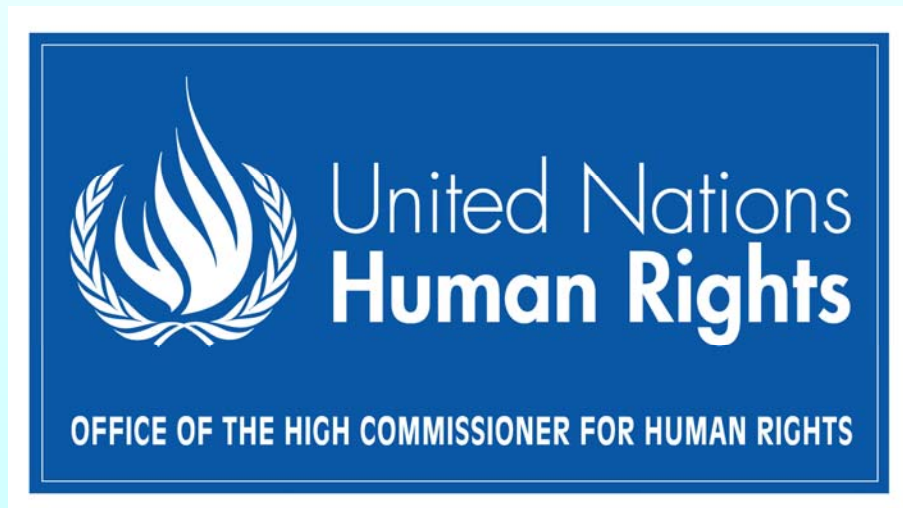


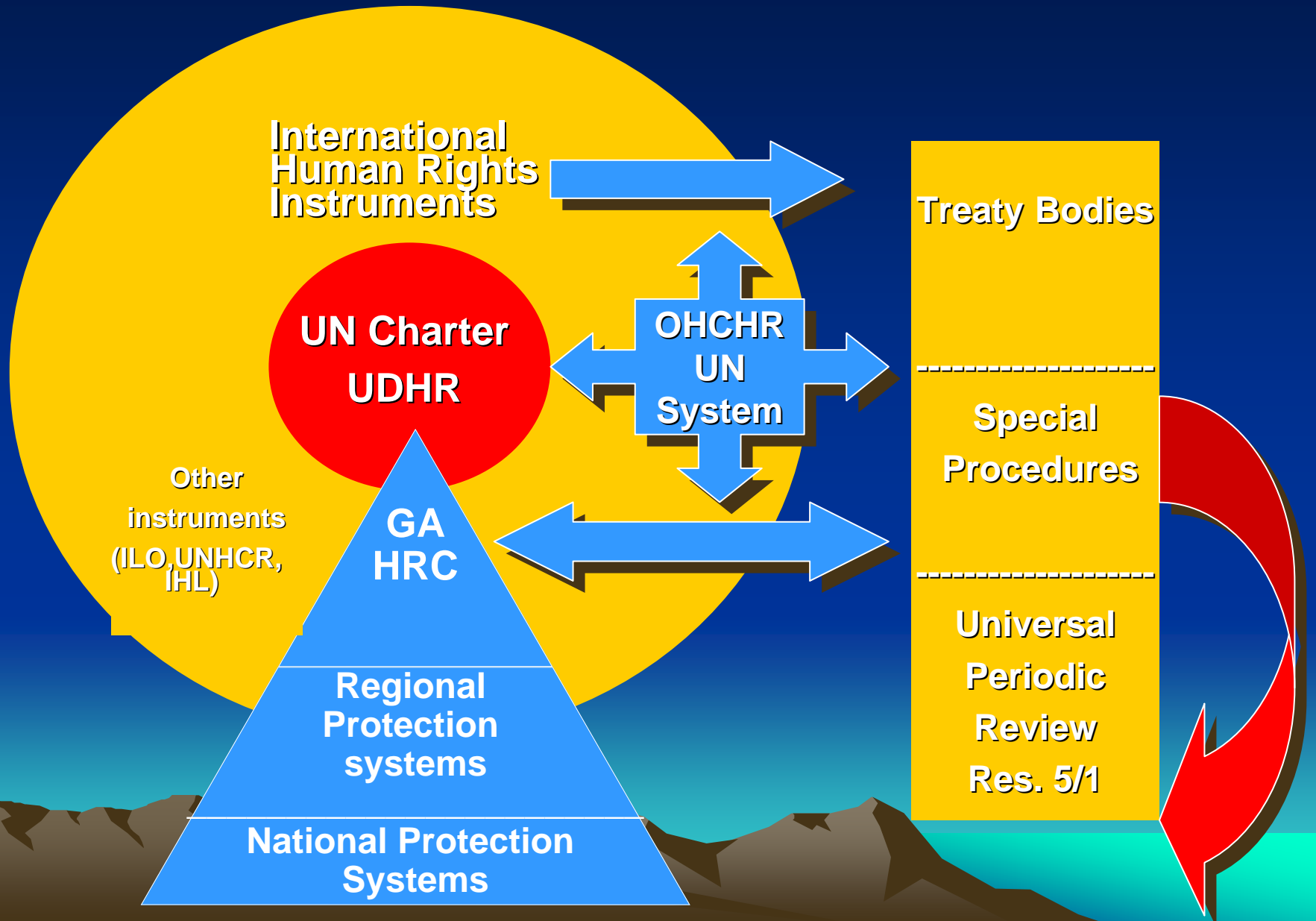


Universal Periodic Review



Training Module UPR

Human rights sources, systems and mechanisms





The Human Rights Council (HRC)

What is it ?

**A subsidiary body
of the General
Assembly
composed of 47
United Nations
Member States
It replaced the UN
Commission on
Human Rights in
2006**

What does it do ?

- *Promotes universal protection
- *Addresses and prevents violations
- *Develops international human rights law
- *Reviews compliance of Member States
- *Responds to emergencies
- *International forum for dialogue



THE UPR Mechanism

Human Rights Council Resolution 5/1

- **BASIS OF REVIEW**
- **PRINCIPLES**
- **OBJECTIVES**
- **PERIODICITY AND ORDER OF REVIEW**
- **PROCESS AND MODALITIES OF REVIEW**
- **OUTCOME REPORT**
- **FOLLOW-UP TO REVIEW**



Basis of the Review

- The Charter of the United Nations
- The Universal Declaration of Human Rights
- Human rights instruments to which a State is party
- Voluntary pledges and commitments made by States
- The review shall take into account applicable international humanitarian law



Principles

- Universal coverage
- Review of all human rights
- Complement and not duplicate other international human rights mechanisms
- Cooperative mechanism based on objective and reliable information
- Intergovernmental process
- Full involvement of the State Under Review (SUR)



Principles

- Conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner
- Full integration of a gender perspective
- Without prejudice to the obligations contained in the elements provided for in the basis of review, take into account the level of development and specificities of countries
- Ensure the participation of all relevant stakeholders, including NGOs and NIs



Objectives

- Improvement of the human rights situation on the ground
- fulfilment of the State's human rights obligations and commitments
- Assessment of positive developments and challenges
- Enhancement of the State's capacity and of technical assistance
- Sharing of best practices
- Support for cooperation
- The encouragement of full cooperation and engagement with the Council, other human rights bodies and the OHCHR



Periodicity and order of the review

- All 192 UN member States are examined by the UPR mechanism
- The periodicity of the review for the first cycle is four years
- Consideration of 48 States per year. So far, 32 countries have been reviewed in 2008
- The order of the review for the first cycle has already been adopted by the HRC

Human Rights Council Universal Periodic Review

	1st Session (2008)	2nd Session (2008)	3rd Session (2008)	4th Session (2009)	5th Session (2009)	6th Session (2009)	7th Session (2010)	8th Session (2010)	9th Session (2010)	10th Session (2011)	11th Session (2011)	12th Session (2011)
1	Morocco	Gabon	Botswana	Cameroon	Central African Republic	Côte d'Ivoire	Angola	Guinea	Liberia	Mozambique	Seychelles	Swaziland
2	South Africa	Ghana	Burkina Faso	Djibouti	Chad	Democratic Republic of the Congo	Egypt	Guinea-Bissau	Libyan Arab Jamahiriya	Namibia	Sierra Leone	Togo
3	Tunisia	Mali	Burundi	Mauritius	Comoros	Equatorial Guinea	Madagascar	Kerya	Malawi	Niger	Somalia	Uganda
4	Algeria	Zambia	Cape Verde	Nigeria	Congo	Eritrea	Gambia	Lesotho	Mauritania	Rwanda	Sudan	United Republic of Tanzania
5	Bahrain	Benin	Turkmenistan	Senegal	Vanuatu	Ethiopia	Qatar	Kiribati	Lebanon	Sao Tome and Principe	Palau	Zimbabwe
6	India	Japan	Tuvalu	Bangladesh	Viet Nam	Bhutan	Fiji	Kuwait	Maldives	Myanmar	Papua New Guinea	Syrian Arab Republic
7	Indonesia	Pakistan	United Arab Emirates	China	Yemen	Brunei Darussalam	Iran (Islamic Republic of)	Kyrgyzstan	Marshall Islands	Nauru	Samoa	Tajikistan
8	Philippines	Republic of Korea	Uzbekistan	Jordan	Afghanistan	Cambodia	Iraq	Lao People's Democratic Republic	Micronesia (Federated States of)	Nepal	Singapore	Thailand
9	Argentina	Sri Lanka	Colombia	Malaysia	Uruguay	Cyprus	Kazakhstan	Grenada	Mongolia	Oman	Solomon Islands	Timor Leste
10	Ecuador	Tonga	Bahamas	Saudi Arabia	Belize	Democratic People's Republic of Korea	Bolivia	Guyana	Honduras	Paraguay	Saint Vincent and the Grenadines	Trinidad and Tobago
11	Brazil	Guatemala	Barbados	Cuba	Chile	Costa Rica	Nicaragua	Haiti	Jamaica	Saint Kitts and Nevis	Suriname	Venezuela (Bolivarian Republic of)
12	Netherlands	Peru	Israel	Mexico	Malta	Dominica	El Salvador	Spain	Panama	Saint Lucia	Belgium	Antigua and Barbuda
13	Finland	France	Liechtenstein	Canada	Monaco	Dominican Republic	Italy	Sweden	United States	Australia	Denmark	Iceland
14	United Kingdom	Switzerland	Luxembourg	Germany	New Zealand	Norway	San Marino	Turkey	Andorra	Austria	Greece	Ireland
15	Poland	Romania	Montenegro	Russian Federation	Slovakia	Portugal	Slovenia	Armenia	Bulgaria	Estonia	Hungary	Lithuania
16	Czech Republic	Ukraine	Serbia	Azerbaijan	The Former Yugoslav Republic of Macedonia	Albania	Bosnia and Herzegovina	Belarus	Croatia	Georgia	Latvia	Moldova



Documentation, Reporting guidelines, Process and modalities of the review

- A. DOCUMENTATION**
- B. REPORTING GUIDELINES**
- c. PROCESS and MODALITIES**



A. Documents on which the review is based (1)

1. State report

- Prepared by the SUR, either orally or in writing, through a broad national consultation process (written submissions are encouraged)
- Structure: should follow general guidelines available (Annex HRC Decision 6/102)
- Not exceeding 20 pages
- Submitted by the SUR at least six weeks before the review takes place
- Cover a 4 year-time period
- Pages and paragraphs should be numbered
- State report should be sent to OHCHR through the diplomatic channel and to UPRStates@ohchr.org



A. Documents on which the review is based (2)

2. UN Compilation report

- Prepared by OHCHR: based on information contained in the reports of UN human rights treaty bodies, UN special procedures and other relevant official UN documents (including relevant observations and comments by the State concerned)
- Includes written submissions from UN entities
- Not exceeding 10 pages



A. Documents on which the review is based (3)

3. Stakeholders Summary report

- Prepared by OHCHR: based on additional, credible and reliable information provided by other relevant stakeholders
- Stakeholders include NGOs, human rights defenders, academic/research institutes and other civil society organizations, NHRI, regional intergovernmental organizations
- Not exceeding 10 pages
- Stakeholders are strongly encouraged to provide written submissions that:
 - ✓ Are focused, highlight the main issues of concern and identify possible recommendations and/or best practices
 - ✓ Do not include second-hand information
 - ✓ Are specifically tailored for the UPR
 - ✓ Do not contain language manifestly abusive



A. Documents on which the review is based (4)

3. Stakeholders Summary report (cont.)

- Are no longer than five 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 ten pages
- Are submitted in a Word document, with paragraphs and pages numbered
- Are written in UN official languages only, preferably in English, French or Spanish
- Cover a maximum four-year time period
- Should be sent to OHCHR indicatively five months before the relevant session of the Working Group on UPR. The exact deadlines will be posted in due course on OHCHR's website
- Should be sent to: uprsubmissions@ohchr.org
- For further details log on to:
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>



B. Reporting guidelines (based on HRC res. 6/102) – Structure of State report

1. Description of the methodology and the broad consultation process followed
2. Domestic normative and institutional framework for the promotion and protection of human rights
3. Promotion and protection of human rights at the national level
4. Identification of achievements, best practices, challenges and constraints
5. Key national priorities, initiatives and commitments
6. Capacity-building and technical assistance



Methodology and consultation – Best practices

Examples - Ecuador, UK, Bahrain, India and the Philippines :

1. Good description of the methodology and consultation in State reports
2. Consultations were conducted with various State departments as well as established national human rights institutions and human rights NGOs
3. Consultation took place at an early stage of the drafting



Structure of UPR reports

Domestic normative and institutional framework for the promotion and protection of human rights

1. Government and nature of the political regime
2. International human rights obligations
3. Incorporation of international treaties in domestic law
4. Constitution and major human rights legislation
5. National Human Rights Protection Systems, including courts, NHRIs, NGOs and other mechanisms
6. Government mechanisms following-up on the COs of TB, Recommendations of SPs and UPR



Structure of UPR reports (cont.)

1. Promotion and protection of HR at the national level
 1. Equality and non-discrimination
 2. Civil and political rights & fundamental freedoms
 3. Personal liberties and security
 4. Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment
 5. Administration of justice
 6. ESC rights (health, housing, education, work, social security...)
 7. Women's rights and gender equality
 8. Children's rights
 9. Promotion and protection of the rights of specific groups, including: migrants, disabled persons, minorities, indigenous peoples...



Structure of UPR reports (cont.)

Identification of achievements, best practices, challenges and constraints, include:

- Constitution and legal reform
- Judicial, legal and official training, and education in human rights
- Public awareness and engagement
- Human rights protection



C. Process and modalities of the review

- 1. UPR Working Group of the HRC**
- 2. Troika (system of rapporteurs)**
- 3. Report of the UPR Working Group**
- 4. Final UPR documents**
- 5. Adoption of the UPR outcome by the HRC Plenary**



1. UPR Working Group of the HRC

- The review will be conducted in a working group, chaired by the President of the HRC and composed of the 47 member States of the Council
- Other UN Member States may participate in the review, including in the interactive dialogue
- Other relevant stakeholders may attend the review in the WG
- Interactive dialogue between the country under review and Members of the Council and observer States will take place in the working group (peer review)
- The review will last 3 hours (1 hour in total for the SUR to make its presentation, to answer questions and to make concluding remarks and 2 hours for the interactive dialogue)
- Up to 30' is devoted by the WG for adoption of the report of the review. The adoption takes place 48 hours after the review



2. Troika

- A group of three rapporteurs, selected by the drawing of lots among the members of the Council and from different Regional Groups (*troika*) facilitate each review
- The Office of the UN High Commissioner for Human Rights (OHCHR) provides the necessary assistance and expertise to the rapporteurs
- The rapporteurs may collate issues or questions to be transmitted to the State under review to facilitate its preparation and focus the interactive dialogue
- The Troika will prepare the report of the Working Group with the assistance and support of the OHCHR, and by fully involving the State under review



3. Report of the Working Group

- The WG report consists of a summary of the interactive dialogue, which will reflect recommendations and/or conclusions made by delegations during the interactive dialogue
- The State under Review will inform about its views concerning the recommendations and/or conclusions as well as voluntary commitments/pledges whenever it is in a position to do so: during the meeting of the Working Group; or between the Working Group session and the next Council's session; or at latest during the meeting of the Council Plenary



4. Final UPR documents

The final documents of the review are:

- The outcome of the review which is composed of:
 - The report of the Working Group, with the views of the SUR concerning the recommendations and/or conclusions (accepted or noted)
 - Voluntary commitments made by the State Under Review
 - Replies presented by the SUR before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group
- A summary of the views expressed on the outcome of the review by the SUR, and Member and Observer States of the Council, as well as general comments made by other relevant stakeholders before the adoption of the outcome by the plenary, will be included in the report of the Human Rights Council's session



5. Adoption of the UPR outcome by the HRC Plenary

- The adoption of the outcome report will take up to one hour (20 mn for the SUR, 20 mn for member and observer States, 20 mn for Stakeholders (ECOSOC accredited NGOs and NIs))
- The outcome of the review is adopted by the HRC plenary through a standardized decision



Content of the Outcome Report - Conclusions and/or recommendations

- An HRC assessment of the human rights situation in the SUR, including positive developments and the challenges faced by the country
- Sharing of best practices
- An emphasis on enhancing cooperation for the promotion and protection of human rights
- Recommendations for the provision of technical assistance and capacity-building in consultation with, and with the consent of, the country concerned
- Voluntary commitments and pledges made by the country under review
- Recommendations that enjoy the support of the State concerned will be identified as such. Other recommendations, together with the comments of the State concerned thereon, will be noted



Follow-up to the review

- The outcome of the universal periodic review, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders
- The subsequent review should focus, inter alia, on the implementation of the preceding outcome
- The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with, and with the consent of, the country concerned
- In considering the outcome of the universal periodic review, the Council will decide if and when any specific follow-up is necessary
- After exhausting all efforts to encourage a State to cooperate with the universal periodic review mechanism, the Council will address, as appropriate, cases of persistent non-cooperation with the mechanism



Exercise 1

Process, methodology and consultation

Based on the experiences of, inter alia, Ecuador, UK, Bahrain, India and the Philippines, participants will discuss the modalities of a genuine consultation process:

- ✓ **Who we should consult ?**
- ✓ **On what ?**
- ✓ **And when?**



Exercise 2

Identifying outlines of the UPR report/or submission

Participants in three groups identify the outlines of the UPR report/or submission as follows:

Group 1: Domestic and institutional framework

Group 2: Promotion and protection of HRs at national level

Group 3: Achievements, best practices and constraints; key national priorities, technical assistance

Each group will report in plenary

Ref. doc.: Constitution and main legislation, national plans and policies, national statistics, recent core document or/and treaty specific, shadow reports, COs, SR reports, NHRI and NGO reports, recent case work...



Exercise 2 (Cont.)

- Based on exercise 2, draft outlines of report/submissions will be prepared
- Draft will be further discussed with various stakeholders following modalities identified in exercise 1
- Comments will be compiled and analyzed
- Final draft report/submissions will be completed



Exercise 3

Simulation of the review

- A simulation of the review could be organized following the modalities adopted by the HRC with groups splitting in different roles (SUR, other States, Troika, Stakeholders)
- The purpose is to familiarize participants with the way the review is conducted, in particular the interactive dialogue



UPR Reference Documents

- General Assembly Resolution 60/251 (2006)
- HRC Resolution 5/1 (2007)
- HRC Decision 6/102 (2007)
- Presidential Statement 8/PRST/1 (April 2008)



THANK YOU !