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An effective Universal Periodic Review mechanism

Amnesty International's proposal

1. Introduction

The creation of a Universal Periodic Review (UPR) mechanism is a key element of General Assembly resolution 60/251, which establishes the Human Rights Council. It is based on the conviction, expressed in the resolution, that “all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms”¹ and that “the Council shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner”.² The UPR must play a major role in the Council’s efforts to “address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon”³ and to “contribute, through dialogue and cooperation, towards the prevention of human rights violations”.⁴

The Council will need a range of mechanisms and procedures with which to fulfil its mandate to promote and protect human rights in all countries. While the UPR mechanism promises to be among the most important tools of the Council, it must also develop a range of options to address situations that the UPR cannot address effectively or in a timely manner.⁵

Resolution 60/251 sets out general parameters for the UPR mechanism as follows:

“The Council shall ... [u]ndertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the state concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies”.⁶

¹ PP4

² OP2

³ OP3

⁴ OP5 (f)

⁵ According to GA resolution 60/251, the Council is mandated to address individual human rights situations in a number of ways including through the UPR mechanism. For example, the Council should address situations of human rights, including gross and systematic violations, and make recommendations thereon (OP3); promote advisory services, technical assistance, and capacity-building (OP5(a)); promote the full implementation of human rights obligations undertaken by states (OP (d)); contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies (OP5 (f)); and make recommendations with regard to the promotion and protection of human rights (OP5 (i)).

⁶ OP5 (e)

The resolution further tasks the Council with developing, within one year of its first session in June 2006, the modalities and necessary time allocation of the UPR mechanism.⁷ Accordingly, at its first session the Council established an open-ended intergovernmental Working Group which has started informal consultations.⁸

In this paper, Amnesty International elaborates ten principles, grounded in resolution 60/251, that should guide the development of the UPR mechanism, including assessing specific proposals. The paper further outlines a proposal for how the various modalities of the UPR can be developed as a coherent cooperative mechanism and process.

The need for a Universal Periodic Review mechanism

One of the most often cited criticisms of the Commission on Human Rights, the body which the Council has replaced, was its failure to address human rights situations in individual countries in a sufficiently objective and comprehensive manner.⁹ This undermined the legitimacy of the consideration of country situations and led to accusations of unprincipled selectivity and resort to double standards.¹⁰ The shortcomings of the Commission must not be repeated. The Council must be much better equipped to address human rights situations, based on the principles of universality, impartiality, objectivity and non-selectivity, and to engage in constructive international dialogue and cooperation with states to enhance their fulfilment of human rights obligations and commitments.¹¹ A UPR mechanism that is effective and transparent and treats all states on an equal basis will be a key tool for the Council in this regard.

Complementarity of the Universal Periodic Review mechanism

None of the UN's human rights bodies scrutinizes the human rights performance of all states or looks systematically at how to improve that performance through better implementation of all human rights obligations and commitments. The UPR has the potential to complement the work of those bodies by providing a comprehensive and systematic coverage.

Resolution 60/251 stipulates that the UPR mechanism shall complement and not duplicate the work of human rights treaty bodies. The nature, scope and activity of the human

⁷ OP5 (e)

⁸ Human Rights Council decision 2006/103

⁹ Despite these deficiencies the Commission made valuable contributions to human rights promotion and protection including through many of its subsidiary components, from independent experts to working groups engaged in standard setting.

¹⁰ In the report of the High-level Panel on Threats, Challenges and Change, the Panel noted that the Commission's capacity to promote respect for human rights and to respond to violations in specific countries had been "undermined by eroding credibility and professionalism" (*A more secure world: our shared responsibility*, A/59/565). The UN Secretary-General further noted that "[the Commission's] ability to perform its tasks has been overtaken by new needs and undermined by the politicization of its sessions and the selectivity of its work (*In larger freedom: towards development, security and human rights for all*, Report of the Secretary General, A/59/2005, Add 1).

¹¹ OP4

rights treaty bodies are quite distinct from those envisaged for the UPR mechanism for the following reasons. First, the treaty body review is carried out between the state party and the treaty monitoring bodies which comprise independent members who have expertise in the area of the treaty concerned. Second, as many states have not yet ratified all seven principal human rights treaties, and therefore are not subject to periodic scrutiny by all the treaty bodies, treaty body review neither covers all countries nor all human rights.¹² Third, the periodicity of reviews of states parties' compliance with the legal obligations under the treaties is determined by the fixed reporting cycle of those treaties, and for the most part takes place every four or five years.¹³ Fourth, the review of states parties' compliance with their treaty obligations is based on reports prepared by the states themselves and therefore tend to stress positive aspects rather than objectively identifying impediments. Lastly, in developing their concluding observations and recommendations following the consideration of states' compliance, the treaty bodies do not systematically look at capacity-building needs.

The system of Special Procedures is also distinct from what is envisaged for the UPR.¹⁴ That system monitors and reports on the situation of human rights in a particular country or on a specific set of rights globally, as stipulated in the resolutions establishing the individual mandates. These activities are carried out by independent experts who focus on the rights or country covered by their particular mandates. The Special Procedures can raise human rights concerns directly with the government concerned, undertake country missions and make recommendations to the government regarding action to address violations of human rights, as well as conduct general studies aimed at highlighting human rights phenomena and furthering the development of international human rights law. The ability of the thematic procedures to systematically cover all countries is limited, as most states have yet to issue a standing invitation to the Special Procedures to visit their country,¹⁵ and many states fail to respond adequately to their communications, appeals, requests for a country visit, or recommendations.

A strong and effective UPR mechanism could bring an important complementary function to the work of the human rights treaty bodies, the Special Procedures and elsewhere in the UN's human rights system. It can bring a policy evaluation of situations that independent experts and treaty bodies cannot, and encourage appropriate policy responses based on the

¹² According to the OHCHR, as of 16 June 2006, the numbers of member states which were not party to the principal international human rights treaties were as follows: International Covenant on Economic, Social and Cultural Rights – 39; International Covenant on Civil and Political Rights – 36; Convention on the Elimination of All Forms of Racial Discrimination – 23; Convention on the Elimination of All Forms of Discrimination against Women – 9; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – 52; Convention on the Rights of the Child – 2; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families – 158.

¹³ Moreover, in practice the overwhelming majority of states fail to meet these reporting requirements. According to OHCHR, only nine states were in full compliance with their reporting requirements as at March 2006.

¹⁴ Resolution 60/251 envisages a system of Special Procedures in OP6. The preservation of a strong system of Special Procedures is among AI's principal objectives for the Human Rights Council.

¹⁵ As of July 2006, according to the OHCHR, 55 countries have issued a standing invitation to the Special Procedures to visit their country. This leaves 137 countries that have yet to do so. Moreover, not all countries that have issued a standing invitation accept all visits that are requested by the Special Procedures.

expert assessments.¹⁶ The UPR is also in a unique position to take up important issues that are rarely addressed elsewhere. These include the reasons for a state's non-cooperation with the treaty bodies or the Special Procedures and means to overcome such obstacles, and identifying capacity-building needs and facilitating ratification of principal human rights instruments.

2. **Guiding principles for the development of the Universal Periodic Review mechanism**

Amnesty International recommends the following principles, – grounded in General Assembly resolution 60/251 – to guide the Council in developing the UPR mechanism and assessing specific proposals.

In order to meet the objective of improving each state's fulfilment of its human rights obligations and commitments and to faithfully satisfy the requirements set out in resolution 60/251,¹⁷ the UPR mechanism must respect the following principles:

1. **Equal treatment and non-selectivity:**¹⁸ The conduct and the modalities of the review must be the same for all UN member states. This should extend to the periodicity of review, the procedures followed, and the common core standards on which the review is based. However, the substantive issues addressed in the review and its outcome should be country-specific.
2. **Universality:**¹⁹ The review must be designed to assess the promotion and protection of all human rights in all states. The preparatory process should consider the fulfilment of *all* human rights obligations and commitments in the state under review, but effectiveness requires that each review focus on particular issues in each state as the best way to improve the enjoyment of rights in the state under review.
3. **Transparency:**²⁰ The review must be public and transparent in all respects for all concerned parties. Full transparency should apply to the information that is used as the basis for the review, the review process, the interactive dialogue, the outcome of the review, and the implementation of recommended measures and other follow-up.

¹⁶ The UPR should allow the UN's principal human rights body to lend its weight to encouraging attention and responsiveness to treaty body observations and recommendations without duplicating the expert analysis already carried out by the treaty bodies.

¹⁷ OP5 (e)

¹⁸ GA Resolution A/RES/60/251 Preambular paragraph (PP) 9, operative paragraph (OP) 5(e) and principles of universality, impartiality and non-selectivity in OP4.

¹⁹ This is closely related to, but distinct from, the principle of equality. PP3, OP2, OP4.

²⁰ OP12.

4. **Efficiency:**²¹ The review must make the best possible use of the resources available to the Human Rights Council. The corollary of this is that sufficient resources must be made available for the UPR modalities that are established. An efficient process demands thorough preparation for each review, a commitment to cooperate by all parties involved, well-focussed decisions and recommendations in the outcome of the review, and sustained implementation of those decisions and recommendations.
5. **Effectiveness:**²² The review must aim at recommendations that are likely to lead to states better fulfilling their human rights obligations and commitments and protecting rights-holders. Such recommendations should be realistic in terms of what is required to implement them. The review process should be well-informed and take account of the capacity and available resources in the reviewed state, other states and the parts of the UN system that will be expected to contribute to the implementation of measures recommended in the review.
6. **Complementarity:**²³ The review should both draw on and reinforce other elements of the UN human rights program, particularly the treaty bodies and the Special Procedures. In addition to avoiding duplication with the human rights treaty bodies,²⁴ it should respect the mandates and priorities of other UN human rights mechanisms, bodies and offices. The UPR is one means among others by which the Council can address situations in particular countries. The various options for action by the Council in respect of the human rights situation in individual countries should complement one another.²⁵
7. **Credibility:**²⁶ The information that is used as the basis for the review, the review process itself (including the interactive dialogue) and its outcomes must be credible to the participants in the review and to an informed public. While constructive international dialogue and cooperation should guide the UPR, the review should be direct and focused in addressing shortcomings by states in the fulfilment of their human rights obligations and commitments.
8. **Continuity:**²⁷ The review must be an internally coherent process that encompasses preparation, the review based on interactive dialogue, the outcome and follow-up. Each review should form part of a cycle that leads to ongoing improvement in a state's fulfilment of its human rights obligations and commitments and in which subsequent reviews build on the outcome of the preceding review.

²¹ PP8, OP6, OP9.

²² OP3, OP5 (d), OP12.

²³ OP5 (e).

²⁴ As required by OP5 (e).

²⁵ OP4, OP5 (f), OP10.

²⁶ OP3, OP4, OP5(e)

²⁷ OP12

9. **Cooperation:**²⁸ As a cooperative mechanism based on interactive dialogue, the review must be designed to promote cooperation among all participants, including the state under review. However, the UPR must be creative and robust enough to be able to cope with situations where cooperation from the state under review is not forthcoming.
10. **Full involvement of the country concerned:**²⁹ All relevant sectors of society of the country under review, including its government, civil society, including non-governmental organizations and independent national human rights institutions, should have the opportunity to effectively contribute to the preparation of the review, the interactive dialogue, the outcome and its follow-up.

Based on the above principles Amnesty International makes the following recommendations in relation to the process of the UPR.

3. The Universal Periodic Review process

Resolution 60/251 provides that the UPR “shall ... be based on an interactive dialogue”.³⁰ However, no matter what form the UPR takes, it will be a process that consists of much more than the interactive dialogue. Although that dialogue is to be the central element of the UPR, the review must be a continuous process involving a number of distinct stages – preparation, interactive dialogue with the state, response by the Council to the outcome of the review process and the interactive dialogue, and follow-up to recommendations made and decisions taken as a result of the review. Each stage of the UPR must be coherently linked and each review cycle must build on the outcome of the previous review.

The entire review process should be public and transparent, as regards the information used as the basis for the review, the review process, the interactive dialogue, the outcome of the review, and the implementation of recommended measures and other follow-up. The review should be based on a common format rigorously applied to all states, and designed to address the promotion and protection of all human rights. The process should ensure broad participation, including by the state under review, other states, human rights experts, other parts of the UN system, independent national human rights institutions and civil society, including non-governmental organizations.

Normative basis for the Universal Periodic Review

There should be a common normative basis for the review of all states as well as a common format which should be rigorously applied to all states to ensure equality of treatment.

²⁸ PP1, OP4, OP5(e), OP9

²⁹ PP11, OP5 (e), OP5 (h).

³⁰ OP5 (e)

The normative basis should be designed to address the promotion and protection of all human rights and include the human rights provisions in the UN Charter and the Universal Declaration of Human Rights.³¹ In addition, the review should be built around the state's treaty obligations as well as specific pledges made in the context of Council elections and commitments to cooperate with the UN's human rights mechanisms.

Amnesty International recommends:

- that the UPR be based on a common normative framework comprising the human rights provisions of the UN Charter and the Universal Declaration of Human Rights, other relevant international standards including states' human rights treaty obligations as well as its voluntary commitments, such as Council election pledges and commitments to cooperate with the UN's human rights mechanisms.

Frequency of review

Resolution 60/251 stipulates that the Council shall undertake a review of the "fulfilment by each state of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all states".³² It further decides that members of the Council be "reviewed under the UPR during their term of membership".³³ No distinctions are made among Council members according to whether they are developed or developing countries, large or small countries. Since the length of a term of Council membership is three years,³⁴ the periodicity of the review must fit within this three year cycle in order to ensure that members are reviewed during their term of membership. Since the resolution also requires equality of treatment of all states, the same review cycle must also apply to states that are not members of the Council.

Amnesty International recommends that:

- each UN member state be reviewed once every three years.

Preparation of the review

Thorough preparation of the interactive dialogue, including through expert analysis and synthesis and a written exchange with the state under review based on a list of questions, would facilitate a substantive and well-informed interactive dialogue. A three-year review cycle would require that the Council review 64 states each year. In order to ensure transparency of the review process and the predictability necessary to properly prepare the review and the interactive dialogue, the schedule of states for review should be determined and publicized well

³¹ The Charter requires all UN members to take joint and separate action in cooperation with the UN in the promotion of universal respect for, and observance of human rights and fundamental freedoms. The Universal Declaration of Human Rights provides a common understanding of these rights and freedoms.

³² OP5 (e).

³³ OP9.

³⁴ OP7.

(e.g., months) in advance of the review. The state to be reviewed should be given adequate opportunity to address substantive issues raised during the review. The criteria for scheduling reviews should ensure that the order and sequencing of review will be neutral to the outcome and that one-third of the Council members are reviewed each year.³⁵

Resolution 60/251 stipulates that the UPR shall be “based on objective and reliable information”.³⁶ This information should be drawn from sources such as the analysis, conclusions and recommendations of the human rights treaty bodies and the Special Procedures; information from the Office of the High Commissioner for Human Rights, including its field offices; other relevant parts of the UN, including UN country teams and other UN bodies and agencies; as well as information from independent national human rights institutions, and national and international non-governmental organizations.^{37 38} Subsequent reviews should build on the outcome of the preceding review, including the level of implementation of recommendations and decisions from previous reviews.

To deal effectively with such information from a variety of sources, an efficient, impartial and credible process demands expert analysis and synthesis of the relevant information in order to focus the review.³⁹ The aim should be to extract clearly identifiable shortcomings or particularly acute human rights issues, to identify possible remedial measures, and to outline a list of specific questions to be addressed by the state under review.⁴⁰ Council members and observers, as well as non-governmental organisations should be able to contribute to the identification of such questions.⁴¹ The state under review would be expected to provide responses to the questions well in advance of the interactive dialogue, in order to facilitate a substantive and result-orientated dialogue.⁴²

³⁵ An example of a neutral criterion would be to use alphabetical order starting with the name of a state chosen at random.

³⁶ OP5 (e)

³⁷ The greatest emphasis would normally be on the information from the treaty bodies and Special Procedures, but in case that information fails to adequately portray the situation of human rights in the country under review, other sources of reliable and objective information must be referred to.

³⁸ NGOs often provide input to the preparation for the UN treaty bodies' consideration of state party reports. In particular, the Committee on the Rights of the Child has made provision for advice by “other competent bodies”, including NGOs (Guidelines for the Participation of Partners in the Pre-sessional Working Group of the Committee on the Rights of the Child, CRC/C/90).

³⁹ The quantity of information is another reason for the need for expert analysis and synthesis. For some states there will be an abundance of information from the treaty bodies and Special Procedures, and for others there will be much less information which will make it essential to rely on information from other sources.

⁴⁰ This practice could draw from the experience of the treaty bodies in preparing questions in advance of the review of a state party's periodic review. Means should be explored to obtain the input of stakeholders in the elaboration of the list of issues.

⁴¹ Council observers comprise states that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organisations with ECOSOC accreditation (OP11).

⁴² The responses to the list of issues would be in addition to such other information as the state under review decides to submit for consideration as part of the review.

Independent human rights experts should undertake the analysis and synthesis of reliable and objective information pertaining to the human rights situation in the state under review in order to ensure objectivity and consistency in the review process. In particular, independent analysis and synthesis will reduce the risks of politically motivated selective use of information.

Thorough preparation of the interactive dialogue, including through expert analysis and synthesis and a written exchange based on a list of questions, would facilitate a substantive and well-informed interactive dialogue.

Amnesty International recommends that:

- the schedule of reviews be set and publicized well in advance to allow the state concerned and other participants in the review adequate time to prepare for a substantive dialogue;
- the information basis for the review be drawn from a range of sources, including the human rights treaty bodies, the Special Procedures, the Office of the High Commissioner for Human Rights, other relevant parts of the UN, independent national human rights institutions, and non-governmental organizations;
- analysis and synthesis of all relevant information be carried out by independent human rights experts in order to identify key issues to be addressed in the review;
- questions to be addressed during the review be prepared and communicated in advance to the state under review;
- the outcome of previous reviews and the level of implementation of measures recommended in these be considered during the preparation of subsequent reviews

Format and substance of the interactive dialogue

Given the volume of reviews to be carried out each year under the above proposals, i.e. some 64 country reviews per year on the basis of the three-year cycle required by resolution 60/251, and the need for an efficient process, the interactive dialogue would best be carried out in subsidiary bodies of the Council.⁴³ Each subsidiary body would be composed of a representative cross-section of the membership of the Human Rights Council.⁴⁴ Measures should be agreed to ensure that the format is the same for all states to help ensure equality of treatment. The criteria for allocating country reviews to the subsidiary bodies should be strictly neutral (for example by alphabet or by lot) to ensure objectivity and non-selectivity as required in resolution 60/251.

⁴³ For example, four chambers with 11 or 12 members each. The term “chamber” is suggested to distinguish these subsidiary bodies from Council working groups which usually deal with a single ongoing process such as standard-setting or institutional development.

⁴⁴ If there are four chambers each will have to review 16 countries per year. If one three-hour meeting is set aside for each interactive dialogue, this amounts to eight working days of each chamber.

The meetings of the subsidiary bodies should be spread over the year in order to lessen the burden on the Secretariat and Council members, particularly those with small Geneva missions.

All concerned parties in the country under review, including independent national human rights institutions, and civil society must be able to contribute effectively to the dialogue and review.⁴⁵ The independent expert(s) tasked with preparing the review should also have a role in the interactive dialogue. The reviewed state should be represented by officials of sufficient seniority to be able to respond to the questions and interact effectively.

At least one full meeting (i.e., three hours) should be allocated for each interactive dialogue.⁴⁶ The meeting should be public. Following the completion of a full cycle of the UPR, the duration of each interactive dialogue could be reviewed on the basis of experience.⁴⁷

Commitment to cooperation, as expressed in resolution 60/251, requires that the review should not only consider the state's ability to fulfil its human rights obligations and commitments, but also its level of cooperation with the UN's human rights mechanisms.⁴⁸ Where the state under review does not demonstrate a record of cooperation with the treaty bodies and Special Procedures, the Council should consider the reasons for non-cooperation and measures to address such situations.⁴⁹

To be effective, the interactive dialogue should result in a concise report to the full Council that includes the list of issues identified for discussion, a summary of the discussion in the subsidiary body, any further commitments undertaken by the state concerned as well as a summary of the review's findings and proposed recommendations for action by the state under review and other concerned parties.⁵⁰ The recommendations should take into account the need for capacity-building, available domestic resources, and the potential contributions by other states and the UN system to give effect to the recommendations.⁵¹ The report of the interactive dialogue and its recommendations should be considered by the Council during the first regular session following the review.

Amnesty International recommends that:

⁴⁵ Resolution 60/251 requires that the review shall take place "with the full involvement of the country concerned" (OP5 (e)).

⁴⁶ Ideally, there should be a break in the inter-active dialogue to provide the government effectively prepare a substantial response to issues raised in the initial part of the dialogue.

⁴⁷ See also section 5. below on the ongoing development of the UPR mechanism.

⁴⁸ OP4 and OP9

⁴⁹ Non-cooperation by states could include overdue reports, lack of attendance at review sessions, lack of access to the country for the independent experts, poor response rate to communications from the Special Procedures or to their requests to visit.

⁵⁰ The summary of the interactive dialogue could be drafted by the Secretariat under the authority of the chair of the chamber.

⁵¹ It will be important that recommendations for technical cooperation be based on realistic assessments of the resources that are likely to be available to give effect to those recommendations.

- the interactive dialogue be conducted in subsidiary bodies of the Council, e.g. four chambers each composed of a representative cross-section of the membership of the Council;
- the format of the interactive dialogue be the same for all states to ensure equality of treatment;
- the independent experts tasked with preparing the review should have an active role in the interactive dialogue;
- all concerned parties in the country under review be able to participate effectively in the interactive dialogue;
- at least one full meeting (i.e., three hours) be allocated initially for each interactive dialogue;
- the interactive dialogue be carried out in public;
- the review result in a report to the Council summarizing its findings and proposing recommendations for action by the state reviewed, other concerned states or UN bodies, including by identifying any capacity building needs;
- the report be considered by the Council at its first regular session following the interactive dialogue.

Outcome of the review: response by the Council

The Council should respond formally to the report of every review. It should consider review reports from the subsidiary bodies at its first regular session following the interactive dialogue. In reaching conclusion and making recommendations, the Council should be mindful of its role in contributing to the prevention of human rights violations.

Action by the Council in response to a report of a country review could take the form of a presidential statement, resolution or decision and should include a broad and diverse set of options. Based on the recommendations arising from the interactive dialogue, such options could include: highlighting good practices to be encouraged or followed elsewhere; identifying capacity-building needs and recommending technical assistance; recommending engagement by specific UN technical or political bodies or agencies; agreeing measures with the state concerned to enhance compliance with its human rights obligations and commitments by a certain date; referrals to national human rights institutions or regional organisations, deciding to keep a country situation under review before its next periodic review; establishment of fact-finding mechanisms, calling on the Secretary-General to offer good offices, political censure, establishment of a monitoring or investigative mission, and appointment a country expert for purposes of prevention or in serious cases of non-cooperation with the UN's human rights mechanisms. Although the primary emphasis needs to be on capacity-building, the Council must also be able to respond to situations in which the review demonstrates that more immediate and assertive measures are required. The UPR should not be the Council's main means of responding to human rights emergencies or situations of gross and systematic

violations, but when chronic situations of gross and systematic violations come before the Council through the UPR, the Council must be able to respond appropriately.

Amnesty International recommends that:

- the Council consider and respond formally to the report and recommendations prepared by the subsidiary body following the interactive dialogue;
- the Council be able to apply a broad range of responses depending on the specific situation in a country under review and its government's capacity and demonstrated commitment to address human rights challenges;
- the Council adopt measures that take into account the state's commitments to fulfil its human rights obligations and undertakings, capacity needs and willingness to cooperate with the Council and its experts, and that seek to engage the full capacity of the UN system in bringing about improved human rights performance in the state under review.

Follow-up to the country review

Resolution 60/251 places distinct emphasis on follow-up of the Council's recommendations and their implementation.⁵² At the same time as deciding on its response to the review of a particular country, the Council should also decide how it will monitor the implementation of its decisions to ensure effective follow-up. This will depend on the range of human rights issues addressed, the nature of the state's human rights situation and the state's demonstrated willingness to cooperate with the UN's human rights mechanisms and to improve the fulfilment of its human rights obligations and commitments. Measures to be considered may include, as indicated above, where warranted, appointing a rapporteur for follow-up or a decision to keep the country situation on the Council's agenda in addition to the regular review.

Amnesty International recommends that:

- the Council take measures to monitor the implementation of its recommendations and commitments undertaken by the state reviewed and other concerned parties to ensure effective follow-up to the outcome of the review.

4. Resources

The UPR mechanism requires dedicated financial and personnel resources to be efficient and effective, and to implement agreed decisions. Funds must be allocated separately from those available to the Office of the High Commissioner for Human Rights. The resources required for the conduct of the UPR would be distinct from the resources required for the implementation of recommendations for technical assistance arising from the review.

⁵² OP12

Amnesty International recommends that:

- dedicated financial and personnel resources be made available, budgetarily distinct from those required for the program of the Office of the High Commissioner for Human Rights, that allow for professional preparation, conduct of and follow-up to the review.

5. Ongoing development of the Universal Periodic Review mechanism

The UPR mechanism is entirely new to the human rights system and should be flexible and have the capacity to develop over time. The Council's review of its work and functioning five years after its establishment will offer an opportunity to propose adjustments to the UPR if that is necessary.⁵³

⁵³ OP16.