FACT SHEET 1

ngo group for the crc

UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW

The Universal Periodic Review

Information for NGOs

"The Council shall… undertake a **universal periodic review, 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; the review shall be a **cooperative mechanism**, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall **complement and not duplicate the work of treaty bodies**…" (OP 5a)

UN General Assembly resolution A/RES/60/251

What is the Universal Periodic Review (UPR)?

The UPR is a United Nations review mechanism of the overall human rights situation of all UN Member States, by all UN Member States. This includes child rights issues.

The UPR is a mechanism of the UN Human Rights Council (HRC). Since its inception in 2008, all UN Member States have participated in the UPR. They have all come to Geneva, Switzerland, and answered questions on their human rights record. Almost all States have accepted recommendations from other UN Member States (some States have not clearly stated whether they accepted or rejected the recommendations made to them). Recommendations regarding child rights have been made for every State under review.

The UPR examination takes place during a 3½ hour 'review'[1] conducted by the UPR Working Group – which is open to any UN Member State – in the form of an interactive dialogue. The State under review is given 70 minutes to present its report, answer questions made by other States and present concluding remarks. 140 minutes are allocated to States participating in the review to ask questions, make comments and recommendations to the State under review. They can also transmit written questions to the State under review ten working days before its UPR.[2]

NGOs cannot participate in the review but they can submit written information and recommendations beforehand.

How have child rights been addressed in the UPR?

For more information about how child rights have been addressed in the State, UN and NGO reports and in the recommendations, go to:

- **CRIN:** The 'status of children's rights in the UPR' (http://www.crin.org/resources/infoDetail.asp?ID=22015&flag=report#aa). It contains child rights references in all UPR reports for every State; child rights recommendations that were rejected and NGOs' experiences of using the UPR.
- **UPR Info:** The 'issues analyses' (http://www.upr-info.org/-Issues-analysis-.html) provide a chart and a fact sheet on how child rights, and other themes, have been raised in the UPR.

What is the difference between the UPR and CRC reporting cycles?

The UPR is more frequent and the dates are more predictable than the CRC and Optional Protocols' reporting cycle. The schedule for the UPR is set in advance (i.e. before the start of each review cycle) by the HRC and it is not dependent on the submission of the State's report. As a result, States cannot delay the review by omitting to submit their report.

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[1] As a result of the review of the HRC's working methods in 2011, the UPR interactive dialogue has been extended to three and a half hours. This will come into effect when the 2nd UPR cycle starts in June 2012.

[2] For a general overview of the UPR examination process, check the following chart: http://www.upr-info.org/IMG/pdf/UPR_process_graph.pdf and the following video: http://youtu.be/rXhTAfBmhbQ

Key facts about the UPR

- Every 4½ years.
- For all UN Member States.
- The review is based on three reports: 1) the State's national report (about 20 pages), 2) a compilation of UN information on the State (about 10 pages) prepared by the Office of the High Commissioner (OHCHR) and 3) a summary of other relevant stakeholders' information, including NGOs', (about 10 pages) prepared by the OHCHR.
- States receive recommendations from their peers, not from experts like the Committee on the Rights of the Child (the Committee).
- The State under review can decide to accept or reject the recommendations.
- Accepted recommendations should be implemented by the next review.

NGOs can plan their UPR work a long time in advance by checking the calendar of UPR examinations.[3]

States and NGOs can also refer to the UPR of a specific country at each HRC session, which are held in March, June and September. Furthermore, some States have submitted mid-term reports on the implementation of their UPR recommendations.

What is the relationship between the UPR recommendations and the Committee's concluding observations?

The UPR is not a stand-alone mechanism of the HRC. It is based on the work of the treaty bodies and special procedures and can therefore be used to follow-up their concluding observations or recommendations on child rights. The UPR can also produce additional recommendations which reflect developments at national level since the State was last examined by the Committee. These recommendations can be followed up by the Committee if they relate to child rights.

Unlike the concluding observations of the Committee, when a State has formally accepted UPR recommendations, it has committed to implement them before its next review.[4] When the State has not clearly rejected UPR recommendations, it will nonetheless have to report on the measures it has undertaken since the last review.

TIP: NGOs can base their UPR recommendations on the Committee's concluding observations or make new recommendations relevant to these treaties. The UPR can therefore be used to reinforce the implementation of the CRC and its Optional Protocols. NGOs can also base their recommendations to the Committee on UPR recommendations.

By checking the schedules for reporting under the UPR and on the CRC, OPSC and OPAC, NGOs will know the latest recommendations or concluding observations and will be able to refer to them when they engage with the UPR or the Committee. This will ensure that both mechanisms reinforce each other.

Accepting and rejecting recommendations: a particularity of the UPR

Given the nature of the review, a State may:

- **Accept to implement recommendations related to child rights that are not contained in the Committee's concluding observations**

NGOs can include these UPR recommendations in their work on the CRC, and its Optional Protocols, and refer to them in the next alternative report, or include them in follow-up work regarding the Committee's concluding observations.

- **Reject recommendations contained in the Committee's concluding observations**

NGOs can flag these to the Committee and follow-up directly with the State for the reasons of the rejection.

NOTE: There is no standard procedure for recommendations which the State considers to have already implemented or to be in the process of implementing. Most States accept these recommendations while other States reject them on the ground that they were already implemented. If the rejected recommendations were made by the Committee, NGOs can bring them to its attention, so the Committee can request information on the measures taken to implement these recommendations.

Nature of UPR recommendations

The content of UPR recommendations is similar to the Committee's concluding observations, although they tend to be more general. They may therefore lack the concrete step-by-step measures often found in concluding observations. NGOs should therefore use any relevant concluding observations to assist the State in interpreting and implementing the UPR recommendations they accepted.

The **implementation of each accepted recommendation will be reviewed during the next UPR cycle** for each State. During the interim period, States may provide updates on the implementation of UPR recommendations under item 6 of any HRC session and send mid-term reports.[5]

Who makes the UPR recommendations?

UN Member States make recommendations during the first stage of the review (known as the Working Group) and only

[3] UPR calendar: http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx

[4] As a result of the review of the HRC's working methods in 2011, the UPR review cycle has been extended to four and a half years. The second cycle will start in June 2012.

[5] States' mid-term reports can be found under: http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx

accepted recommendations are expected to be implemented. However, rejected recommendations can be used to raise public awareness and lobby the government to change their position.

How can NGOs influence the UPR recommendations?

- **NGOs can submit a report** to make sure that their issues of concern will be included as the basis of the review.

AND/OR

- **NGOs can conduct advocacy and lobbying activities before the review** to get other States to make their recommendations during the review.[6]
- **NGOs can also lobby the State to accept UPR recommendations.** A State does not have to accept or reject the recommendations made by its peers at the end of the review. States usually give their final say on recommendations when the outcome report is officially adopted at the HRC plenary session which takes place a few months after the UPR session. NGOs can therefore use the interim period to lobby their State to accept their recommendations. If the State has rejected NGO recommendations or ones in line with the concluding observations before the HRC session, NGOs can lobby their State to change its position and accept them at the plenary session.

Five reasons to engage in the UPR

1. NGOs can raise more issues under the UPR than in an alternative report to the Committee

Under the UPR, all human rights obligations of the State under review can be addressed, including:

- the UN Charter,
- the Universal Declaration of Human Rights,
- all the human rights instruments to which the State is a Party,
- the voluntary pledges and commitments made by the State, and
- applicable international humanitarian law

Child rights issues are therefore part of the wider human rights agenda, instead of being confined to the CRC and its Optional Protocols.

It is an opportunity to collaborate with other national civil society actors and to establish new partnerships.

Child rights actors can also raise issues relevant to their work, including civil society's freedom of speech or association.

2. NGO information can become part of the official documentation prepared by the UN for the review of a State and NGO recommendations can officially be made to a State

The summary of other relevant stakeholders' information, which is prepared by the OHCHR, is based on written submissions of NGOs, National Human Rights Institutions (NHRIs), ombudspersons and regional organizations. This summary usually includes key human rights/child rights issues as well as recommendations to the State.

If NGOs submit a written submission, it can become part of the summary of relevant stakeholders.

Through advocacy and lobbying, NGOs can highlight issues overlooked by the State and get Member States to raise their concerns during the review, either as questions or recommendations.

3. It is more focused and targeted and requires less detail than the CRC reporting process

NGO submissions are limited to 5 pages for individual submissions and 10 pages for joint submissions. NGOs can use information contained in their last CRC alternative report, provided that it covers the situation of child rights in the country over the past 4½ years.

4. When a State accepts UPR recommendations, it makes a strong political commitment before all UN Member States to implement them in the following 4½ years

While it is unfortunate that States can reject recommendations which are in line with their international human rights obligations, accepted recommendations reflect a strong political commitment from the State to implement them before the next review.

The UPR State delegations usually include high ranking officials with political influence, which demonstrates the States' commitment to the UPR process. The political aspect of the UPR can be an advantage, as States may take it more seriously.

5. It provides a great opportunity to increase awareness about child rights issues in a country

The UPR is webcast, which makes it more accessible. In addition, it usually gets more press coverage than the CRC examination or its concluding observations.

NGOs can use it to increase awareness on child rights issues, as an opportunity to follow-up on CRC concluding observations (especially if similar recommendations were made under the UPR), and to exert more pressure on a State to respect child rights in general.

[6] To find out about advocacy and lobbying activities before the UPR, see Factsheet No.3 entitled "NGO Advocacy in the UPR".

How and when can you engage in the UPR?

1. Preparation of the State's UPR report

— Get involved in national consultations with the State to raise child rights concerns and ensure these issues are included in the State's report (1 year prior to the review)

— Submit an NGO written submission to the OHCHR (7 to 8 months prior to the review)

TIP: Use NGO research and the alternative report to the CRC to draft the UPR submission.

Maximum 5 pages for an individual UPR submission and 10 pages for a joint one.

2. Before the UPR

— Advocate for your recommendations to be made by States participating in the UPR. Target UN missions in Geneva and/or embassies in the country

— Advocate for your NGO questions to be posed by States participating in the UPR through advance written questions or, orally, during the review

(1 to 3 months prior to the review)

TIP: Check the database available on www.upr-info.org to identify the States that previously made recommendations on child rights.

Contact the NGO Group for advice on advocacy in Geneva.

3. During the UPR session

— Attend the UPR interactive dialogue in Geneva, watch the UN webcast live or after the session to take note of all the child rights references

— Hold a side event on the situation of children in the country

— Participate in side events, make contact with other NGOs

— Report on the review to partners at home from a child rights perspective

The UPR outcome report, which contains all the recommendations, is drafted within 48 hours of the review. At the adoption of this report by the UPR Working Group, the State can already accept/reject recommendations

4. After the UPR and before the official adoption by the HRC

— Lobby the State to get more recommendations accepted before the HRC plenary session when the UPR outcome report will be officially adopted

— Lobby the State to change its position on rejected recommendations, especially those in line with concluding observations, before the HRC plenary session

The State has a couple of months between steps 4 and 5 to provide its final answer on all recommendations made during the UPR

TIP: Use this time to lobby the State to accept more child rights recommendations

5. At the Human Rights Council plenary session (Item 6)

— Deliver an oral statement on the review of the State or join an oral statement prepared by partners

— Hold a side event on the situation of children in the country

— Participate in side events and make contacts with other NGOs engaged in the UPR

— Hold a press conference

6. Follow-up

— Establish a strategy to monitor the implementation of child rights recommendations that have been accepted

— Propose to help the government in implementing the recommendations

— Establish contact with UNICEF and other child-focused agencies, including the child ombudsman and/or the national human rights institution, for the implementation phase

— Provide information on the implementation of recommendations when preparing the next written submission

— Establish a dialogue with the government and other partners on child-specific recommendations that have been rejected

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