

The Universal Periodic Review- Handbook

06/08/2009

FIDH Delegation to the UN
Rue des Savoises 15
1205 Geneva
tel : +41 22 700 12 88, fax : +41 22 321 54 88

This handbook has been updated to reflect new developments and practices during the last sessions of the UPR. It identifies and explains key stages of the process and provides guidelines and recommendations to prepare submissions and advocacy activities within all the UPR process.

The Universal Periodic Review– Handbook

INTRODUCTION

The **Universal Periodic Review (UPR)** is a mechanism established under General Assembly Resolution 60/251 of 15 March 2006, which also created the Human Rights Council (HRC). The resolution states that « the review should be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the State concerned and with consideration given its capacity-building needs; such a mechanism shall complement and **not duplicate the work of treaty bodies** ».

During the 5th session of the UPR, Mexico has accepted 83 out of the 91 recommendations made during the interactive dialogue, Senegal has accepted 30 out of 51 recommendations and China has accepted only half of the recommendations formulated during the 4th session

The UPR is a State-driven process in which NGOs have a limited role and the State's under review have the right to accept or reject the recommendations made by other States during the review.

After the first two sessions of the UPR some positive developments were noted, however, major challenges remain. The interactive dialogue proved to be useful in drawing

attention to the recommendations made by Treaty Bodies and Special Procedures. But during the review of certain countries, positive comments by far outweighed constructive recommendations. Certain governments even took the opportunity to try to undermine established human rights standards such as the abolition of death penalty.

During the 4th session of the UPR, Egypt recommended to China « in light of its national realities, to continue to implement the policy of strictly controlling and applying the death penalty ».

Within this context, FIDH would like to stress the need to **strengthen and maintain the link with the UN Treaty Bodies and Special Procedures** in the UPR process, and maintains the view that systematic references to their conclusions and recommendations are of key importance.

THE UPR PROCESS

The UPR is a four stage process:

1. Documentation

The UPR formally considers written input from 3 sources :

➤ **The State under review**

→ State report (max 20 pages), prepared by the State concerned through a broad national consultation process. According to HRC Resolution 5/1 the state concerned should have consultations with civil society stakeholders prior to finalising the state report.

➤ **The UN human rights system**

→ OHCHR compilation of available Treaty Bodies and Special Procedures information (max 10 pages)

➤ **Other stakeholders**

→ OHCHR compilation of information received from civil society, NGOs and NHRIs (max 10 pages)

Non ECOSOC statut NGOs can make submissions

max of 5 pages / 10 pages for coalition, written in English, French or Spanish (not Arabic), deadlines and calendar of the sessions available on the OHCHR's website :

<http://www2.ohchr.org/english/> Human Rights Bodies > UPR > Non-governmental organizations and National human rights institutions

- Focus on **3/5 concrete issues** related to the implementation of international human rights obligations, national legislation and voluntary commitments; as well as national human rights institutions, public awareness of human rights and cooperation with human rights mechanisms, since the last 4 years
- **Follow up of previous recommendations** made by the UN Treaty Bodies and Special Procedures
- integrate **key practical recommendations** with explicit references to the UN Treaty Bodies and Special Procedures recommendations
- submissions should be sent to the UPR secretariat and to the embassies located in your country.

2. The interactive dialogue

The interactive dialogue is **the key stage** of the UPR, as it involves the State under review in a three-hour public hearing (accessible via webcasting) with the UN Human Rights Council. Its principles are the following:

- Based upon the 3 documents (report of the State and the 2 compilations of the OHCHR) and the oral presentation of the State concerned
- The right to speak is limited to States or Special Observers (Not NGOs). NGOs have a limited role during the review, however their presence is useful to keep a « watch » on the State concerned

How to influence the interactive dialogue ?

Based on your report, write an advocacy tool – « lobby document »

- Short and concise (1–2 pages max)
- no more than 5 / 6 main issues
- reference to TBs and SPs
- proposed questions and recommendations
- focus on concrete measures to improve the human rights situation on the ground

Lobby HRC members and Observers States prior to the review

(Preferably

1–2 months prior to the review)

- organise « briefing sessions » with interested delegations in Geneva
- set up meetings with missions on the ground
- lobby selected missions 1 by 1

3. The adoption of the report

After the interactive dialogue, the Troika prepares the report of the WG, with the involvement of the State under Review and with the assistance of the Secretariat. The report will include a summary of the interactive dialogue and the **recommendations** made by Member States during the interactive dialogue.

States have the option to **accept or reject** the recommendations at this stage or at a later stage (at the consideration of the report stage).

4.Consideration of the report

Once adopted by the WG, the report is submitted to the **HRC Plenary** during the following regular session of the HRC. At this stage, civil society stakeholders (including GONGO's) have the possibility to take the floor before the adoption of the outcome report.

Oral statement should focus on the analysis of the review, with clear references to the draft report of the WG. The idea is to assess the review and not to re-open the interactive dialogue that has been taking place at the previous stage.

Example : “FIDH welcome a number of issues raised by the UPR report on the State under review, which includes important recommendations regarding the independence of the judiciary etc.. But is disappointed that a number of member states did not challenge the systematic violation of...”

CONCLUSION

The previous four sessions of the UPR covering 80 countries, showed mixed results. While some of the reviews allowed to raise publicly important issues at the UN and to make substantive recommendations to the countries under review, other missed important issues in wasting time with lengthy, irrelevant commentaries, rather than engaging in a substantive dialogue on the countries' rights record.

Positive aspects:

- Universality of the review (all countries under scrutiny)
- Political push to follow-up on Treaty Bodies and Special Procedures recommendations
- The State “*commits*” (new avenue for commitment at the domestic and international level)
- Increased attention of media from developing countries

Negative aspects:

- Time-consuming and lack of expertise of delegations resulting in vague recommendations
- Partial approach by Member States – certain countries gave excessive praise to friendly countries and excessive criticism to others
- Sidelining of certain rights (human rights defenders rights, rights linked to the death penalty...)
- Evaluation contradicting Treaty Bodies and Special Procedures jurisprudence
- NGOs sidelined (possibility to organize side events during the interactive dialogue has been managed in very restrictive manner up to now)
- GONGOs dominate NGO's speakers list on certain countries (Cuba, China...) denying access to the list to independent NGOs
- Weak follow-up (no sanction or time-frame for implementation)
- States have the option to accept or reject recommendations by the WG