

AMNESTY INTERNATIONAL

Questions & Answers on the Universal Periodic Review of the Human Rights Council

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What is the Universal Periodic Review?

The Universal Periodic Review (UPR) is a mechanism of the Human Rights Council under which it reviews the fulfilment of the human rights obligations and commitments of all 193 UN Member States, with each State being reviewed every four and a half years. It is a cooperative mechanism, based on objective and reliable information, and equal treatment of all States. It is complementary to the work of the treaty bodies.

The UPR is an ongoing process comprising the following phases:

- Preparation of documentation by the State under review and other stakeholders, such as NGOs
- Consultation at the national level to identify the key human rights issues and challenges to be addressed in the review;
- A three and a half hour interactive dialogue in the UPR Working Group between the State under review and other UN Member States (both members of the Human Rights Council and Observer States may make interventions in the Working Group, while NGOs may only observe);
- Adoption by the UPR Working Group of the outcome report of the review;
- Formal adoption by the Council, at the following regular session, of the outcome of the review (NGOs may make oral statements in the Council on that occasion);
- Follow-up and implementation of the recommendations accepted and voluntary commitments by the State reviewed and other stakeholders as relevant;
- Monitoring of progress with regard to implementation of accepted recommendations and commitments, including by civil society. The State under review may present a mid-term review report to the Human Rights Council (this is not mandatory).

What are the objectives of the UPR?

- Improvement of the human rights situation on the ground;
- 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 and cooperation among States in the promotion and protection of human rights;
- Encouragement of full cooperation by States with the Council, its mechanisms (e.g., the Special Procedures and the Complaints Procedure) and other UN

human rights bodies (e.g. the Office of the High Commissioner for Human Rights (OHCHR), the treaty bodies, etc.).

What is the normative framework for the UPR?

- The UN Charter;
- The Universal Declaration of Human Rights;
- Human rights instruments to which the State is a party;
- Voluntary pledges and commitments by the State, e.g. pledges made in the context of elections to the Council and in statements during the Council's high-level segment; and
- Applicable international humanitarian law.

On what information will the review be based?

The review is based on three key documents:

1. A National Report prepared by the State under review (maximum 20 pages). States are encouraged to prepare their information through a broad consultation process at the national level with all relevant stakeholders.¹
2. A Compilation, prepared by the OHCHR, of information and recommendations contained in reports of the treaty bodies, Special Procedures and other relevant UN bodies (maximum 10 pages).²
3. A Summary, also prepared by the OHCHR, of additional "credible and reliable information" by other stakeholders, e.g. submissions by NGOs, women's groups, national human rights institutions, labour unions, church groups (maximum 10 pages).

Who will carry out the review?

The review of all UN Member States takes place in the UPR Working Group, composed of the 47 Members of the Human Rights Council, and chaired by the President of the Council.

Three rapporteurs, a *Rapporteur Troika*, are selected from among the 47 Members of the Council, to "facilitate" each review, although in practice they play a very limited role in the review.

During the 3.5 hour session in the UPR Working Group, the State under review first presents its report and responds to questions submitted in advance and the floor is then opened for short interventions by other States (each State may intervene only once). At regular intervals, the President gives the floor back to the State under review to respond to questions and comments. The delegation from the State under review is often large and comprising representatives from a range of ministries and other key national bodies, such as the police, prison authorities, etc.

¹ Human Rights Council resolution 5/1, Annex, para 15 (a)

² Extensive information about UN information available for individual countries can be found in the country profiles available on the website of the Office of the High Commissioner for Human Rights at <http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx>

What is the sequence of events in a typical review?

- The State undertakes a broad national consultation in preparation of its National Report, including with civil society groups, national human rights institutions and other stakeholders;
- The State prepares a National Report to be ready (in the six UN official languages) six weeks prior to the review in the UPR Working Group;
- The OHCHR prepares two documents: The UN Compilation of information and recommendations from the treaty bodies, Special Procedures and other UN bodies; and a Stakeholder Summary of other “credible and reliable information”, e.g. from NGOs and national human rights institutions;
- Questions from other States may be submitted in advance of the review, via the *Troika Rapporteurs*, and transmitted to the State under review before the Working Group session.
- The State under review engages in a three and a half hour interactive dialogue with UN Member States (Members of the Council as well as Observer States). NGOs may attend the interactive dialogue, but can not take the floor;
- The *Troika Rapporteurs* together with the OHCHR prepare a report of the outcome of the review in the Working Group in cooperation with the State under review. The report includes a summary of the proceedings and recommendations made by Member States during the dialogue. At this point, the State under review may indicate which of the recommendations enjoy its support, which do not enjoy its support, and which the State wants to consider further before taking a position on them;
- The report of the outcome of the review is adopted by consensus in the UPR Working Group some 48 hours after the interactive dialogue. Thirty minutes are allocated for the adoption of each report in the Working Group.
- If the State under review has taken recommendations under further review, it is expected to indicate its position on those recommendations, preferably in the form of an Addendum to the report of the outcome of the review, prior to the adoption by the Council of the review outcome.
- The review outcome report is submitted to the next regular session of the Council for adoption, under agenda item 6 on the UPR on the Council's agenda. Up to an hour and a half is allocated for the Council's adoption of the outcome. The State concerned, Members of the Council, Observer States, and other relevant stakeholders, including NGOs (with the necessary ECOSOC accreditation) may make oral statements commenting on the outcome of the review before the Council adopts it through a procedural decision;
- The outcome of the review should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders;
- The state of implementation of the review should be reviewed in the subsequent review of a State (i.e. four and a half years later), as well in any updates to the Council by the State under review.

What form will the review take?

A key element of the review is the three and a half hour interactive dialogue in the UPR Working Group between the State under review and Members of the Council and Observer States. “Other relevant stakeholders”, such as NGOs, may attend the inter-

active dialogue, but may not make statements or ask questions during the dialogue. The State under review is allocated a total of an hour and 10 minutes to present its report, respond to issues and questions raised by other Member States, and to make any concluding comments. The remaining two hours and 20 minutes are available to Council Members and Observer States to make comments, ask questions and make recommendations.

What will be the outcome of a review?

The outcome of a country review is adopted in two stages: first in the UPR Working Group and then in the Council plenary.

After the conclusion of the interactive dialogue, the *Rapporteur Troika*, assisted by the OHCHR and in consultation with the State under review, compile a report of the review summarising the presentation by the State under review, issues and questions raised by reviewing States, responses to these by the State under review, and listing all the recommendations made. The reviewed State may indicate in the report which recommendations it supports, which it does not support and which it wants to consider further. The outcome report is presented for adoption by the UPR Working Group at least 48 hours after the conclusion of the interactive dialogue.

The adopted report is then forwarded to the Council for consideration and adopted at the next regular session. There is a standing item on the UPR on the Council's agenda (Item 6), and up to one hour set aside for the adoption of each outcome report.

How will a country review be followed up?

The outcome of the UPR should be implemented by the State reviewed and others as appropriate. States that have already been reviewed may decide to give an update to the Council on efforts to implement the recommendations made in their review, e.g. during the General Debate on the UPR (Item 6). Subsequent reviews should consider the state of implementation of the recommendations made in previous reviews.

What happens if a country does not cooperate with the UPR?

In cases of persistent non-cooperation with the UPR mechanism, the Council will "address" such situations.

When did the review start?

The first cycle covered 2008-2011 and reviewed the then 192 UN Member States over that four year period. The second cycle started in May 2012. There are some minor changes to the modalities of the UPR: 42 States are reviewed each year with 14 States per Working Group session, compared to 16 States per session in the first cycle.

How can NGOs participate in the UPR?

There are a number of opportunities for NGOs to contribute to and participate in country reviews under the UPR. Some of these are stipulated in the rules governing the UPR; others are advocacy opportunities on the fringes of the process.

National consultation in advance of a review coming up

- Encourage the government to hold a broad national consultation prior to the preparation of the National Report;

- Alert civil society contacts to the UPR process and encourage the widest possible engagement in the national consultation and the review process more generally;
- Participate in national consultations related to the UPR, including by bringing human rights concerns to the attention of the government and suggesting measures to address these;
- Encourage regular meetings with government contacts throughout the UPR process.

Information basis for the review

- Submit information to the OHCHR for inclusion in the Stakeholder Summary (which is one of the three documents that form the basis of each review);
- Disseminate information pertaining to the situation of human rights in the country to be reviewed, with recommendations for addressing violations of human rights, to both the State coming up for review and reviewing States;
- Submit information to the treaty bodies and Special Procedures to generate observations and recommendations to be pursued through the UPR in due course.

Interactive dialogue in UPR Working Group

- Lobby other States (Council Members as well as Observer States) to raise pertinent human rights issues and questions during the dialogue and to propose concrete recommendations to the State under review to address human rights concerns and enhance respect for human rights; such lobby efforts can be directed at the relevant ministry in the capital, via the embassy in the country under review, and/or via the Permanent Mission to the UN in Geneva (lobbying of other States is essential in light of the fact that NGOs can not make interventions during the review in the UPR Working Group);
- Lobby reviewing States to include human rights experts in their delegation in the UPR Working Group to facilitate a substantive and well-informed dialogue with the States under review.

Outcome of the review

- Review the report of the review adopted by the UPR Working Group, in particular as regards any recommendations taken under consideration by the State under review;
- Disseminate the report to national partners and if necessary translate it into national and/or local languages;
- Lobby the State under review to support the most important recommendations made to it during the review, and to set out its position clearly on all the recommendations taken under consideration, including by submitting an Addendum to the outcome report well in advance of the Council session.

Adoption of outcome of review

- Deliver an oral statement assessing the outcome of the review prior to the adoption by the Council of the outcome of the UPR, highlighting key recommendations for implementation at the national level and/or deploring rejection of recommendations and urging that they be reconsidered;

- Lobby Members of the Council to discuss follow up and implementation of recommendations in bilateral discussions with the State reviewed, especially of the recommendations they made to the State reviewed.

Implementation of review recommendations and commitments

- Encourage the State reviewed to hold a broad national consultation to review the outcome of the review and discuss implementation of the recommendations it accepted during the review;
- Encourage the State reviewed to develop a national implementation plan and to establish a mechanism to monitor implementation, including with civil society participation;
- Make reference to recommendations and commitments in correspondence and public documents on the country concerned throughout the period between reviews;
- Encourage review of implementation of recommendations at the mid-term point between reviews and in subsequent reviews.

How can NGOs submit information for country reviews under the UPR?

Civil society groups and organizations may make submissions of “objective and credible information” on a specific country coming up for review. Such submissions will be considered for inclusion in the Stakeholder Summary, one of the three official documents prepared by the OHCHR which form the basis of the review.

NGO submissions should not exceed 2,815 words unless submitted as part of an NGO coalition, in which case submissions can be 5,630 words. More information on how to make submissions and the deadlines see links below

Further background information

Information available on the website of the Office of the High Commissioner for Human Rights:

- Information prepared by OHCHR regarding the contribution of information for the UPR by NGOs and NHRIs:
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx>
- Information and guidelines, prepared by OHCHR, for stakeholders’ written submissions:
<http://www.ohchr.org/Documents/HRBodies/UPR/TechnicalGuideEN.pdf>
- Schedule of countries coming up for review under the UPR:
http://www2.ohchr.org/SPdocs/UPR/UPR-FullCycleCalendar_2nd.doc
- Key Human Rights Council resolutions and decision pertaining to the UPR:
 - Resolution 5/1 (18 June 2006):
http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_5_1.doc
 - Decision 6/102 (27 September 2007):
http://ap.ohchr.org/documents/E/HRC/decisions/A_HRC_DEC_6_102.pdf
 - Resolution 16/21 (12 April 2011): <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G11/126/78/PDF/G1112678.pdf?OpenElement>

- Decision 17/119 (17 July 2011): <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/150/36/PDF/G1115036.pdf?OpenElement>
- UPR Info: <http://www.upr-info.org/>