

REVIEW AND MONITORING OF SDGs after 2015: Models, Methods, Governance

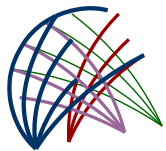
Centre for Socio-Eco-Nomic Development (CSEND)

PART III: Review Models

29 June 2015

Universal Periodic Review (OHCHR)

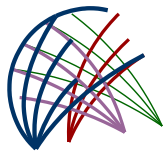




Universal Periodic Review (UPR)



- Established when the Human Rights Council was created on **15 March 2006** by the UN General Assembly in resolution 60/251. Involves a periodic review of the human rights records of **all 193 UN Member States**.
- Provides an opportunity for all States to declare what **actions they have taken to improve the human rights** situations in their countries and to overcome challenges to the enjoyment of human rights.
- Includes a **sharing of best human rights practices** around the globe.



UPR: Objectives and Modalities (1)



- **UN HUMAN RIGHTS COUNCIL (GA Res. 60/251, 2006)**
- Subsidiary body of the **General Assembly**
- Consists of 47 Member States
- Responsible for promoting universal respect for human rights (HRs)
- Addresses HRs violations and contributes, through dialogue, to the prevention of HRs abuses
- Undertakes a universal periodic review of the fulfilment by each State of its HRs obligations and commitments (modalities in HRC Res. 5/1, 2007)
- Serviced by **OHCHR**

UPR: Objectives and Modalities (2)



- The *objectives* of the Universal Periodic Review are (**HRC Res. 5/1**):
 - Improvement HRs situation on the ground.
 - Fulfillment of a State's HRs obligations and commitments and assessment of positive developments and challenges.
 - Enhancement of the State's capacity and of technical assistance, in consultation with, and with the consent of, the State.

UPR: Objectives and Modalities (3)



- **Sharing of best practices among States and other stakeholders.**
- **Support for cooperation in the promotion and protection of human rights.**
- **Encouragement of cooperation with HRC, HRs bodies and OHCHR.**

=> UPR **should “complement and not duplicate other human rights mechanisms, thus representing an added value”**

UPR: Objectives and Modalities (4)



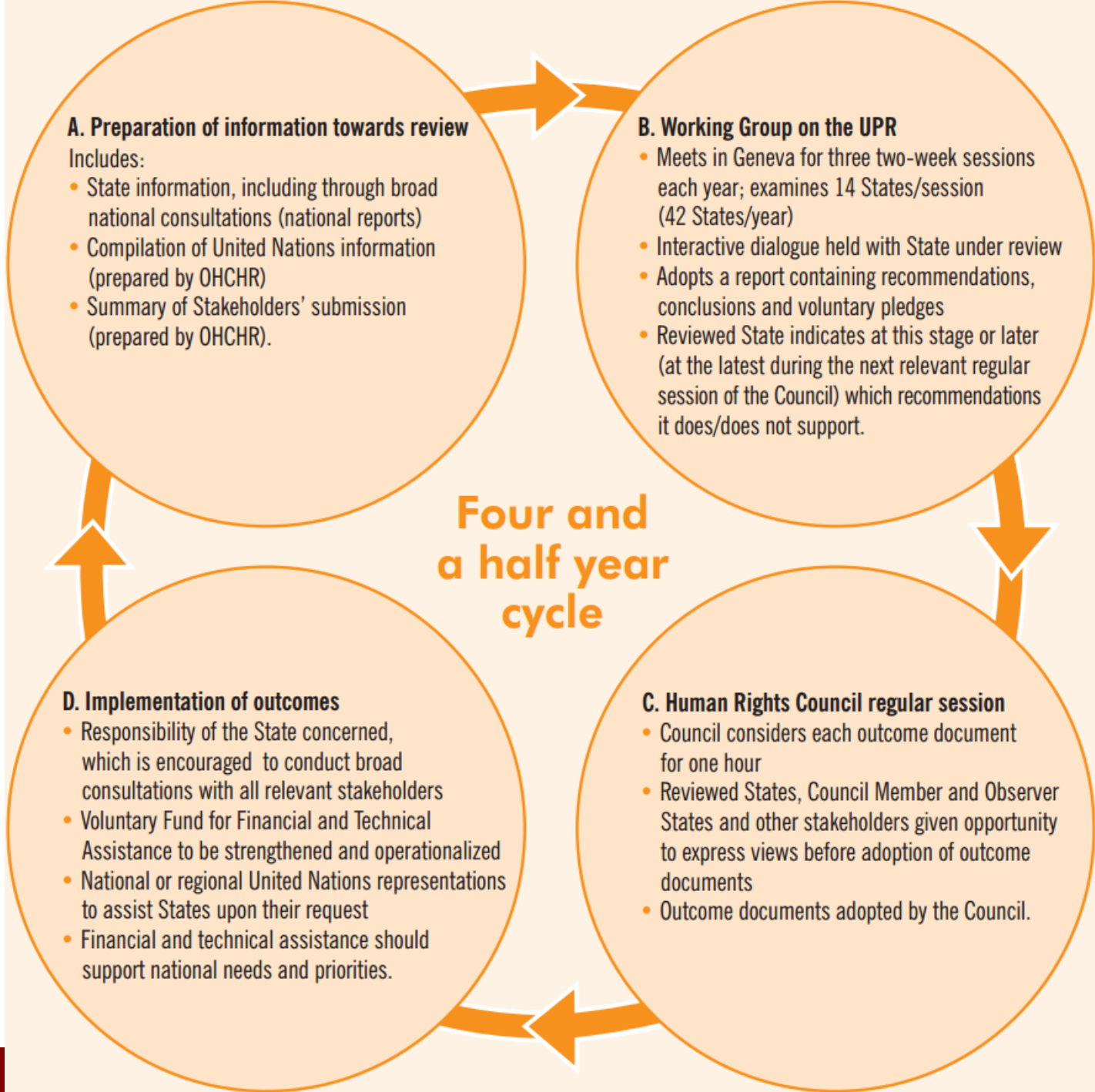
- **“UNIVERSAL”**
- Universal coverage of all Member States of the United Nations with regard to *all* human rights
- **“PERIODIC”**
- Every four years. 48 States per year, 3 annual sessions of the UPR Working Group of the Human Rights Council
- **“REVIEW”**
- Based, for each country, on three documents/reports

UPR Goals

- ❑ Ultimate goal of UPR is the **improvement of the human rights situation in every country** with significant consequences for people around the globe.
- ❑ Aims to **provide technical assistance** to States and enhance their capacity to deal effectively with human rights challenges and to share best practices in the field of human rights **among States and other stakeholders.**

Key stages

- ❑ **Review** of the human rights situation of the State under review;
- ❑ **Implementation between two reviews (4.5 years)** by the State under review of the recommendations received and the voluntary pledges made;
- ❑ **Reporting at the next review** on the implementation of those recommendations and pledges and on the human rights situation in the country since the previous review.



Source: OHCHR (2014). A Practical Guide for NGO Participants p. 3, <http://www.ohchr.org/EN/HRBodies/UPR/Documents/PracticalGuideCivilSociety.pdf>

Frequency of Reviews



- ❑ During the **first cycle**, all UN Member States have been reviewed, – with 48 States reviewed each year.
- ❑ The **second cycle**, which officially started in May 2012 with the 13th session of the UPR Working Group, will see 42 States reviewed each year.
- ❑ The reviews take place during the sessions of the **UPR Working Group which meets three times a year.**

UPR Working Group (1)



- ❑ The review takes place in a Working Group in Geneva, Switzerland, and lasts **3.5 hours**.
- ❑ The Working Group is composed of **all UN member-States** and chaired by the **President of the Human Rights Council**.
- ❑ Other relevant stakeholders, such as NGOs, national institutions and UN agencies, can attend the Working Group but **they cannot take the floor**.

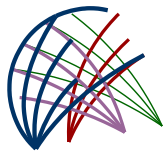
UPR Working Group (2)

The reviews are conducted by the UPR Working Group which consists of the **47 members of the Council**.

- **Any UN Member State** can take part in the discussion/dialogue with the reviewed States.
- Each State review is assisted by groups of three States, known as **“troikas”**, who serve as rapporteurs.
- The selection of the troikas for each State is done through a **drawing of lots following elections** for the Council membership in the General Assembly.

Implementation at the national level of the UPR recommendation

- Development of a **national implementation plan**
- Establishment of a **mechanism to monitor implementation**, including civil society
- **Regular updates** – to government, civil society partners, Human Rights Council
- The government may **table the UPR outcome report in Parliament** to discuss implementation
- **Other States may follow up on recommendations** in bilateral contacts
- **The UPR can prompt or support a national human rights process!**
- **No official role for the Human Rights Council** for next 4 years – although good practice is emerging with States giving regular updates to the Council



Basis for the Review



- **State report**

- to be prepared by the State concerned, either orally or in writing, through a broad national consultation process
- structure: general guidelines available (HRC Decision 6/102)
- not exceeding 20 pages.

- **“Compilation of UN information” report**

- Prepared by OHCHR: information contained in the reports of treaty bodies, special procedures and other relevant official United Nations documents
- Includes submissions from UN entities and other UN sources, such as agency flagship reports, CCA/UNDAF
- not exceeding 10 pages.

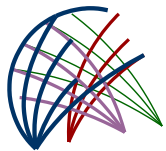
- **“Summary of Stakeholders’ input” report**

- Prepared by OHCHR: additional, credible and reliable information provided by other relevant stakeholders to the UPR
- Stakeholders include NGOs, national HRs institutions, HRs defenders, academic/research institutes, regional organizations, civil society organizations
- not exceeding 10 pages.

How reviews are conducted? (1)



- Reviews take place through an **interactive discussion between the State under review and other UN Member States.**
- This takes place during a meeting of the UPR Working Group.
- During this discussion any UN Member State can pose questions, comments and/or make recommendations to the States under review.



How reviews are conducted? (2)



- ❑ The troikas may group issues or questions to be shared with the State under review to ensure that the **interactive dialogue** takes place in a smooth and orderly manner.
- ❑ The duration of the review was **three hours for each country** in the Working Group during the first cycle.
- ❑ From the second cycle onwards the time has been **extended to three hours and thirty minutes.**

NGO participation



- ❑ NGOs can submit information which can be added to the **“other stakeholders” report** which is considered during the review.
- ❑ Information they provide can be **referred to by any of the States** taking part in the interactive discussion during the review at the Working Group meeting.
- ❑ NGOs can attend the UPR Working Group sessions and **can make statements at the regular session of the Human Rights Council** when the outcome of the State reviews are considered.

What steps are taken as follow up to the review?



- ❖ **The State has the primary responsibility to implement the recommendations contained in the final outcome.**
- ❖ **During the second review the State is expected to provide information on what they have been doing to implement the recommendations made during the first review as well as on any developments in the field of human rights.**
- ❖ **The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with the country concerned.**

Comparison to other mechanisms



- Applies to **all States** regardless of ratification status
- Covers **all human rights** – civil, cultural, economic, political and social rights
- Review of States by States**, not experts
- Much **shorter** than expert reviews

Added value and mutual reinforcement between UPR and other mechanisms



- ❑ Treaty body and Special Procedure recommendations **inform the review** in the UPR Working Group and UPR can **boost implementation** of these recommendations and **prompt ratification and cooperation** with Treaty bodies and Special Procedures
- ❑ **Bilateral follow up** by other States
- ❑ The State under review can **decide which recommendations to support**
- ❑ The UPR can prompt a **national process** to strengthen human rights protection at the national level