



A GUIDE TO THE UNIVERSAL PERIODIC REVIEW

Compiled by International PEN

(PEN Version)

January 2010

Introduction

After years of complaints that the United Nations Commission on Human Rights was failing to protect the human rights standards enshrined in the Universal Declaration on Human Rights, in 2006 the UN General Assembly voted overwhelmingly to replace the Commission with a Council on Human Rights. The Council was given the task to address the problem that the Commission had become at best ineffective, and at worse a means through which member States could avoid censure. Too many members of the Commission had appalling human rights records of their own – countries that included China, Russia, Zimbabwe and Iran - and that they too often collaborated with each other in opposing resolutions condemning human rights abuses so as to protect themselves from criticism. The change was heralded by the then Secretary General Kofi Annan as an "historic resolution... that gives the United Nations a much-needed chance to make a new beginning in its work for human rights around the world".



The new Council is made up of 47 members, elected at the UN General Assembly by secret ballot. It meets three times a year in Geneva to discuss all aspects of the UN Charter on Human Rights. One of the major initiatives of the new Council is the Universal Periodic Review (UPR) a process through which all 192 UN member states are required to show that they meet their obligations to uphold and promote human rights. All UN member states are now subject to regular

“periodic reviews” where their human rights obligations come under scrutiny and any member that is found to have systematically failed to uphold these rights can be suspended. All the member states are subject to review over a four year period. Therefore 48 countries are scrutinised each year, in three sessions of 16 countries. The UPR works under the

Council. The UPR itself holds three sessions separate from the regular Council sittings, reporting the outcomes of its reviews to the Council.

What makes the UPR especially important is that each and every one of the 192 UN member states are subject to scrutiny no matter how large or small, how influential or not, democratic or undemocratic. Within its first three years, countries as diverse as China, Norway, Vanuatu, Tunisia, and Cuba have been through this process. No longer can the UN be accused of only pointing at the usual culprits, but also countries that rarely if ever had to answer questions are now expected to do so.

Another useful aspect of the UPR is that it is a peer review system. It is member states that carry out and oversee the process. It is also the member states that make the recommendations for improvement that come out the Review, giving it a legitimacy and force that previously had not been the case. At the same time, it also allows for much more input from NGOs. NGOs no longer have to have consultative status with the UN to submit reports for formal consideration. The four year time scale gives a clear framework into which to plan and contribute. Admittedly there is very little time for comments on the floor and NGOs input at the sessions themselves is limited, but, arguably, the written documentation and the long term strategising that can be done around the UPR is much more effective than statements on the floor of the UN.

Prior to each UPR session, Council members are provided with three documents: the first is prepared by the state under review giving its own assessment of its progress. The second is compiled by the UN High Commissioner on Human Rights of reports issued by UN bodies and treaties, and the third is a summary of reports submitted by NGOs and civil society groups. These documents form the basis of a dialogue between the state and the members of the Council. Each session take place over three hours where member states ask questions of the state under review and recommendations for improvement are made. At the end of this session, three members of the Council (the Troika) prepare a report of the dialogue, listing recommendations made and indicating which of them have been accepted by the state. This report is then adopted by the UN Council at its next sitting. During the four years between one UPR session and the next, the state is obliged to work on the recommendations so as to be able to report back to the Council. This provides an opportunity for NGOs monitor and follow the states' commitments to make public and hold the state to account.



For NGOs, particularly small ones and those based in the countries under scrutiny, the UPR provides an opportunity to present to the UN reports on countries and recommendations that will then become part of the review. Any NGO can present a report, and although summarised for the dialogue, the papers are available in full on the UN website. What makes this mechanism especially important is that it is a completely open and public process. All the documents are made available on the UN website, even those of smaller NGOs. All the sessions are recorded not only in writing but in

webcasts that can be watched live or on archive. It provides an opportunity for all NGOs, big or small, based outside the country, and more importantly inside, to have their concerns raised and fully documented.

Objectives

The overall objectives of the UPR are:

- Improvement of the human rights situation on the ground in the country reviewed;
- Fulfilment of the State's human rights obligations and commitments and assessment of developments and challenges;
- Enhancement of the capacity of the State to protect human rights;
- Sharing of best practice among States;
- Cooperation in the promotion and protection of human rights;
- Encouragement of full cooperation with the Council, its mechanisms and other UN human rights bodies.

(From Amnesty International's guide to the UPR)

UPR Guidelines

The objective of this document is to provide a brief explanation for organizations of the civil society to actively participate in the Universal Periodic Review (UPR) mechanism of the United Nations (UN), which analyses every four years the state of human rights in all 192 member-states of the UN.

The UPR mechanism was adopted by the General Assembly of the UN with Resolution [A/RES/60/251](#) of 14 March 2006, which entrusts the Human Rights Council for its compliance.

Basis of the review

The basis for the review of each member-state is:

- The [Charter of the United Nations](#);
- The [Universal Declaration of Human Rights](#);
- Human rights instruments to which a State is a party, such as the [International Covenant on Civil and Political Rights](#); and
- Voluntary pledges and commitments made by member-states.

How to participate - Submitting Reports

Non Governmental Organisations (NGOs) and other civil society organisations are encouraged to present reports, also called 'submissions', on the situation of human rights in your country or the country of your choice. Reports can focus on issues on freedom of expression and opinion, the right to education, indigenous people's rights, conflict prevention and all other aspects of human rights covered by the UN instruments.

Besides preparing a report, NGOs can take part of the process in other stages. They will be described below where the opportunity exists.

Find out when the country you are interested in is coming for review. A chart providing details of which countries are coming for review, can be found on [here](#).

Give sufficient time before the deadline for submission to prepare your material.

- Choose one concern or more regarding one or more aspects of human rights in the country of your choice.
- Draft a report on your chosen topic or topics, of five pages maximum, saved as a Word document, in Times New Roman, font 12. If you are writing a report together with other NGOs (also called a 'joint submission'), the document can be up to ten pages in length.
- The report must preferably be written in English, French or Spanish.
- It should not include second-hand information, except when it clearly supports original information. Further details can be added to the report as annexes, in order to support the issues raised, but they should not include images (such as photographs, maps, etc) or reports prepared by other organisations.
- Names of individuals should not be referred to, unless they are emblematic cases.
- The extensive use of footnotes is discouraged.

For further information see the technical guidelines for NGOs prepared by the Office of the High Commissioner on Human Rights (OHCHR) by clicking [here](#).

You may send your document directly to UPRsubmissions@ohchr.org according to the set deadlines that you could find [here](#). However, if you require further guidance and/or just a format check of your report, you could contact the UPR project group ([Index on Censorship/International Publishers Association/International PEN](#)) who can review your text and offer you advice to ensure that it meets the UN criteria.

Review process

In preparation for the review of each State member of the UN, three documents are prepared and put to consideration of the Council:

1. the State under review's own report on their adherence to UN standards;
2. a report produced by the Office of the High Commissioner on Human Rights (OHCHR) based on the activities by various UN Rapporteurs, treaty bodies and other UN documents on the state concerned; and
3. a compilation is also produced by the OHCHR summarising the submissions made by NGOs, such as your organisation. (The NGO reports are also made available in full on the UN website usually about six weeks before the relevant session.)

The revision itself takes place in these stages:

- A Working Group is set up, to review the State in question. All member-States of the Human Rights Council (HRC) can participate in this process.
- The session itself is held at the UN in Geneva and takes place over three hours.

- The session is assisted by three Rapporteurs who are elected amongst the HRC members (they are known as 'Troika').
- After the State gives a presentation of its own report, an interactive dialogue takes place between all participants.
- The outcome is a document prepared by the Troika that contains recommendations made by other member-States, as well as the commitments made by the State under review.
- The initial adoption of this document follows usually a few days after the session.
- Finally, this document is adopted by the Human Rights Council in a plenary session, usually three-six months later.

NGO participation – At the UPR session

NGOs in Consultative Status to the Economic and Social Council (ECOSOC) of the UN, are allowed to attend the Working Group sessions, but not to take the floor. In order to attend these sessions. PEN monitors the UPRs of countries where it has specific concerns. PEN members interested in attending these sessions should contact the WiPC beforehand.

Plenary at the Human Rights Council

During the HRC plenary session, an hour is allocated for each State under review, prior to the adoption of the report. This time is divided in three parts:

- 20 minutes for the State under review to respond on issues that were not sufficiently dealt with during the Working Group session.
- 20 minutes in which other member-States express their opinions on the result of the review.
- 20 minutes in which NGOs in consultative status to ECOSOC can make general comments.

The Human Rights Council plenary sessions are broadcast live via the Internet in the UN Webcast, see [here](#). There is also an archive of previous sessions on this website.

NGO participation – at the Human Rights Council Report Approval

At the UPR session

During the 20 minutes allocated to NGOs participation, short statements can be made of no more than two minutes. In order to do so, NGOs must accredit their representatives in advance. Accredited NGOs can also organise parallel events while the HRC session is in session.

In addition, NGOs can send written statements and make brief oral comments at the HRC sitting at which the UPR report outcome is to be approved.

For more practical information regarding NGOs participation in a HRC session, including accreditation, making oral statements, hosting a parallel event, submitting written statements, see: <http://www2.ohchr.org/english/bodies/hrcouncil/ngo.htm>

Remember that PEN Centres must liaise with the PEN headquarters in London if wishing to attend the Council meeting.

After the report is adopted

Once the report of the Working Group has been adopted by the plenary of the HRC, the State under review has four years to work on the improvement of the human rights issues highlighted in the report. An illustration of the outcome of a State that has been under review in the first UPR cycle, you can see the report adopted on China here:

http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/CN/A_HRC_11_25_CHN_E.pdf

After summarising the proceedings during the Working Group, the report lists a series of comments and recommendations of the member-States, as they occurred during the interactive dialogue. They are followed by the recommendations that have the support of the State under review, in full or in part, and finally the recommendations that did not have the support of the State under review.

NGO participation – lobbying between reviews

Between the review of a State in each cycle, NGOs and other members of the civil society, have the chance lobby for the State in question to fulfil with its commitments as agreed in the final outcome of the UPR. During the next four years, NGOs can (amongst others):

- Run local, national or international campaigns making public the State's commitments, as well as the steps required for their fulfilment.
- Lobby national authorities and monitor the implementation of its commitments, either as an individual NGO or in coalition with other groups.
- Contact representatives at the UN from the member-States which originated the recommendations supported by the State under review, in order to follow up the fulfilment of such recommendations.

Useful information

- Contact of the UN office
Office of the High Commissioner on Human Rights (OHCHR)
Civil Society Unit
Tel: +41 22 917 96 56
Fax: +41 22 917 90 11
E-mail: civilsocietyunit@ohchr.org

- *For further guidance on the UPR mechanism, please follow these links:*

More detailed information on the UPR process in the UN website (in English):
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

A UN short paper with basic information (in Spanish):
http://www.ohchr.org/EN/HRBodies/UPR/Documents/UPRFactSheetFinal_sp.pdf

Another recommended source of information on the UPR is (English, French and Spanish)
<http://www.upr-info.org/>

- ***For samples of reports (or submissions) which reflect good practice, see:***

ARTICLE 19, [Submission on Freedom of Expression in Indonesia](#) (November 2007)

Amnesty International, [Submission on the United Kingdom](#) (5th Session)

Centro de Derechos Humanos, Universidad Diego Portales, [Report on Chile](#) (November 2008)

Human Rights Watch, [Submission on Tunisia](#) (1st Session)

PEN Canada, [Submission on Canada](#) (4th Session)

International PEN, [Submission on the Socialist Republic of Viet Nam](#) (5th Session)

Contacts for advice and help:

Sara Whyatt (sara.whyatt@internationalpen.org.uk)

Programme Director

Writers in Prison Committee

International PEN

Brownlow House

50-51 High Holborn

London WC1V 6ER

UK

Tel: +44 (0) 20 7405 0338

Fax: +44 (0) 20 7405 0339