SPOT ON

UNIVERSAL PERIODIC REVIEW

AN INTRODUCTION

Anette Faye Jacobsen

THE DANISH INSTITUTE
FOR HUMAN RIGHTS

1. UNIVERSAL PERIODIC REVIEW - AN INTRODUCTION

This introduction gives a description of the functioning of the Universal Periodic Review (URP) targeted at human rights professionals and activist. Thus the focus is on the machinery and its main actors. Moreover, the Introduction aims to outline potentials as well as challenges and threats to the mechanism which is still in a formative stage of development.

Acronyms are explained in a list at the end of this document.

The official documents referred to in the text are listed with a brief annotation in a separate section on Key UN Documents.

WHAT IS THE UNIVERSAL PERIODIC REVIEW?

The UPR is a mechanism by which member states of the United Nations (UN) have their human rights standards and performance examined. Hence, it is the first review system that is universal in the sense that all countries must go through this process, one by one on an equal footing. The UPR started functioning in 2008.

The primary purpose of the UPR is to improve the human rights situation on the ground. This should be kept in mind at all times – in particular if the many technicalities of the mechanism seem to take control over the involvement.

The UPR in the context of the Human Rights Council

The UPR has been established as a mechanism under the Human Rights Council (HRC). The HRC was set up in 2006 as the successor of the Commission on Human Rights.

The HRC has 47 members elected for a period of three years among the member states of the UN with a built-in regional distribution. The regions are represented as described in Figure 1.

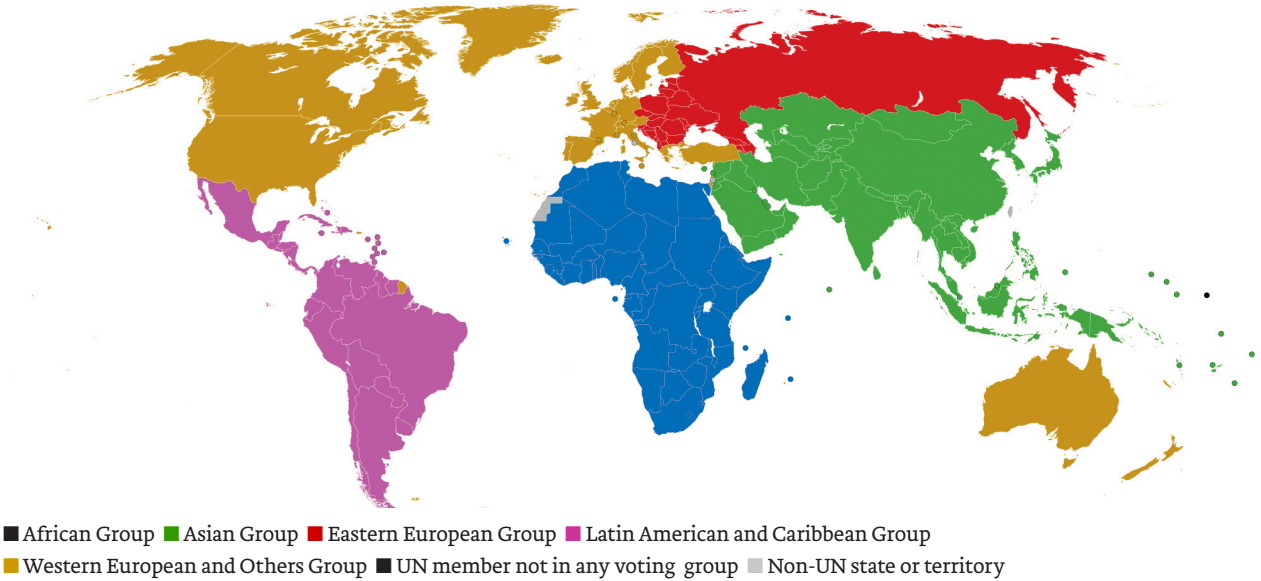
Figure 1: Number of states of different regions in HRC

African states	13
Asian states	13
Eastern European states (EEG)	6
Latin American and Caribbean states (GRULAC)	8
Western European and North American States, Australia and New Zealand (WEOG)	7
Total numbers of members of HRC	**47**

The generally used acronyms of the groups of states are indicated in parentheses.

The current member states of the HRC can be found at:
http://www2.ohchr.org/english/bodies/hrcouncil/membership.htm

Figure 2: Composition of the regional groups of the HRC members



Source: http://en.wikipedia.org/wiki/United_Nations_Regional_Groups

NB: The regional groups are defined through practice in the UN machinery. Hence, there is no official list of member countries of each region.

The HRC is the main forum in the UN for discussions of human rights. It holds a minimum of three regular sessions per year, each of a duration of approximately three weeks. The agenda of the regular HRC sessions, invariably, features the UPR as Agenda Item No. 6.

The HRC has other assignments than the UPR, including initiating development of new human rights instruments; discussing and, if possible, taking action on current urgent human rights issues; and overlooking the permanent monitoring mechanisms that are not treaty-bound.

The treaty-bound mechanisms cover the committee's supervising states' compliance with the human rights treaties they have ratified. These committees are collectively titled treaty bodies. The treaty body monitoring of individual states is included in the UPR through the OHCHR reports (see section below).

The non-treaty-bound monitoring mechanisms, on the other hand, include the UPR, the confidential complaint procedure that deals with gross and reliably documented human rights violations, and the Special Procedures.

Special Procedures

The SPs are experts, called Special Rapporteurs, Independent Experts, Special Representatives of the Secretary General or Working Groups mandated to systematically report about a specific human rights theme or human rights in a certain country. Currently, there are 39 thematic SPs and 8 SPs with a country mandate. The SPs report to the HRC, often annually, and the reports are discussed in the regular HRC plenary sessions.

The requests and findings of the SPs directed at specific countries also feed into the UPR process as an element of the OHCHR's Compilation Reports on UN Information pertaining to the State under Review (SuR). Three types of

information from the SPs are included in the OHCHR's Summary Reports: 1) The level of cooperation from individual governments is indicated simply by stating if the government has answered letters and visit requests from SPs; 2) findings and conclusions from monitoring visits; and 3) recommendations to take action on certain issues.

States and other stakeholders may invoke relevant SP information and recommendations in the UPR sessions and thus reinforce this monitoring mechanism. Furthermore, stakeholders from the country concerned may consider linking their contributions to what has already been pointed out in SP reports in order to maximize influence on the state to redress the grievance.

It appears from the UPR sessions that recommendations to accept visits of SPs or to issue standing invitations (which means that the government will always accept requests from all thematic SPs to visit the country) are quite frequent.

Each SP publishes reports about their work, and it is possible to search on specific countries across all SPs through their common webpage:
http://www2.ohchr.org/english/bodies/chr/special/index.htm

UPR sessions in WG and HRC plenary sessions

The UPR is established as a monitoring mechanism under the auspices of the HRC, and every regular HRC plenary session will have UPR on its agenda (Item 6, as mentioned above). Nevertheless, UPR review sessions in Geneva, Switzerland, take place in two fora: the regular HRC plenary session and the Working Group (WG) session (cf. Figure 4, below).

The idea of conducting the review in the two fora, WG and HRC plenary, is to provide enough time for the interactive

dialogue between states and at the same time secure that not all efforts of the HRC plenary sessions are focused on the UPR. Furthermore, the interim period between the WG and the HRC plenary gives the SuR time to consider and decide about the recommendations proposed in the WG before the final comments are made and the review concluded in the HRC plenary session. Contrary to the regular HRC plenary sessions, only states may speak during WG meetings; other stakeholders may attend the meetings, though, without the right to intervene.

Consequently, the effect of this structure is, that only states can make recommendations to the SuR. Although other stakeholders can take the floor during the HRC plenary sessions, this forum is meant to comment on the review outcome of the WG, and the SuR will only have to state its position in relation to the list of recommendations given in the WG session. NGOs and NHRIs should be aware of these conditions when planning their advocacy strategy.

The WG is composed of the same countries as the HRC. Yet the opportunity to take the floor is not restricted to member countries neither in the WG nor the HRC plenary session. In both fora, all UN member states may also take the floor in dialogue with the SuR.

WG sessions are scheduled separately from the regular HRC plenary sessions and apply their own session numbers – this plurality of numbering systems is rather complicated and confusing if you are not initiated.

Where and when

All review sessions take place in the UN buildings in Geneva, and every year approximately 50 countries are examined. Every state review in Geneva begins in the WG and concludes in a HRC plenary approximately half a year later. The timetable and country lists for upcoming reviews in both fora are found, i.a., on the OHCHR webpages (cf. Guide to UPR Info Sites).

Over a period of four years, all 192 UN member states will have been under review, and a new four-year cycle of the UPR will begin. The first UPR cycle runs from 2008 to 2011.

The normative basis for the UPR

The examinations of the states' human rights records are based on the Universal Declaration of Human Rights together with the human rights conventions to which the individual state is party. Moreover, humanitarian law and recommendations from SPs and other UN mechanisms are included.

Furthermore, states can commit themselves voluntarily through pledges, for instance when they are campaigning to be elected to the Human Rights Council (see below under the section on Guides to Information Sites, entry IV) www.UPR-info.org).

The status of the UPR

The review is mandatory for all member states of the UN. It is, primarily, organized as a peer consultation and most of the time is set aside to the member states giving recommendations to the SuR. The recommendations are not legally binding on the SuR; rather, they are exchanges of views and suggestions between sovereign states. Nevertheless, the mechanism implies that states voluntarily commit themselves to implement recommendations of their choice. And these commitments must be considered binding on the states.

Strengths and threats

The strengths of the UPR include its universality and treating states equally while at the same time being a public international peer review. This means, firstly, that no state can any longer, at least in principle, opt out of acknowledging human rights as common standards for the international society as well as for each and every country.

Secondly, the public peer examination is an international event that no state will decline to attend, lest it appear not to live up to common standards. So far it is, generally, the assessment that the mechanism has been taken seriously by SuRs.

Thirdly, the UPR is holistic in the sense that its normative basis is, as a minimum, the Universal Declaration of Human Rights, which includes all the main categories of rights and liberties. In addition to which, the review comprises all a given country's treaty obligations as well as recommendations addressed to the state from human rights organs. Hence, the review covers a broader range of human rights obligations than any other mechanism.

Fourthly, the UPR is periodic which means that all states are reviewed recurrently every four years. This provides new opportunities for holding SuRs accountable in relation to their commitments from the previous review session. To what extent this will prove effective can be tested during the second cycle of the UPR.

Fifthly, the UPR provides new linkages between international mechanisms and human rights implementation at the national level. This opens new ways for advocacy and promotion activities.

The threats to the UPR mechanism are, on the other hand, very immediate. Two main trends may undermine the mechanism: Here, firstly, groups of states, and often ones that yield a lukewarm support to human rights, take the opportunity to praise instead of assessing their peers' human rights performance. This can be detrimental to the credibility of the mechanism.

Secondly, states may choose to commit themselves so vaguely or so selectively that nothing can be pinned on them, thus the impact of the UPR will be of no significance.

HOW SHOULD IT WORK?

Seen from the individual state's perspective the UPR is an ongoing process taking its point of departure at the national level (see Figure 3, below).

Phase 1 of the process aims at developing the information needed for the review. This task is lead by the state, but information should be prepared "through a broad consultation at the national level with all relevant stakeholders", as it is stated in Doc. 5/1, The Institution-building Package. Relevant stakeholders include the national human rights institution, if such a one exists, NGOs and others with an expertise or special interest in human rights.

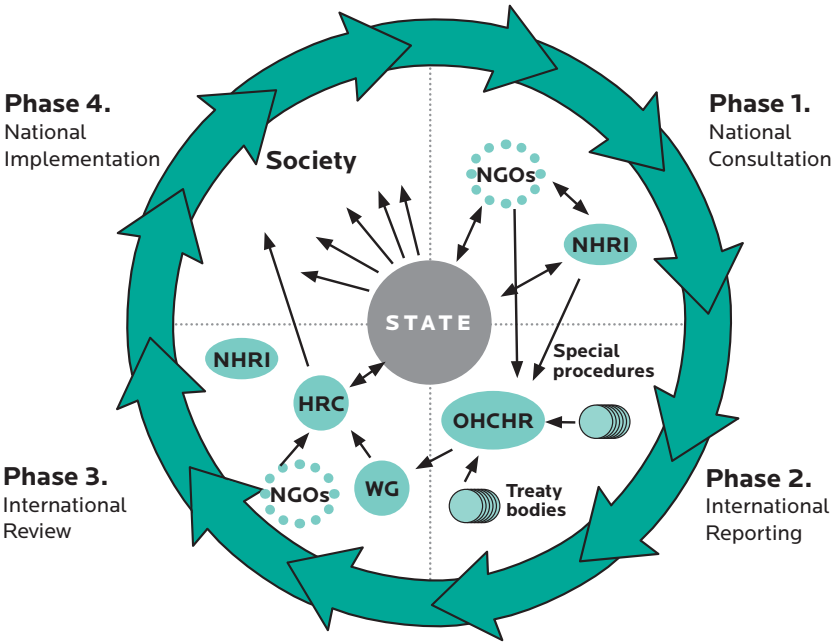
There are no further official UN guidelines regarding the state's consultation with national stakeholders, neither regarding its objectives nor modalities. Nevertheless, there is a clear requirement that the SuR involves civil society and the NHRI in the process, and that the methodology and process of this consultation is documented in the national report (cf. Decision 6/102, point A). Information describing the consultation process must appear in the national report from the SuR. This documentation requirement makes it possible to gather information on how other stakeholders have been invited to participate in the initial phase by the SuR.

Phase 2 of the process contains the reporting that the SuR as well as other national stakeholders engage in and submit to the OHCHR.

The structure of the state report follows the (broad) guidelines described in Decision 6/102 A-G. The reports from NGOs and the NHRI should provide additional information. This could be supplementary or critical *vis-à-vis* the information given in the SuR report. The input from other stakeholders does not appear directly in the review documents but is

summarized in a report (a maximum of 10 pages) prepared by the OHCHR. Furthermore, the OHCHR will compile a report of current findings and recommendations pertaining to the SuR from treaty bodies and SPs. Thus, in total, these three reports form the basis of the first half of the international review, the Working Group (WG) session.

Figure 3: The UPR cycle seen from the SuR's perspective

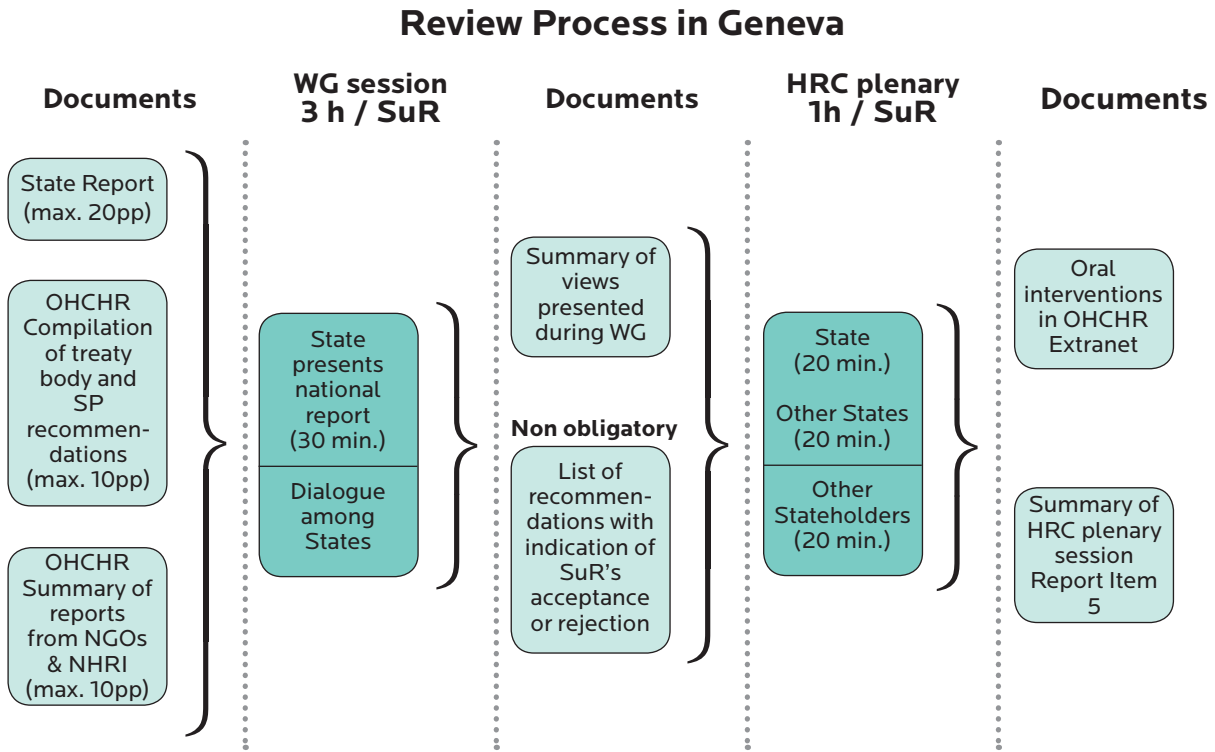


Phase 3 of the UPR cycle describes the international review sessions which take place at the UN premises in Geneva (cf. also Figure 4, below). There are two steps in this international part of the UPR: Firstly, the inter-state dialogue takes place in the WG. It is during the WG session alone that concrete recommendations can be made to the SuR. Other stakeholders should be aware that only such recommendations will be adopted as outcome of the review and, subsequently, considered by the SuR as a potential voluntary commitment. Hence, during phase 3 other stakeholders might include lobbying other states' representations in order to have their points taken up by them as recommendations in the WG review.

Secondly, the concluding debate takes place in the HRC plenary. In this forum interventions are allowed from states, as well as from NGOs and NHRIs. In the HRC plenary session, at the latest, it must be made clear from the SuR which recommendations it will accept for implementation. After the WG session a number of states undertake to declare in writing, their reaction to the recommendations and announce whether they are accepted or rejected by the SuR, or whether they need further consideration. Such a written declaration is issued separately as an Addendum to the WG report (and thus appears under the same document number as this report, only with an added *Add.1*).

Finally, the HRC plenary will formally adopt the outcome of the review. This entails that the HRC decides to acknowledge that the review process of a given country has taken place and is documented in the reports of the WG, the voluntary commitments of the SuR, as well as the contributions and deliberations relating to the SuR during the HRC session.

Figure 4: Review Process in Geneva



Phase 4 follows the international review in Geneva. During this phase, the state should secure, that its voluntary commitments are implemented. For this purpose it may involve other stakeholders and, furthermore, seek assistance from the international community. The results of this endeavour will form the basis of the next UPR cycle. This means that the state's second review, after four years, will focus on how much has been accomplished in relation to the voluntary commitments of the SuR to implement recommendations accepted from the UPR process in Geneva.

Potentials and threats

As described above, each phase provides new opportunities to promote human rights.

Phase 1 should secure that all actors engaged with human rights nationally gather information and analyze the human rights situation and challenges on the ground. Moreover, a closer dialogue between state and civil society with the NHRI as a facilitator should be endorsed. Greater human rights awareness among all stakeholders would be the result of a successfully organized national consultation.

The threats to the consultation occur if neither the SuR nor other stakeholders are willing or capable to participate in the dialogue or if consultations are conducted in a biased, discriminatory, selective or non-transparent manner so that certain problems or stakeholders are excluded or suppressed.

Phase 2 is characterized by reporting at national as well as at international, i.e. OHCHR, level. High quality reports are in themselves valuable tools to set new goals for human rights improvement at the local level. Furthermore, the compilation of treaty body and special procedures recommendations to the SuR by the OHCHR provides a renewed occasion to follow up on pending suggestions from the UN human rights machinery.

Threats to the value of reporting occur if neither SuR nor other stakeholders are willing or capable to provide comprehensive and reliable information and analyses of the country's human rights situation and challenges.

Phase 3, the international review in Geneva, opens a new platform for advocacy for human rights implementation at home, in particular if there is a good coverage in the national media. The webcast of the UPR sessions provides opportunities for linking the contributions of the review in Geneva to national audiences in the country under review.

The review in Geneva also opens for assistance from international or bilateral players to help implement the recommendations that the government of the SuR accepts.

The threat to a fruitful review in Geneva arises if a number of SuRs are not willing to engage in a sincere dialogue about their human rights records. Consequently, the process will be found to be futile and a waste of money and time, and this may contribute to discredit the entire UN human rights machinery.

It may, on the other hand, be a missed opportunity if recommendations to SuR are ill-prepared; for instance by being of low quality; for instance by being too broad and not implementable; not based on human rights law, or not facts-based.

Phase 4, the domestic implementation of the recommendations generated from the UPR, may improve the human rights standards of the country as well as raise knowledge and understanding of the links between the interactions between international human rights mechanisms and local forces.

The risk is that governments do little or nothing to implement the recommendations given during the review or that other stakeholders do not have the strength to hold the government accountable in this regard. This may again pave the way to distrust of human rights among local activists and the population at large.

WHO SHOULD BE INVOLVED?

At *national level*, the government is the key agent, responsible for the national process. Other stakeholders include state organs, such as parliament and the judiciary. Moreover, they include civil society organizations in the widest sense, including labour unions, religious groups, academia as well as other associations and institutions involved in human rights programmes. The media should also be involved. Finally, national human rights institutions should be important contributors.

At the *international level*, all member states of the UN may participate in the inter-state dialogue that forms the core of the Geneva-based part of the review. Furthermore, all NGOs with consultative status under ECOSOC can contribute as well as national institutions and the International Coordinating Committee (ICC) on behalf of NHRIs. Moreover, an important role is played by the UN OHCHR acting as secretariat of the international review process. It summarizes written contributions to the WG sessions from NGOs and NHRIs as well as recommendations from treaty bodies and special procedures.

Basically, the HRC and the WG make up the same forum of 47 UN member countries. Members are elected among all UN countries with a fixed regional distribution (cf. Figure 1). The management of the review process in the HRC is entrusted with a so-called Troika. As the term indicates there are three members of the Troika. For each individual SuR, Troika members are drawn by lot from the member states of the HRC securing that they represent different regions. The SuR may request that one member of the Troika comes from its own region. Also, the President of the HRC has an important role to play as he/she is in charge of procedural decisions pertaining to the review.

Strengths and weaknesses

The UPR process must be based on a dialogue between stakeholders at the national level. This is emphasized in the rules of the UPR and the rules also require that the dialogue methodology must be described in the SuR's report. This consultation, as it is called, is very important and a new aspect of the international obligations assigned to states. It may open new opportunities to broaden and deepen civil society's involvement in human rights implementation.

The voluntary commitments made publicly by states in the high-profiled international forum, the HRC, may also prove to be a strong tool to motivate states to keep their promises.

In some countries, the government may not enter into any genuine dialogue with civil society because independent NGOs are not allowed to exist or not taken seriously as independent actors in society.

Another risk is that some governments only commit themselves very vaguely or ambiguously or simply refuse to take in recommendations at all and can thus avoid further obligations of the UPR.

STAKEHOLDERS' ROLES AND TASKS

The stakeholders' roles and tasks in the UPR are generally defined in the official documents adopted by different UN organs and supplemented by statements on procedural modalities by the President of the HRC. Moreover, semi-official guidelines to states, NGOs and NHRIs regarding reporting are prepared by the OHCHR (see Key UN Documents, below). In practice, deviations from norms and ideals are not unusual, and below are brief descriptions of norms, roles and tasks of stakeholders with comments on how the practical implementation has developed.

States

States have two roles in the UPR process: They must all, on the one hand, undergo review and, on the other hand, participate in reviews of their fellow states.

SuRs must describe their human rights legal framework as well as implementation practice and challenges in a report prior to their review. Governments shall take upon them to involve civil society and NHRIs in the reporting process. The OHCHR has prepared guidelines for the states' reports (cf. Key UN Documents, below, for reference to relevant documents).

During the international review process in the WG and HRC plenary in Geneva, SuRs must listen to comments, questions and recommendations relating to the state report and the other reports: one based on information from treaty bodies and SPs, the other on input from the country's NHRI and NGOs. Finally, the SuR is requested to state which recommendations it supports. It is suggested that this be provided in written form as early as possible before the session of the HRC plenary to give other stakeholders the best opportunity to prepare their interventions so that they correspond with the SuR's plans and intentions. Not all SuRs prepare such a written list of voluntary commitments in relation to recommendations from WG.

It is implicit that such accepted recommendations commit the SuR and must be implemented in the follow-up phase to the review.

Thus the quality and impact of the review process is, to a large degree, dependent on the will and ability of the SuR to live up to the intentions of the mechanism. Often, SuRs tend to depict the human rights situation in the country with an emphasis on the government's efforts to improve human rights rather than describing failures and unresolved

situations. Nevertheless, other stakeholders are given access to influence the process. This interaction, nationally and internationally, is still developing, yet it may mature into new modes of human rights advocacy in the years to come.

Other states are the main actors in charge of the interactive review sessions in Geneva. All member states may participate through written questions to the SuR or through oral interventions at the WG and later at the HRC plenary session. States choose varying roles in the review depending on their understanding of and priorities in relation to human rights. Not surprisingly, other interests often contribute to shape state behaviour. For instance, when like-minded governments try to shield the SuR against other speakers' criticism by taking as much time as possible to just praise or support the SuR. The tendency among some states to form alliances to support each other is in fact detrimental to the principles underlying the UPR and highlighted in the institution-building document; including universality, transparency, non-selectivity and equal treatment of all states.

However, some states are sincerely engaged in the review mechanism and are open to discuss coordination of contributions in a more fruitful sense than just to obtain the dubious support of their peers. Some states are, for instance, willing to support recommendations from NGOs when they can be combined with the state's own priorities.

NHRIs and the ICC

National Human Rights Institutions (NHRIs) have explicitly been included in the international UPR process in Geneva, although not all states have established national institutions. If an NHRI is established in the SuR it is obvious that the government must include the NHRI in the broad consultation process that is required for preparation of the national report. NHRIs have served as national focal point for information on the UPR to civil society, the public, to vulnerable groups, the media, and other actors at the national level. Also, NHRIs have initiated national dialogue processes, prepared common platforms and action plans, and assisted in reporting processes for national stakeholders.

Furthermore, NHRIs are invited to submit information about their home country when under review, and this information is included in the summary report of contributions from the so-called other stakeholders Prepared by the OHCHR. NHRIs should be aware of the very early deadline that must be observed for written contributions: Often submissions must be delivered to the OHCHR 5-8 months ahead of the actual review session. The exact deadlines can be checked at the Extranet (No. III in the Guide to UPR Info Sites).

NHRIs are also invited to speak in relation to their SuR in the UPR session of the HRC plenary. The written submission must follow the guidelines prepared by the OHCHR (cf. Key UN Instruments, below). The oral interventions should also observe certain rules, including very limited speaking time. NHRIs that decide to attend the sessions in Geneva should seek advice with the ICC (see next paragraph) or the OHCHR's Unit for National Institutions (contact details can be found on Sites II and III in the Guide to UPR Info Sites).

NHRIs also have an important role to play in the follow-up phase at the national level. The NHRI can monitor implementation of the voluntary commitments pledged by the state during the review, it can, furthermore, report about improvement or concerns in relation to implementation in its annual reports, to parliaments, ministries or others.

Based in Geneva, the International Coordinating Committee of NHRIs around the world (ICC) plays an active role in supporting NHRIs in utilizing this new mechanism. ICC has hosted training workshops on the UPR procedures and can offer advice and contacts for exchange of experiences and good practices among NHRIs. The ICC prepared a Position Paper in relation to the institution building process of the HRC/UPR (No. III, 2007) outlining ways and means to maximize NHRIs' involvement in the processes. The ICC suggests that the review should include examination of the working conditions for the NHRI in the SuR as well as recommendations suggesting improvements of defective conditions for NHRIs.

In fact, based on statistics drawn from the UPR session in Geneva in May 2009, it appears that many recommendations deal with improvements for NHRIs. During this particular session alone, 47 states put forward such suggestions. Some countries take up this issue, seemingly as a regular point in their interventions. And, interestingly, suggestions to strengthen the NHRIs come from countries from all regions, including the Arab countries, Asia, Africa and the Eastern European Group (see Figures 1 and 2).

Civil society organizations (NGOs)

Civil society organizations, including non-governmental organizations (NGOs), are important partners to the government in the review process at the domestic level. The broad consultation process that is required as an important element in the national reporting phase of the UPR must include all relevant civil society actors.

NGOs and others, for example researchers, may also submit their own reports to the OHCHR.

NGO reports can add information if certain issues or problems are not included or not addressed satisfactorily in the state report seen from a civil society perspective. Like all other reports, the NGO contributions must live up to certain quantitative and qualitative standards. Basic guidelines for NGO reporting can be found through the webpages related to the UPR (cf. Guide to UPR Sites). NGOs should also be aware that the OHCHR's deadlines for receipt of their written contributions are 5 to 8 months ahead of the WG session where the review takes place. The exact time-limits pertaining to upcoming WG sessions can be found through the UN webpages (cf. Guide to UPR Sites).

The WG session is reserved for states' dialogue only. Nevertheless, an NGO may convey a recommendation through other states' representatives who may be willing to include it in their own interventions. NGOs may advocate their issue through foreign diplomatic representatives in their own capital as well as through the mission of the same country in Geneva.

NGOs may on the other hand contribute orally to the last part of the review, namely the plenary session in the HRC. However, to be allowed to intervene the organization must have consultative status with ECOSOC (more information is available on ECOSOC's web page). If this status is not readily attainable, it may be possible to identify an NGO with this status and convince it to convey the message in the HRC. For instance, Amnesty International (AI) speaks for other NGOs in the HRC if the issue concerned aligns with AI's priorities.

NGOs can utilize the UPR review process for a variety of purposes, including intensifying advocacy on selected issues, investigating and documenting specific human rights situations, making themselves better known to the public, and forming alliances with NHRIs and other NGOs nationally and internationally.

It requires careful considerations for NGOs to engage in the UPR process: Proper reporting to the WG session presupposes ability in human rights analysis and documentation. Intervening in the HRC plenary session takes many resources and should be planned in context with other domestic activities. The time frame for the individual NGO interventions during the plenary review is two minutes (!). And to travel to Geneva to deliver a two minute speech only makes sense if it is but one element of a more comprehensive advocacy strategy. It is even a risk that the limit of time for NGO and NHRI interventions of 20 minutes per SuR may be insufficient for all relevant stakeholders to be able to take the floor.

The direct webcasting of the WG and HRC sessions provides opportunities to inform and include domestic audiences concerning the international obligations and dialogue related to their individual government's human rights practice, and this may be an interesting tool to be included in the overall planning of the engagement related to the UPR.

Office of the High Commissioner for Human Rights (OHCHR)

The OHCHR acts as secretariat for the HRC including the UPR process. This means that the Office prepares the series of reports that form the basis of the review for each SuR (see Figure 5, below). These include the Summary Report of all contributions submitted by the NHRI and the NGOs for the review and the Report that compiles conclusions and recommendations from the entire UN human rights machinery pertaining to the SuR – ordinarily called the Compilation of UN Information Report. In the latter, treaty bodies' findings and suggestions to the SuR are summed up based on the obligations emanating from human rights treaties acceded to by the SuR. Also recommendations made by SPs in relation to the SuR are listed, including requests from the SP to be invited to visit the country concerned.

The Compilation of the UN Information Report may be a valuable tool for any advocacy strategy developed by the NHRI and the NGOs of the country concerned. All recommendations herein emanate from internationally recognized human rights bodies bestowed with a mandate to monitor states' compliance with their obligations under human rights law. Consequently, these recommendations should deserve special attention and endorsement from all actors in the UPR. The SuR and the NHRI are obliged to take the treaty body and SP suggestions into consideration while other states and stakeholders should seek to hold the SuR accountable to its commitments in this respect. Furthermore, domestic NGOs might choose to focus their recommendations to the SuR along the same lines as in the UN Information Report in order to maximize the weight of the intervention.

Unfortunately, the Compilation of UN Information Report is not available to the stakeholders at the time when they have to prepare their own written submissions to the OHCHR prior to review of their state. This does not preclude that NGOs include reference to recommendations from treaty bodies and SPs - only that these have to be researched from scratch in the first UPR cycle that a country goes through. In the next review round, though, the previous Compilation of UN Information can provide the framework for what information is relevant and should then be updated.

On the other hand, the Compilation of UN Information is available before the WG session and should be utilized, firstly, by other states in their dialogue with the SuR during the WG peer review.

NHRIs and NGOs planning to go to Geneva to intervene in the HRC plenary should also consult with the UN Information Report to see if there are issues or recommendations here that could be highlighted or otherwise included in the general advocacy planning for their involvement in the process. Other reports prepared by the OHCHR are the Summary of the discussions on each SuR in the WG, as well as the summary of the UPR interventions at the HRC plenary, the latter however, does not appear as a self-contained report but is part of the complete HRC session Report.

Last but not least, the OHCHR offers basic advice to stakeholders involved with the UPR. NGOs may contact the Office's Civil Society Unit in relation to reporting and other contributions to the UPR. NHRIs can get information through the OHCHR's National Institutions Unit. States can also seek advice and assistance through the OHCHR's Regional or Country Offices (in 12 countries). For more detailed contact data cf. the Guide to Information Sites.

Figure 5: Overview of reports relating to UPR

DOCUMENTs and other contributions	**AUTHOR**
Relating to Working Group	
State National Report	State under Review
Compilation of UN Information	OHCHR
Stakeholder Submissions	NHRI and NGOs
Summary Stakeholder Submissions	OHCHR
Advance written Questions to the Working Group session	States
Report of the Working Group (Outcome)	OHCHR
List of recommendations accepted/declined (Addendum 1)	OHCHR
Relating to HRC plenary session (Item 6)	
Oral Statements from States	States
Oral Statements from Stakeholders	NHRI and NGOs
Report of HRC plenary session, Item 6 UPR	OHCHR
Decision adopted at the session	OHCHR

2. KEY UN DOCUMENTS RELATING TO THE UNIVERSAL PERIODIC REVIEW

The documents included in this list are all official or semi-official documents from the UN system.

The documents often go by different names: the two basic resolutions establishing the UPR are usually called by their official UN document numbers; others are named after their content. Under any circumstances one should not expect consistency as regards appellations of documents.

The comments to the documents are meant to provide information on the size and content of the documents as well as on the main purpose of their use.

The headings of the documents indicate the document title generally used. For some of the 'founding documents' the official UN document number is often the common reference.

RESOLUTIONS ESTABLISHING THE UPR

1) A/RES/60/251 General Assembly Resolution
4 pages, document of April 2006 establishing the HRC.

The document is structured, first, by outlining the guiding principles for the HRC, for instance "universality, impartiality, objectivity and non-selectivity" (point 4) – which are often invoked when addressing the current trend of regional groupings that protect their friends and allies.

Second, the document describes the instruments and areas of operation for the HRC, including the UPR (point 5, e).

Furthermore, the document decides the number (47) of member states and their distribution among regional groups and prescribes a minimum of three sessions per year and other features of starting operation, including that the GA shall review the status of the Council within five years (i.e. by 2011) (point 1).

2) A/HRC/RES/5/1 The Institution-building text
27 pages, HRC resolution adopted June 2007, called 'the institution-building text' or 'institution-building package'.

The document describes the main tasks of the HRC and its mechanisms: The UPR; the Special Procedures (primarily thematic and country rapporteurs); Advisory Committee (a counselling organ of 18 experts); the confidential complaint procedure for gross human rights violations (formerly known as the 1503 procedure), the HRC agenda items (UPR is Item 6); and more technical rules of procedure for the meetings.

The resolution's description of the UPR contains sections on the basis for the review (i.e. which human rights instruments it is based upon); the principles and objectives for the review; the time frames; the documents produced for the review; the players of the process; description of the outcome, including the state's voluntary commitment to adopt recommendations; and the follow-up procedure; i.e. that the second review will focus on implementation of the first review's recommendations.

3) HRC/RES/6/17 Establishment of funds for the UPR mechanism of the HRC
2 pages, HRC resolution adopted 28 September 2007 requests the establishment of two funds:

Voluntary Trust Fund to support (in particular least) developing countries to participate in the UPR (established as of 2 April 2008, see Document 10) below); and

Voluntary Fund for Financial and Technical Assistance which can support implementation of programmes in (least) developing countries that can follow up on the recommendations from the UPR.

DOCUMENTS SPECIFYING THE PROCEDURES OF THE UPR

4) A/HRC/DEC/6/102: General Guidelines for the Preparation of Information under the UPR.
5 pages, HRC decision adopted in September 2007.
The document explains in Section I, points A-G, what shall be included as *written information* for the UPR pertaining to the States under Review. This information shall be provided primarily by the *SuR*, yet also from *other actors*, and the OHCHR should follow the same format in its summaries (though these actors are not specified in the document).

Section II describes criteria for mandate holder candidates (rapporteurs and experts); Section III describes criteria for candidates to the Advisory Committee.

5 a) A/HRC/8/PRST/1: Presidential statement: Modalities and practices for the UPR process
3 pages, President's statement of September 2008 containing brief descriptions on modalities and practices for both

the WG session (i.e. first step of the UPR process) and the HRC plenary session (i.e. second step of the UPR), including brief specifications on: States' questions to the SuR; SuRs' presentation, replies and conclusions during their allotted 60 minutes in the WG session; the content of the report from the WG session including specification of which recommendations are supported by the SuR, and must be included in the final Outcome Report adopted at the HRC plenary session. Finally, summaries of views expressed by the SuR about the review, as well as by other states and so-called 'other stakeholders', including national human rights institutions and NGOs with recognition under ECOSOC, are encompassed in the report of the (entire) HR Council session.

5 b) A/HRC/PRST/9/2. Follow-Up to Presidential statement 8/1 (= No. 5 a) above)
(Doc 5 b) is sometimes numbered PRST/9/1)
3 pages. Brief description of what is included in the *report from the final debate* on the SuR during the plenary session of the HRC: Summary of the SuR's remarks, summary of other states' remarks, and summary of other stakeholders' remarks. These summaries are subject to limitation in words similarly to other summaries. The maximum of words are stated in the annexed chart.

Annexed *chart* of UPR review documents with maximum word limits: Report of the WG; reaction from the SuR (called 'Addendum' in the UN files); and summary of the HRC plenary debate; the latter is integrated into the (full) session report.

6) UPR segment in the HRC plenary session (also referred to as: President's statement on the plenary's technical modalities of June 2008)
1 page, document prepared by OHCHR, with information on how to register as a speaker during UPR.

Furthermore, the document outlines the *use of the 1 hour time frame* per state that concludes the review in the HRC Plenary session. Finally, the document states the speaking time (2 or 3 minutes) for member states, observers and other stakeholders (including NHRIs and NGOs).

7 a) Information and guidelines for stakeholders on the UPR mechanism (also referred to as: Technical guidelines for the submission of stakeholders)
9 page document prepared by OHCHR July 2008. Explains the UPR, its principles and basis. Describes the process, including the content of the information prepared for the review by the State, by the OHCHR and submitted by other stakeholders, including NHRIs and NGOs (a little more detailed information than what is found in A/HRC/DEC/6/102, No. 4 above). Provides brief advice on how stakeholders submit information in a proper and adequate form. The indicative deadline for written submissions is stated as 5 months before the session. However, in practice this has often been extended to 7 months. Stakeholders can check the relevant deadlines up to 1½ year prior to the session in question, and are advised to do so. 2 pages include concrete and detailed descriptions of structure, format and content of stakeholders' written submissions as well as e-mail address and phone number of the OHCHR Civil Society Unit.

7 b) Information note for relevant stakeholders regarding the UPR mechanism
3 pages, prepared by the OHCHR. An abridged version of the information contained in the document mentioned under 7 a). This document is found in site No. II) (cf. Guide to UPR Information Sites, below). Another version of this document can be found on the UN-website No. I (cf. Guide to UPR Information Sites); here as a similar, yet slightly less detailed document called Information note to NGOs.

7 c) Information note for NHRIs regarding the UPR mechanism
2 pages, text available on the OHCHR site on the UPR (Site No. II in the Guide to UPR Information Sites, below). The

note is similar to the 3 page information note for relevant stakeholders, Document No. 7 b above, however, it includes information on the appropriate format and content of submissions from NHRIs to the OHCHR, as well as the contact details for the OHCHR's NHRI Unit, which is set up to assist national institutions in preparing submissions to the UPR.

8) President's Proposal on modalities and practices of the UPR of 27 March 2008
2 pages, document dealing primarily with the work of the Troika and its collaboration with States.

9) A/HRC/OM/L.1 Presidential Statement on selection of Troika members
2 pages, document of 28 February 2008. Deals with selection modalities of Troika members and describes the State under Review's right to substitute one Troika member.

10) Voluntary Fund for Participation in the Universal Periodic Review
2 pages, document published by the OHCHR, 2 April 2008. Describes funding possibilities for state officials from developing countries of support to their participation in the UPR meetings as well as to facilitate training in reporting.

3. GUIDE TO INFORMATION SITES ON THE UNIVERSAL PERIODIC REVIEW

The webpages on the list below have been selected because of their usefulness when seeking information in relation to the UN Human Rights Council (HRC) and, in particular, concerning the Universal Periodic Review (UPR), established under the Human Rights Council. Hence the descriptions do not aim to depict and assess the sites as such. It should be noted, however, that due to the rapid developments on the Internet, changes might have occurred to the specific indications given here.

The webpages overlap to a large degree. In a few instances, guidance is included on how to access specifically relevant information, yet these directions are only understandable if one is simultaneously looking at the respective site.

I) http://www2.ohchr.org/english/bodies/hrcouncil/
Official UN HRC site.

Provides information on and further access to all UN mechanisms established under the HRC, including the UPR and the so-called Special Procedures, i.e. the Special Rapporteurs on different thematic issues or selected countries, and other instruments.

Through this main page of the HRC one can find all official reports of the HRC sessions. However, in order not to get lost you should know which session and type of document are relevant to your search.

The site also contains information directed at NHRIs and NGOs with guidelines on accreditation to be allowed to participate in the HRC sessions, as well as other practicalities relating to submission of information, participation in the sessions etc.

From this homepage there are links to other UN webpages, including the UPR main page (see Entry II below) and the HRC Extranet (see Entry III below).

II) http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx
Official UN UPR main page.

Clearly structured. Contains basic documents concerning the UPR mechanism, in particular relating to the Working Group (WG) sessions which constitute the first step in the UN organized UPR (the second step takes place in the HRC plenary).

The site contains a calendar with an overview of when states will be reviewed in the WG during the first round of the UPR, running from 2008 to 2011.

Most importantly, the webpage comprises a search function on countries and sessions respectively. This gives easy access to all official reports from the WG review of each country. The reports relating to each SuR include the National (= SuR's) Report; the Compilation of recommendations from UN treaty bodies to the SuR; and the Summary of other stakeholders' information to the review (i.e. from NGOs and the NHRI). The original written submissions from NHRIs and NGOs can also be dug out through the country search function: On each country sub-site one can click on the reference number attached to 'Summary of stakeholders' information' and the written submissions will subequently

appear. Finally, through the country search function, the Report of the WG (sometimes called 'the Outcome of the Review') can be found. It contains a summary of the oral interventions from the SuR and other states in the inter-state dialogue that constitutes the review process in the WG.

The site also has basic information for NGOs and NHRIs on how to interact with the OHCHR in relation to UPR, particularly its WG sessions, including contact information to the OHCHR's units set up to assist NHRIs and civil society, respectively.

III) http://portal.ohchr.org/portal/page/portal/HRCExtranet
Official UN HRC 'semi-private' webpage meant for actors connected to the HRC.

The Extranet can be reached via the HRC site (Site No. I) above) by clicking on the link in the column to the left on the opening page. To access the Extranet, you must also type – often several times – username: *hrc extranet* together with password: *isession*.

The site is large and, unfortunately, not very user friendly. As for other UN sites, it requires a certain basic knowledge about the HRC machinery and bureaucracy to move around in a focused way.

The Extranet is primarily meant to contain all the practical information needed for actors working with the HRC: Calendars, programmes, timetables and modalities for all stakeholders, including information on registration of speakers, submissions of statements, etc.

Information pertaining to the UPR is found in two places on this site:

First: Under the headline 'Regular Sessions'. Here, all input developed during the individual HRC plenary sessions is stored, session by session. When clicking on one of the sessions new buttons appear. These include resolutions and decisions (which can also be found through the Official UN HRC site (see Entry I, above)). Moreover, the 'Oral Statements' presented during the HRC plenary sessions are posted here. This rather concealed placing is a result of the efforts of some governments to sideline (potentially critical) contributions from civil society and others. To locate specific oral statements, for instance relating to the UPR, it is necessary to look under the calendar day they were presented. Normally, three calendar days are devoted to Item 6 'UPR considerations' on the HRC plenary agenda (oral statements can also be found, less complicated, in the web page of UPR-Info.org; see Entry IV, below). Furthermore, each regular HRC plenary session has a 'Liaison Information Page' for NHRIs and for NGOs. The latter contains practical information for activists planning to participate in the session (how to secure accreditation to enter the building, speaking modalities; planning of parallel events, etc), while the NHRI sub-site is empty (at the time of writing: January 2010).

Second: Under the headline 'follow-up to human rights council resolution 5/1 on the institution-building package' a button leads to several sub-sites including one called 'Universal Periodic Review'. By clicking here, a new page unfolds with information and documents specifically relating to the UPR. Again, in a somewhat implicit manner, a lot of practical information is listed here: Timetables for past and coming WG sessions together with some of the important decisions on modalities (these documents are all mentioned in Key UN Documents relating to the Universal Periodic Review (the section above this)).

IV) www.UPR-info.org
A site set up by the small Geneva-based NGO 'UPR Info'.
The site contains a wealth of information and documents relating to the UPR. It offers information on basic features relating to the UPR in several languages including French, Spanish and Russian yet almost all reports and more detailed material appear in English only.

The site is aimed at NGOs as well as states. The challenge with this site is primarily to find your way around all its corners. But devote a little time to get to know the structure – and you have most of the UPR information and a series of useful tools for advocacy at hand.

The structure of the webpage features a toolbar at the top as well as on the left and the right side of the screen. In the top bar one can click buttons on 'UPR Process', 'Countries' and 'NGOs' and under each heading find an introduction and good overviews of relevant information addressed to states (countries) and NGO representatives respectively. A very comprehensive gathering can be found by clicking on 'Documents'. The left side bar under this heading provides buttons to all major categories of documents relating to the entire UPR process. The only missing category here is the Report from the HRC plenary session. This can be found through the country search function, see below.

The webpage has several very useful search functions: on countries, on WG sessions as well as on selected thematic issues. The search function on countries provides the user with almost all relevant information pertaining to individual countries in relation to the UPR. However, if the country has not yet been reviewed, this entry point will only state the time frame for its upcoming review.

On the other hand, when a state has undergone review or is pending review, most of the documentation is found easily

at hand via the country search function. The first result from a country search will provide entries on what is labelled 'Key documents of the last review'. This includes the three official reports prepared for the WG, the Working Group Report (called Final Outcome) + Addendum and Corrigendum, if any.

One should be aware of the terminology which does not always seem logical: Often the final Report of the WG appears under the official name: 'Final Outcome' or 'Final Report'; while 'Report of the Working Group' is the heading under which the Draft Version of the WG Report is posted. One might have expected the Report of the HRC plenary to be the final outcome of the UPR, but this is the not the usage.

A very useful type of document also found through the country search is the 'Recommendations and responses' which is a schematic summing up of recommendations + list of recommendations with indications of the status given by the SuR (acceptance/rejection/pending). Yet in a few cases, when a country has chosen to postpone its decision on recommendations up to the HRC Plenary this list of recommendations appears incomplete and will sometimes have to be supplemented through, quite complicated research; for instance some countries' positions on recommendations will appear only in a document in their own language, say in Russian, and it will not necessarily be translated into English.

More documents pertaining to each country review can be found by clicking on the button 'Review' on the left side of the screen. This is the entry to all the official reports (again) together with, i.a., the NGO and NHRI submissions in full text. Here, under the heading 'Adoption of the Report in the Plenary', one finds the extensive Report of the HRC plenary session where the final UPR discussion appears under Item VI. One has to scroll through the many pages to find the specific country of interest (the order of country sequence is not self-evident). The full texts behind oral interventions of NGOs and NHRIs, however, are posted independently on this site as well.

On the front page of the site, one the left hand bar, under 'Documents by UPR Info', overviews (in Excell charts) are available regarding a large number of thematic issues (for instance, which countries made comments to which SuR on the issue of indigenous peoples' rights during sessions 1 to 5); furthermore, individual countries' positions during sessions are collected in statistical form; and statistics on regional groups' interventions during the sessions are also gathered. These data may be useful for researchers as well as practitioners that want to prepare systematic advocacy on specific themes or in relation to specific states.

V) http://www.ishr.ch/
A webpage organized by International Service for Human Rights (ISHR), a Genevabased NGO.

The webpage contains current information on the entire UN human rights machinery; including treaty bodies, the HRC and the General Assembly. This also contains copious information and getting a proper overview of the site requires some patience.

The toolbar at the top of the screen shows the entries to the main sub-sites, including on 'Treaty Bodies' and 'Human Rights Council'.

The ISHR provides assessment reports on treaty body examinations (except by the Committee on the Rights of the Child which is followed by the NGO Group for the Rights of the Child) with a focus on selected recommendations to selected countries. The selections are made on the basis of NGO/NHRI focus and involvement related to the individual country examinations. It is possible to find all country assessment reports made by ISHR through a search function at the site.

Information about the UPR system is found by clicking on top bar's button 'Human Rights Council'. On the left side of the new page one can click on the button 'Universal Periodic Review'. This webpage provides introductory information on the mechanism.

Nevertheless, the most unique service available from this site is the assessment reports prepared in relation to the country reviews as well as to each session of the UPR. These reports can be found by clicking on 'Publications' in the top toolbar. Subsequently, in the column on the left side of the screen are found the 'Council Monitor' with a series of sub-entries, and the heading 'URP Monitor'. Under the latter, one can browse by WG session or country, or click to reach the more comprehensive analytical reports of earlier sessions.

During an average WG session, ISHR produces eight detailed country assessments (approximately half of the reviewed states). The selection of the countries is based on a number of criteria, including the level of civil society engagement. These assessments examine the SuRs' reports and describe the main points raised by states and by NHRI/NGOs, as well as the SuRs' reaction to the recommendations during the WG dialogue. The final discussion relating to a given state that takes place in the HRC plenary session 3 to 4 months after the WG review is not included in the country assessment reports. However, evaluations of these debates which include statements from NGOs and NHRIs can be found in the Council Monitor, Session Overviews (section: Universal Periodic Review, Item 6).

During the HRC sessions the ISHR's Council Monitor is published on the Net and mailed out to the organization's mailing list with regular news updates highlighting the most topical issues and their developments. Later each session is reported, agenda item after agenda item. These reports are posted under the heading 'Council Monitor'.

Finally, ISHR produces its annual Human Rights Monitor publication, which provides critical analyses of all developments within the UN human rights system in Geneva and New York, including developments within the treaty body system and the UPR.

VI) http://upr-epu.com
A webpage, UPR Watch, organized by a group of French speaking institutions, national as well as international.

The webpage has a French as well as an English version, nevertheless, the French version appears a little more updated than the English.

The webpage primarily contains a search function relating to UPR recommendations. It is possible to search on countries; on regional groups (i.a. African Union, Organization of Islamic Conference, European Union, etc); and themes (i.e. constitutions, slavery, torture, etc.). The search results list recommendations from the WG sessions, easy to grasp, with a symbol attached to each indicating whether the recommendation has been accepted, refused, or whether the SuR has no clear position. Thus the list has the same weakness as the surveys prepared by UPR Info (see Entry IV, above): If a SuR procrastinate its reaction to the recommendations until the HRC plenary it will not be included in the list which in such cases appears incomplete.

Human rights organizations like Amnesty International, Human Rights Watch, FIDH, and many others prepare their own contributions relating to the UPR. However, specialized UPR information is not always easily found on the organizations' homepages. A Google search may be a way to identify such relevant contributions.

LIST OF ACRONYMS

ECOSOC: The UN Economic and Social Council
EEG: Group of Eastern European states
GA: The UN General Assembly
GRULAC: Group of Latin American and Caribbean states
HRC: The UN Human Rights Council
ICC: International Coordinating Committee for NHRIs
NGO: Non-governmental Organization
NHRI: National Human Rights Institution
OHCHR: The UN Office of the High Commissioner for Human Rights
SuR: State under Review in the UPR
UN: United Nations
UPR: Universal Periodic Review under the HRC
WEOG: Group of Western European and North American states, Australia and New Zealand
WG: Working Group (established by the HRC to undertake the first part of the UPR)

Research and editorial assistance: Marie Villumsen
Language editing and proofreading: Mark Hebsgaard, Lisbeth Arne Nordager Thonbo and Jette Olsen.

The Danish Ministry of Foreign Affairs has contributed to funding this publication. However, the content expressed herein does not necessarily reflect the position or opinion of the Ministry.

Valuable comments and suggestions to the draft manuscript have been provided by Roland Chauville, UPR Info; Katharina Rose, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights; and Gareth Sweeney, International Service for Human Rights.

For any further information please contact the DIHR UPR Project Manager: lap@humanrights.dk

Danish Institute for Human Rights
Strandgade 56
1401 Copenhagen K, Denmark
Tel: + 45 32 69 88 88, Fax: + 45 32 60 88 00

Email: center@humanrights.dk
Web: http://www.humanrights.dk

The objective of UPR is to realize human rights. It covers all UN countries on an equal footing, based on dialogue among states and among states and civil society. This publication is for those – from government or state, civil society, etc. - who share this objective for their own country and/or internationally.