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Human Rights Watch's oral statement on Progress reports and further Discussion or Decisions of the Working Group on the Universal Periodic Review (UPR) Geneva, December 4, 2006

We welcome the structured and participatory process for discussions on the Universal Periodic Review. This statement focuses mainly on elements identified "for further consideration".

Human Rights Watch emphasizes that an effective UPR requires the appointment of an expert or panel of experts who will prepare documents essential for a focused and productive review session. HRC members are already overburdened by the requirements of a new institution that meets regularly throughout the year. Without the assistance of an expert, HRC members would have to sift through voluminous material on their own, a labor-intensive process that would likely yield poor results. The UPR must be structured to support engagement by HRC members in the process, not bury them in paper.

A helpful example can be found in the African Peer Review mechanism. The APRM involves expertise at two different levels, including a panel of eminent persons to oversee the process, and a country review team that prepares an assessment of the reviewed country. The APR Secretariat also performs technical and coordinating functions, and is built on a pool of African technical expertise.

For the UPR, the HRC bureau should appoint an independent expert, selected from a roster prepared by the Office of the High Commissioner (OHCHR), as session rapporteur for each state. Once appointed, these experts would assist in the review of each state by:

- reviewing materials compiled by the OHCHR;
- preparing a summary of the full dossier including a list of key issues for review;
- preparing a set of written questions for the country involved; and
- preparing the initial draft of the review's concluding statement.

In addition, the following points are essential for an effective UPR:

- The UPR must include existing conclusions and recommendations of treaty bodies and special procedures into the basis for the review. Failing this, the HRC risks creating a two-tier approach to the implementation of international human rights law
- The basis for the review should include customary international law, including for example Common Article 3 of the Geneva Conventions.
- Each country review should last at least 3 hours. Each state should be reviewed frequently, preferably every 3 years. To allow frequent review, the UPR must initially be conducted in separate committees or working groups which could include at least 3 members of each regional group.
- NGOs, including national NGOs without consultative status, must be able to participate effectively in the review process.
- Each UPR session should have a concluding statement of the review, including conclusions and recommendations, with an initial draft to be prepared by the session rapporteur. The outcome document should be adopted by the HRC, and the state involved should be afforded the opportunity to submit a supplemental document that would contain any responses, clarifications, or objections to the statement.
- The outcome document could include a graduated approach including capacity-building, visits by relevant special procedures, recommendation to establish an OHCHR mission or field office, appointment of a country-specific rapporteur, or setting a date for the next review of the state that is sooner than the regular UPR cycle.
- The HRC should have a standing item on its agenda devoted to the follow up of UPR outcomes.