

## VII. UNIVERSAL PERIODIC REVIEW



### The universal periodic review at a glance

#### *What is it?*

Established by General Assembly **resolution 60/251**, the universal periodic review (UPR) is a new human rights mechanism. Through it the **Human Rights Council** reviews, on a periodic basis, the fulfilment by each of the 192 United Nations Member States of their human rights obligations and commitments. The UPR is a cooperative mechanism and is intended to complement, not duplicate, the work of the **human rights treaty bodies**.

#### *How does it work?*

Human Rights Council **resolution 5/1** sets out

the periodicity and process. The UPR operates on a four-year cycle and consists of several stages, for instance:

- Preparation of the information upon which reviews are based, including: information prepared by the State under review (national report); a compilation of United Nations information on the State under review prepared by the **Office of the United Nations High Commissioner for Human Rights** (OHCHR); and a summary of information submitted by other stakeholders (including civil society actors), also prepared by OHCHR;
- The review itself takes place in Geneva in the Working Group on the UPR, which is composed of the 47 member States of the Council, and takes the form of an interactive dialogue between the State under review and the member and observer States of the Council. The Working Group meets in three two-week sessions each year and reviews 16 States at each session—a total of 48 States each year;
- A group of three rapporteurs (“troika”), drawn from among the Council’s member States, facilitates the review of each State;
- The Working Group’s adoption of an outcome document at the end of each review;

The Handbook is available in digital format on the OHCHR website at:

<http://www.ohchr.org/civilsocietyhandbook/>

There you will find the Handbook’s chapters available for download, as well as links to all the references contained in the publication.

- The Council's consideration and adoption of the UPR outcome document, normally at its next regular session; and
- Follow-up by reviewed States and other stakeholders, including civil society, on the implementation of the conclusions and recommendations contained within outcome documents.

### ***How to engage with the universal periodic review***

Resolution 5/1 provides for the participation of all relevant stakeholders in the process. Accordingly, the participation of regional intergovernmental organizations, national human rights institutions (NHRIs), as well as civil

society representatives, including non-governmental organizations (NGOs), human rights defenders, academic institutions and research institutes, is envisaged at relevant stages.

**Consultative status** with the United Nations Economic and Social Council (ECOSOC) is required to attend sessions of the Working Group on the UPR and sessions of the Human Rights Council. However, civil society actors may contribute to work of the UPR, inter alia, by:

- Participating in consultations held by Governments to prepare their national reports on the human rights situation in their countries;
- Preparing submissions on the human rights situation in States under

review for potential inclusion in the summary of stakeholders' submissions prepared by OHCHR. The OHCHR summary is taken into consideration by the Working Group when reviewing States; and

- Contributing to the follow-up to the implementation of review outcomes.

The Working Group's sessions are broadcast live on an OHCHR **webcast**, and a broad range of UPR documentation and information is available on the UPR section of the **OHCHR website** and on the UPR page on the Human Rights Council's **Extranet**.



## Key contacts relating to the universal periodic review

### OHCHR Human Rights Council Branch

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## What is the universal periodic review?

### Establishment of the universal periodic review

The universal periodic review (UPR), established by General Assembly **resolution 60/251** of 15 March 2006 and elaborated in **Human Rights Council resolution 5/1** of 18 June 2007, is a new human rights mechanism. Through it the Human Rights Council is tasked to review, on a periodic basis, the fulfilment by each of the 192 United Nations Member States of their human rights obligations and commitments. The UPR is a cooperative mechanism and is based on an interactive dialogue between each State under review and the member and observer States of the Council. It is intended to complement, not duplicate, the work of the **human rights treaty bodies**.

Operating on a four-year cycle, the UPR is composed of several stages, including the preparation of the documents that reviews are based on, the review itself, and follow-up to the conclusions and recommendations stemming from reviews. The participation of regional intergovernmental organizations, national human rights institutions (NHRIs), as well as civil society representatives, including non-governmental organizations (NGOs), human rights defenders, academic institutions and research institutes, is envisaged at relevant stages of the review process.

At the conclusion of the first UPR cycle, the Human Rights Council may review the modalities and the periodicity of the reviews, based on best practices and lessons learned.

## Principles and objectives guiding the universal periodic review

A number of principles guide the UPR through its various stages. It must:

- Promote the universality, interdependence, indivisibility and interrelatedness of all human rights;
- Be a cooperative mechanism based on objective and reliable information and on interactive dialogue;
- Ensure universal coverage and equal treatment of all States;
- Be an intergovernmental process, United Nations Member-driven and action-oriented;
- Fully involve the country under review;
- Complement and not duplicate other human rights mechanisms, thus adding value;
- Be conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner;
- Not be overly burdensome to the concerned State or the agenda of the Council;
- Not be overly long; it should be realistic and not absorb a disproportionate amount of time, human and financial resources;
- Not diminish the Human Rights Council's capacity to respond to urgent human rights situations;
- Fully integrate a gender perspective;
- Take into account the level of development and specificities of countries; and
- Ensure the participation of all relevant stakeholders, including non-governmental organizations (NGOs), in accordance with General Assembly resolution 60/251 and Economic and Social Council (ECOSOC) **resolution 1996/31**, as well as any decisions that the Human Rights Council may take in this regard.

The UPR's objectives are:

- The improvement of the human rights situation on the ground;
- The fulfilment of the State's human rights obligations and commitments, and an assessment of the positive developments and challenges it faces;
- The enhancement of the State's capacity and the provision of technical assistance, in consultation with, and with the consent of, the State concerned;
- The sharing of best practice among States and other stakeholders;
- Support for cooperation in the promotion and protection of human rights; and
- The encouragement of full cooperation and engagement with the Human Rights Council, other human rights bodies and the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**.

Two financial mechanisms, the **universal periodic review Voluntary Trust Fund** and the **Voluntary Fund for Financial and Technical Assistance**,<sup>63</sup> have been established to facilitate the participation of developing countries (particularly the least developed countries) in the UPR mechanism and support its follow-up at country level, respectively.

<sup>63</sup> See Human Rights Council resolution 6/17.

## How does the universal periodic review work?

### A. Periodicity, order and basis of the review

#### Periodicity

The UPR operates on a four-year cycle. At its sixth session, in September 2007, the Human Rights Council adopted a **calendar** for the review of all United Nations Member States during the first cycle.



To see the **order of States to be reviewed during the first cycle** (2008-2011) visit OHCHR's website.

#### Order of review

The order in which States are reviewed is guided by the principles of universality and equal treatment. Resolution 5/1 also sets out the following provisions to determine the order of review:

- All member States of the Council shall be reviewed during their term of membership;
- The initial member States of the Council, especially those elected for one or two-year terms, should be reviewed first;
- A mix of member and observer States of the Council should be reviewed; and
- Equitable geographic distribution should be respected in the selection of countries for review.

#### Basis of review

Each State is examined on the basis of:

- The **Charter of the United Nations**;
- The **Universal Declaration of Human Rights**;
- The human rights instruments to which it is a party;
- Its voluntary pledges and commitments, including (where relevant) those undertaken when presenting its candidature for election to the Council; and
- Applicable international humanitarian law.

### B. The review process

#### 1. Documentation

The preparation of information for reviews is a preliminary stage of the process. State reviews are based on the information contained in three documents:

- Information prepared by the State under review;
- A compilation of United Nations information prepared by OHCHR; and
- A summary of stakeholders' submissions (prepared by OHCHR).

These three documents provide distinct and complementary perspectives on the human rights situation in each State under review. They should be available at least six weeks before each review and are posted on the **UPR section** of the OHCHR website.

**(a) Information prepared by the State under review (national report)**

A State presents the information that it has prepared towards its review, which may take the form of a national report, orally or in writing. Written presentations must not exceed 20 pages. **States are encouraged to prepare this information through a broad national consultation process with all relevant stakeholders, including civil society.**

**(b) Compilation of United Nations information, prepared by OHCHR**

OHCHR prepares, in no more than 10 pages, a compilation of the information contained in the reports of human rights treaty bodies, special procedures and other relevant official United Nations documents.

**(c) Summary of stakeholders' submissions, prepared by OHCHR**

OHCHR also prepares, in no more than 10 pages, a summary of submissions provided by other UPR stakeholders (**including NHRIs and NGOs and other civil society actors**). The stakeholders' summary is taken into consideration during reviews.

**General Guidelines for the preparation of information towards reviews**

In **decision 6/102**, the Human Rights Council set out its General Guidelines for the preparation of information under the UPR. **These Guidelines apply to States and other stakeholders, as well as to OHCHR for the preparation of the documents under its responsibility**, and provide that information submitted towards reviews should include:

- A description of the methodology and the broad consultation process followed for the preparation of the information provided;
- The background and framework (particularly normative and institutional) for the promotion and protection of human rights in the State, including: constitution, legislation, policy measures, national jurisprudence, human rights infrastructure (e.g., NHRIs) and the scope of international obligations identified in the “basis of review” (see above);
- The promotion and protection of human rights on the ground, including the implementation of the international human rights obligations identified in the “basis

- of review”, national legislation and voluntary commitments, NHRI activities, public awareness of human rights, and cooperation with human rights mechanisms; and
- The identification of achievements, best practices, challenges and constraints.

Each State should also identify/provide information on:

- The key national priorities, initiatives and commitments that it intends to undertake to overcome challenges and constraints and to improve the human rights situation on the ground;
- Its expectations in terms of capacity-building and requests, if any, for technical assistance;
- Any other information it considers relevant; and
- During later reviews, its follow-up to the previous review.

## 2. Working Group on the Universal Periodic Review

The actual review of States takes place in the Working Group on the UPR. It is chaired by the President of the Human Rights Council and is composed of the Council’s 47 member States. It meets in three two-week sessions each year, reviewing 16 States at each session—a total of 48 States each year. The Working Group convened for the first time in April 2008.

A three-hour interactive dialogue between the State under review and the member and observer States of the Council takes place. During this dialogue member and observer States have two hours to ask questions and suggest recommendations to the State under review. In turn, the State under review has one hour to present to the Working Group information that it has prepared towards its review, to respond to questions and recommendations presented by States in advance of and during the interactive dialogue, and to make concluding comments at the end of the review.<sup>64</sup>

**NGOs in consultative status with ECOSOC may attend sessions of the Working Group on the UPR, but do not play a role in the interactive dialogue.**



For regularly updated information on sessions of the Working Group, including information notes for NGOs visit the UPR section of OHCHR’s website.



For more information on **consultative status with ECOSOC** visit the website of the United Nations Department of Economic and Social Affairs.

<sup>64</sup> See “Modalities and practices for the universal periodic review process” (A/HCR/PRST/8/1).

## Troikas

A group of three rapporteurs (“troika”) facilitates the review of each State. A different troika is formed for each State review, with troika members (drawn from different United Nations regional groups) selected by the drawing of lots from among the Human Rights Council’s members States.<sup>65</sup> OHCHR provides assistance to the troika members in the performance of their role.

States have the opportunity to raise questions/issues in writing on a State under review in advance of its review.<sup>66</sup> The troika is responsible for receiving these questions/issues and, if it so decides, clustering them.<sup>67</sup> The troika then sends the questions/issues to the secretariat of the UPR, which in turn sends them to the State under review no later than 10 working days before its review. The questions/issues are also circulated among the Council’s member and observer States.

### 3. Working Group outcome document on the State under review

After the interactive dialogue on each State, the designated troika facilitates the preparation of an outcome document (report) on the review with the assistance of the UPR secretariat and with the full involvement of the reviewed State. The Working Group allocates a maximum of 30 minutes to the consideration and adoption of each outcome document no less than 48 hours after the review. The Working Group country reports are adopted *ad referendum* leaving two weeks for States to make editorial changes to their own statements.

Outcome documents include a summary of the proceedings of the review, conclusions and/or recommendations, and any voluntary commitments and pledges made by the State under review.

Each reviewed State is given the opportunity to indicate whether or not it supports the conclusions/recommendations contained in the outcome document. It can do this:

- During the meeting of the Working Group;
- Between the Working Group’s session and the Council’s next session; or
- During the meeting of the Council to adopt the Working Group’s outcome document.

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<sup>65</sup> The State under review may request that one of the three should be from its own regional group and may also request one substitution on only one occasion. A member of a troika may also request to be excused from participation in a specific review.

<sup>66</sup> These questions/issues are sent to the troika and should be based mainly on the three UPR documents.

<sup>67</sup> In doing so, the troika must not alter the meaning of questions/issues in any way, and must refrain from assessing the questions/issues or the human rights situation in the State under review.



Recommendations supported by the State are identified as such in the outcome document; recommendations that are not supported by the State are noted in the outcome document, together with any comments that the State may have on them.

#### 4. Adoption of outcome documents by the Human Rights Council

Once adopted by the Working Group on the UPR, the report on each reviewed country is transmitted to the Human Rights Council. The Council normally considers and adopts these outcome documents at its next regular session, allocating up to an hour to each.

In accordance with resolution 5/1, before each outcome document is adopted:

- The reviewed State is offered the opportunity to present its views on the conclusions/recommendations, on voluntary pledges and commitments, and to present replies to questions or issues that were not sufficiently addressed during the Working Group's interactive dialogue;
- The reviewed State and member and observer States of the Council are given the opportunity to express their views on the outcome; and
- Other relevant stakeholders (including NHRIs and NGOs in consultative status with ECOSOC) are given an opportunity to make general comments.

When adopting outcome documents, the Council also decides if and when any specific follow-up to the review is necessary.

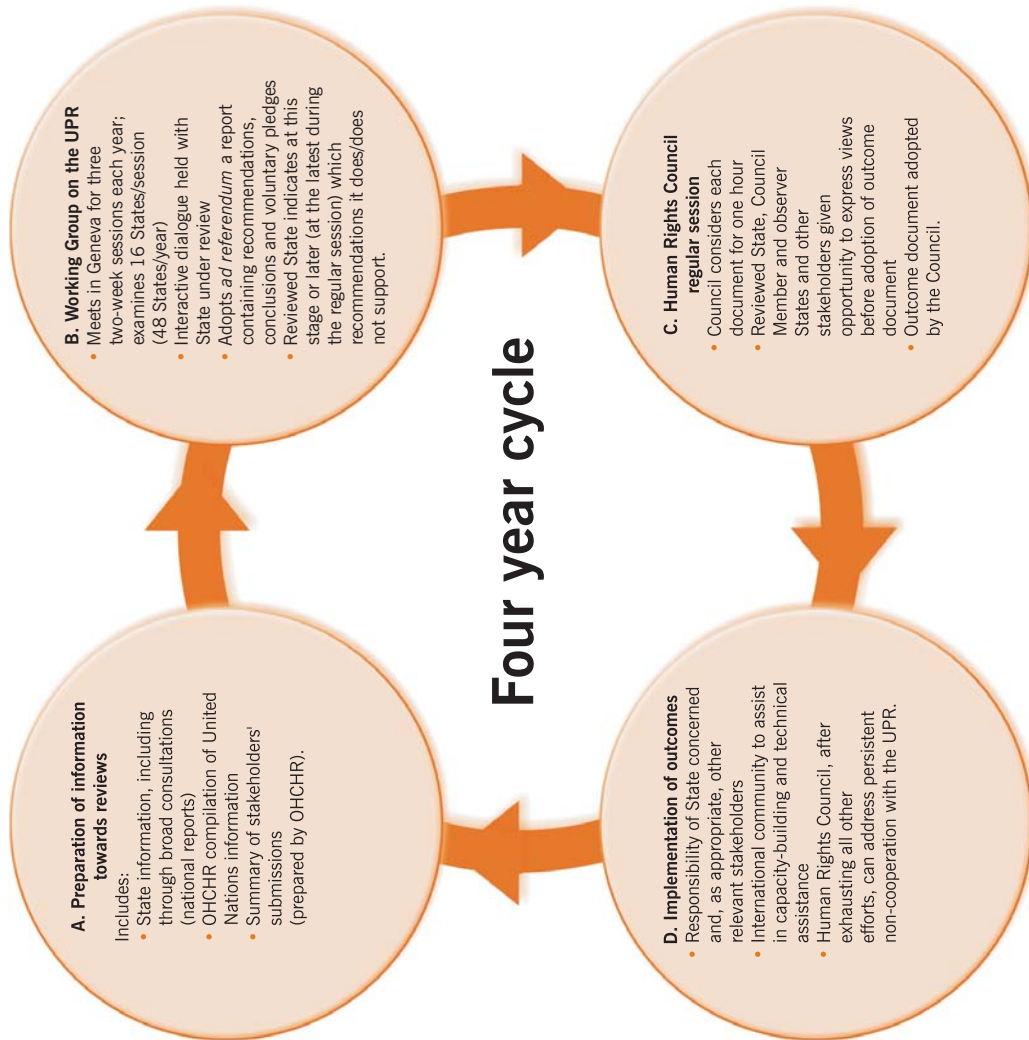
#### 5. Follow-up to reviews

The conclusions/recommendations contained in an outcome document which enjoy the support of the reviewed State serve as the basis for UPR follow-up.

It is primarily the responsibility of reviewed States to implement UPR outcomes (including conclusions and recommendations and voluntary pledges and commitments); however, **resolution 5/1 provides that other relevant stakeholders, including civil society actors, also have a role to play in their implementation.** The international community assists States to implement review outcomes regarding capacity-building and technical assistance, in consultation with them and with their consent.

Later review cycles will focus, among other things, on each State's implementation of recommendations and, to this end, the Council may address, as appropriate, cases of persistent non-cooperation with the UPR mechanism where it has exhausted all efforts to encourage a State to cooperate with it.

## The UPR process



## How to engage with the universal periodic review mechanism

Civil society has an important role to play in relevant stages of the UPR—in preparing submissions for the reviews, in attending reviews, and by contributing to follow-up to the implementation of UPR recommendations and conclusions.

### A. Working with States to prepare national reports

Resolution 5/1 encourages States to prepare the information that they submit towards their reviews through a broad, national consultation process with all relevant stakeholders. This can include NHRIs, as well as civil society representatives, such as NGOs, human rights defenders, academic institutions and research institutes.

The experience of the UPR to date demonstrates a diversity of examples of “best practice” for civil society and Government collaboration in the preparation of national reports.



#### Contributing to the preparation of State information (national reports)

In the lead-up to the review of **Switzerland** at the second session of the Working Group on the UPR in May 2008, a coalition of 32 Swiss-based NGOs met to coordinate the preparation of a stakeholders’ submission. Coordinated by three NGOs (**Amnesty International - Swiss section, Humanrights.ch and CODAP**), the “NGO Coalition” prepared and

transmitted an initial draft of its submission to the Swiss Government.

The Swiss Federal Government shared its draft national report to the UPR with the NGO Coalition and invited its members to attend a day of discussion with the Government. At the meeting, the Coalition provided substantive comments on the

Government’s draft report and presented a series of recommendations. A number of the Coalition’s comments were incorporated into the final version of the national report submitted to the UPR, with the Government also dedicating a section of its report to identifying and addressing some of the key concerns raised by the Coalition.

### B. Stakeholders’ submissions

In line with resolution 5/1, stakeholders are also invited to make submissions on States under review for potential inclusion in the summary of stakeholders’ submissions prepared by OHCHR. The OHCHR summary of stakeholders’ submissions is one of three documents on which reviews are based.

Stakeholder submissions should contain credible and reliable information on the State under review.

OHCHR references all stakeholder submissions incorporated into summary documents. Furthermore, stakeholder submissions are available, in the form originally received, through the **UPR section** of the OHCHR website.



### Preparing and submitting stakeholders' submissions to OHCHR

#### **Human Rights Working Group (HRWG) -**

**Indonesia**, a coalition of Indonesian human rights organizations, contributed a stakeholders' submission towards the review of **Indonesia** at the first session of the Working Group on the UPR in April 2008.

In preparing its submission, HRWG

undertook a “bottom-up” process, inviting a number of national NGOs working on thematic issues to meet to discuss the UPR mechanism and to develop an outline and structure for the submission. After the meeting, each NGO was assigned the responsibility for preparing information relevant to its area(s) of expertise, while HRWG took editorial responsibility

for the submission, transmitting it to the OHCHR UPR secretariat.

HRWG-Indonesia also collaborated with Komnas HAM, the Indonesian national human rights institution, and engaged in dialogue with the Indonesian Ministry of Foreign Affairs in preparing its stakeholders' submission.

### Format of submissions

*Stakeholders are invited to provide OHCHR with submissions which:*

- Follow the structure of the General Guidelines for the preparation of information under the UPR, set out in Council **decision 6/102** (see previous section).
- Are no longer than 5 pages or, in the case of larger coalitions of stakeholders, 10 pages;
- Cover, as a maximum, a four-year period;
- Are written in an official United Nations language, preferably English, French or Spanish;
- Provide in a short paragraph information on the objectives and work of the entity making the submission;
- Are in a common word-processing format, with paragraphs and pages numbered;
- Include an introductory paragraph summarizing the main points;

- Indicate key words in relation to their submission (e.g., domestic violence);
- Refrain from reproducing concluding observations and recommendations of the human rights treaty bodies or the special procedures of the Human Rights Council, though they may refer to the extent of implementation;<sup>68</sup> and
- Refrain from quoting or annexing reports from other organizations.

Please note that:

- Submissions in excess of the 5-or 10-page limit will not be considered;
- Submissions received in a language other than one of the six official United Nations languages will not be considered;
- Submissions submitted after specified deadlines will not be considered; and
- Submissions containing manifestly abusive language (e.g., incitement to violence, inherently racist language) will not be considered.



Civil society actors are encouraged to regularly consult the UPR section of the OHCHR website for the submission deadlines specific to each session of the Working Group. **Stakeholder information should normally be submitted to OHCHR seven months in advance of the Working Group's sessions.**

Civil society actors wishing to submit information for consideration and possible inclusion by OHCHR in the stakeholders' compilation should send their contribution to [UPRsubmissions@ohchr.org](mailto:UPRsubmissions@ohchr.org).

While civil society actors are not encouraged to fax or post a hard copy of their submission to the OHCHR secretariat, they may, if there are technical difficulties with electronic mail, fax their submission to **+41 (0)22 917 90 11**.

Civil society actors are also encouraged to consult the **technical guidelines for the submission of stakeholders' information**.

### C. Attending sessions of the Working Group on the Universal Periodic Review

NGOs in consultative relationship with ECOSOC, once accredited, may attend sessions of the Working Group on the UPR, but cannot make oral statements at its meetings.



For information on how to be **accredited to attend sessions of the Working Group on the UPR** visit OHCHR's website.

<sup>68</sup> Human rights treaty body and special procedures recommendations and observations are incorporated into the compilation of United Nations information prepared by OHCHR.

### Information sessions

NGOs in consultative status with ECOSOC, once they are accredited to attend a session of the Working Group, may arrange to hold information sessions during the Working Group's session. NGOs interested in holding such a session should contact the **UPR secretariat**.

#### D. Attending sessions of the Human Rights Council

NGOs in consultative status with ECOSOC, once accredited, may attend regular sessions of the Human Rights Council, at which UPR outcome documents are considered and adopted.

**NGOs in consultative status with ECOSOC are given the opportunity to make brief general comments before the adoption of outcome documents by the Human Rights Council.**



For information on how to be **accredited to sessions of the Human Rights Council**, please refer to **chapter V (Human Rights Council)** of this *Handbook*.

#### E. Working on follow-up to review outcomes

Resolution 5/1 provides that it is primarily the responsibility of States to implement their review outcomes (including conclusions and recommendations, and voluntary pledges and commitments). **Resolution 5/1 also states that other relevant stakeholders, including civil society actors, have a role to play in the implementation.**

Civil society actors, including NGOs, academia, the media, trade unions and professional groups, can work on follow-up to UPR outcomes in a number of ways, for instance:

- Working with national entities (including Government, parliament, the judiciary and NHRIs) to help the State meet its obligations; civil society often acts as a catalyst to promote national legislative reforms and develop national policies. It can also use the UPR outcomes as a basis for dialogue with State entities and for defining its own programmes of action;
- Monitoring the human rights situation and steps taken locally to implement UPR outcomes;
- Raising awareness about the UPR, the outcomes States are required to implement, and how outcomes can be used to improve the enjoyment of human rights nationally. This may be done by organizing thematic discussions, round tables, seminars and workshops, translating and publishing UPR outcomes and working with NHRIs and the national media, and by raising awareness of UPR outcomes among the general public and civil society;

- Engaging with national entities towards the preparation of information for the next periodic review; and
- Collaborating with other civil society actors in the preparation and submission to OHCHR of follow-up information on the implementation of UPR outcomes.



## Working on follow-up to UPR outcomes

### ***Follow-up to the report adopted by the Working Group on the UPR***

After the review and the adoption of the Working Group's report on Brazil, in April 2008, **Conectas**, a Brazilian human rights organization, undertook the following activities:

- It translated the recommendations and voluntary commitments contained in the Working Group's report into Portuguese;
- It analysed the content of the Working Group's report, the conclusions of which were brought to the attention of the Brazilian Government and identified by Conectas in an oral intervention made at the Human Rights

Council's eighth session; and

- In collaboration with a coalition of Brazilian NGOs (**Comitê Brasileiro de Direitos Humanos e Política Externa**), Conectas arranged a public discussion on the UPR process with the human rights commission of the Brazilian parliament. Segments of the webcast of the review of Brazil were screened at the meeting.

### ***Follow-up to the UPR report adopted by the Human Rights Council***

Since the Council's adoption of the final report on Brazil, Conectas has:

- Worked on follow-up to UPR recommendations

and voluntary commitments by establishing partnerships with NGOs that work on specific issues in order to assess Brazil's progress in implementing UPR outcomes; and

- Worked with the Government in an ongoing process to identify concrete steps and policies towards implementing UPR recommendations and achieving voluntary commitments.

Conectas has also shared its experiences with partner organizations in Argentina, Peru, the Philippines and South Africa to contribute towards the review of these countries.

## OHCHR resources

### Universal periodic review web page

Civil society actors are encouraged to regularly consult the UPR section of the OHCHR website for updates and information on the Working Group's sessions.

### Human Rights Council web page

Civil society actors are encouraged to regularly consult the Council's section of the OHCHR website for updates and information on its sessions. Session-specific information is normally posted on the web page two weeks before each regular session.

### Extranet

The **Extranet** is linked to the Human Rights Council's homepage. It contains a dedicated UPR page with information specific to each session of the Working Group, including:

- The States (to be) reviewed at the session;
- The documents on which reviews are/were based;
- Questions submitted to States under review by the Council's member States in advance of reviews;
- Oral statements made by member and observers States at reviews; and
- Outcome documents adopted by the Working Group.



To access the password-protected Extranet page, fill in the online form available. When you have done this you will receive a username and password by e-mail.

### Webcast

The Working Group's sessions can be viewed live on the Human Rights Council's webcast. The webcast site also contains archived video of its previous sessions. To view the webcast you will need to download the appropriate software.



The webcast service is available from the Human Rights Council page of OHCHR's website.