

Human Rights Project
at the Urban Justice Center

**A PRACTICAL GUIDE TO THE
UNITED NATIONS'
UNIVERSAL PERIODIC REVIEW
(UPR)**

January 2010

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Glossary

| | |
|-------|--|
| HRP | Human Rights Project at the Urban Justice Center |
| UN | United Nations |
| OHCHR | Office of the High Commissioner for Human Rights |
| HRC | UN Human Rights Council |
| UPR | Universal Periodic Review |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| NGO | Non-governmental organization |
| ICCPR | International Covenant on Civil and Political Rights |

Civil Society The term civil society is used to include groups that are not part of the government like grassroots organizations, NGOs, religious groups, students, labor unions, professionals, businesses, etc.

Member States The term member States is used to describe countries that are part of the UN (192 countries), or any other UN bodies.

Observer Countries In this context, observer countries are all the members of the UN that have not been elected to the Human Rights Council but can still participate in the UPR sessions.

Introduction

The Universal Periodic Review (UPR) provides a new and exciting opportunity for advocates to hold the United States government accountable to all its human rights obligations and commitments. Similar to other human rights mechanisms, the UPR encourages advocates to engage in dialogue and challenge their governments to respect, protect and fulfill the broad range of human rights under the umbrella of international law and agreements.

The UPR is also a unique instrument available to United States advocates to advance economic and social rights such as the right to work, to housing, to health, etc; rights that are recognized by the Universal Declaration of Human Rights (UDHR)—one of the documents used in the UPR—as well as several other human rights treaties.

Participation by advocates in the UPR is a key part of the process and can be effective at different levels. The Human Rights Project (HRP) at the Urban Justice Center employed its extensive experience and knowledge from engaging advocates in other human rights mechanisms to develop this UPR toolkit. We hope advocates will use it to strategically engage in the UPR process.

Acknowledgements

The content of this toolkit is based on information from several meetings with UN human rights staff and advocates. We thank them for their generosity and willingness to share their knowledge and experience in the UPR process. We also borrowed liberally from the UN Office of the High Commissioner on Human Rights (OHCHR) handbook, *Working with the United Nations Human Rights Programme*. Finally, we thank the staff of UPR-info for their helpful contributions and responsiveness to our inquiries.

This manual was written by Tatiana Bejar and edited by Ejim Dike. Mai Schwartz provided research assistance.

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January 2010

About the Human Rights Project

The Human Rights Project (HRP) at the Urban Justice Center works to hold the government to a higher standard of accountability in addressing poverty and discrimination by advocating for the local implementation of universally accepted human rights standards and law, particularly as they relate to economic and social rights. HRP accomplishes its mission through a combination of education and training; documentation and policy analysis; legislative and policy advocacy; and organizing and movement building. With a particular focus on New York City, we share our lessons with other social justice groups around the country through educational workshops and materials.

2001: HRP coordinated and submitted a shadow report on the United States government's compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) to the UN. Shadow reports are submitted to treaty bodies by stakeholders as alternative information to the government's report.

2007: HRP coordinated more than 30 NYC groups to submit a shadow report on the United States government's compliance with ICERD. HRP released the ICERD shadow report "Race Realities in New York City" and it has become a tool for advocates to advance human rights for all New Yorkers.

2002: HRP established the New York City Human Rights Initiative (NYCHRI) to tackle problems of inequality at the city level. NYCHRI has more than 100 coalition members and is working to pass a bill to locally implement the human rights treaties ICERD and CEDAW.

2008: HRP coordinated the official visit of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance, Dr. Doudou Diene, in New York City, including meetings with local organizations.

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BASIC ASPECTS OF THE UNIVERSAL PERIODIC REVIEW (UPR)



What is the UPR The Universal Periodic Review (UPR) is a new human rights mechanism of the Human Rights Council (HRC) created on March 15, 2006 by the UN General Assembly resolution 60/251.¹ The UPR reviews the fulfillment by all 192 UN member States (or countries) on their human rights obligations and commitments, as well as their progress, challenges, and needs for improvement. Countries are reviewed every four years.

The UPR was created in response to criticism that previous UN mechanisms focused too much on certain regions. The UPR is designed to be applied more universally and uniformly.

How does the UPR work Unlike the review process of the treaty bodies such as the Committee on the Elimination of Racial Discrimination (CERD), which is conducted by independent experts, the UPR is a peer review – based on the model used by the African Union². This is an innovative and cooperative mechanism based on an interactive dialogue between the country that is reviewed and any other UN country³. During this interactive dialogue, the country under review presents its report, answers questions, and receives recommendations from other countries. The interactive dialogue is followed by the informal adoption of an “outcome document” that includes all the recommendations made to the country under review. The outcome document is officially adopted at the next Human Rights Council regular session.

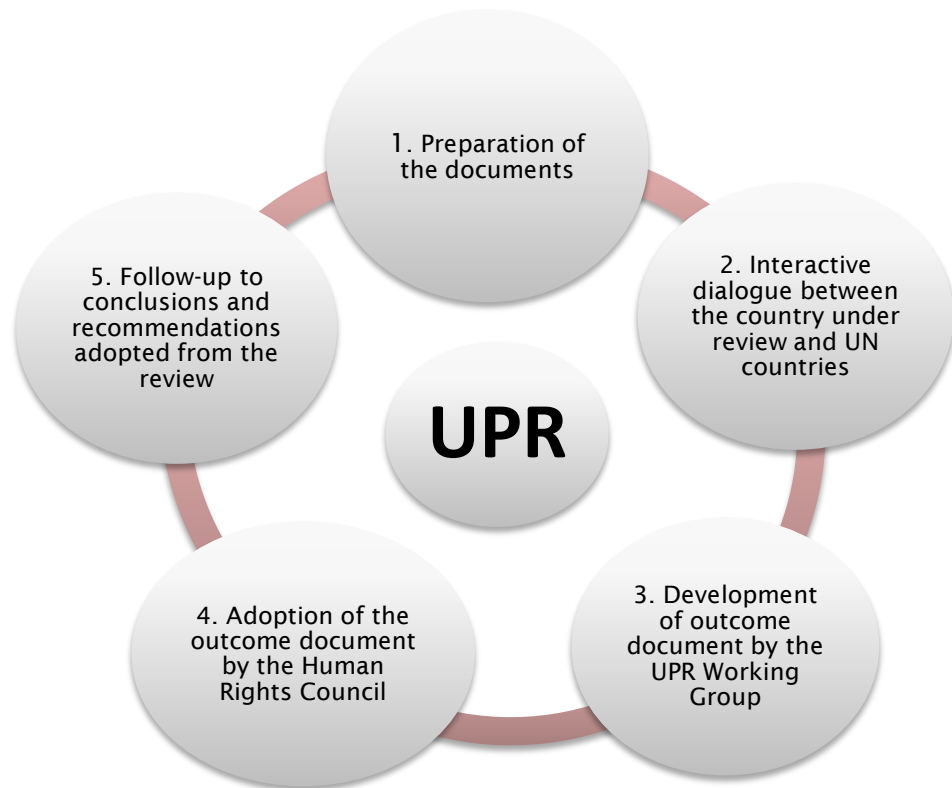
UPR Working Group The UPR Working Group hosts the sessions of the UPR and is essentially the same body as the Human Rights Council. It consists of all 47 countries⁴ of the Human Rights Council and is chaired by the President⁵ of the Human Rights Council. The UPR Working Group generally meets three times a year from February to March, April to May, and November to December. Each session meets for approximately ten days. Around 16 UN countries are reviewed during each session, and 48 are reviewed per year. The UPR Working Group met for the first time in April 2008. Please see list of troikas and timetable for 2009 and 2010 UPR sessions: <http://www.ohchr.org/EN/HRbodies/UPR/Pages/UPRSessions.aspx>

Goals of the UPR The main goals of the UPR are:

1. Addressing inequalities and all forms of discrimination.
2. Advancing the human rights situation for all.

3. Pushing governments to fulfill their human rights obligations and commitments.
4. Reviewing positive developments and challenges faced by countries.
5. Sharing best practices between the countries and stakeholders.

UPR cycle Based on a four-year cycle, the UPR mechanism allows the Human Rights Council to review all the 192 countries that belong to the UN. There are five steps to the UPR.



- Universality of the UPR**
1. Countries are selected randomly (“by lot”) for the review.
 2. All countries that are part of the UN will be reviewed.
 3. The initial members of the Human Rights Council, especially those elected for one or two terms, will be reviewed first.
 4. Countries that are part of the Human Rights Council, as well as observer countries will be also reviewed.
 5. A fair geographic distribution is considered in the selection of countries for review.

| Box 1: Key dates for the United States participation in the UPR | |
|--|--|
| Deadline for U.S. NGO submissions | April 19, 2010 |
| Deadline for U.S. government report submission | August 23, 2010 |
| U.S. Review (Interactive dialogue) | <p>Friday, November 5, 2010</p> <p>The United States will be reviewed for the first time on November 5, 2010 during the ninth UPR session of the Human Rights Council in Geneva. The time of the review will be from 9:00am to 12:00pm Central European Time (CET), 3:00am to 6:00am EST.</p> |
| Informal adoption of U.S. outcome document | <p>Tuesday, November 9, 2010</p> <p>12:00pm to 12:30pm CET 9:00am to 9:30am EST</p> |
| Formal adoption of the U.S. outcome document | <p>March 2011</p> <p>The next Human Rights Council regular session will take place in March 2011.</p> |

THE REVIEW PROCESS

B

Basis of review During the UPR process, each country is reviewed on the basis of the following human rights agreements:

1. The Charter of the United Nations (UN Charter)
2. Universal Declaration of Human Rights (UDHR)
3. The human rights instruments to which the country is a party (treaties or conventions)
4. The country's voluntary pledges and commitments, including those undertaken when presenting its candidature for election to the Human Rights Council
5. Applicable international humanitarian law



The United States is tentatively scheduled for its first periodic review on Friday, November 5, 2010 from 9:00am to 12:00pm CET (3:00am to 6:00am EST) during the ninth UPR session of the Human Rights Council in Geneva. Please visit this link to see the UPR Working Group 9th session timetable: http://www.upr-info.org/IMG/pdf/Timetable_9th_Session.pdf

The Troika The **Troika** is the name given to the three rapporteurs that are assigned to facilitate the review process. Troika members are selected randomly and represent countries that are part of the Human Rights Council; however they are also regionally balanced. Countries under review have the right to veto one of the troika members, and to request that one member of the troika is from its region. A country can be excused from participating as a troika member for a specific review.

B1 Steps of the UPR process

Table 1. Steps of the UPR Process

| | |
|-------------------|--|
| Before the review | 1. Submission of documentation including the country's report, compilation of the UN information, and the summary of stakeholders' submissions |
| At the review | 2. 3-hour interactive dialogue between the country under review and other UN countries 3. Informal adoption of the outcome document in the UPR Working Group that includes a list of recommendations made during the review |
| After the review | 4. Official adoption of the outcome document by the Human Rights Council 5. Follow-up and implementation of recommendations |

B1.1 Before the review

Documentation

Written reports This is a preliminary step of the process. In preparation for each country's review, member States are provided with three different documents:



The government report for the UPR is generally due 3 to 4 months prior to the review. The U.S. government report is due on August 23, 2010.

1. **Information prepared by the country under review:** The country under review provides a 20-page report with detailed information on how it has fulfilled its human rights obligations and commitments including information on achievements, best practices, challenges, and limitations. Countries are encouraged to meet with civil society to gather information for the report. In the United States, the State Department is responsible for the government's involvement in the UPR process. For a sample, see the United Kingdom's national report at http://www.upr-info.org/IMG/pdf/A_HRC_WG6_1_GBR_1_E.pdf.

Box 2. Why countries need to dialogue with stakeholders

The country under review is encouraged to prepare its report in accordance with the Human Rights Council guidelines for the UPR. Under these guidelines, the government should open broad consultations with civil society, including stakeholders, NGOs, and National Human Rights Institutions (NHRIs) before drafting its report.

Link of General Guidelines:

http://ap.ohchr.org/documents/E/HRC/decisions/A_HRC_DEC_6_102.pdf

2. **A compilation of information from UN mechanisms prepared by the OHCHR:** This is a 10-page report with relevant information from treaty bodies, independent experts or special rapporteurs, UN agencies, and other relevant documents from the UN, compiled by the OHCHR. Read the OHCHR compilation of the UN documents for the Germany's review: http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/DE/A_HRC_WG6_4_DE_U_2_E.PDF



The U.S. NGO reports for the UPR are due on April 19, 2010.

3. **Summary of Stakeholder/NGO submissions prepared by the OHCHR:** This is a 10-page summary of "credible and reliable information" provided by national stakeholders, NGOs, grassroots organizations, and other relevant groups. NGOs submissions are crucial to the UPR because they provide a direct and grassroots assessment of the human rights situation. Read a summary of United Kingdom's stakeholders: http://www.upr-info.org/IMG/pdf/A_HRC_WG6_1_GBR_3_E.pdf.



All submissions are published on the OHCHR website 6 weeks before the interactive dialogue.

Click here to read all UPR reports:

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

Box 3: General Guidelines for preparation of documents⁶

The Human Rights Council has developed these General Guidelines for the preparation of the documents for countries, stakeholders, and for the OHCHR in the preparation of documents under its responsibility. All documentation should include:

Sections:

- A. Description of the methodology and broad consultation process.
- B. Background and framework for promotion and protection of human rights, (constitution, legislation, policy measures, national jurisprudence, human rights infrastructure, and the international obligations identified in the basis of review).
- C. Promotion and protection of human rights on the ground, including the progress on implementation of the international human rights obligations.
- D. Identification of achievements, best practices, challenges, and limitations.
- E. Key national priorities, initiatives, and commitments.
- F. Expectations for the country in terms of capacity building, and if requested technical assistance.
- G. Presentation by the country concerned of the follow-up to the previous review.

See full document at:

http://ap.ohchr.org/documents/E/HRC/decisions/A_HRC_DEC_6_102.pdf

B1.2 At the review

Interactive dialogue between the country under review and other UN countries

How does the actual review take place?

The actual review consists of three hours of interactive dialogue between the country under review and UN member States. During this session, the country under review has one hour to introduce its report, respond to questions or recommendations, and to make concluding comments at the end of the review. Countries are allowed to ask questions and suggest recommendations to the country under review for about 2 hours.

Watch the webcast video of any UPR Working Group session at <http://www.un.org/webcast/unhrc/index.asp>.

Table 2: Three-hour interactive dialogue at the UPR Working Group session

| | | |
|-------------------------------|--|---|
| Country under review (1 hour) | Introduction of the country's report 20-40 mins | Estimated* time that the country under review uses to introduce its national report. Usually a high level representative of the country under review presents the report. For example, Colombia's government sent the Vice President to introduce the government's report ⁷ . |
| | Time to respond to questions and recommendations 30-25 mins | Estimated time that the country under review takes to respond to questions and recommendations raised during the interactive dialogue by other countries. The country under review responds after approximately 15 to 30 comments made by countries. Usually the country under review responds three times during its review. |
| | Final remarks 5-10 mins | At the end of the review, the country under review has only few minutes to make final comments. Estimated time is 5 to 10 minutes. |
| UN countries (2 hours) | Countries ask questions and make recommendations 120 mins | A total of two hours is allotted for countries to ask questions and make comments or recommendations to the country under review. Countries that are part of the Human Rights Council can speak for 3 minutes and observer countries 2 minutes. However, some countries use 1 minute of their allotted time to make comments or recommendations. Approximately 20 to 40 oral recommendations are made per review. The number of recommendations generally depends on the level of interest, preparation, and engagement of other UN countries and NGOs with respect to the country under review. |

**Estimates come from HRP research on past reviews.*

Informal adoption of outcome document

Preparation of the outcome document



NGOs should observe the process closely, and push their governments to accept recommendations.

After the dialogue, the UPR Working Group writes a report – generally within 48 hours of the conclusion of the session – summarizing the list of questions and recommendations raised during the review, as well as any voluntary commitments made by the country under review. The troika is responsible for preparing the report with the involvement of the country under review and assistance from the OHCHR.

Two business days after the review, the report is presented to the Human Rights Council to be informally adopted. **Thirty minutes are allocated for the informal adoption of the report or outcome document.** The outcome document presented at this point may include recommendations that the country under review accepted, rejected, or those pending a response. However, since many countries reserve judgment on which recommendations to accept or reject until the final adoption, their outcome documents may list all recommendations with no indication of which have been accepted or rejected. Both refused and accepted recommendations are included in the final outcome document that will be officially adopted in the next Human Rights Council session. Modifications, which may include accepting pending recommendations, or making other voluntary commitments, can be made to the report by the country under review within the following two weeks.⁸



During these 2 weeks, NGOs should lobby countries under review to accept recommendations on key human rights issues that they previously rejected.

For a sample, read the outcome document on the review of Canada go to the UPR info website or to this link: http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/CA/A_HRC_11_17_CAN_E.pdf.

Box 4: Content of the informal outcome document

1. Assessment of the situation of human rights in the reviewed country, including positive developments and challenges.
2. Identification of best practices.
3. Proposals for cooperation in the promotion and protection of human rights.
4. Provision of technical assistance.
5. Summary of comments, questions, and recommendations made by countries.
6. Accepted and rejected recommendations by the country under review.
7. Recommendations that the country under review wants to defer decision on.

B1.3 After the review

Official adoption of outcome document

Adoption of the outcome document

The outcome document is officially adopted by the Human Rights Council at its next regular session (around four months after the review).

During the plenary session of the Human Rights Council, the country under review can answer questions and issues that still need to be addressed and respond to recommendations that were raised by other countries during the review. Countries may express their comments on the outcome of the review, and **NGOs and other stakeholders from civil society are permitted to make general comments.**

One hour of the plenary session is allocated to the adoption.

Table 3: Official adoption of the outcome document

| | | |
|------------|------------|--|
| 60 Minutes | 20 minutes | Country under review makes a formal statement and replies to questions and recommendations. |
| | 20 minutes | Countries express their opinion on the outcome document. Human Rights Council member States have 4 minutes for each intervention and observer countries 3 minutes. |
| | 20 minutes | NGOs can make “general comments”. Each speaker has only 2 minutes for intervention. NGOs should coordinate before speaking at the session. <i>(See Page 23)</i> |

All comments made during this session by countries and stakeholders are compiled in a separate document (not included on the outcome), called Summary of Views and General Comments⁹.

Follow-up and implementation of recommendations

Implementation of the UPR outcomes This is the final step in the UPR process. NGOs and grassroots organizations should play a key role in ensuring that governments will implement recommendations they accepted in the outcome document, as well as adopt and implement recommendations they previously rejected. During a country's second or follow-up review, it must provide information on steps it has taken to implement the recommendations accepted during the first review or previous review (four years earlier).¹⁰

Table 4: Mechanisms to monitor and ensure implementation

| | |
|--------------------------------------|---|
| <p>1. At the international level</p> | <p>Monitoring implementation according to the Human Rights Council resolution 5/1</p> <ul style="list-style-type: none"> a. Outcome documents should be implemented by governments, with the involvement of stakeholders. b. The next review should focus on implementation of previous outcomes. c. Capacity building and technical assistance are available for countries to use during the implementation part of the UPR process. d. The Human Rights Council can also view cases in which countries are not cooperating. If a country does not show cooperation with the UPR, the Human Rights Council may decide what measures it will take in response to that country. |
| <p>2. At the domestic level</p> | <p>UPR outcome document as a human right tool</p> <ul style="list-style-type: none"> a. UPR outcome document provides new paths for local organizations to be involved in the implementation process¹¹ and work with the government. b. NGOs can monitor the government's implementation of recommendations in the outcome document. c. Outcome documents can be a useful tool to push policies that address key human rights issues. d. Outcome documents can also be part of shadow report to treaty bodies. |

ENTRY POINTS FOR NGOs



How to engage in the UPR process

There are many ways to think about engaging the UPR process to make it useful in the context of the ongoing work of advocacy groups. Although the review process provides limited space for NGO participation, the work before and after the review is key to implementing concrete recommendations of the outcome document.

Ways to participate

Listed below are some ways that NGOs can participate in the UPR process:



NGOs do not need to have ECOSOC status in order to participate in most parts of the UPR process.

1. Engage in consultations with the government
2. Submit a stakeholder report
3. Lobby countries
4. Attend the UPR Working Group session
5. Attend and participate in the Human Rights Council session
6. Follow-up and push for implementation of recommendations

C1 Engage in consultations with the government

Get involved in the government report

The OHCHR strongly encourages countries to consult with civil society in the preparation of the country's national report. In the United States, the State Department is responsible for the preparation of this report, therefore NGOs should insist on substantive, inclusive, and ongoing consultation. This will help NGOs inform what topics the government's report will address, identify the strengths and weaknesses of their coverage, and prepare to fill the gaps in the national report with additional information.

Contact the State Department

The State Department has a new section on United States participation in the UPR on its website: <http://www.state.gov/g/drl/upr/index.htm>. The government is asking organizations to send feedback on issues that affect their communities to this email: upr_info@state.gov by April, 2010.

C2 Submit a stakeholder report

NGO submissions Similar to the treaty system, NGOs can also submit a report on human rights issues and their country's compliance with human rights obligations. For the UPR, stakeholders' reports are considered for inclusion in the summary of reports prepared by the OHCHR. NGOs do not have to be accredited to submit a report.

Content and Format for NGO reports According to the technical guidelines for the submissions of stakeholders' information to the OHCHR¹², reports should include:

1. **An introductory paragraph:** Written submissions should include an introductory executive summary, capturing the main points contained in the report.
2. **Information on the NGO:** The report should also provide a short paragraph on the objectives and work of the NGO/coalition that is submitting the report.
3. **Language:** The OHCHR prefers that reports be written in English, French or Spanish, or any other official UN language.
4. **Page Limit:** Reports should be short and they must not exceed 5 pages if submitted by an individual organization or 10 pages if submitted by a coalition of groups. Annexes and supporting information may be attached only for reference. There is no limit to the size of annexes; however they should not include pictures, maps, organizations' annual reports or reports from other organizations. It is preferred that reports not include an extensive number of footnotes.
5. **Format:** Reports should be saved as a Word document only, i.e. not as PDF file, in Times New Roman, font size 12. Paragraphs and pages of each submission should be numbered.
6. **Time Period:** The UPR is scheduled to occur every four years for each country. All actors submitting information to be reviewed (countries, OHCHR, NGOs) should limit the scope of their submissions to four years.
7. **Deadline:** Information on report deadlines can be found at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/NewDeadlines.aspx>. In general, NGO reports must be submitted around seven months before the review.



U.S. stakeholders' submissions must be sent in by April 19, 2010 at 6:00am New York time (EST) - 12:00pm Geneva time (CET). Reports have to be sent to UPRsubmissions@ohchr.org.

Box 5: Reports will not be considered:

1. If exceeding more than 5-page report (individual organization) or 10-page report (coalition)
2. If written in a non official UN language
3. If submitted after the deadlines
4. If containing abusive or incendiary language

For a sample of a NGO report, please go to Appendix A (page 28).

*OHCHR Summary outline
of NGOs submissions*

NGOs submissions will be summarized by the OHCHR in a 10-page document. It is important for NGOs to study the following outline (Box 6) to think about where the issues and recommendations highlighted in their reports might fit it. Some of the sections may vary depending on the human rights situation in the country under review. The OHCHR can omit some of the sections or include new ones.

To see a summary of stakeholders by the OHCHR on the review of Canada go to the following link:

http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/CA/A_HRC_WORKING_GROUP6_4_CAN_2_E.PDF

Box 6: Outline of the OHCHR summary of NGO submissions

- I. Background and Framework
 - A. Scope of international obligations
 - B. Constitutional and legislative framework
 - C. Institutional and human rights infrastructure
 - D. Policy measures
- II. Promotion and Protection of human rights on the ground
 - A. Cooperation with human rights mechanisms
 1. Cooperation with treaty bodies
 2. Cooperation with special procedures
 3. Cooperation with the Office of the High Commissioner of Human Rights
 - B. Implementation of international human rights obligations
 1. Equality and non-discrimination
 2. Right to life, liberty, and security of the person
 3. Administration of justice and the rule of law
 4. Freedom of religion or belief, association, and peaceful assembly and the right to participate in public and political life
 5. Right to work and to just and favorable conditions of work
 6. Right to social security and to an adequate standard of living
 7. Right to education and to participate in the cultural life of the community
 8. Minorities and indigenous peoples
 9. Migrants, refugees, and asylum-seekers
 10. Human rights and counter-terrorism
- III. Achievements, best practices, challenges, and constraints
- IV. Key national priorities, initiatives, and commitments
 - A. Pledges by the State
 - B. Specific recommendations for follow-up
- V. Capacity-building and technical assistance

Table 5: Tips for a successful NGO report

| | |
|--|--|
| <p>Bridging the local and national divide</p> | <p>The UPR is conducted at the national level, however, it is also important to highlight local problems when writing the report. Reports should strike a good balance in highlighting national and local issues. If the report focuses solely on local issues, it is possible that recommendations may not get raised in the OHCHR summary. On the other hand, if the report is able to show that local examples of a problem are also occurring nationwide and emblematic of a country-wide issue, then it is more likely to be highlighted in the OHCHR summary of NGO reports.</p> |
| <p>Highlighting recommendations</p> | <p>The UPR report should focus on solutions and not problems. NGO reports that summarize the problem and then focus on making concrete recommendations for improvement will be stronger and more effective. This makes it easier for other countries to suggest specific issues and recommendations for adoption. When addressing the problem, NGO reports should give concrete and real examples that can help to facilitate the discussion during the review.</p> |
| <p>Be aware of U.S. obligations and commitments</p> | <p>Before drafting a report, it is important to take into consideration the human rights obligations and commitments that the United States has made. <i>(Please see Page 20)</i></p> |
| <p>Opportunity to work as a coalition</p> | <p>There are benefits to submitting a coalition report or coordinating multiple individual reports to emphasize key issues in terms of getting them into the summary report and raised in the UPR session itself.</p> <p>Coalition work also has obvious benefits unrelated to the outcome of the UPR. This is an opportunity to engage with other groups doing work in a specific area, share challenges, successes, and best practices, learn from each other, and identify possible avenues for continued coalition or allied work. NGOs should:</p> <ol style="list-style-type: none"> 1. Contact NGOs, and grassroots organizations that work on related issues, and educate them on the UPR process. 2. Discuss the issues that should be included in the report. 3. Decide whether it would be best for NGOs to bring up the same issues, or whether it would be better to divide the list of issues between groups of NGOs. Issues should be covered in depth, and connections on the interdependence of rights made. |
| <p>What not to do</p> | <p>Please do not reproduce concluding observations and recommendations of human rights treaty bodies or special procedures of the Human Rights Council. The OHCHR will already be doing this in its own compilation report.</p> |

NGOs can submit an individual report, be part of a joint report (coalition work), and endorse a national NGO report. Because the United States has an active civil society, NGOs may be able to work on multiple reports, however please verify this possibility with the OHCHR (see contact information on Page 28).

Table 6: United States human rights obligations and commitments for review

1. Charter of the United Nations (UN Charter) – 1945*

The UN Charter established the organization called the United Nations with the mission to maintain peace and stability. The United States played an active role in its creation and the name “United Nations” was suggested by President Franklin D. Roosevelt¹³. The UN Charter was signed in 1945 and has been ratified by most countries, including the United States. All member States or countries are bound by the articles of the UN Charter. The UN Charter reaffirms “faith in fundamental human rights, and dignity and worth of the human person” and commits all member States or countries to promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.” Read the full document at <http://www.un.org/en/documents/charter/index.shtml>.

2. Universal Declaration of Human Rights (UDHR) – 1948*

The UDHR was adopted by the UN General Assembly on December 10, 1948. The UDHR is the founding document of international human rights law that embraces universally accepted principles that all human beings are entitled to human rights without any distinction. The United States also played an active role in the preparation and adoption of the UDHR. The UDHR is composed of 30 articles that include economic, social, cultural, political, and civil rights as indivisible and interconnected. The UDHR has been translated to more than 370 languages¹⁴, and is the most translated document in the world. The UDHR is available at <http://www.un.org/en/documents/udhr/>.

3. Human rights treaties ratified by the United States*

The UN human rights treaties are an important part of international human rights law. There are eight human rights treaties, and every UN country has ratified one or more treaties. When a country ratifies a treaty it becomes a “state party”. This means the country is legally bound to the mandates of the treaty/treaties it ratifies. There are other instruments with different legal status: declarations, principles, guidelines, standard rules and recommendations that may not have a legal effect, however they provide of a moral force to countries. Link: <http://www2.ohchr.org/english/law/>.

Please visit the OHCHR website to view complete information on the use of human rights instruments <http://www2.ohchr.org/english/law/>.

- ✓ International Covenant on Civil and Political Rights (ICCPR) – 1992*
- ✓ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) -1994*
- ✓ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) – 1994 *
- ✓ Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict – 2002*
- ✓ Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography – 2002*

4. Voluntary Pledges and Commitments

As part of its candidacy to a seat at the Human Rights Council, the U.S. government pledged to work “with principled determination for a balanced, credible, and effective Human Rights Council to advance the purpose of the Universal Declaration of Human Rights.” The United States also committed to “promote universality, transparency, and objectivity in all of the Council’s endeavors” and to participate actively in its first review. Finally, the United States committed to work with “international partners in the spirit of openness, consultation, and respect” and reaffirmed that expressions of concern about the human rights situation in any country, including the United States, are appropriate matters for international discussion. See whole document on pledges and commitments at the U.S. Mission to the UN or at <http://geneva.usmission.gov/2009/04/27/human-rights-pledges/>.

5. International Humanitarian Law

- ✓ Geneva Convention relative to the Treatment of Prisoners of War – 1949*
- ✓ Geneva Convention relative to the Protection of Civilian Persons in Time of War – 1949*

**Year of adoption or ratification.*

C3 Lobby other countries

Why lobby countries Because NGOs may attend but not speak at the review session itself, lobbying countries about important human rights issues is the only way to make sure recommendations will be raised during the review.

Who and where to lobby NGOs should identify countries that might be sympathetic to their issues and schedule meetings with representatives from embassies, consulates, and missions in the home country and/or Geneva. The best place for NGOs to lobby in the United States is Washington DC and New York City where the embassies and important diplomats are assigned. Another opportunity for United States NGOs to lobby is in Geneva during the Human Rights Council session.

Table 7. Possible countries to lobby.¹⁵ Examples of countries that have:

| <i>Submitted questions in advance</i> | <i>Asked about Indigenous peoples</i> | <i>Asked about migrants</i> | <i>Asked about racial discrimination</i> | <i>Asked about the death Penalty</i> | <i>Asked about LGBT rights</i> |
|---|---|---|--|--|---|
| Netherlands Sweden Denmark United Kingdom Germany | Mexico Bolivia United Kingdom Denmark Algeria | Mexico Algeria Canada Egypt Phillipines | Algeria Mexico Egypt Canada Brazil | Italy Mexico Brazil United Kingdom Chile | Czech Republic Netherlands Slovenia Canada Sweden |

A majority of the recommendations tend to be on civil and political rights. We will update this chart on economic and social rights as we get more information.

Table 8: Tips for successful lobbying

| | | |
|--|--|--|
| <p>Before the review</p> | <p>Lobby country under review</p> | <p>1. The open consultation with government representatives of the country under review is an opportunity to lobby the government to reflect and address critical issues in its report.</p> |
| <p>For the interactive dialogue</p> | <p>List of issues and recommendations</p> | <p>2. Prepare a list of the issues and recommendations that your organization wants to see raised during the interactive dialogue. Please see sample of suggested questions and recommendations submitted in advance by NGOs for the review of Brazil at http://www.upr-info.org/IMG/pdf/UPR_Brasil_ConectasandGajop.pdf.</p> <p>3. Distribute the list to delegations of countries that you have identified to lobby in Geneva. For advocates in the United States, we also recommend that you provide the list to as many embassies, consulates, and missions as possible. Sometimes, delegates—who are interested in a particular review but not adequately prepared—will contact their embassies and consulates for more information on the country under review.</p> <p>4. Because the information provided by the country under review might not reflect the real human rights conditions, NGOs should meet with delegates in Geneva to educate them on the problems and suggest specific recommendations before the review.</p> |
| | <p>Identify countries to lobby</p> | <p>5. Lobby countries that are members of the Human Rights Council and observer countries to raise key human rights questions/issues during the interactive dialogue. NGOs are encouraged to focus lobbying efforts on countries that are more likely to make recommendations, and cannot be easily dismissed by the country under review.¹⁶ Please see example of Canada dismissing recommendations at http://www.canada.com/news/Canada+rejects+human+rights+recommendations/1678153/story.html.</p> <p>6. Countries usually ask the same kinds of questions during reviews. For example Norway, Denmark, and Slovenia generally ask questions on women’s rights. Also, Mexico, Bolivia, and Algeria ask questions on indigenous and migrants’ rights. Please see list of recommendations and responses per session and per country under review at http://www.upr-info.org/-Recommendations-.html.</p> |
| <p>Before formal adoption of outcome document</p> | | <p>7. Lobby the country under review to make voluntary commitments and to accept specific recommendations to advance human rights.</p> <p>8. Some countries can make recommendations against human rights, like the right to sexual orientation, or against abortion, so NGOs should make sure the country under review does not accept those recommendations.</p> |

Although NGOs can lobby troikas to update them on human rights concerns, troikas do not have the power to influence the outcome document. The role of the troika is basically to facilitate the process.

C4 Attend the UPR Working Group session – Interactive Dialogue

Organize a side event One way to ensure that NGO voices are heard during the review is holding a side event in which human rights issues that concern the country under review are highlighted. The side event should serve as an informative session to countries that are sympathetic to human rights. We recommend that the side event be held a day before the review.

Attend review NGOs with ECOSOC status and that have been accredited may attend sessions of the UPR Working Group, but they cannot make any oral statements at the session meetings. Please see Box 7 (Page 24) for complete information on accreditation.

Meet with government NGOs should push for a meeting with delegates of the country under review both before the interactive dialogue session, as well as in the 48 hours afterwards, to try and influence the government's decision on accepting or rejecting key recommendations.

C5 Participate in the Human Rights Council

Participation in the UPR plenary The plenary session of the Human Rights Council – which takes place three to four months after the review – allows NGOs to make oral or written statements, and to make comments or ask questions to the country under review before the adoption of the outcome document. Only accredited organizations in consultative status with ECOSOC may attend the session.

Prepare NGO statement Twenty minutes of the session are allocated for oral statements from NGOs. Each speaker has 2 minutes to make its comment. It is important that organizations prepare joint statements during the session as coalition statements will be prioritized. NGOs should be prepared to attend the session early in order to be one of the first names on the list of speakers. NGOs can also submit written statements; however, they will have less impact than oral ones. Please see sample of a joint statement at http://www.upr-info.org/IMG/pdf/IMADR_India_Plenary.pdf.

Guidelines and forms for submission of written statements can be found at <http://www2.ohchr.org/english/bodies/hrcouncil/guidelines.htm>. (UPR is item 6).



1. During sessions, some NGOs were interrupted because their interventions did not refer to a specific paragraph in the outcome document.
2. Countries under review sometimes respond to a few recommendations. NGOs should be aware of information gaps in the oral statements made by the country under review during the initial part of the session, and should be ready to raise recommendations that are being ignored.

Box 7: Information for NGO accreditation to the UPR sessions¹⁷

NGOs in consultative status with ECOSOC wishing to accredit representatives to UPR Working Group sessions are invited to send their letter of accreditation request to the Secretariat of the Council at the following address:

upraccreditation@ohchr.org

Fax number: 011 41 (0) 22 917 90 11

During the session:

Fax number: 011 41 (0) 22 917 04 94

The letter requesting accreditation should contain the following elements:

- ✓ It should be submitted on the official letterhead of the organization.
- ✓ It should clearly state the title and duration of the session the organization wishes to attend, e.g. “[Name of NGO], in consultative status with ECOSOC, wishes to send the following members to attend the [x th] session of the UPR Working Group [from to....].”
- ✓ The letter needs to be signed by the President or the Main Representative of the organization in Geneva.
- ✓ It should also indicate the name/s (first name and family name) of the person/s who will represent the organization at the UPR Working Group session.
- ✓ Names of persons must appear exactly as they appear in the ID document.
- ✓ Family names have to be capitalized.

Please take note that:

It is important to ensure that the name(s) of those members already in possession of a valid identity badge issued by UNOG Security and Safety Section, and who plan to attend a particular UPR Working Group session, is/are included in the accreditation letter, with an indication that the person(s) hold(s) an annual badge.

Annual or temporary representatives of NGOs in possession of an identity badge issued by UNOG Security and Safety Section and valid for the duration of the session will have access to conference rooms.

Any other participants without a UNOG identity badge should apply in person to the security entrance at Pregny Gate, 8-14 Avenue de la Paix; on presentation of an identity document and a copy of the letter of accreditation, a photo-badge valid for the duration of the Council session will be issued.

The accreditation office for the UPR Working Group will be located at the security entrance “Pregny Gate” and will be open from Monday to Friday from 9:00 am and 5:00 pm throughout the session.

NGO Liaison Office contact details

During the session of the working group, an NGO Liaison Office will be located behind the plenary room in Room E-3062.

C6 Follow-up work to ensure implementation of outcome document

Involvement in the Follow-up Countries are responsible for implementing the conclusions, recommendations, voluntary pledges and commitments that are part of the outcome documents. However, NGOs play a key role during the implementation of the outcome document and should have a clear advocacy plan to do so.

Some ways to get involved and influence the implementation of outcomes include:

1. **Organize a press conference.** Publicize the results of the outcome document that has been approved by the country under review, which means it has accepted recommendations and made voluntary commitments for improvement. Also highlight recommendations that were rejected and/or put on hold.
2. **Use the media.** There are many media tools like the use of Facebook, Twitter, blogs and other avenues that can be used to spread the word, educate the public, and put pressure on the government to fulfill its UPR obligations. Each subsequent review will be based largely on implementation efforts and improvement in key areas identified in the previous review.
3. **Organize meetings.** Discuss the relevance of the outcome document with your community, and how community members can engage in the implementation process.
4. **Develop a strategy to monitor implementation.** Organizations should monitor government progress as well as problems or limitations during the 4 years between reviews.
5. **Participate in implementation.** NGOs should engage in dialogue with the government to share expertise in the human rights field of concern, and to make the process and methods of implementation as effective and targeted as possible.
6. **Organize a web casting.** Organizations in other countries have successfully organized events to inform civil society on the results of the review. Groups can host a webcasting event showing the interactive dialogue for their communities. Depending on the time, people may be able to watch live webcast of reviews. Please check this link to follow live webcast reviews: <http://www.un.org/webcast/unhrc/>.

Table 9: Entry Points for U.S. NGOs

| UPR | TIMELINE | What to do |
|--------------------------|-----------------------------|---|
| Before the Review | January to August 2010 | <ul style="list-style-type: none"> Participate in consultations with the U.S. government for the preparation of the country report. |
| | December 2009 to April 2010 | <ul style="list-style-type: none"> Submit a report (5 pages for an individual organization, 10 pages for joint report) on human rights concerns to be used by OHCHR for the summary of stakeholders report. |
| | January to December 2010 | <ul style="list-style-type: none"> Lobby countries to educate their representatives on issues and concerns to be raised during the review. Embassies, consulates, and missions can be contacted in Washington DC, New York City, and Geneva. |
| During the Review | November 2010 | <ul style="list-style-type: none"> Attend the review. Organize a side event. Meet with other NGOs to collectively assess the U.S. review. Hold a press conference or write a press release to give your assessment on the U.S. review. Please see samples of press statements at http://www.upr-info.org/-NGOs-Press-statements-.html. |
| After the Review | March 2010 | <ul style="list-style-type: none"> Make an oral statement providing general comments before the adoption of the outcomes by the plenary (20 minutes are allocated to NGOs, coalition of NGOs are given priority). Please see samples of NGO oral statements at http://www.upr-info.org/NGO-plenary-statements.html. Release a written statement. |
| Between reviews | 2010-2014 | <ul style="list-style-type: none"> Make public accepted recommendations and voluntary commitments of the U.S. government. Recommendations that were rejected should also be publicized. Monitor their implementation. Engage in consultation with the U.S. government to participate in the implementation. |

Table 10: Key contacts on the UPR

| | |
|---|--|
| <p>At the United Nations Level</p> | <p>OHCHR Human Rights Council Branch Office of the United Nations High Commissioner for Human Rights Palais des Nations 8-14, avenue de la Paix CH-1211 Geneva 10 – Switzerland Phone: 011 41 (0)22 917 92 69 Fax: 011 41 (0)22 917 90 11</p> <p>OHCHR Civil Society Unity Office of the United Nations High Commissioner for Human Rights Palais des Nations 8-14, avenue de la Paix CH-1211 Geneva 10 – Switzerland Phone: 011 41(0)22 917 90 00 Email: civilsocietyunit@ohchr.org</p> |
| <p>At the United States Level</p> | <p>U.S. State Department upr_info@state.gov http://www.state.gov/g/drl/upr/index.htm</p> <p>U.S. Human Rights Network 250 Georgia Avenue SW suite 330 Atlanta, GA 30312 Telephone: 404-588-9761 Fax: 404-588-9763 Email: info@ushrnetwork.org</p> <p>Human Rights Project at the Urban Justice Center 123 William Street, 16th Floor New York, NY 10038 Telephone: 646-602-5629 Fax: 212-533-4598 Email: info@hrpujc.org</p> |
| <p>General websites for UPR information</p> | <p>http://www.upr-info.org/</p> <p>www.ushrnetwork.org</p> <p>http://www.ohchr.org/EN/Pages/WelcomePage.aspx</p> |

DRAFT
United States of America

Submission to the United Nations
Universal Periodic Review

Ninth Session of the Working Group on the UPR
Human Rights Council
1-12 November 2010

EXECUTIVE SUMMARY

This should be an introduction that captures the main points of the submission. Organizations may wish to include:

- Highlights and major recommendations of submission;
- Key words (“domestic violence” is the example from the Technical Guidelines);
- Short description of methodology to establish information is objective and reliable;
- A paragraph describing the main activities of the submitting organization/coalition, as well as date of establishment;
- Should the submission be prepared jointly, the names of all submitting stakeholders should appear at the beginning of the submission text

BACKGROUND AND FRAMEWORK

Information about the methodology and the broad consultation process followed nationally for the preparation of information provided to the UPR by the country under review.¹

Current Normative and Institutional Framework for the Promotion And Protection Of Human Rights²

Areas to address:

- Scope of international obligations
- Constitutional and legislative framework
- Institutional and human rights infrastructure
- Policy measures such as national action plans
- National jurisprudence
- Human rights infrastructure including national human rights institutions

¹ Section I.a. of General Guidelines/ Technical Guidelines Section IV.B.8.a

² Section I.b. of General Guidelines/ Technical Guidelines Section IV.B.8.b

PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND³

(implementation and efficiency of the normative and institutional framework for the promotion and protection of human rights)

Information on the implementation of international human rights obligations

- Equality and non-discrimination
- Right to life, liberty and security of the person
- Administration of justice, including impunity, and the rule of law
- Freedom of movement
- Right to privacy, marriage and family life
- Freedom of expression, association and peaceful assembly, and the right to participate in public and political life
- Right to work and to just and favourable conditions of work
- Right to social security and adequate standard of living
- Right to education and to participate in the cultural life of the community
- Minorities and indigenous peoples
- Migrants, refugees and asylum-seekers
- Human rights and counter-terrorism

Information on commitments at the national and the international levels

- Information on the implementation of commitments made at international conferences and other United Nations for a;
- of constitutional and legal reforms aimed at protecting human rights
- national action plans
- mechanisms and remedies aimed at improving human rights
- activities of national human rights institutions
- human rights education and public awareness

Cooperation with human rights mechanisms⁴

Information about cooperation with:

- with human rights mechanisms
- national human rights institutions
- NGOs
- rights holders
- human rights defenders
- other relevant national human rights stakeholders
- at the national, regional and international levels

³ Section I.c of General Guidelines/ Technical Guidelines Section IV.B.8.c

⁴ Section I.d of General Guidelines/ Technical Guidelines Section IV.B.8.d

ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS⁵

Information about:

- Achievements made in the past 4 years
- Best practices which have emerged
- Challenges and constraints faced by the country under review;

Key National Priorities⁶

- Initiatives and commitments that the State concerned should undertake to overcome challenges and constraints and improve human rights situations on the ground.
 - national strategies
 - areas where further progress is required
 - steps regarding implementation and follow-up to recommendations made by human rights mechanisms
 - commitments for future cooperation with OHCHR and human rights mechanisms and agencies;

CAPACITY-BUILDING AND TECHNICAL ASSISTANCE⁷

- Expectations
- Recommendations for bilateral, regional and international cooperation.

RECOMMENDATIONS

The following are recommendations based on the human rights concerns described in this submission.

APPENDIX: Documents for further reference

- Annexes to the submissions should NOT include pictures, maps, organizations' annual reports or reports from other organizations
- Include detailed citation information and web links for all documents suggested for further reference.
- Identify those references included as attachments/exhibits to the submission.
- If possible, include a short description of the information contained in the document.
- If numerous documents/suggested resources are listed, organize documents by sub-issue and list under separate headings

⁵ Section I.e. of General Guidelines/ Technical Guidelines Section IV.B.8.e

⁶ Section I.f of General Guidelines/ Technical Guidelines Section IV.B.8.f

⁷ Section I.g of General Guidelines/ Technical Guidelines Section IV.B.8.g

United Kingdom

Submission to the UN Universal Periodic Review

First session of the HRC UPR Working Group, 7-18 April 2008

In this submission, Amnesty International provides information under sections B, C and D (as stipulated in the General Guidelines for the Preparation of Information under the Universal Periodic Review):

- Under B, Amnesty International raises concern over shortcomings of the ratification of international human rights standards, the extraterritorial applicability of human rights protection and the failure to initiate independent investigations.
- In section C, we describe concerns related to human rights violations in the context of counter-terrorism, failures to accountability, violence against women, asylum and refugee protection.
- In each section Amnesty International makes a number of recommendations in the areas of concerns listed.

B. Normative and institutional framework of State Ratification of international human rights standards

- Amnesty International recommends that the UK should ratify the Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography, and the Convention on the Rights of Persons with Disabilities; and that the UK should sign and ratify the Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for Protection of All Persons from Enforced Disappearance.
- Amnesty International recommends that the UK should set a deadline for the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, which it signed in March 2007; and should sign and ratify Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

Extraterritorial applicability of human rights protection: accountability for UK armed forces serving overseas

Amnesty International is concerned at attempts by the UK authorities to deny, or limit, the applicability of their obligations under international human rights treaties and domestic human rights law to the conduct of the UK's armed forces overseas.

Both the Committee against Torture (CAT)¹ and the UK parliamentary Joint Committee on Human Rights (JCHR)² have expressed concern at the narrow view taken by the UK of the extraterritorial application of the UN Convention against Torture. The UK has contended, including in appearances before the CAT, that the acts of UK service personnel overseas "comply with the prohibitions set out in the Convention", but that the UK is not required to ensure compliance with the "broader obligations under the Convention, such as those in Articles 2 and 16 to prevent torture or other acts of cruel, inhumane or degrading treatment or punishment"³, even in overseas territory over which its forces are exercising *de facto* control.

- Amnesty International considers that there should be no limitation on the extraterritorial applicability of the Convention against Torture.

Amnesty International is similarly concerned at attempts by the UK to deny or limit the applicability of the ECHR, and of the domestic Human Rights Act (HRA), which is supposed to provide a remedy before the UK courts for violations of rights protected by the ECHR, to individuals who suffer violations of ECHR rights through the conduct of UK service personnel overseas. In this context Amnesty International draws the attention of the Council to the cases of Baha Mousa and Hilal Al Jemma (below).

- Amnesty International calls on the UK to make clear that any individual arrested or detained by UK service personnel abroad should be considered to be within the jurisdiction of the UK from the moment of arrest, wherever that arrest or

¹ See *Conclusions and recommendations : UK. 10/12/2004, CAT/C/CR/33/3*, para. 4(b).

² See *The UN Convention against Torture (UNCAT): Nineteenth Report of Session 2005-06*, HC 701-I, para. 73.

³ UK – *Opening Address to the Committee against Torture*, 17-18 November 2004, para. 92.

AI Index: EUR 45/020/2007

or detention takes place, and should therefore be afforded all the protection of human rights envisaged both by the HRA and by the UK's international obligations.

Amnesty International is concerned that these attempts to limit the applicability of the UK's human rights obligations to the conduct of its armed forces overseas would, if successful, have the effect of denying an effective remedy to individuals whose human rights may have been violated by the conduct of UK service personnel.

In its ruling on six conjoined cases, referred to under the name *Al Skeini*, the UK's highest court, the Appellate Committee of the House of Lords (the Law Lords), held that **Baha Mousa**, who died whilst detained by UK forces in a UK-run detention facility in Iraq, should be considered to have come within the UK's jurisdiction for the purposes of Article 1 ECHR, and therefore for the purposes of the HRA, from the moment that he arrived in the detention facility.⁴

The effect of this decision was to confirm that the family of Baha Mousa was entitled to pursue, before a court in the UK, its claim that the UK authorities had failed to carry out the full, independent and thorough investigation into the circumstances of the treatment and eventual death of Baha Mousa which was required to give effect to his right to life, and to freedom from torture and inhuman or degrading treatment, under Articles 2 and 3 ECHR respectively.

Although the decision of the Law Lords in *Al Skeini* ensured some remedy for individuals who had suffered violations through the conduct of UK forces overseas, and the relatives of such individuals, it limited the effectiveness of that remedy in a number of ways.

Firstly, the Law Lords held that the alleged violations of the right to life of the relatives of the other five claimants in *Al Skeini*, all of whom were shot and fatally wounded in the course of "patrol" operations by UK servicemen, fell outside the jurisdictional scope of the ECHR, and therefore did not give rise to any obligation on the part of the UK under the ECHR, or under the HRA.

Secondly, the Law Lords found that Baha Mousa had come within the jurisdiction of the UK only from the time that he arrived at the temporary detention facility at the UK army base in Basra, and not from the moment of his arrest, at the hotel where he worked. Baha Mousa had reportedly been tortured or otherwise ill-treated at the time of his arrest, as well as subsequently in the detention facility.

- The effect of this decision is to deny a remedy under the HRA in the UK courts to those who are tortured or otherwise ill-treated at the hands of UK agents, and to the families of those who are unlawfully killed by UK agents, in cases where the ill-treatment or the death has occurred outside the UK anywhere other than at a UK-run facility.⁵

In its approach to another case considered by the Law Lords later in 2007, that of **Hilal Abdul-Razzaq Ali Al-Jedda**, the UK government appeared to attempt to restrict the scope of even the limited remedy provided by the decision in *Al Skeini*.

The case of *Al Jedda* concerned one of approximately 75 so-called 'security internees' detained without charge or trial by the UK contingent of the Multi-National Forces (MNF) in Iraq. Specifically, it focussed on whether the prolonged internment of Hilal Al Jedda was compatible with the right to liberty, as protected by Article 5 ECHR.

Despite having eventually conceded, in the course of the *Al Skeini* litigation, that an individual held by the UK forces at a UK-run facility could be considered to come within the UK's jurisdiction for ECHR purposes, the UK sought to argue, in *Al Jedda*, that Hilal Al Jedda was nonetheless not entitled to the protection of the ECHR, and could not seek a remedy in the domestic courts under the HRA.

It did so by arguing firstly that the detention of Hilal Al-Jedda should be attributed to the UN, rather than to the UK, since UK forces were, at the time of his initial arrest in October 2004 and thereafter, acting as part of the MNF, which derives a mandate from UN Security Council resolutions adopted under Chapter VII of the UN Charter.

⁴ *Al-Skeini and others v. Secretary of State for Defence*, [2007] UKHL 26

⁵ See UK: Amnesty International's reaction to Law Lords' judgment in the Al-Skeini & Others case, AI Index: EUR 45/008/2007, and, for more details of the case of Baha Mousa, UK: Court Martial acquittals: many questions remain unanswered and further action required to ensure justice, AI Index: EUR 45/005/2007

Secondly the UK argued that, even if the detention of Hilal Al-Jedda were attributable to the UK, the Security Council resolution which appears to authorize the use of internment by the MNF (Resolution 1546) overrides the UK's obligations under Article 5 ECHR, notwithstanding that the UK has not derogated from Article 5 ECHR⁶. A decision in this case was still awaited, as of 20 November 2007.

- Amnesty International considers that the UK is under an obligation to respect the human rights of those whom it is detaining in Iraq, and that there is nothing in UN Security Council resolutions relating to Iraq or the UN Charter that relieves it from these obligations.

Accountability for other human rights violations: failures to initiate independent investigations Effective, independent, impartial and thorough investigations into serious allegations of human rights violations are essential components of human rights protection.

The Inquiries Act 2005 gravely undermined the possibility of public scrutiny of, and accountability for, state abuses in the UK. Under the Act the inquiry and its terms of reference are decided by the executive; no independent parliamentary scrutiny of these decisions is allowed; each member of an inquiry panel, including the chair of the inquiry, is appointed by the executive, and the executive has the discretion to dismiss any member of the inquiry; the executive can impose restrictions on public access to the inquiry, including on whether the inquiry, or any individual hearings, are held in public or private; the executive can also impose restrictions on disclosure or publication of any evidence or documents given to an inquiry; the final report of the inquiry is published at the executive's discretion, and crucial evidence could be omitted at the executive's discretion, "in the public interest"⁷.

- Amnesty International urges the UK authorities to repeal or amend the Inquiries Act, and to create a genuinely independent mechanism for judicial inquiries into serious allegations of human rights violations.

The UK continues to refuse to initiate an adequately thorough and independent inquiry into allegations of UK involvement in the US-led programme of secret detentions and renditions. On 25 July 2007 a report of the investigation by the Intelligence and Security Committee (ISC) into allegations of UK complicity in renditions was made public, in a partially redacted form. Although made up of parliamentarians, the ISC reports directly to the Prime Minister, not to Parliament. It is the Prime Minister who decides whether to place before Parliament any ISC report, and the extent to which the report's content should undergo redaction prior to publication. Amnesty International considered that the ISC's investigation into renditions was not sufficient to discharge the UK's obligations under international human rights law, including because the ISC is inadequately independent from the executive.⁸

- Given the shortcomings of the ISC, Amnesty International considers that the UK has failed to provide an effective remedy for victims of alleged human rights violations in which the UK security services may be implicated.

C. Promotion and protection of human rights on the ground

Human rights violations in the context of counter-terrorism

Amnesty International is concerned that legislation and policy in the UK aimed at countering terrorism is giving rise to serious human rights violations, and is undermining the framework of human rights protection both in the UK and internationally⁹.

The UK continues to attempt to use so-called 'diplomatic assurances' to return individuals to states where they face a real risk of grave human rights violations, including torture or other ill-treatment.

Since August 2005 the UK authorities have sought to deport a number of people whom they assert pose a threat to the UK's "national security", despite the fact that there are substantial grounds for believing that the men concerned would face a real risk of human rights violations, including torture or other ill-treatment, if returned to their country of origin. The UK has maintained that the risk the men would face has been sufficiently reduced by "diplomatic assurances" that the UK has obtained as to their treatment on return.¹⁰

⁶ See *UK: Law Lords hear key case on detention without charge or trial by UK forces in Iraq*, AI Index: EUR 45/017/2007

⁷ See *UK: Amnesty International urges judiciary not to partake in inquiry sham*, AI Index: EUR 45/010/2005

⁸ See the relevant sections of *Partners in crime: Europe's role in US renditions*, AI Index: EUR 01/008/2006

⁹ See, for an overview, *UK: Human rights: a broken promise*, AI Index: EUR 45/004/2006

- Amnesty International considers that reliance on such assurances, which are inherently unenforceable, is in effect an attempt to circumvent the absolute prohibition on torture, and that the use of such assurances undermines international protection against *refoulement*.

The practice of secrecy in the implementation of counter-terrorism measures in the UK is leading to individuals facing serious detriments, including the deprivation of liberty or the prospect of return to countries where they face a real risk of torture or other ill-treatment, on the basis of unfair judicial proceedings.

Appeal proceedings against orders for deportation on “national security” grounds (see above), which take place before the Special Immigration Appeals Commission (SIAC), are profoundly unfair. They deny individuals the right to a fair hearing, including because they are heavily reliant on closed hearings in which secret information, including intelligence material, is considered in the absence of the individuals concerned and their lawyers of choice¹¹.

The system of ‘control orders’ created by the Prevention of Terrorism Act 2005 (PTA) has been used by the government as an alternative to prosecution, to impose severe restrictions on a number of individuals who have not been charged with any criminal offence. The judicial procedures by which the imposition of a control order can be challenged are gravely unfair, in particular because the court will consider secret material, advanced in secret sessions, to support the allegation that the person on whom the order is served (the ‘controlee’) is or has been involved in terrorism-related activity, and constitutes a risk to the public.

Neither the controlee nor his lawyer of choice is allowed to see that material. The controlees are therefore denied the opportunity to mount an effective challenge to the allegations against them.¹²

- Amnesty International calls on the UK authorities to reform SIAC procedures to bring them into line with international standards for a fair hearing; Amnesty International calls on the UK to repeal the PTA and commit themselves to charging people suspected of involvement in terrorism with a recognizably criminal offence and bringing them to a fair trial.

On 6 November 2007 the government announced a proposal for another piece of counter-terrorism legislation, the sixth major piece of legislation aimed at countering terrorism since the current government came to power in 1997.

Among the proposals for inclusion in the Bill is a further extension of the period for which the police can detain without charge an individual suspected of involvement in terrorism-related activity. Although the government has not yet stated how far the Bill will seek to extend the maximum period of pre-charge detention, it had indicated in a consultation paper that its preferred option was an extension from 28 to 56 days.

Amnesty International is absolutely opposed to any further extension, considering that 28 days – and indeed the previous limit of 14 days – is already too long. Anybody held on suspicion of having committed an extremely serious offence, such as murder, under ordinary UK criminal law may be held without charge for a maximum period of four days.¹³

- Amnesty International considers that the proposed extension would be incompatible with the UK’s obligations under the international law, including Article 9 ICCPR, which requires that a person detained should be “promptly informed of any charges against him”.

Failures of accountability – individual cases

An independent mechanism for investigating complaints against the police, and incidents where the actions of the police have, or may have, led to the death or serious injury of members of the public, is an essential component of human rights protection. For the effective operation of such a mechanism it is crucial that the police respect the statutory duty of the independent mechanism to conduct all such investigations from the outset. In this context Amnesty International was concerned that the Commissioner of the Metropolitan Police sought to prevent the Independent Police Complaints

¹⁰ See, for a statement of AI’s objections in principle to such use of ‘diplomatic assurances’, *Reject rather than regulate*, AI Index: IOR 61/025/2005.; and for AI’s concerns at the implementation of this policy in relation to Algeria, *UK: Deportations to Algeria at all costs*, AI Index: EUR 45/001/2007.

¹¹ See, for the most recent statement of AI’s concerns in this area, *Secret judicial proceedings again expose individuals to risk of torture or illtreatment*

on return to Algeria, AI Index: EUR 45/019/2007

¹² See s.2.7 of *UK: Human Rights: a broken promise*, AI Index: EUR 45/004/2006

¹³ For a detailed statement of AI’s concerns around prolonged pre-charge detention see s.4 of *UK: Amnesty International’s briefing on the draft Terrorism Bill 2005*, AI Index: EUR 45/038/2005

Commission (IPCC) – the body with overall responsibility for the police complaints system in England and Wales, with a statutory duty to conduct investigations into deaths and serious injuries arising from incidents involving the police – from conducting from the outset the investigation into the death of Jean Charles de Menezes.¹⁴

Amnesty International continues to call on the UK authorities to establish without further delay a truly independent judicial inquiry into allegations of collusion by state agents with Loyalist paramilitaries in the 1989 murder of human rights lawyer Patrick Finucane, and into allegations that different government authorities played a part in the subsequent cover-up of collusion in his murder. Such an inquiry cannot possibly be delivered if established under the provisions of the Inquiries Act 2005 (see above)¹⁵.

Amnesty International calls on the UK authorities to establish an independent inquiry into all cases where there are credible allegations that individuals have suffered human rights violations as a result of the UK's alleged involvement in the US-led programme of renditions and secret detention (see above).

Among these cases would be those of Bisher al-Rawi and Jamil el-Banna, two UK residents who were detained in Gambia in November 2002, handed over to US custody and subsequently unlawfully transferred first to Afghanistan and then to the US naval base at Guantánamo Bay, Cuba. Bisher al-Rawi was released from Guantánamo and returned to the UK in March 2007; as of November 2007 Jamil el-Banna remained in detention in Guantánamo. He has reportedly been cleared for release, and the UK has now made representations on his behalf, seeking his release and return to the UK.

There is strong evidence to suggest that the arrest and detention of Jamil el-Banna and Bisher al-Rawi was prompted, at least in part, by information supplied by UK security services to their American counterparts. The UK government has repeatedly stated – most recently in a letter from the Foreign Secretary to Amnesty International received in October 2007 – that “the UK did not request the detention of either Mr Al-Rawi or Mr El-Banna in Gambia and did not play any role in their transfer to Afghanistan and Guantánamo Bay”. Amnesty International does not consider the fact that the UK did not “request” the detention of the two men to be sufficient to establish that the UK does not share part of the responsibility for their arrest and detention.

Violence against women

An NGO coalition called *End Violence Against Women*, of which Amnesty International is part, is calling for the government to introduce an integrated strategy to tackle all forms of violence against women. Current strategy focuses on distinct areas – for instance domestic violence, and forced marriages.

In this context Amnesty International recalls the pledge made by the UK at the time of its election to the Human Rights Council, to “continue to support international processes to advance gender equality, including through implementation of the Beijing Declaration and Platform for Action [...], and to take this forward through a National Action Plan”.

Women who are subject to immigration control and have experienced violence in the UK, including domestic violence and trafficking, find it almost impossible to access housing benefit or income support, as a result of the ‘no recourse to public funds’ rule. This rule provides that certain categories of immigrants who have leave to enter and remain in the UK for a limited period only have no right (subject to a few strictly limited exceptions) to access income-related benefits or housing and homelessness support.

- Amnesty International calls for an exception to the ‘no recourse to public funds’ rule to be provided for people fleeing violence or the threat of violence here in the UK.

Asylum and refugee protection

Amnesty International and other NGOs estimate that more than 280,000 refused asylum seekers are destitute in the UK; they are not permitted to work and they no longer receive asylum support. The UK Borders Act, passed in October 2007, failed to address this problem.

- Amnesty International recommends that refused asylum seekers who cannot be safely returned should be granted a form of temporary leave to remain that allows them to work and access support while in the UK.

¹⁴ See *UK: The death of Jean Charles de Menezes: full and public scrutiny still needed*, AI Index: EUR 45/018/2007

¹⁵ See *UK: Amnesty International urges judiciary not to partake in inquiry sham*, AI Index: EUR 45/010/2005.

Appendix: AI documents for further reference

Extraterritorial applicability of human rights protection: accountability for UK armed forces serving overseas

- UK: *Amnesty International's reaction to Law Lords' judgment in the Al-Skeini & Others case*, AI Index: EUR 45/008/2007, <http://web.amnesty.org/library/Index/ENGEUR450082007>

- UK: *Court Martial acquittals: many questions remain unanswered and further action required to ensure justice*, AI Index: EUR 45/005/2007, <http://web.amnesty.org/library/Index/ENGEUR450052007>

- UK: *Law Lords hear key case on detention without charge or trial by UK forces in Iraq*, AI Index: EUR 45/017/2007, <http://web.amnesty.org/library/Index/ENGEUR450172007>

Accountability for other human rights violations: failures to initiate independent investigations

- UK: *Amnesty International urges judiciary not to partake in inquiry sham*, AI Index: EUR 45/010/2005, <http://web.amnesty.org/library/Index/ENGEUR450102005>

- *Partners in crime: Europe's role in US renditions*, AI Index: EUR 01/008/2006, <http://web.amnesty.org/library/Index/ENGEUR010082006>

Human rights violations in the context of counter-terrorism

- UK: *Human rights: a broken promise*, AI Index: EUR 45/004/2006, <http://web.amnesty.org/library/Index/ENGEUR450042006>

- UK: *Deportations to Algeria at all costs*, AI Index: EUR 45/001/2007, <http://web.amnesty.org/library/index/ENGEUR450012007>

- UK: *Secret judicial proceedings again expose individuals to risk of torture or ill-treatment on return to Algeria*, AI Index: EUR 45/019/2007, <http://web.amnesty.org/library/index/ENGEUR450192007>

- UK: *Amnesty International's briefing on the draft Terrorism Bill 2005*, AI Index: EUR 45/038/2005, <http://web.amnesty.org/library/index/ENGEUR450382005>

Failures of accountability – individual cases

- UK: *The death of Jean Charles de Menezes: full and public scrutiny still needed*, AI Index: EUR 45/018/2007, <http://web.amnesty.org/library/Index/ENGEUR450182007>

- UK: *Amnesty International urges judiciary not to partake in inquiry sham* (reference above)

- *Partners in crime: Europe's role in US renditions* (reference above)

Asylum and refugee protection

- *Down and out in London: The road to destitution for rejected asylum seekers*, Amnesty International UK, November 2006, http://amnesty.org.uk/uploads/documents/doc_17382.pdf

Appendix C

UN bodies related to human rights

United Nations General Assembly

The General Assembly is the representative organ of the United Nations. It was established in 1945 under the Charter of the United Nations and provides a forum of equal representation for all 192 Members of the United Nations to discuss international issues covered by the Charter. The General Assembly meets in regular session from September to December each year, and thereafter if required.

Human Rights Council

The Human Rights Council is the principal UN intergovernmental body responsible for the promotion and protection of human rights. The Office of the United Nations High Commissioner for Human Rights (OHCHR) is its secretariat. The Human Rights Council, which replaced the Commission on Human Rights, is made up of 47 seats distributed among the UN regional groups, and recently elected the United States to serve a three-year term starting in June 2009. It is a subsidiary body of the General Assembly, and is based in Geneva.

Office of the United Nations High Commissioner for Human Rights (OHCHR)

The OHCHR is UN agency created at the World Conference on Human Rights and by the General Assembly in 1993 to fill the lack of strong human rights mandate with institutional support.

Its mandate is to promote and protect the enjoyment and full realization, by all people, of all human rights established in the Charter of the United Nations and in international human rights laws and treaties. OHCHR is guided in its work by the mandate provided by the General Assembly in resolution 48/141, the Charter of the United Nations, the Universal Declaration of Human Rights and subsequent human rights instruments, the Vienna Declaration and Program of Action, the 1993 World Conference on Human Rights, and the 2005 World Summit Outcome Document.

The Human Rights Treaty Bodies

The human rights treaty bodies are the committees of independent experts that oversee the implementation of the United Nations human rights treaties by countries that have ratified them or State Parties. Through periodic reviews, State Parties are obligated to submit reports on the steps taken to implement the treaty provisions.

Appendix D

| | List of Human Rights Treaties | Date | Monitory Body |
|--------------------|---|-------------|---------------|
| <u>ICERD</u> | <u>International Convention on the Elimination of All Forms of Racial Discrimination</u> * | 21 Dec 1965 | CERD |
| <u>ICCPR</u> | <u>International Covenant on Civil and Political Rights</u> * | 16 Dec 1966 | CCPR |
| <u>ICESCR</u> | <u>International Covenant on Economic, Social and Cultural Rights</u> | 16 Dec 1966 | CESCR |
| <u>CEDAW</u> | <u>Convention on the Elimination of All Forms of Discrimination against Women</u> | 18 Dec 1979 | CEDAW |
| <u>CAT</u> | <u>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</u> * | 10 Dec 1984 | CAT |
| <u>CRC</u> | <u>Convention on the Rights of the Child</u> | 20 Nov 1989 | CRC |
| <u>ICRMW</u> | <u>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u> | 18 Dec 1990 | CMW |
| | <u>International Convention for the Protection of All Persons from Enforced Disappearance</u> | 20 Dec 2006 | |
| <u>CRPD</u> | <u>Convention on the Rights of Persons with Disabilities</u> | 13 Dec 2006 | CRPD |
| <u>ICESCR - OP</u> | <u>Optional Protocol of the Covenant on Economic, Social and Cultural Rights</u> | 10 Dec 2008 | CESCR |
| <u>ICCPR-OP1</u> | <u>Optional Protocol to the International Covenant on Civil and Political Rights</u> | 16 Dec 1966 | CCPR |
| <u>ICCPR-OP2</u> | <u>Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty</u> | 15 Dec 1989 | CCPR |
| <u>OP-CEDAW</u> | <u>Optional Protocol to the Convention on the Elimination of Discrimination against Women</u> | 10 Dec 1999 | CEDAW |
| <u>OP-CRC-AC</u> | <u>Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict</u> * | 25 May 2000 | CRC |
| <u>OP-CRC-SC</u> | <u>Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography</u> * | 25 May 2000 | CRC |
| <u>OP-CAT</u> | <u>Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</u> | 18 Dec 2002 | CAT |
| <u>OP-CRPD</u> | <u>Optional Protocol to the Convention on the Rights of Persons with Disabilities</u> | 12 Dec 2006 | CRPD |

* Treaties that the United States has ratified.



Universal Periodic Review (UPR) Fact Sheet

I. Background

The Universal Periodic Review (UPR) is a new human rights mechanism, which allows the United Nations Human Rights Council to periodically review all the Member States (countries) of the United Nations on their fulfillment of human rights obligations and commitments. The Human Rights Council is made up of 47 seats distributed among the United Nation's regional groups, and recently elected the United States to serve a three-year term starting in June 2009.

Unlike the review process of the treaty bodies such as the Committee on the Elimination of Racial Discrimination (CERD), the UPR is a peer review conducted by delegates from other countries who comprise the UPR Working Group of the Human Rights Council. In other words, it is not conducted by independent experts (as in treaty reviews). The actual UPR review is a three-hour interactive dialogue between the country under review and the Member and Observer States of the Human Rights Council. The UPR is based on the Charter of the United Nations, the Universal Declaration of Human Rights (UDHR), all treaties and international humanitarian law.

The UPR takes place in three two-week sessions each year, with 16 countries reviewed per session. All 192 Member States are expected to be reviewed by the end of 2011. **The United States is scheduled for its first periodic review at the ninth session of the UPR Working Group on November 5, 2010. Stakeholders' submissions must be sent in by April 19, 2010 at 6:00am New York time (EST) -12:00pm Geneva time (CET). The official United States Government report for the UPR is due by August 23, 2010.** To find out when your country is up for a periodic review or to view the full cycle calendar, click [here](#).

II. Review Process

The UPR operates on a four-year cycle and is based on three main forms of written documentation:

1. **A state report by the country under review**, which cannot exceed 20 pages and should be submitted six weeks prior to the review;
2. **A report by the United Nations Office of the High Commissioner for Human Rights (OHCHR)** that compiles information from United Nations documents outlining the country under review's record of implementing human rights obligations, which cannot exceed 10 pages;
3. **A summary of stakeholders' submissions by the OHCHR**, which cannot exceed 10 pages. Stakeholders include NGOs, national human rights institutions (NHRIs), human rights defenders, academic institutions and research institutes, regional organizations, as well as other civil society representatives. **NGO submissions should be no more than 5 pages for individual organizations and no more than 10 pages for joint submissions.**

The review will be conducted by the UPR Working Group. Each country's review is facilitated by a group of three rapporteurs, the troika, which also assists in the preparation of an outcome document. After the UPR Working Group completes this document, the Human Rights Council as a whole considers and adopts the UPR outcome. The final step in the process is a follow-up on implementation of recommendations in each country's UPR outcome document. Each country may indicate which recommendations it supports and these, among other things, will serve as the basis for future review cycles.

III. NGO Participation

Participation of all relevant stakeholders including non-governmental organizations (NGOs) is important. NGOs in consultative relationship with ECOSOC may attend sessions of the UPR Working Group. However, there is no provision for such NGOs to take the floor or submit written information at these sessions. NGOs in consultative relationship with ECOSOC may also participate in regular sessions of the Human Rights Council, at which UPR outcomes are considered and adopted, and may make brief general comments before the adoption of outcome documents by the Human Rights Council. *For notes on NGO accreditation to sessions of the UPR working group click [here](#).

Stakeholders are encouraged to provide written submissions that:

- Are specifically tailored for the UPR;
- Contain credible and reliable information on the country under review;
- Highlight the main issues of concern and identify possible recommendations and/or best practices;
- Cover a maximum four-year time period;
- Do not contain language manifestly abusive;
- Are no longer than 5 pages in the case of individual submissions, to which additional documentation can be annexed for reference. Submissions by large coalitions of stakeholders can be up to 10 pages.

Additional Tips:

- 1) Take into consideration all human rights obligations and commitments to which the country under review is a party, voluntary pledges and commitments made by that country, as well as applicable international humanitarian law.
- 2) Draw attention to specific conclusions and recommendations made by international and regional human rights mechanisms, and refer to the extent of implementation. Please avoid listing all conclusions and recommendations.
- 3) Highlight achievements and challenges of the country under review regarding human rights.
- 4) Stakeholders are encouraged to consult with one another at the national level for the preparation of the UPR submissions. Joint submissions by a large number of stakeholders are encouraged.
- 5) Please note that the UPR mechanism does not provide for confidentiality and is conducted on the basis of public documents.

Submissions:

- Stakeholders' submissions should be sent to uprsubmissions@ohchr.org.
- Deadlines for stakeholders' submissions can be found [here](#).

Helpful Links:

- Summary of stakeholder's information by OHCHR
 - [Germany](#)
 - [Canada](#)
 - [New Zealand](#)
- Examples of NGO reports
 - [Germany](#)
 - [Canada](#)
 - [New Zealand](#)

Contact Information for Stakeholders:

- civilsocietyunit@ohchr.org (NGOs) Tel: +41 22 917 96 56
- jklok@ohchr.org (NHRIs) Tel: +41 22 928 9368

For more information, please go to www.hrpujc.org

Endnotes

¹ Resolution adopted by UN General Assembly in its 72nd plenary meeting in which the UPR was created to be “based on objective and reliable information, of the fulfillment 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;” <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement>

² The African Union is an intergovernmental organization established in 2002 and consists of 52 African states.

³ Members of the Human Rights Council as well as observer countries are able to make comments or recommendations.

⁴ In accordance with paragraph 7 of General Assembly resolution 60/251 “the Council shall consist of forty-seven Member States, which shall be elected directly and individually by secret ballot by the majority of the members of the General Assembly; the membership shall be based on equitable geographical distribution, and seats shall be distributed as follows among regional groups: Group of African States, thirteen; Group of Asian States, thirteen; Group of Eastern European States, six; Group of Latin American and Caribbean States, eight; and Group of Western European and other States, seven; the members of the Council shall serve for a period of three years and shall not be eligible for immediate re-election after two consecutive terms”.

⁵ The current President of the Human Rights Council is Mr. Alex Van Meeuwen, representative of Belgium. His mandate is from June 2009-June 2010. Presidents are elected for a 1-year term.

⁶ HRC decision 6/102 establishes the General Guidelines for the preparation of information under the UPR.

⁷ Colombia’s Vice President Francisco Santos presented the government’s national report to the UPR Working Group on December 10, 2008.

⁸ UPR Basic Facts <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx>

⁹ A summary of the views expressed on the outcome document by the country under review, other countries, as well as general comments made by other stakeholders before the adoption of the outcome by the plenary, will be included in the report of the Human Rights Council’s session as a different document.

¹⁰ The Human Rights Council Resolution 5/1 encourages countries to fully implement the outcome documents of the UPR.

¹¹ In paragraph 33 of the Human Rights Council Resolution 5/1, it states that stakeholders should be part of the implementation process of the outcome document.

¹² For full document go to <http://www.ohchr.org/EN/HRBodies/UPR/Pages/TechnicalGuide.aspx>.

¹³ History of the United Nations <http://www.un.org/aboutun/history.htm>

¹⁴ OHCHR, <http://www.ohchr.org/EN/UDHR/Pages/Introduction.aspx>

¹⁵ Information provided by UPR-info.org

¹⁶ Countries that have conflicts with the United States like Iran might be easily dismissed if they offer recommendations during the review.

¹⁷ For more information go to

http://www.ohchr.org/EN/HRBodies/UPR/Documents/accreditation_NGOs.pdf.

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