



Recommendations for strengthening the Universal Periodic Review in the context of the Review of the UN Human Rights Council

Submission to the Open-ended Intergovernmental Working Group on the Review of the Human Rights Council

October 2010

In the context of the Review of the Work and Functioning of the Human Rights Council, as required by General Assembly resolution 60/251,¹ and as the Universal Periodic Review (UPR) moves into its second cycle, Amnesty International makes the following recommendations aimed at refining and strengthening the UPR:

The organization's recommendations are informed by the following main objectives:

- Better focus on improving the human rights situation in the state under review
- Effective implementation of the outcome of each examination to improve the situation of human rights in the country reviewed
- Identifying, fostering and promoting good practice at all levels of the review cycle

The recommendations below are framed around the key stages of the review: the preparation, the dialogue in the UPR Working Group, the adoption of the outcome by the HRC, and the follow up of UPR commitments (unilateral and supported recommendations) at the national and international levels.

A. Preparation of the review

- **Consultations between the State under review and broad sectors of civil society should be well-prepared and based on a clear timeframe.** National Human Rights Institutions (with A status), national parliamentary bodies, the Office of the High Commissioner for Human Rights and UN country programs can play a useful role in supporting such national consultations.
- There should be **independent expertise** in the preparation of the review, e.g. in the form of a team of experts responsible for the preparation for and conduct of the UPR examination of the States under review in a particular session, including by structuring issues and discussion of these.
- Better use should be made of the **documentation prepared for each examination**: the National Report, the UN Compilation and the Stakeholder

¹ OP 16: *Decides further* that the Council shall review its work and functioning five years after its establishment and report to the General Assembly.

Summary. These should be analysed, for example by the OHCHR or independent human rights experts, and their key findings presented to the UPR Working Group prior to the start of the examination to better inform the dialogue.

- From the second cycle onwards, each examination should focus on both the **state of implementation by the State reviewed of the commitments** (unilateral and supported recommendations) made in the previous UPR examination and on new and ongoing human rights challenges. This division should also be reflected in the documents prepared for each review, including the National Report, the UN Compilation and the Stakeholder Summary.
- **National Human Rights Institutions** with status A should have a stronger role in the preparation phase, including in being authorized to submit a fourth document to complement the basis for the review, facilitating consultation between the government and civil society groups and organizations, and participating actively in the examination in the UPR Working Group.
- The draft National Report for the UPR should be **tabled by the State under review for discussion in the national Parliament** prior to its submission to the OHCHR.

B. Interactive dialogue in the UPR Working Group

- The inter-active dialogue should be further developed as a genuine dialogue. It should be **better organised and focused**, including by **identifying the key issues** to be addressed, and by **clustering issues**, e.g. on basis of analysis of the background documents and any questions submitted in advance. The report of the review should also be clustered around the key human rights issues.
- **Human rights expertise**, including among the members of the Troika, should be brought into the Working Group to guide the discussion in the Working Group and to provide advice on issues raised and recommendations made during the examination.
- Reviewing States should include **country-specific human rights expertise** in their delegation to the Working Group to ensure a well-informed dialogue with the State under review.
- The dialogue should focus both on the **implementation of previous commitments and recommendations** that received the support of the State under review and on ongoing and new human rights challenges.
- **Recommendations** to the State under review to address human rights violations and strengthen human rights protection should be **fewer in number, more precise and lend themselves to evaluation of implementation**.
- **The three hours set aside for the examination of each state should remain the same**, including in the interest of universality of treatment of States under review and to avoid perceptions of selectivity; however, better use should be made of the time available in the Working Group, including through better preparation and

facilitation of the dialogue. There should be greater reliance on written exchanges prior to and following the dialogue in the Working Group.

- The dialogue in the Working Group should **remain a dialogue between States**, including to foster bilateral collaboration and sharing of good practice.

C. Adoption by the Human Rights Council of the review outcome

- The **position of the State under review on all of the recommendations** made to it by other States should be made clear prior to the adoption of the outcome. Where a State had taken recommendations under further consideration an **Addendum** setting out its position on each of these recommendations should be mandatory and available at least two weeks before the adoption of the outcome by the Human Rights Council.
- The **opportunity for NGOs** to contribute to the discussion of the UPR outcome in the Human Rights Council should be further developed by enabling national NGOs to participate through **video-conferencing**. In allocating speaking slots, priority should be given to organisations that have contributed to the Stakeholder Summary.

D. Follow up to the review

- The **Review Outcome Report should be tabled in the national Parliament** for a discussion of how the government intends to facilitate the implementation of recommendations at the national level.
- A **national implementation plan**, with a clear time frame and key milestones, should be developed within 12 months of the adoption of the Review Outcome and submitted to the Human Rights Council (and posted on the OHCHR webpage). States should be able to request technical assistance and/or funding from the Voluntary Trust Fund for the UPR to develop an implementation plan.
- The government should establish a **national mechanism** with participation of relevant ministries, parliamentarians, NHRI, civil society groups and organizations to **oversee the implementation of the UPR commitments** (unilateral and supported recommendations).
- A **mid-term report** should be developed detailing the state of implementation of commitments made in the review. This report should be submitted to the Human Rights Council (and posted on the OHCHR website) and used as the basis for an update to the Council. States should be allocated time under Item 6 to present such reports. Some of the time that is currently allocated to States at the adoption of UPR outcomes in the Council Plenary could be reallocated for the presentation of an implementation plan and mid-term implementation report.
- The Council should regularly discuss the availability of **technical assistance for UPR implementation** under Item 6. UN agencies and programmes involved in the delivery of human rights technical assistance should be invited to participate regularly in the discussion