

# **A Guide to the Universal Periodic Review Process for NGOs and NHRIs**

## **What is the Universal Periodic Review (UPR)?**

In a historic moment, the UN General Assembly (GA) voted on 15 March 2006 to create the new Human Rights Council (HRC). The HRC was created to replace and improve the former UN human rights body (the Commission on Human Rights). Among the many changes and improvement promised by the HRC, was the creation of a new mechanism through which UN member States can be reviewed on their adherence to human rights norms (GA Resolution 5/1 Institution Building Text).

The objective of the UPR is to review the fulfillment of the human rights obligations and commitments by all 192 UN member-States. UN member-States are reviewed every 4 years on: progress, challenges and needs for improvement.

The review is conducted by the 47 member states of the Human Rights Council as well as observer States. In this way, the UPR is a peer-review i.e. an intergovernmental process by which States review the fulfillment of human rights obligations of States.

It is meant to complement rather than duplicate the work of treaty bodies (which by contrast are reviews conducted by independent human rights experts rather than States).

The UPR meets three times a year (February, May, and December), with 16 member-States being reviewed each session. Each country's situation is examined during a three-hour dialogue, during which recommendations are made. This is followed by the adoption of the outcome document (by resolution) at the following regular session of HRC. The first cycle runs from 2008-2011<sup>1</sup>.

## **Why did the HRC create the UPR?**

The UPR assesses *all* UN member states' adherence to human rights norms and functions as a peer review mechanism. Through its application to all UN Member States on an equal basis, the UPR seeks to dispel any notion that some states are granted special treatment by the HRC – as was the perception under the old UN human rights body that the HRC replaces (the former Human Rights Commission). Also towards achieving greater fairness in the process, the UPR is guided by principles including objectivity, transparency, non-selectivity, and non-politicisation. In addition, the UPR is meant to be action-oriented and to integrate a gender perspective.<sup>2</sup>

Importantly, UPR provides an opportunity to review and bring scrutiny to countries which have not ratified particular treaties, or have not reported under the treaty body system.

## **What are the objectives of the UPR?**

The institution-building text of the Human Rights Council, as set out in Human Rights Council resolution 5/1, indicates that the objectives of the UPR include the

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<sup>1</sup> See Annex A for a list of the countries scheduled to be reviewed from 2008-2011.

<sup>2</sup> Human Rights Council resolution 5/1, Annex, para 3.

- Improvement of the human rights situation on the ground
- Fulfillment of the State's human rights obligations and commitments and assessment of development and challenges
- Enhancement of the State's capacity and of technical assistance, in consultation with, and with the consent of, the State concerned
- Sharing of best practices among States and other stakeholders
- Support for cooperation in the promotion and protection of human rights
- Encouragement of full cooperation and engagement with the Council, other human rights bodies and OHCHR.

## **What is the process for selecting which States will be reviewed?**

States are selected 'by lot' (random selection) from amongst all the member states of the UN. At the 6<sup>th</sup> Session of the Human Rights Council, on 21 September 2007, the Human Rights Council selected the countries that would be reviewed between 2008-2011 (as well as the order in which they would be reviewed).

All member states of the Human Rights Council must be reviewed during their term in the Human Rights Council.

Please see Annex B for the Calendar for 2008-2011.

## **What are 'Troikas' and what are their roles?**

'Troika' (or rapporteurs) is the name given to a State which is one of three States who are selected to lead and coordinate the review of a particular State in the UPR process. As stated above, Troika's are selected 'by lot' (random selection) and are regionally balanced (each of the troika's represent a different region however the State under Review can request that one of the Troikas is from its region)<sup>3</sup>. Only current members of the Human Rights Council can be selected as Troikas (i.e. observer States can not be selected).

The countries that would be the 'Troikas' for each State under Review in the 1<sup>st</sup> and 2<sup>nd</sup> sessions were selected in February 2008 by the Human Rights Council and Troikas for subsequent UPR sessions were selected Human Rights Council sessions later in the year.

## **What are the steps of the UPR process?**

A snapshot of the UPR process is provided below. Please see Annex A for a chart detailing the steps in the process.

### ***Prior to the Review***

- Preparation and submission of information by the State and other stakeholders, including a national consultation to prepare the State's report, which form the basis of review (Deadline for

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<sup>3</sup>The State under review may veto one of the rapporteurs and request that one of the three is from its own regional group. A rapporteur may be excused from participation in a specific review process (Human Rights Council Resolution 5/1, Annex, para 19 and 20).

stakeholders reports is approximately 7 months in advance while the deadline for state report is 6 weeks in advance).

#### **At the Review:**

- A three-hour Interactive Dialogue between the State under review and other UN member States
- Adoption of the UPR Working Group report containing a summary and listings of recommendations made in the course of the discussion (2 days after the review during a 30 minutes session of the HRC).

#### **After the Review**

- Formal Adoption of the report ('Outcome Document') by the Human Rights Council at its next normal session (2 hour session)
- Follow-up and implementation of the recommendations by the State concerned and other relevant stakeholders (on-going).

### **What forms the legal basis of the review?**

Resolution 5/1 also indicates that the review should assess the extent to which the State is complying with its obligations contained in:

- The UN Charter
- The Universal Declaration of Human Rights
- Human rights instruments to which the State is a party (e.g., ICCPR, CERD, CEDAW, etc.)
- Voluntary pledges and commitments by the State, including those undertaken when presenting the candidature for election to the HRC
- Applicable international humanitarian law

### **What is the documentary basis for the review?**

Three main documents form the basis of review.

- Information prepared by the State under Review, which can take the form of a national report (not exceeding 20 pages). In accordance with the HRC guidelines, the state government is supposed to undertake broad consultations with all relevant stakeholders, including civil society and NHRIs, prior to the drafting of the state UPR report.
- A compilation of information contained in the reports of treaty bodies, special procedures, reports of UN agencies and other relevant UN documents, prepared by the OHCHR (10 pages)
- Other "credible and reliable information" from relevant stakeholders, including National Human Rights Institutions, NGOs, and civil society organizations, to be summarized by the OHCHR (10 pages)

To promote greater transparency in the process, all reports are available on the OHCHR website (including all NGO submissions to the OHCHR) and the UPR proceedings are webcasted on <http://www.un.org/webcast/unhrc/index.asp>. The documents are published on the OHCHR website 6 weeks prior to the interactive dialogue.

## Who carries out the review?

The review is conducted by the member-states of the Human Rights Council and observer states with the participation of the State under Review itself.

The Working Group (WG) is composed of all member-States of the HRC (47 total) and chaired by the President of the Council. This Working Group is lead by the 'Troikas' and the State under Review.

Other relevant stakeholders, such as NGOs, can attend the Working Group but may not intervene.

As noted above, three member States who are chosen by lot and representing different regional groups, are appointed as the “**troika**”<sup>4</sup> for each State under review with the role of facilitating the process. Before the review, the troika prepares the list of issues and questions for the State under review, based on information submitted from other member States. The questions are transmitted to the State Under Review and circulated to the Working Group at least 10 days prior to the review. After the dialogue, the troika prepares the report of the Working Group, which contains a full account of the proceedings, with the State under Review and with the assistance of the Secretariat.

## How does the review take place?

The interactive dialogue during which the review takes place is 3 hours long. During the session the State under Review presents its report and answers written questions submitted in advance by States as well as further questions raised during the interactive dialogue. Its total speaking time, including concluding remarks, is 60 minutes.

During the interactive dialogue, the member and observer States can ask more questions and offer recommendations based on the documentation of the State's human rights practices as well as on the human rights situation in the country. The State under Review may offer concluding remarks.

NGOs and NHRIs can attend the session but can not intervene during the inter-active dialogue.

## What is the outcome?

### Adoption of Record of Review

After the dialogue, the UPR Working Group writes a **summary** report – this is completed within 48 hours (2 days). The summary report lists the issues raised and the recommendations given during the exchange, as well as any voluntary commitments by the State under review. The Troika States are responsible for doing this along with the State under Review and in consultation with every state that asked questions or made suggestions/recommendations.

The report can contain only points raised in the review, therefore it is critical that important issues are brought up during the dialogue.

The report is then presented to the Human Rights Council two days after the review. The report and recommendations are adopted as a “record of review” by the Human Rights Council and then they are formally adopted at the next session of the Human Rights Council.

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<sup>4</sup> Human Rights Council Resolution 5/1, Annex, para 19 and 20: “The State under review may veto one of the rapporteurs/troika and request that one of the three is from its own regional group. A rapporteur/troika may be excused from participation in a specific review process.

### **After the Record of Review**

Modifications and editing can be made, at the request of the State concerned within the following two weeks.

In the time between the adoption of the summary report/record of review and the adoption of the Outcome Document during the normal HRC session, the State under Review can use this time to prepare a document outlining what recommendations they will accept or reject and how they intend to implement it. See Ecuador's statement as a prime example of State under Review engaging with the process constructively.

### **Adoption of the Outcome Document**

At the next regular session of the Human Rights Council (e.g. 8<sup>th</sup> Session of the Human Rights Council in June 2008)<sup>5</sup>, the Human Rights Council adopts the Outcome Document arising from the review of the State under Review.

The Outcome Document is adopted during a 1 hour session of the Human Rights Council which includes:

- 20 minutes for Statement by the State under Review, including replies to questions or issues that were not sufficiently addressed during the interactive dialogue and respond to recommendations that were raised by States
- 20 minutes for member and observer states to express views on the outcome of the review (4 minute interventions for member states and 3 minute interventions for observer states)
- 20 minutes for NGOs and other stakeholders to make *'general comments'*<sup>6</sup> (2 minute interventions).

The comments on the review by other states (member and observer states) and stakeholders ( NGOs and NHRIs) is compiled into a separate document (***'Summary of Views and General Comments'***). However, this document does not form part of the Outcome Document.

The *Outcome Document of the Review* contains the following elements:

- a. Report of UPR Working Group ('Record of Review' - produced 48 hours after inter-active dialogue);
- b. Oral Statement that State under Review makes just prior to adoption of Outcome Document at Human Rights Council which includes their comments, voluntary commitments and replies to questions;
- c. Written Submission that State under Review may want to submit;
- d. Standardized decision of the Human Rights Council for each review which simply states "The HRC adopts the review of ...."

### **How are States held accountable to the outcomes?**

In the follow up to the UPR, states are mainly responsible to implement recommendations from the review. However, the Resolution also states that the Human Rights Council can address cases of persistent non-follow-up.

The UPR is a standing agenda item (Agenda Item 6) on the Human Rights Council's agenda. It is within this allocated time that follow-up to the review will be discussed.

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<sup>5</sup> The regular sessions of the Human Rights Council are held in March, June and September each year.

<sup>6</sup> However, as outlined below, this has been restricted in practice to statements which are directly pinned to specific paragraphs of the Outcome Document.

The Resolution also states that NGOs should be involved in the follow-up/implementation process. NGOs play a critical process in monitoring State implementation of the Outcomes of the review and in lobbying towards their implementation. NGOs can use the Outcome Document as a lobbying tool to push key national priorities. The on-going monitoring of State implementation of the recommendations and their voluntary pledges should feed into the reporting at the next UPR (in 4 years time). Furthermore, NGOs should use the outcomes of the review process in their shadow/alternative reports to treaty bodies also.

In addition, the HRC mandated<sup>7</sup> the establishment of a fund for the UPR process which States can access to support their engagement in the UPR review including:

1. Fund for delegates from developing countries to attend the UPR
2. Implementation fund (by contributions of states)

## How can NGOs and NHRIs participate in the UPR?

The UPR provides important new opportunities for civil society involvement in the evaluation of states' human rights performance. While the UPR is an intergovernmental process with limited space for NGO and NHRI participation, the work before and after the review have an important impact on the discussion and the questions raised during the review itself.

Given the UPR is an inherently political process as it is a review of states by states, it is essential that NGOs and NHRIs are actively involved.

NGOs and NHRIs can help improve the functioning and effectiveness of the UPR, by bringing their expertise and knowledge of human rights situation on the ground. To ensure the inclusion of your issues in UPR, it is important to use all available entry points for engagement including both **formal** (where available) **and informal entry points**.

### **Before the review**

NGOs and NHRIs were granted official/formal space to input into the information considered by the Human Rights Council during the review. There are also many informal entry points for ensuring that critical issues are raised during the review.

As the outcome document can only reflect those issues/recommendations that are raised during the interactive dialogue it is critical that NGOs and NHRIs lobby for issues to be raised by states during questions and recommendations in the interactive dialogue. NGOs and NHRIs should aim for their critical issues to be included by way of recommendations.

The submission of information at this point is critical on the part of both the state and NGOs/NHRIs. As seen from the 1<sup>st</sup> and 2<sup>nd</sup> UPR sessions, where the state report provided adequate discussions on a range of issues, the questions asked during the dialogue have been more robust. It is therefore crucial for NGOs to submit information to ensure an adequate basis for review.

Formal entry points	Informal entry points
HRC resolution 5/1 ensures the participation of all	Other ways to ensure that your issues are

<sup>7</sup> Human Rights Council Resolution 5/1, Annex, para 27, fn

<p>stakeholders and encourages a broad consultative process to ensure accurate information for the review through the following means:</p>	<p>included in the review process:</p>
<p><b>1. Participate in the national consultation process</b> organized by the State under Review for preparation of the State report</p> <p><b>2. Submit stakeholder's report</b> (see OHCHR guidelines for details):</p> <ul style="list-style-type: none"> <li>● <b>Length:</b> NGO reports should be 5 pages, covering the state's human rights performance in the last four years. <p>Joint NGO coalitions may submit 10 page reports (aimed to encourage collaboration)</p> <p><i>Additional information may be attached in an annex – there is no limit to the size of annexes.</i></p> <li>● Reports can be submitted by all NGOs (not just NGOs with ECOSOC status)</li> <li>● Because of limited space it is essential to prioritize issues. Be sure to highlight the most critical issues of concern and express a sense of priority. Facts and details to support the priority issues, as well as possible recommendations to be made to the country under review, may be annexed for reference to the submission.</li> <li>● You have to ensure that the presentation of information is easy to read and accessible!</li> <li>● Depending on the national context, some NGOs have found it useful to consult NHRIs in the reporting process and submit a joint report. Alternatively, NGOs can hold a consultation and submit separate reports.</li> <li>● NGOs can submit information that pinpoints outstanding recommendations of the treaty bodies in order to strengthen the UPR recommendations.</li> <li>● Reports must be submitted in English, Spanish, French preferably or other UN</li> </li></ul>	<p><b>Lobby:</b></p> <p><b>1. Highlight issues</b> – Prepare and distribute briefing notes for States which focus on core issues, questions, and recommendations relating to the State under Review which you want to see raised during the inter-active dialogue - <b>list of issues and recommendations.</b></p> <p><b>2. Send</b> the list of issues and recommendations as well as your official report to the following to:</p> <ul style="list-style-type: none"> <li>● <b>Embassies/Consulates in the country under review.</b> This is a useful approach as many Missions in Geneva were calling their Embassies in the country under review to get a picture of the HR violations and critical issues they should raise. Particularly approach the Troikas in these countries.</li> <li>● <b>All UN member state missions in Geneva.</b></li> </ul> <p><b>3. Identify States which have particular areas</b> of interests and lobby them to raise issues and recommendations relating to this. Some states always ask similar questions on the same issues e.g Australia always asks questions on NHRIs and Slovenia often asks on women's rights issues - so it is useful to send specific information on these issues to these countries as they are most likely to pick it up. For an analysis of the kinds of issues/recommendations raised by different States please see: <a href="http://www.ishr.ch">www.ishr.ch</a>.</p> <p><b>4. Lobby the State under Review</b> to ensure that it reflects critical issues in a transparent and frank way in its report.</p>

languages.

- Must be submitted by the deadline set by OHCHR (usually 7 months prior to the review)
- OHCHR has prepared guidelines for NGO submissions which can be downloaded at: <http://www.ohchr.org/EN/HRBodies/UPR/Documents/TechnicalGuideEN.pdf>
- The email address at the OHCHR to submit information to is **uprsubmissions@ohchr.org**.

**Other Tips:**

- Adapt the report from information submitted as shadow/alternative reports to the Treaty Bodies (e.g CEDAW, CCPR, CESCR, CAT, CCR etc)
- Given the popular use of references to Treaty Body obligations (particularly CEDAW) by states during the interactive dialogue, it is useful to highlight the outstanding treaty body obligations in the report to the UPR and pin your issues/recommendations to these.

*Reports submitted are published on the OHCHR website 6 weeks prior to the inter-active dialogue*

**During the review:**

Because only states can intervene at the Interactive Dialogue, NGOs must be strategic in its engagement through informal entry points.

<b>Informal entry points</b>	
<b>Lobby</b>	<p><b>1. Highlight issues</b> – Prepare and distribute briefing notes for States which focus on core issues, questions, and recommendations relating to the State under Review.</p> <p><b>2. Update the Troikas</b> on developments since the submission of the stakeholders' report and the review itself</p> <p><b>3. Hold side events/information sessions</b> for receptive states on critical human rights issues</p> <p><b>TIP:</b></p> <ul style="list-style-type: none"><li>● Just prior to the review, meet State Missions in Geneva and lobby them to</li></ul>

	<p>take on specific issues.</p> <ul style="list-style-type: none"> <li>As some states often ask similar questions on the same issues it is useful to lobby for inclusion of specific issues to those countries as they are most likely to pick it up. For an analysis of the kinds of issues/recommendations raised by different States please see: <a href="http://www.ishr.ch">www.ishr.ch</a>.</li> </ul>
<b>Monitor</b>	<p>Ensure Accurate Information:</p> <ul style="list-style-type: none"> <li>Make sure that the information provided by states under review, or by those asking questions/praising them, is correct. Often, issues raised do not reflect the real situation on the ground.</li> <li>NGO comments on the review of the State under Review may be issued and copies provided to the Troikas to put forward the views of the NGOs on issues addressed or not addressed during the review.</li> <li>NHRIs are in a particularly good position to be able to highlight inaccuracies in the draft report and ensure that the State under Review itself corrects these. For example, in the review of Philippines, the government included a comment by Holy See which was pro criminalisation of abortion as a recommendation when in fact it was issued only as a comment – important role for NHRIs to play to highlight and correct such inaccuracies.</li> </ul>

### **Post Working Group and Pre-Adoption**

NGOs and NHRIs can continue to play a critical role in trying to influence the Outcome Document post review through informal avenues.

<b>Informal entry points</b>	
<b>Lobby</b>	<p><b>1. Lobby the State under Review to accept recommendations and suggest additional voluntary commitments.</b> In some cases you may also need to lobby for the State under Review to reject recommendations if they go against human rights norms( e.g violations of right to sexual orientation)</p> <p><b>2. Issue a press release</b> highlighting the positive aspects as well as the gaps in the issues and recommendations made during the review process.</p> <p><b>Other Tips:</b></p> <p>There is a 2 week editorial window between the adoption of the ‘Record of Review’ (the 1<sup>st</sup> draft which is presented in 30 minute session 2 days after the interactive dialogue) and the adoption of the Outcome Document at the HRC session. NGOs should use this window to lobby states around specific issues e.g Philippines women’s groups lobbied the Philippines government to reject a recommendation given by the Holy See (observer state) which was anti-abortion (pro criminalization of abortion) – they successfully convinced the government say they needed to think more on this in the Outcome Document (although they failed to see an outright rejection).</p>

### **At the Adoption of the Report at the HRC**

The plenary session provides the only opportunity for NGOs and NHRIs to participate in the UPR

process at the international level. Resolution 5/1 states that NGOs and NHRIs may make 'general comments' before the adoption of the report.

However, in practice it is generally too late to influence the actual Outcome Document at this session. The State under Review has had time between the review and this session to take a position on which recommendations it accept, reject or defer decision on. Therefore it is highly unlikely that they will change their position at this stage.

Therefore, engagement in this stage of the process is useful as a means to:

- Highlight disappointments, omissions and critical issues which did not get adequate (or any) visibility which are then recorded in a separate document along with States comments on the Outcome Document;
- Put pressure on other States that will be reviewed in future sessions to up the benchmark;
- Claim civil society spaces provided.

<b>Formal entry points</b>	<b>Informal entry points</b>
<p>HRC Resolution 5/1 provides for NGO and NHRIs to participate in the session where the adoption of the UPR Outcome Document takes place and to make 2 minutes oral interventions on ' general comments'</p>	<p>Other ways in which NGOs and NHRIs can influence the process:</p>
<p><b>1. Oral Interventions:</b></p> <ul style="list-style-type: none"> <li>• NGOs and NHRIs can make 2 minutes interventions which are '<i>general comments</i>' on the UPR of the State concerned.</li> <li>• Statements should highlight gaps in the issues that were covered during the interactive dialogue and that are not included in the Outcome Document</li> <li>• As far as possible, coordinate with other stakeholders and hold consultation to plan the oral statement.</li> </ul> <p>After the oral interventions by NGOs and NHRIs, the State under Review responds to questions and statements made by States and</p>	<p><b>Lobby</b></p> <ul style="list-style-type: none"> <li>• NGOs and NHRIs can lobby States just prior to the session in which the Outcome Document is adopted to raise questions and concerns in relation to the Outcome Document which will highlight critical issues which have been omitted or recommendations which the State has rejected or deferred decision on.</li> <li>• NGOs and NHRIs can try to convince the State under Review to accept particular recommendations up until the last minute when they present the Outcome Document and their positions</li> </ul>

NGOs/NHRIs.

**Tips:**

- Despite the fact that NGOs and NHRIs are allowed to make ‘general comments’ during the oral interventions, in practice during the adoption of reports in the 8<sup>th</sup> Session of the Human Rights Council, NGOs were interrupted unless their interventions directly referenced the Outcome Document. NGOs got around the restriction during the 8<sup>th</sup> Session of the HRC by ensuring that they pinned their comments to a particular paragraph in the outcome document. The process for future session (particularly with the recent change in HR president) means that the practice for future sessions is unclear.
- Sometimes the State will only reveal their responses to specific recommendations (whether they will accept, reject or defer) at the Adoption of Review session – therefore NGOs and NHRIs need to be alert during the States’ oral statement at the beginning of the session and be ready to respond to this in their statements

*NOTE: only NGOs with ECOSOC status can make an intervention at the review*

**Monitor**

- NGOs and NHRIs should monitor the process to ensure that they can follow-up with the State under Review post review on implementation of the review

**Follow up/Implementation**

Implementation of State obligations under any human rights mechanisms is essential to ensure its effectiveness. NGOs and NHRIs play a critical role in monitoring state implementation of the UPR and lobbying the State to carry through on the specific undertakings it has made as well as recommendations in the Outcome Document.

The role of NGOs in the process of implementation is noted by the Human Rights Council in Human Rights Council Resolution 5/1, Annex para 33 as follow: *“The outcome of the UPR, as a cooperative mechanism, should be implemented primarily by the State concerned and , as appropriate, by other relevant stakeholders”.*

<b>Informal Entry Points</b>	
<b>Awareness-Raising</b>	<ul style="list-style-type: none"><li>• Organise a press release and briefings for stakeholders (national NGO consultations) to raise awareness on the review process and the specific obligations of the State under the review – <i>awareness-raising of the UPR Outcome Document as another tool to hold State accountable</i></li><li>• NGOs may consider organize briefing for stakeholders – comment on the</li></ul>

	process, highlight issues that were not adequately addressed during the review.
<b>Lobby</b>	<ul style="list-style-type: none"> <li>• Consider requesting a consultation with the relevant government agencies on the implementation of the recommendations</li> <li>• Lobby the State to carry through on the specific undertakings it has made during the UPR including voluntary pledges and recommendations e.g removing reservations to Treaty Bodies, addressing impunity for violence against women etc.</li> <li>• Lobby the State to include civil society (NGOs) and NHRIs in the process of implementation</li> </ul>
<b>Monitor</b>	<ul style="list-style-type: none"> <li>• Monitor and evaluate State implementation of the recommendations and undertakings made during the review</li> <li>• To present at the next review in 4 years.</li> </ul>
<p><i>Note: encourage your government to access to 'implementation fund' if they do not have the funds to implement some of the recommendations.</i></p>	

## What are the weaknesses observed from the process?

Since it is so new, it is unclear the extent to which the UPR is effective in promoting and protecting human rights. Therefore, it is crucial for NGOs to understand the value as well as the limitations of the UPR in order to engage strategically and effectively.

- Inherently political: The UPR is an inherently political process so NGOs and NHRIs need to have realistic expectations of what can be gained through this process as well as ensure that their strategies can address this.
- Limited space for NGO engagement. The consequence of this is that the review is often less vigorous and robust. NGOs need to try and counter this through ensuring they have a visible and vocal presence in all stages of the process.
- One key obstacle of the UPR is in providing recommendations to the states that are measurable, concrete and realistic. Often, the recommendations given by member States are too vague, or are of a general nature.
- Sometimes, the outcome document will not reflect all the information/issues submitted in the information submitted prior to the review as it depends what is picked up on and raised by the States during the interactive dialogue.
- It is a 'first come, first served' served basis for list of States speakers during the interactive dialogue. States used this to ensure that their friendly states were first on the list of speakers and then did not say anything critical. E.g African states won't speak against other African states and similarly with Asian states. There was a move away from regional statements (e.g Egypt speaking on behalf of African block, GRULAC, ASIA etc) but as a result there is enormous repetition and many timewasters.
- As there is no mechanism for coordinating what States will ask what questions to the State under Review, in some cases there was an enormous repetition of issues/questions asked and then gaps where not a single question was asked on other critical issues. This happened most frequently where the country in question had an immediate/pressing human rights issue at hand (e.g conflict) and so all questions and recommendations would be directed at this issue.

- Many of the recommendations made were not useful as they were vague and too open.
- During the interactive dialogue, the State under Review often failed to respond to everything raised adequately.
- States do not have to accept recommendations made to it. They can also just say that they defer making a decision on whether to accept or reject.
- Obvious disadvantage that NGOs and NHRIs have to submit information 7 months in advance and States only have to submit the information 6 weeks in advance (result of lack of resources of OHCHR).
- There were not enough women's groups and other minority groups involved in the process – this meant a marginalizing of issues.

## **What are the strengths observed from the process?**

- The UPR is another mechanisms for bringing visibility to violations and holding state accountable. As it covers all human rights obligations it is a useful forum for assessing state compliance in a holistic way.
- The compilation of information is itself a useful set of document as an overview of HR situation in country and particularly the states report which includes their omission and admissions.
- For countries with a slow ratification it is a useful mechanisms to bring visibility to the HR situation in the country
- It has proved to be a very useful process for reinforcing obligations under treaty bodies. It has promoted States to pledge to ratify or withdraw reservations (e.g Tonga pledged to ratify all 7 major conventions and Morocco etc pledged to remove reservations to CEDAW)
- Although it is a very political process, it is a tool to ask some strong questions of states which they would not normally be asked particularly in cases of western countries which are rarely under scrutiny in these fora. In this way it has also shifted the dynamics of the Council.

## **How does the UPR link with the work of treaty bodies and other human rights mechanisms?**

As stated above, the UPR is meant to complement and not duplicate the work of the Treaty Bodies. The UPR is a useful tool to reinforce state obligation under treaty bodies. The interactive dialogue is useful in drawing attention to the recommendations of treaty bodies and of special procedures of the Council, and recommending their implementation. For example, states have used CEDAW as a tool to question the state under review on their compliance with human rights obligations concerning women's human rights, especially to outstanding recommendations.

Reciprocally, NGOs can make references to the recommendations brought up in the UPR in submissions to treaty bodies.

The CEDAW Committee has taken the lead in how to address UPR outcomes. As of July 2008, six countries have gone before the CEDAW since the UPR. The CEDAW Committee has asked questions on issues raised in the UPR process and incorporated recommendations into their Concluding Comments e.g during the 41<sup>st</sup> session of the CEDAW Committee, the OHCHR provided the Committee with the Outcome Document of Finland's UPR review and the Committee raised a question relating to this.

Furthermore, the treaty bodies and the UPR can work to mutually reinforce state obligations. A number of States have ratified conventions prior to the date of their review (Pakistan); and a few states made

pledges and commitments to remove reservations to CEDAW and/or ratify the OP CEDAW during the review.

The UPR Outcome Document will be most useful for treaty bodies if the recommendations are specific.

**Annex A:**

**Prior to Review**

State Scheduled for review.  
Deadline for submission of  
information scheduled

NGOs Submit information by deadline (5 pages for individual org or 10 pages for coalition)  
(generally 7 months prior to review)

OHCHR Compiles Information which will form the  
basis of the review (uploaded to the OHCHR website  
6 weeks in advance):

1. State Party Report
2. Compilation of information from Treaty  
Bodies, Special Procedures etc
3. Stakeholders report

NGOs prepare lists of  
issues and  
recommendations to  
lobby States and  
Troikas:

1. Lobby Embassies /  
Consulates in country  
under review prior to  
review
2. Lobby missions in  
Geneva prior to  
review
3. Lobby states at the  
review itself

**At the review**

States submit questions in advance to the State under  
review

3 hour Interactive Dialogue  
Step 1: State under Review presents its report  
  
Step 2: Member States of the HRC and Observer  
States ask questions, raise issues and make  
recommendations to the State under review  
  
Step 3: State Under Review answers questions and  
responds to issues and recommendations

Over 2 days, Working Group drafts report of UPR

NGOs lobby Working  
Group for inclusion of  
specific issues /  
recommendations

Adoption of Working Group Report ('Record of  
Review') during 30 minute session of the Council

**After Review**

Adoption of UPR Review Outcome Document during  
2 hour session per country:

Step 1: State Under review presents the outcome  
document indicating which recommendations they are  
accepting, rejecting or pending decision  
Step 2: States raise questions, comments etc on the  
Outcome document  
**Step 3: Other Stakeholders can make oral  
interventions highlighting concerns, gaps etc in  
the Outcome Document (2 minutes each for total  
of 20 minutes)**  
Step 4: States respond to questions and comments  
Step 5: Outcome Document Adopted

NGOs lobby States to  
raise concerns on the  
Outcome Document  
and urge State under  
Review to accept key  
recommendations.

*NGO and NHRI  
should link their 2  
minute statements to  
comments on the  
Outcome Document  
directly*