

**THE UNIVERSAL PERIODIC REVIEW<sup>1</sup>  
BY THE HUMAN RIGHTS COUNCIL**

**I. BASIS OF THE REVIEW: INSTRUMENTS, LAWS, COMMITMENTS**

The UPR should be based on and guided by the following:

- The UN Charter;
- The Universal Declaration of Human Rights;
- Obligations arising from treaties to which the State is a Party;
- State's domestic laws; and
- Commitments and pledges made by the State being reviewed.

Additionally, the UPR should duly take into consideration the following factors:

- Level of development of the state(s);
- Religious and socio-cultural specificities, if applicable.

**II. PRINCIPLES AND PARAMETERS**

OP-5(e) of Resolution A/60/251 lays down following principles and parameters for the Universal Periodic Review by the Human Rights Council<sup>2</sup>:

1. It will be based on objective and reliable information;
2. It will review fulfillment by each state of its human rights obligations in a manner which ensures universality of coverage and equality of treatment with respect to all states;
3. It will be a cooperative mechanism based on interactive dialogue with the full involvement of the country concerned;
4. Consideration will be given to the capacity building needs of the concerned state(s);
5. Such a mechanism will complement and not duplicate the work of treaty bodies.
6. The Council shall develop modalities and time allocation within one year after holding its first session.

The OP-9 of the Resolution A/60/251 stipulates that Members shall be reviewed under the UPR mechanism during their term of membership.

The UPR will be a member-driven exercise.

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<sup>1</sup> Referred to as UPR

<sup>2</sup> Referred to as the Council

### **III. MODALITIES**

#### **A. Periodicity and time allocation**

##### **Suggested Alternative One**

<b>Cycle of Review:</b>	<b>Five years (to cover all UN Member States)</b>
<b>Number of states to be examined each year:</b>	<b>35 to 40</b>
<b>Time allocation for review of each state:</b>	<b>2 hours</b>
<b>Number of days required for UPR in one year:</b>	<b>12 to 14 days</b>

##### **Suggested Alternative Two**

<b>Cycle of review:</b>	<b>Multiple cycles according to the level of development of States.</b>
<b>Developed countries (35)</b>	<b>-Every three years (11 per year)</b>
<b>Developing countries (106)</b>	<b>-Every five years (20 per year)</b>
<b>LDCs (50)</b>	<b>-Every seven years (7 per year)</b>
<b>Number of states to be examined each year:</b>	<b>40</b>
<b>Time allocation for review of each state:</b>	<b>3 hours</b>
<b>Number of days required for UPR in one year:</b>	<b>20</b>

#### **B. Review Format**

- (1) Dialogue:** Interactive dialogue in the Plenary of the Council that would consist of:
  - (i) Presentation of the report by the state concerned;**
  - (ii) Interactive dialogue involving Member States of the Council;**
  - (iii) Responses by the state concerned; and**
  - (iv) Adoption of the outcome**
- (2) Reviewers:** Member States of the Human Rights Council will conduct the review. Observer states and NGOs with the ECOSOC Consultative status may attend to observe the proceedings of the UPR.
- (3) Spirit:** The dialogue should be conducted in a positive and constructive spirit. Confrontation should be avoided.

#### **C. Reports**

The core review should be based on the report prepared by the state concerned and submitted to the Council according to a specified timeline. The reports of the treaty bodies as well as information available from Special Rapporteurs and other UN sources on the state concerned should also be available as additional information.

The report of the state should contain objective information on basic facts; areas of achievement; deficits and challenges; and requirements of capacity building and technical assistance. Collation of data should focus on the following:

- (a) **Basic facts** regarding the country including size, population breakdown of gender, minorities, etc. as well as information relating to socio-economic indicators such as GDP growth rate, trade balance, natural resources, health and education infrastructure, employment rate, etc.;
- (b) **Institutional infrastructure** in the field of human rights: constitutional measures, National Human Rights Institution, Parliamentary institutions, Government departments, judiciary and other special institutions like ombudsman;
- (c) **Status of ratifications** of international human rights conventions. However, the review may not be solely focused on the treaty bodies;
- (d) **Religious and socio-cultural** specificities, if applicable
- (e) **Affirmative programmes** for women, children, minorities (where applicable);
- (f) **Role and independence** of media, NGOs and civil society.

#### **IV. OUTCOME AND FOLLOW-UP**

**Outcome** of the review should be a summary of the UPR proceedings containing recommendations and should be adopted by consensus.

**Follow-up** should include:

- (a) Any voluntary initiatives by the state concerned in pursuance of the discussions in the review;
- (b) Technical cooperation programmes at the request of the state;
- (c) Review of progress in the next UPR of the State.

Follow up should itself be reviewed on the basis of the empirical evidence gathered from its operation.

#### **V. PROCESS**

- (1) The Council in its first session every year should approve:
  - (a) **Standard Questionnaire** to be sent to the states to be reviewed.

- (b) **List of countries** to be reviewed under UPR mechanism during the year. The list should take into account that members of the Council would be the first to be subject of review although each year a mix of Council members and non-member states should be reviewed. The inclusion of non-member states in the list should be either alphabetically or on voluntary basis;
- (b) **Schedule** indicating the time of consideration of each country to be reviewed should be circulated by the Secretariat. The list of countries to be reviewed and the schedule should be placed on the Council's extranet page;
- (2) **Report** by the State to be reviewed should be furnished to the Council Secretariat one week in advance of the Session of the Council in which it is to be reviewed;
- (3) **Time limits** for report presentation and interventions may be finalized by the Bureau in consultation with the states;
- (4) **A Rapporteur** from one of the Member States of the Council may be designated to coordinate the process and ensure smooth conduct of the review.

## VI. COMMENCEMENT

The review should start after adoption of the consensual outcome of the modalities of the UPR by the Council.

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