together with civil society groups in preparing the UPR report. The annual recommendations by the OHCHR and the recommendations provided by States during the UPR are seen as highly helpful. The minister gave an example of two remaining Conventions which are going to be signed, partially due to the UPR process in which States are reminded on certain unsigned Conventions.

M. O'Flaherty (Member Human Rights Committee):

Spoke with an 'unashamed bias' due to membership to the Human Rights Commission. The following points were presented as positive points for the UPR process: 1. Voluntary agreement, 2. Review on the basis of a State report, 3. Takes into account sources compiled by OHCHR and 4. It encourages collaboration between governments and civil society.

There was mentioning of risks of contradicting bodies and misuse of diminishing resources.

What are the opportunities? Complimentarily is the main opportunity, when a basis is assumed that Treaties share a similar normative base in a single system. There are definite strengths within the UPR mechanism: form of universality that you would not get in Treaty body review, because all States are reviewed in UPR. Indivisibility: brings it back to an integrated indivisible whole and last but not least, there is a level of political attention that the Treaty bodies cannot meet.

The role of the Independent Expert and in-depth reviews are strengths of the Treaty bodies. Both bodies: UPR & Treaty bodies, have to learn from each other.

The preparation of the UPR report is an organizational basis for complimentary benefit. Attention will be put on certain Conventions which have not been signed yet. In some countries UPR reporting mechanism are set up, which strengthens the national reporting to the Treaty Bodies. In addition, States could in the future combine their mechanisms between national UPR and Treaty Body reporting.

A pending question: how do you get an equal compilation of all treaty body work in OHCHR UPR reports? It is rare to have a specific rejection of findings of a Treaty body. Not all of these recommendations go to the heart of the normative framework and allows States to choose a different strategy. It is wise to cite the treaty body when a recommendation is given by a State, to add normative strength.

How does UPR serve as a form of Treaty body follow up? The UPR hasn't organized its own follow-up yet. Recommendation: there has to be a vigorous forum in which chairs of all human rights treaty bodies and the UPR meet.

H. Shire (Director Horn of Africa NGO):

Wants to put an activist perspective on this subject. Reemphasized which lists of reports were not submitted for Horn of Africa countries to UN Treaty Bodies, but showed that these countries will undergo the Universal Periodic Review. The UPR has a clear benefit for national NGOs, especially in forming NGO coalitions and cooperation with the governments. This is especially positive in countries where there is a high level of mistrust between the government and NGOs. Practical skills of NGOs are challenged and strengthened, such as shadow writing reports, lobbying and cooperating with governmental bodies. The NGO capacity has to be strengthened and will lead to successful transferring Geneva information to the grassroots level.

C. Flinterman (CEDAW member):

The political and human rights organs of the United Nations should work in a cooperative manner and this means; strengthen the human rights situation at the domestic level. CEDAW has thus welcomed the UPR mechanism and will try to improve the working relationship between the two.

The following positive points were identified: 1) Non or underreporting of States: It has proven of great help that States are called upon their Treaty Body reporting obligations via the UPR. 2) Far reaching reservations: In the UPR, States are reminded of their obligations and pressured to narrow down their reservations. 3) CEDAW is using more and more of the recommendations and reports in the UPR and should be developed further. 4) The UPR could be used as a way to follow up on the Treaty Bodies and this is a task of the Treaty Bodies themselves to develop.

M. Lilliebjerg (Amnesty International):

The UPR will prove valuable not only in Geneva, but also in how the reports are prepared at the national level and followed up after the UPR session. It has proven to be a catalyst, which does not only benefit the UPR but all Treaty Bodies. The work of the Treaty Bodies is already featuring significantly in the UPR. Interesting fact is that the UPR is open to all members of civil society and not only those organizations with an ECOSOC status. It is very important to look upon the UPR as an ongoing process.

NGOs make usage of the recommendations made by States in Treaty Bodies and the UPR to bolster their projects and efforts. Could web casting also be used to ensure similar coverage of the UPR as currently is achieved for the Human Rights Council sessions.

Independent activist from Arab area:

Put a complaint forward concerning the way that Arab countries flood the UPR with only positive remarks and not allowing the UPR to reach the critical level necessary.

QUNO (Quakers):

Treaty Bodies can follow up on the UPR and the UPR can follow up on the Treaty Bodies. It is evenly important to link promises by States in one body to translate to other affected bodies. Unfortunately none of the regional human rights systems was mentioned, for example the wealth of information from the European human rights system. Another one is

the role of NHRIs, which is very important as independent commentators. There are issues that can be raised in the UPR, which cannot be raised through the other Treaty Bodies. Do not underestimate the UPR as an education forum for other countries under review.

Liechtenstein:

Supports almost everything that has been said. Asked for comments from panelists on if they would see the national reports as a common core document for the other Treaty bodies.

Reaction M. O'Flaherty:

Treaty bodies should not only react on not taken up recommendations, but also react on those that are taken up too. Another issue is the idea of a common core document for all applicable Treaty Bodies and the UPR.

Reaction C. Flinterman:

National human rights institutes (on the basis of the Paris principles) could serve as a connection between the national reporting towards the Treaty Bodies.

Mr. Flinterman do takes Liechtenstein's point into account to maybe make use of a common core document for all bodies, plus the specific Treaty bodies.

M. Lillebjerg:

It would enormously strengthen the follow up of the UPR if States are more pressured to specifically react to the recommendations.

Representative OHCHR:

How can we digest all available information? This is an important question especially for very small countries. Most of these smaller countries do not have delegations in Geneva, but come and contribute to the UPR. How could Treaty bodies make usage of this? Another issue raised was the impact of the rationalization of procedures?

Bangladesh:

Is specifically grateful for the compilation of the information by the OHCHR, and sees this as the most useful information for the UPR process. Treaty bodies have specific regulations and their recommendations are more based on the responses of the state. Complimentary could be found in the consideration of the national report. The UPR mechanism does not include the NGO input as it possibly should.

C. Flinterman:

Mr. Flinterman notified that the UPR has constantly been on the agenda of the meeting between all chairs of Treaty Bodies.

M. Lillebjerg:

NGOs do have the opportunity to contribute to the writing of the national report and to input to the OHCHR for the reports they draw up. Could it be explored if there are options to ensure that grassroots level input can be brought to the HRC?