

Universal Periodic Review Toolkit



NGO Group for the Convention on the
Rights of the Child
Working Group on the Human Rights
Council

By way of introduction 1

What you have in your hands is the first release of a **self-learning tool-kit on the Universal Periodic Review (UPR)**, the new mechanism of the UN Human Rights Council. This has been **particularly designed for child-focussed NGOs who would like to better understand and engage with the new mechanism.**

It was prepared by the **Working Group on the Human Rights Council (WG-HRC)**, a thematic group of child rights NGOs' representatives under the umbrella of the NGO Group for the Convention on the rights of the Child.

The Working Group aims at placing the rights of the child in the work of the Human Rights Council (HRC). The WG-HRC is **coordinated by Save the Children-UK** (contact person: Jennifer Grant j.grant@savethechildren.org.uk) and the **World Organisation Against Torture (OMCT)** (contact person: Cécile Trochu Grasso ct@omct.org).

Note that the UPR is a very new mechanism which will have to consolidate its modalities and prove its effectiveness. This tool-kit will have to keep pace with the developing processes of the UPR and further versions may be developed in the future.

By way of introduction 2

The toolkit better serves its objectives if you use it **while being connected to the internet**. There are plenty of external links that provide you with further information if you want to deepen your knowledge on the UN, Human Rights Mechanism, and UPR.

Any part of this toolkit may be used for other purposes, provided that the NGO Group for the CRC is duly referenced.

This toolkit was made possible thanks to the **financial contribution of Save the Children UK**.

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With thanks to Jennifer Grant, Roberta Cecchetti and Cécile Trochu-Grasso for their extensive guidance and input

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Purpose/Function

The aim of this toolkit is to:

- Acquaint participants with the UN **Human Rights Council**
- Acquaint participants with the new **Universal Periodic Review (UPR)** mechanism
- Help Children's Rights NGOs to engage in the process

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- UN Human Rights System and its bodies
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The UPR at a Glance

Goal: The goal of the UPR is the *implementation* of human rights by the State (government and judiciary) and Civil Society through concrete public policies

1. Reporting →

3 Official Documents:

- a. State Report
- b. Compilation of UN documents by the Office of the High Commissioner for Human Rights (OHCHR)
- c. NGO Report
 - NGOs can submit reports to the OHCHR. All NGO reports are subsequently summarized into one final document

2. Review →

The State is reviewed based on the 3 official documents.

The review lasts for 3 hours and is carried out by a Working Group (WG) composed of the 47 member States of the Human Rights Council

1. Presentation of State report
2. Comments, questions, recommendations by the WG and Observer States.
3. Response by the State
4. Adoption of report by the WG
5. Adoption of FINAL report during the Human Rights Council session

3. Follow-Up →

Implementation of the recommendations made by States

Four (4) years later, the State comes under review once again

The United Nations: The Human Rights System and its Bodies



International

Human Rights Bodies

There are two different types of bodies in the United Nations human rights system

1. **Treaty**-Based Bodies
2. **Charter**-Based Bodies

UN Treaties

- Treaties are legally binding documents under international law. Once a State has ratified a treaty, they are legally obliged to implement the rights and provisions which are recognized in the treaty. Treaties necessarily take precedence over domestic law.
- Binding international legal instruments can also be referred to as Conventions, Protocols, Agreements, and Covenants.
- There are currently 8 United Nations treaties and 1 other that will come into force soon:
 - [United Nations Treaties and Treaty Bodies](#)



The Convention on the Rights of the Child (CRC) is one of these treaties

Human Rights Instruments

- Universal Declaration of Human Rights (not legally binding)
- International Covenant on Civil and Political Rights & Optional Protocol (Treaty)
- International Covenant on Economic, Social, and Cultural Rights (T)
- International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (T)
- International Convention on the Elimination of all Forms of Racial Discrimination (T)
- International Convention on the Elimination of All Forms of Discrimination against Women (T)
- International Convention on the Protection of the Rights of All Migrant Workers, and Members of Their Families (T)

Child-Specific Human Rights Instruments

- [Convention on the *Rights of the Child*](#)
- [Optional Protocol to the CRC: The *Involvement of Children in Armed Conflict*](#)
- [Optional Protocol to the CRC: The *Sale of Children, Child Prostitution and Child Pornography*](#)
- [Rules for the Protection of *Juveniles Deprived of their Liberty*](#)
- [United Nations Guidelines for the Prevention of Juvenile Delinquency](#)
- [United Nations Standard Minimum Rules for the Administration of Juvenile Justice](#)

Treaty-Based Bodies

For each treaty except one, a monitoring body has been created, making 7 in total.

- The Committees, as they are called, are made up of a number of **independent experts**. States that have ratified a treaty are required to submit periodic reports which the committee then examines.
- Each treaty is different, but generally, States must provide an initial report 1-2 years after ratification. After that, they must report every 4-5 years.
- The Committee also considers reports and information submitted to them by NGOs, UN agencies, intergovernmental organizations, academic institutions, and the press.
- Once all the information has been compiled and examined, the Committee adopts General Comments as well as Concluding Observations which consist of any recommendations and concerns regarding the implementation of the treaty's rights and provisions in the country under review.

[Click here](#) and [here](#) for further detailed information on the United Nations Human Rights Treaty System

Charter-Based Bodies

Charter-based bodies are bodies that have been created as stipulated in the United Nations Charter of 1945:

- General Assembly
- Security Council
- Economic and Social Council
- **Commission on Human Rights**
- Secretariat

On 15 March 2006, the General Assembly adopted Resolution 60/251 establishing the Human Rights Council (HRC) by a vote of 170:4 with 3 abstentions.

The HRC replaced the United Nations Commission on Human Rights .

While the Human Rights Council and the Commission on Human Rights remained similar in many ways, the Universal Periodic Review is a completely new mechanism created by the Human Rights Council.

UN Commission on Human Rights

The former Commission on Human Rights was a body made up of 53 Member States which monitored the implementation of its established human rights standards and responded to violations.

In carrying out this work, the Commission was assisted by the Sub-Commission on Human Rights, Special Rapporteurs, and independent experts.

The Commission (and the subsidiary Sub-Commission) was ultimately decommissioned in 2006 due to heavy criticisms.

- Achievements:

- Established the Universal Declaration of Human Rights
- Developed the body of international human rights law that is alive today, including the Convention on the Rights of the Child and its two Optional Protocols.
- Created the Special Procedures. [Click here to learn more](#)

- Criticisms:

- Membership: Several Member States (including States whose representatives chaired the Commission) had questionable human rights records
- Lack of Constructive Dialogue: The Commission had become a forum for politically selective criticism and finger-pointing. States with poor human rights records sought membership to shield themselves from such attacks.

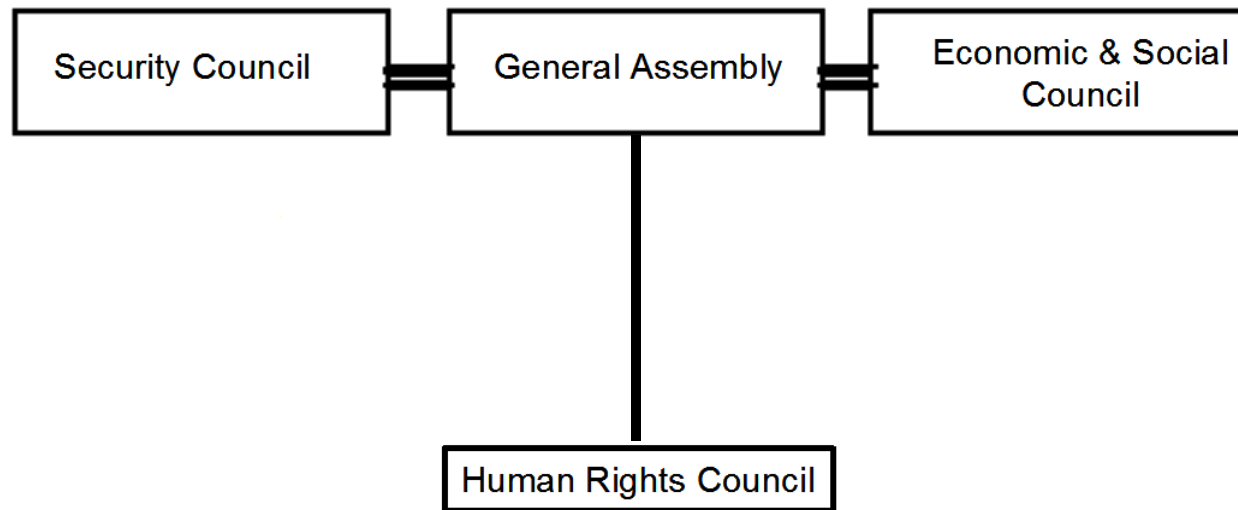
UN Human Rights Council

The Commission on Human Rights was subsequently replaced by the Human Rights Council, which assumed all the tasks and duties of the Commission.

As stated in General Assembly **Resolution 60/251** of 2006 creating the Council:

- Guiding Principles:
 - Universality, impartiality, objectivity, non-selectivity
- Mandate:
 - Promotion and protection of all human rights
 - Address situations of human rights violations and make recommendations
 - Promote human rights education
 - Undertake Universal Periodic Review (UPR)
 - Serve as a forum for dialogue on human rights issues
 - Promote full implementation of human rights obligations
 - Respond promptly to human rights emergencies
 - Make recommendations to the General Assembly for the further development of international human rights law.
 - Review the mandates of the Commission's Special Procedures

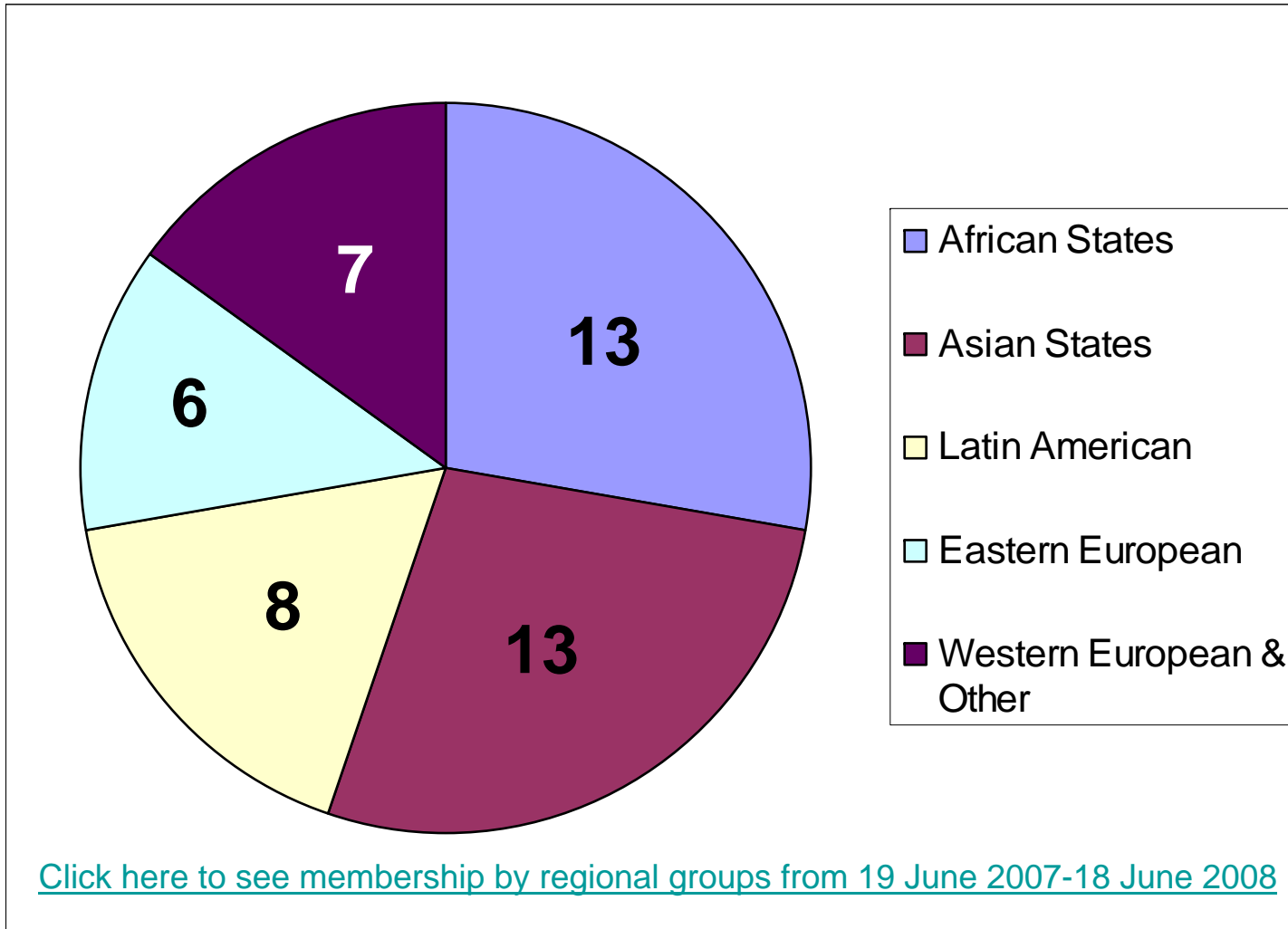
United Nations Structure



Resolution 60/251:

“The General Assembly decides to establish the Human Rights Council, based in Geneva, in replacement of the Commission on Human Rights, as a **subsidiary organ of the General Assembly; the Assembly shall review the status of the Council within five years**”

HRC Membership by Region

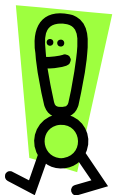


Regional

Human Rights Treaty Bodies

There are also regional mechanisms mandated to promote and protect human rights. Regional human rights systems were developed to reflect regional values and offer a more specific framework than the UN system.

- The Inter-American Commission on Human Rights
- The European Court of Human Rights
- The African Commission on Human and People's Rights



In addition, some countries also have national human rights institutions.

Universal Periodic Review

Universal Periodic Review




As stated in UN General Assembly A/RES/60/251:

“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)

Principles Behind the UPR

- Promotion of all human rights.
- UPR should be a cooperative mechanism based on objective and reliable information and on open dialogue between all concerned/interested parties (States, independent experts, Civil Society)
- **UPR will fully involve the State under review**
- ALL states will be reviewed equally
 - Each UN Member State will come under review once every 4 years
- It will take into account the country's level of development while assessing its human rights performance

Basis of the Review

-  **State**: Information provided by the state under review
(20 pages or an Oral Report)
-  **UN human rights system**: Relevant information from treaty bodies, special rapporteurs, etc., compiled by the OHCHR
(10 pages)
-  **Stakeholders**: Summary by the OHCHR of information provided by other relevant stakeholders such as national NGOs, National Human Rights Institutions, and international NGOs
(10 pages)

= 40 pages

Intergovernmental Process

The whole Universal Periodic Review is an Intergovernmental process: States are judging States.

- NO human rights experts will be involved (unlike for the monitoring of the implementation of the Convention on the Rights of the Child)

The review will be undertaken by a Working Group composed of the Member States of the Human Rights Council and facilitated by a Troika (**literally meaning 'three'**) of three rapporteurs selected by States who will prepare the final report.

Due to it being an intergovernmental process, the possible risks are political considerations and bargains.

States are limited by their regional groups and alliances, their relationships with other States, public view, etc.

“Fulfillment of human rights obligations and commitments”



A State can only be judged on those human rights instruments to which it is party!

As stated in Resolution 60/251, a State can be reviewed on the basis of its human rights performance regarding:

1. The United Nations Charter
2. The Universal Declaration of Human Rights
3. Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the Human Rights Council
4. Applicable international humanitarian law

Process of Review

How does the process work?

- All three reports will be considered by the UPR Working Group which is composed of the 47 HRC Member States.
- All UN Member States will be reviewed during a cycle (corresponding to a 4-year period)
- **All members of the Council will be reviewed during their terms of membership.**
- The Working Group meets 3 times per year for 2 weeks.
- The Review process will be facilitated by a group called a Troika



What's a Troika?

As explained in Resolution 5/1:

A group of 3 rapporteurs from different Regional Groups, appointed by their governments, will be formed to **facilitate the review**, including the **preparation of the report** of the Working Group

Troika

- Each of the 16 States under review during each session of the UPR will have its own unique Troika
- Troikas will be made up of representatives of Member States.
- Each Troika member will be from a different regional group.
- There are no requirements for who can and cannot be appointed to a Troika. Therefore, it *could* be a human rights expert...or it could simply be a diplomat, depending on the State's desire.
- The Troika will also prepare the report of the Working Group.

Troikas will prepare questions to be put to the State during the interactive dialogue. So they have considerable power to lead (or not lead) the discussion in a certain direction by either asking, or not asking, questions on children's rights

Process (Continued)

- 3 hours will be spent on the review of the State
 - This will consist of a discussion between the country under review and the Council Working Group, and other observer States
- Then the Plenary Session of the HRC will spend ½ an hour adopting the final report



NGOs will be allowed to attend the 3-hour review by the working group. However, in all likelihood they will not be allowed to participate in the dialogue **unless the country under review expresses openness to NGO participation.**

NGOs may make statements during the Human Rights Council plenary session when the final report on the State is adopted.

What will be the Outcome?

- A report will be produced consisting of
 - a summary of the proceedings of the review process
 - recommendations and/or conclusions
 - voluntary commitments made by the State
- But before the report is finalized...States may decide which recommendations they are in agreement with and which ones they aren't!
 - Recommendations that enjoy the support of the State concerned will be identified as such. Other recommendations, together with the comments of the State concerned, will be noted. Both will be included in the outcome report to be adopted by the Council.

Reporting

State Report

The State under review must produce a national report (written or oral) detailing how it has fulfilled its human rights obligations and commitments.

States are “encouraged” to gather their information through a broad consultation process in country with all relevant stakeholders.

However, it is important that NGOs don’t automatically assume that the State *will* engage in consultations with stakeholders.

→ Therefore, NGOs are encouraged to put pressure on the State to ensure that these broad consultations are held in an inclusive and meaningful manner.

State Report

Remember that States can opt to deliver an *oral* report, or a *written* report of no more than 20 pages.

Both State reports (where they exist) and the OHCHR summaries of additional information must be received by the Secretariat 6 weeks before the UPR working group session.



Therefore, NGOs will not be able to directly address issues raised in the State reports unless they are submitted early or made public at the national level prior to submission!

UN Human Rights System Report

- OHCHR will summarize information contained in:
 - treaty body reports
 - special procedures reports
 - observations and comments by the State concerned
 - other relevant official UN documents



Note that the Concluding Observations of the Committee on the Rights of the Child and the other Treaty Bodies will already be included in the OHCHR's summary report. **It is important not to duplicate this information.**

NGO/NHRI Reports

- NGO submissions are at the core of the Universal Periodic Review. There is an opportunity for them to provide honest unbiased assessments of the human rights situation in the countries.

→ Therefore, your reports are critical.

However, it is important for you to understand that information provided by NGOs **is not confidential**.



Consequently, all NGOs must weigh the benefits and dangers carefully.

Coordination with larger international NGOs may be a way around this obstacle.

NGO Coordination

- Smaller local NGOs should coordinate with bigger national NGOs to ensure the issues that they consider important are being addressed by organizations with a bigger voice in the international community.
 1. Contact NGOs around you that are interested in similar issues
Acquaint them with the UPR process if they have not already heard about it
 2. Discuss the issues that you want to be reported on
 3. Decide whether it would be best for all your NGOs to bring up the same issues, or whether it would be best to split the list of issues between your group of NGOs so that you can cover, in depth, a range of topics
- Coordinating with bigger NGOs can also provide smaller NGOs with much needed safety.
- Local NGOs should also coordinate with Geneva-based NGOs for advice on organizing the information and on any possible advocacy strategies.

How do we write a report?

The OHCHR has produced detailed guidelines for UPR submissions by relevant stakeholders such as NGOs and NHRIs. They can be found at the end of this presentation.

- Page Limit
- Focus
- Time Period
- Deadline
- Language

1. Page Limit

NGO submissions **must not exceed 5 pages**

Annexes and supporting information may be attached for reference, but do not count on them being read (!)

Not much space?

→ It is therefore important that NGOs and NHRIs clearly identify the principle issues they want the Human Rights Council to raise with the States.



Submissions should either be:

1. Short submissions **specifically** for the UPR
2. Short summaries with the original reports included in an annex.

2. Focus

- Your submission should highlight the main human rights concerns for children in your country.
- Make reference to specific human rights instruments and standards.
- Express a sense of urgency and priority in your cited issues.
- Make **concrete recommendations** for change.

Focus (Continued)



Remember that the more NGOs that bring up a certain issue, the more likely the OHCHR is to include it in its summary of information provided by other stakeholders!



NGOs can refer to the CRC conclusions to see what kinds of issues are important in the country. Remember, though, that the OHCHR will be summarizing treaty body reports already, so do not duplicate what will already be done.

3. Time Period

- The Universal Periodic Review is scheduled to occur every 4 years for each UN Member State.
- Therefore, all actors submitting information to be reviewed (States, OHCHR, NGOs) should limit the scope of their submissions to the previous 4 years.

4. Deadline

- Information on deadlines can be found on the OHCHR website closer to the date.
- In general though, NGO submissions must be submitted 3 - 4 months prior to the Working Group session.
- However, precise deadlines will be made available on the website, and it is best that you abide by these deadlines.

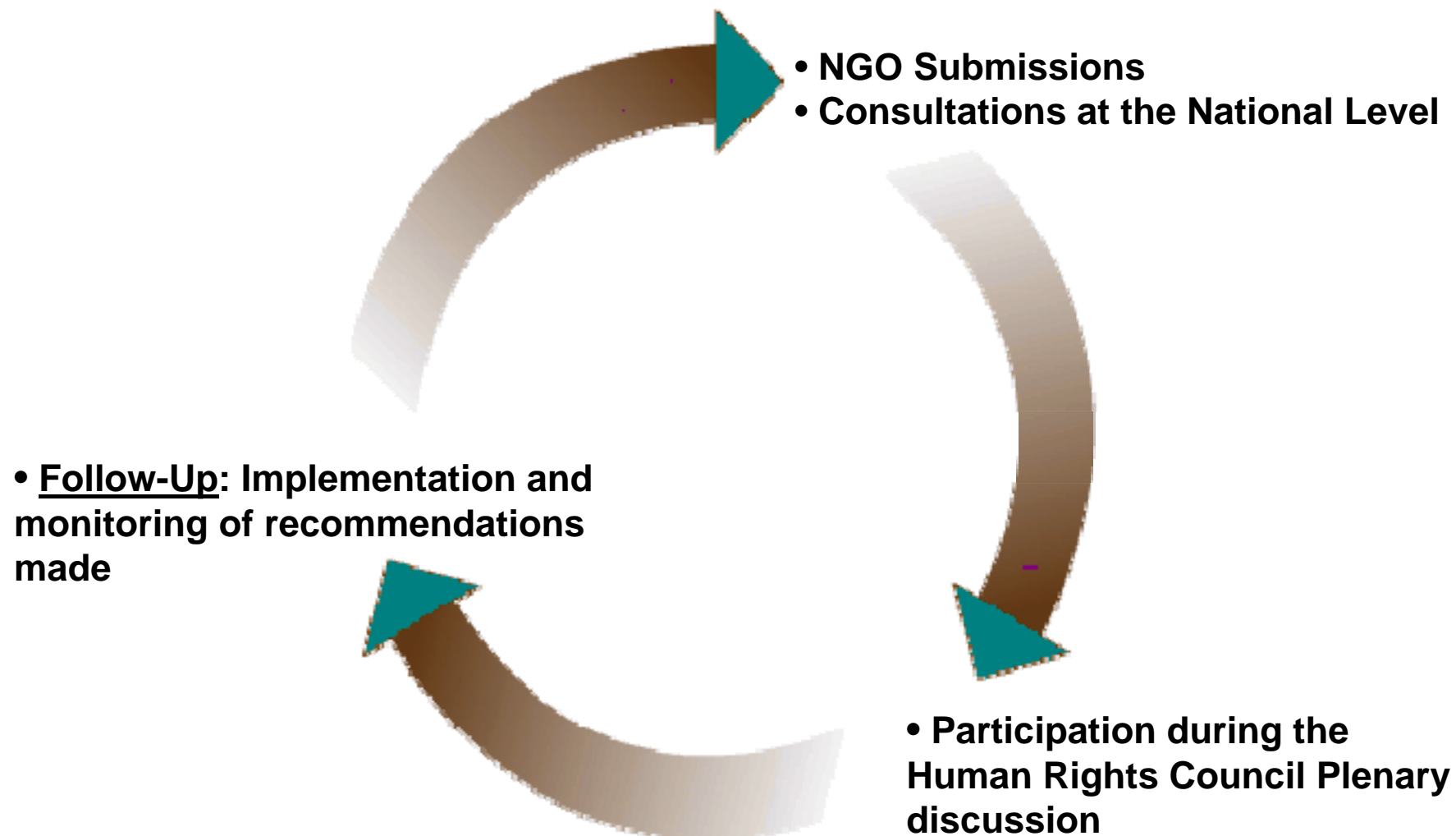


In the event that your NGO needs an extension to the deadline, there can be some flexibility if OHCHR is given proper warning.

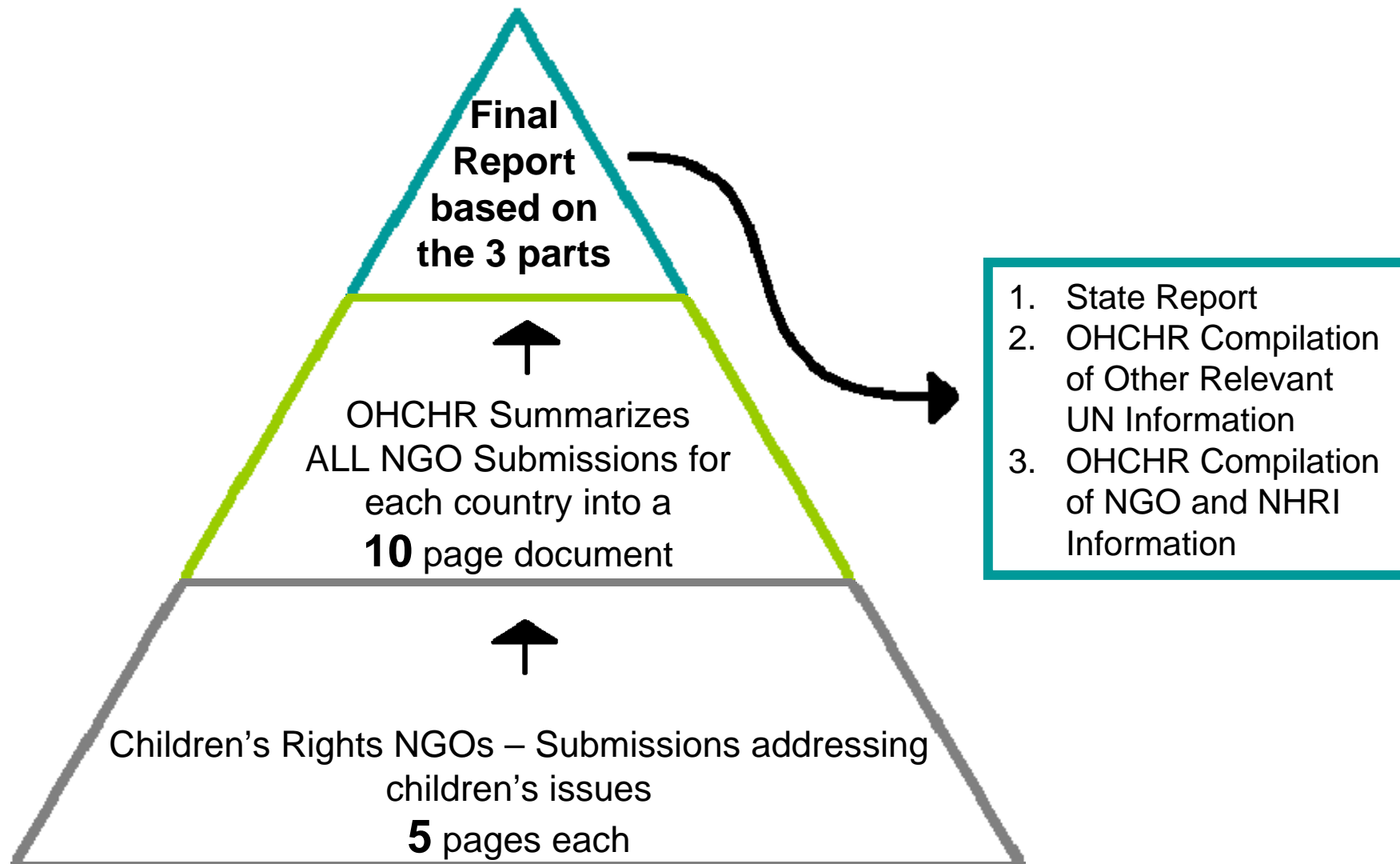
5. Language

- Submissions may be written in all of the official United Nations languages:
 - Chinese
 - Russian
 - French
 - English
 - Spanish
 - Arabic
- However, the OHCHR has expressed a preference for English, French and Spanish.

Opportunities for NGO Participation



How to get Children's Issues Addressed



Participation beyond Submissions

- UPR Working Group
 - Influence the possible questions to be asked by the HRC Member States by providing their Geneva representatives with written and/or oral information
- Participation in the UPR plenary
 - During the Human Rights Council plenary session NGOs can make statements and pose questions to the States under review

Participation beyond Submissions

- Involvement in the Follow-Up
 - Convene a meeting to discuss among child rights NGOs the relevance that the outcome had for children's rights.



Ensure the active and meaningful participation of children in the discussion

- Establish a strategy for your NGOs to monitor the implementation of the final UPR recommendations
- Monitor the involvement of a children's ombudsman in the follow-up, where this is relevant (as not all countries have one)

Child Participation

Child Participation in the NGO Submission

Children have the *right* to input and participate in the UPR. Therefore, child friendly information on the process must be produced to get children acquainted with the mechanism.

Consultations with children should be organized at the national level for them to voice their opinions on their own human rights.

The outcome of these consultations can become the children's submission for UPR or they can be incorporated in the NGO submission.



Quality standards and guidelines for ethical and meaningful child participation should be developed and implemented

Child Participation



- In the process of incorporating child participation into the writing of a report, remember that there is no system of confidentiality. NGOs must always keep the best interests of the participating children at heart and protect their anonymity completely.



- Make sure to involve children in the entire process including following up on the results and outcomes of the UPR
 - Present and discuss the final report
 - Discuss the recommendations made by the Council

Next Steps?

Find your country...and start preparing your report!

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

Useful Links

UPR Information:

- [UPR Info](#)

OHCHR:

- [Human Rights Council](#)
- [Universal Periodic Review Page](#)
- [Technical guidelines for the submission of stakeholders' information](#)
- [Human Rights Council Extranet](#)
 - Easily sign up and get a username & password

Resolutions:

- Resolution [60/251](#) of the General Assembly
- Resolution [5/1 - Institution Building Package](#) of the Human Rights Council
- [Follow-Up to 5/1](#)

Child Rights Information Network:

- <http://www.crin.org/>
- [Human Rights Council Page](#)
- [UPR Page](#)

International Service for Human Rights:

- [Council Monitor](#)

Human Rights Watch:

- <http://www.hrw.org/>
- [Human Rights Council News](#)