

5. Access to justice - the Universal Periodic Review

Script

In this film we're going to take a look at one way in which civil society can highlight human rights violations at the global level and work for change – the Universal Periodic Review or UPR.

The UPR takes place in the United Nations Human Rights Council. The Council has been set up by the United Nations General Assembly which Assembly elects 47 countries to sit on the Council. The Council meets three times a year in Geneva, and you can watch the Council's sessions via the web on UNTV. (<http://webtv.un.org/>)

The Human Rights Council's task is to strengthen and promote all human rights in all countries and to address human rights violations.

The Universal Periodic Review is a good example of this. The UPR reviews the situation for all human rights in all of the UN's 193 member states. It's the only process in the world where the human rights records of all UN member states are examined in the same way regardless of whether the countries are powerful or weak, rich or poor.

The UPR is a system of peer review, where good practices and experiences from one country can be shared with others. But there's also an element of "naming and shaming". States don't like having their human rights weaknesses pointed out publicly by other states so many states do make efforts to improve even if there are others that don't.

So how does the UPR work in practice?

42 countries are reviewed every year meaning that each United Nations member country is reviewed once every four and a half years. You can find a link to the timetable for UPRs on the website of the Office of the High Commissioner for Human Rights – it's a good idea to find out when your country is going to be reviewed next!

There are four stages to the UPR process:

Firstly three reports are prepared and submitted to the Human Rights Council: one from the government being reviewed, one summarising input from UN experts and one summarising input from civil society and national human rights institutions.

The government report is 20 pages long, so really quite short! In it the government describes how they see the human rights situation in the country and what they've done to implement the recommendations made by the Human

Rights Council, when it last reviewed the country. The government is meant to consult with civil society organisations in the country when preparing the report.

The report summarising input from independent UN experts is 10 pages long and is prepared by the Office of the High Commissioner for Human Rights. The UN Special Rapporteur on Freedom of religion or belief is one of the experts whose input is included.

The Office of the High Commissioner also submits a 10 page report summarising credible information from National Human Rights Institutions and civil society organisations regarding the human rights situation in the country.

It should be possible for civil society organisations to feed into all three reports – by being part of government consultations, by engaging in dialogue with the special rapporteur, and by feeding into reports from National Human Rights Institutions and other NGOs, or by preparing their own reports to send to the Office of the High Commissioner. Any civil society organisation can send in reports – you don't need to be UN accredited!

Of course, doing all of that is a lot of work. For most organisations a good place to start is to send well documented information on violations to National Human Rights Institutions, national and international NGOs and to the Special Rapporteur so that your concerns can be included in their reports.

The three reports form the basis for the review and are made public shortly before it takes place.

The second stage of the UPR process is a three and a half hour review session at the Human Rights Council in Geneva. During that session any member country of the Council can comment on the reports and make recommendations as to how the government can improve the situation. Although they can't make statements at the review session UN accredited civil society organisations can observe these review sessions and often organise seminars and lobby meetings in connection with them.

The third stage of the process is the publication of a report summarising the review and listing the Council's recommendations to the government.

The government then makes a written response to these recommendations. Usually governments pledge to implement some recommendations, give reasons for delaying work on others, and reject or 'take note' of some recommendations. These written responses are discussed at a regular session of the Human Rights Council and UN accredited civil society organisations are allowed to make statements at that session.

The final and most important stage of the process is of course the four and a half years of implementation that follows the review, during which the government is supposed to live up to its pledges. Monitoring whether it does and advocating for implementation are important tasks for civil society.

All of the documents linked to the UPR, including civil society submissions, the Human Rights Council's recommendations and the government's pledges are published on the Office of the High Commissioner's website. It's really useful to know about the recommendations and pledges as you can refer to them in advocacy work. National media often pays attention to the country review which can also create opportunities for you to highlight the issues you're working on.

Experience has shown that civil society input to and follow up on the UPR is most effective when it's done by coalitions rather than lots of separate organisations in an uncoordinated way. Which NGOs and faith communities could you collaborate with?

A good place to learn more about the UPR and to link up to other NGOs working to influence your government is via an NGO called UPR Info, based in Geneva. UPR info works to raise awareness of the Universal Periodic Review and build the capacity of civil society and other actors to engage with the UPR.

To sum up:

The UPR reviews the situation for all human rights in all of the United Nations 193 member states. Each country is reviewed once every four and a half years.

There are several stages to the review process:

1. Firstly, three reports are prepared one from the government concerned, one from UN experts and one from civil society and national human rights institutions.
2. The Human Rights Council has a three and a half hour discussion of these reports. UN accredited civil society organisations can observe these review sessions and often organise seminars and lobby meetings in connection with them.
3. After the review session a report of the Council's recommendations is published.
4. And the government concerned provides a written response by pledging to act on some recommendations, delay action on others or to just take note of recommendations without pledging any action.

During the four and a half years that follows, the government should implement its pledges. Civil society can monitor this and both the council's recommendations and the government's pledges are useful in advocacy work.

On the website you'll find links to the Human Rights Council's website as well as films and other resources to help your organization promote freedom of religion or belief in your context.