

General Debate on the Universal Periodic Review

REMIGIUSZ A. HENCZEL, President of the Human Rights Council, said that the Council had asked Israel to resume its cooperation with the Council. Meanwhile, the Universal Periodic Review of Israel had been rescheduled for October-November 2013 at the latest. This was a precedent to be applied to all similar incidents of non-cooperation in the future. Steps taken to urge Israel to resume its cooperation with the Council included the President of the Council writing to the Permanent Representative of Israel to the United Nations at Geneva to reassure him that the Universal Periodic Review was conducted in a transparent and equal manner. Underlining the necessity to maintain the universal character of the Universal Periodic Review mechanism, Mr. Henczel said that he would continue to follow-up on the matter and that he would report back to the Council upon receipt of a written response from the Israeli Permanent Representative.

Cuba said that Cuba continued to reject the attitude of Israel not to cooperate with the Human Rights Council, which was a very serious precedent for the body and the Universal Periodic Review process. Cuba drew attention to the universality of the Review and encouraged the President and all concerned parties to intensify efforts with the Government so that Israel changed its attitude and came forward to the second Universal Periodic Review.

Colombia said that it was convinced of the value of the Council and its mechanisms. The Universal Periodic Review had proven itself as an effective tool to deal with the human rights situation in countries and contributed to the strengthening of national capacities to promote and protect human rights. Colombia shared concerns about the increase in recommendations given and the capacity of States to deal with these.

Gabon, speaking on behalf of the African Group, welcomed efforts deployed to preserve the universal nature of the Universal Periodic Review and above all to save the integrity and reputation of the mechanism. The African Group reiterated its appeal to the Council to encourage Israel to submit to its Universal Periodic Review as soon as possible.

Costa Rica welcomed the attachment of States to the Universal Periodic Review, a cooperative mechanism which could improve the human rights situation in countries. Costa Rica paid tribute to the President for the manner in which he managed this sensitive situation with Israel and the Universal Periodic Review.

European Union thanked the President on his efforts and reiterated its full support to the innovative mechanism of the Universal Periodic Review. Universality was key to ensuring its full application. The European Union supported the President and looked forward to his final report.

Venezuela strongly rejected the non-participation of Israel in the Universal Periodic Review and expressed full support for the efforts of the President in dealing with this situation.

Ireland, speaking on behalf of the European Union, said that the European Union regarded the Universal Periodic Review as a powerful tool for bringing discussions of human rights matters from the meeting rooms of Geneva to the ground. The universality and cooperative

nature of the mechanism should be preserved. Realization of the full potential of this innovative peer review depended on all United Nations Member States, both individually and collectively. The practice of providing interim reports between reviews ensured a more transparent and continuous process.

Bahrain, speaking on behalf of the Arab Group, said that the Universal Periodic Review mechanism was one of the major achievements of the General Assembly. The participation of all Member States in its first cycle had demonstrated the success of the process. The Arab Group appealed to all stakeholders, including governmental and non-governmental organizations, to actively participate in the next cycle of the Universal Periodic Review to ensure the implementation and awareness of human rights in society.

Ecuador, speaking on behalf of the Group of Latin American and Caribbean Countries, said that the Group fully endorsed the Universal Periodic Review mechanism, which had so far been very successful. Universality and the equitable treatment of all United Nations Member States in an atmosphere of mutual respect were the pillars of the process. It should not be forgotten that the improvement of the human rights situation on the ground was the main objective. Safeguarding the universality of the mechanism should be the focus of the Council's discussions.

Morocco, speaking on behalf of a group of States, said that the effectiveness and credibility of the Universal Periodic Review mechanism relied upon a manageable number of high quality recommendations given to the State under review, to give the receiving State the best chance to successfully implement their accepted recommendations in advance of the next review. Mid-term reports were an important tool to monitor and measure progress in the implementation of recommendations.

United States believed that the Universal Periodic Review could and did effect real change in countries throughout the world, and was an ongoing tool to advance human rights. The United States urged States that gave recommendations during Universal Periodic Reviews to make them as useful as possible to the State under review. To achieve this goal, it encouraged States to make their recommendations specific, measurable, attainable, relevant and timely.

Brazil said that the Universal Periodic Review could consolidate itself as a tool to the sharing of good practices. Brazil continued to advocate an emphasis on international cooperation in the implementation of Universal Periodic Review recommendations. It believed that this was a dimension of the mechanism which had been neglected and could prove to have a real impact on the situation of people on the ground.

Indonesia said that in the Universal Periodic Review, the country concerned was the duty bearer and had the responsibility to accept and implement recommendations. However, the mechanism should not be over burdensome to the concerned State. Indonesia called on all to bring the number of recommendations put forward to a more manageable level, with a maximum of two per country. There had to be an urgent response when the universality of the Universal Periodic Review was at risk.

Republic of Moldova said that most States in presenting their national reports had focused on follow-up to recommendations from the first cycle, while some dealt with recommendations that were not voiced during the first cycle, and underlined that this was a

practice that should be encouraged. The Republic of Moldova reiterated that the implementation of recommendations was vital for the effectiveness and credibility of the Universal Periodic Review mechanism.

Malaysia said that the Universal Periodic Review was a mechanism which enabled all States to interact and contribute constructively towards the promotion and protection of human rights. Following the 100 per cent success of the first cycle, the Council was currently facing a case of non-cooperation by a State. Such acts should not be condoned or taken lightly because they could create a precedent in the future, nor was it acceptable for a State to dictate the conditions of its participation in the Universal Periodic Review or its cooperation with the United Nations.

Montenegro expressed its full support for the Universal Periodic Review mechanism, which underlined the importance of the fight against discrimination and support for tolerance and equal treatment. Montenegro said that it supported the ongoing discussion on how recommendations were made and how the process could be improved. Discussions had already begun on the timetable and framework for a visit to Montenegro of the Working Group on enforced or involuntary disappearances.

Egypt said that the Council should choose between protecting the work of the Council and going on the track of politicization and selectivity. Regarding the refusal of a State to cooperate with the Council, Egypt said that it was crucial to protect the credibility of the Council; otherwise they would be opening the door to the non-cooperation of States not only with the Council but with all United Nations mechanisms.

Tunisia said it considered the Universal Periodic Review mechanism as the best tool for the impartial and universal follow-up to human rights situations. Despite the disruptions of the period of transition, Tunisia had aimed to comply with its review process and expressed concern about the continued lack of cooperation of Israel with this human rights mechanism, including the non-submission of a report. The universality and credibility of the Universal Periodic Review was being challenged and Tunisia urged the Council to take measures if the situation continued in the future.

Iran said that the Universal Periodic Review mechanism constituted a milestone in the history of the Council and expressed profound regret that a number of United Nations Member States were determined to weaken this mechanism by non-cooperation and were damaging its universality through politicisation and selectivity in the process. The Universal Periodic Review was a cooperative mechanism and should be based on interaction and participation of the countries concerned.

Cuba reaffirmed the importance of the Universal Periodic Review, its success had been demonstrated during these cycles and it was a basic tool to promote international cooperation. The Universal Periodic Review had however been tainted by the politicisation and selectivity which had undermined the deceased Human Rights Commission. The universality and equitable treatment of all Member States was of crucial importance and Cuba condemned and rejected Israel's lack of cooperation with the review mechanism.

Colombia said that in April Colombia would once again come before the Universal Periodic Review and it had prepared itself carefully, revised and made progress on the recommendations it had accepted and had started a dialogue with civil society. Colombia

would live up to its commitments to ensure the enjoyment of human rights for all, despite the challenges it faced.

Viet Nam agreed that the implementation of the Universal Periodic Review had been a great success and had contributed to improving its image and visibility throughout the world. It was undeniably true that the good results were the result of not just cooperation but also a consensual and relevant respect of the principles of the Review.

Council of Europe said that the Universal Periodic Review brought real progress in the promotion of human rights worldwide and was an enhanced expression of the universality of human rights. Its integrity should be preserved. The Universal Periodic Review was also comprehensive thematically as it dealt with all spheres and generations of human rights as a whole and offered a propitious environment to promote new human rights treaties.

Australian Commission for Human Rights, in a video message, welcomed the progress which had been made in Australia in recent years but expressed concern about the lack of full implementation of the Declaration of the United Nations on Indigenous People.

UPR Info, in a joint statement, said that it regretted the non-cooperation of a State with the Universal Periodic Review. The Council should determine how a persistent level of non-cooperation should be dealt with. In addition to non-participation, the Council should also address the issues of non-implementation and non-acceptance of recommendations.

Colombian Commission of Jurists said that violence against union leaders continued to be looked at as a common offence, while impunity was rife in Colombia. The majority of investigations of such cases were archived or dealt with as crimes of passion, and overall very few prosecutions had taken place. Colombia continued to be one of the most dangerous countries for the defence of human rights. The Council should reflect on the steps to be taken in cases where there was no implementation of the relevant recommendations accepted by a country.

International Association of Democratic Lawyers, in a joint statement, condemned the refusal of Israel to participate in its Universal Periodic Review process. This was another illustration of its disregard for human rights and represented a serious threat to the credibility of the Council. Israel was the only country to refuse to cooperate with the process and thus had set a dangerous precedent. The International Association of Democratic Lawyers called on the Council to proceed to the evaluation of Israel on the basis of available information.

Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, in a joint statement, stressed two key steps that could favour effective participation of civil society in the Universal Periodic Review process, including clarity and a time frame for communication of acceptance or rejection of review recommendations by the State under review; and universal participation of Member States in the process in accordance with General Assembly resolution 60/251.

Organization for Defending Victims of Violence reiterated the importance and function of the Universal Periodic Review mechanism. One of the weak points of the review was the repetition of recommendations by different countries, which reduced the opportunities for a complete review of the situation. Israel's refusal to take part in its review was a heavy blow to the universality, non-selectivity and accountability of States to the mechanism.

International Service for Human Rights said that the Council had to develop a robust and consistent procedure to ensure cooperation at all stages of the process and a system to sanction persistent non-cooperation. While cooperation in Geneva was important, full cooperation required effective implementation of recommendations at the national level.

Women's International League for Peace and Freedom said it was deeply concerned about the integrity of the Universal Periodic Review mechanism. There was still a lacuna as to how to deal with cases of persistent non-cooperation. A clear message should be sent that should Israel decide not to resume cooperation, the review would take place in absentia and a date should be set by the Council as soon as possible.

Pasumai Thaayagam Foundation said with regards to Sri Lanka's Universal Periodic Review, deep concern remained about the conditions of those resettled. Given the existence of ongoing human rights violations as well as credible allegations of war crimes and crimes against humanity from 2009, Pasumai Thaayagam Foundation asked the Council to establish an independent, international Commission of Inquiry for Sri Lanka.

Lawyers' Rights Watch Canada said that military occupation of the North and East of Sri Lanka persisted, even though Sri Lanka during its Universal Periodic Review had incorrectly stated that military forces had been withdrawn from those areas. The military remained an impeachable institution in Sri Lanka maintaining the ability to harass, arrest, abuse, and intimidate civilians with impunity. Sri Lanka should withdraw its military from the North and East immediately.

International Association for Democracy in Africa said that the fight against fundamentalism and extremism in Pakistan required a positive educational environment, non-discriminatory laws and the rule of law. The emergence of Pakistan as an operational base for various terrorist groups was directly linked to the environment which had been created over decades favouring extremism and fundamentalism.

World Environment and Resources Council said that in Pakistan democracy had been disrupted by the armed forces, which remained the most influential single organization in the country, and it was generally acknowledged that civilian politicians held office at the pleasure of the army. The country had transformed itself into a fountainhead of extremist terrorism. In fact, every incident of terrorism in the past decade had had some link to Pakistan.

United Nations Watch said that many condemned Israel's non-cooperation with the Universal Periodic Review and United Nations Watch would like to see development in this process that would ensure the participation of Israel.

Commission to Study the Organization of Peace said that the upcoming elections in Pakistan raised the hopes of many for a better life. Pakistan was struggling hard to preserve its territorial integrity and social cohesion, which was partly due to external interference. Pakistan needed to make itself economically self-sufficient which would only happen when its education system was improved.

Rencontre Africaine pour la défense des droits de l'homme asked what would happen with the Universal Periodic Review if every State would use the pretext of national sovereignty to reject the majority of the recommendations it received, like Sri Lanka did. The protection of

religious minorities was an issue of concern in Pakistan and human rights education and training, particularly in rural areas, must be given a priority.

Centre for Environmental and Management Studies said that it was appropriate to catalogue the problems that plagued Pakistan and impacted the rights of the people; sectarian violence headed the list. This was not a new phenomenon and it owed its existence to the very nature of Pakistan's polity. Pakistan's constitution effectively placed the Sunni majority at an advantageous position.

CIVICUS World Alliance for Citizen Partnership said that there had been a significant increase in the reprisals against human rights defenders in the context of the Universal Periodic Review. Unfortunately, the Bahraini authorities gave the worst example of repression of human rights defenders and the speaker was concerned for the welfare of two Bahraini friends, subjected to all types of repression.

International Educational Development said that it noted the decided failure of some States to implement recommendations of the first review, as was glaringly apparent in the second review of Sri Lanka. International Educational Development called for the establishment of a transitional administration in the north and east of Sri Lanka as an urgent measure to stop the ongoing destruction of the Tamil people, and called for an independent international investigation.

European Union of Public Relations said that Pakistan's rulers had never believed in democracy and the country's army had perpetrated genocide on its people. The rights of the people of Baluchistan were violated by the same forces, while Pakistan remained a country dominated by fundamentalist thinking encouraged by the military dictatorship. The role of Pakistan's intelligence agencies and armed forces in fostering terrorism should be examined and discussed.

Right of Reply

Colombia, exercising a right of reply, said that it recognized the important work carried out by human rights defenders, to whom it had extended all necessary legal guarantees so they could work in a safe and free environment. Several million pesos had been invested in a protection programme which covered, among others, human rights defenders.