



INFORMATION SHEET

HUMAN RIGHTS UNIVERSAL PERIODIC REVIEW

What is the purpose of this information sheet?

The purpose of this information sheet is to explain:

- what the Universal Period Review is and
- how NGOs can be involved.

What is the Universal Periodic Review?

The Universal Periodic Review (UPR) is a mechanism by which the human rights records of the 192 United Nations member states are periodically reviewed. The UPR relies on the cooperation of states to engage in interactive dialogue on human rights issues, regardless of whether a state has ratified human rights treaties or not. The UPR process is different to the human rights treaty reporting process, which encourages NGO engagement through the preparation of NGO shadow or alternative reports. The basic guidelines for the UPR are universality, objectivity, non-selectivity, cooperation and interactivity.

The UPR process provides for the participation of all relevant stakeholders, including opportunities for NGOs to actively engage directly in their own right, or indirectly through national governments.

For the purpose of the UPR, the human rights obligations of a state are those set out in the Charter of the United Nations, the Universal Declaration of Human Rights, the human rights instruments to which it is party, its voluntary pledges and commitments (for example national human rights policies), and applicable humanitarian law.

Who is responsible for undertaking the UPR?

The UPR is a state-driven process, under the auspices of the Human Rights Council. It is carried out by the UPR Working Group, made up of the 47 Members of the Council. The distribution of seats is in accordance with equitable geographical representation from Africa, Asia, Eastern Europe, Latin America and the Caribbean and Western Europe. Australia is a member of the Western European and Others regional group (WEOG) and is represented on Council until June 2010 by Italy and the Netherlands. The UPR is a peer review process where states judge each other as opposed to the treaty reporting process as appointed specialists undertake that review.

How is the UPR conducted?

The human rights records of 48 states are reviewed each year based on three submissions:

- a National Report on the human rights situation in their country, prepared by the state under review;
- a compilation of United Nations information, prepared by Office of the High Commissioner for Human Rights (OHCHR);
- and a summary of information submitted by stakeholders (NGOs, regional and international intergovernmental organisations and 'other stakeholders'), prepared by OHCHR

The UPR Working Group reviews all of the submitted information and engages in active dialogue with the state before producing an outcome document including a summary of the proceedings as well as conclusions and/or recommendations.

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States hold the primary responsibility to implement the recommendations and must report on their progress after four years, when the state is up for review again. In consultation with the state concerned, and where necessary, the international community will assist in implementing the recommendations through capacity-building and technical assistance.

In the case that a state is persistently uncooperative, the Human Rights Council may decide on the measures it needs to take to address the matter.

How can Australian NGOs support the Australian Government in the review of states?

An Australian NGO may make a submission to the UPR pertaining to any state under review by submitting information to the UN Office of the High Commissioner for Human Rights (OHCHR) who can include this information in the 'other stakeholders' report to the UPR. The UPR can be a useful forum for raising awareness of human rights violations in a country where Australian development NGOs or their partners are working. NGOs are encouraged to follow the accreditation process outlined below in the first hyperlink for submitting reports to the UPR. This process will be public and NGOs should consider risks to local people, staff and programs before making public statements. ACFID is able to make a submission on behalf of its members.

In addition, NGOs can avoid making an expressly public statement, submitting information through their state representatives at Working Group meetings. The Department of Foreign Affairs and Trade (DFAT) officers represent Australia, which is an observer state at these meetings since Australia is not a current member of the Council. DFAT can take forward any information provided. This process has the benefit of allowing for NGO anonymity but does not ensure that the issues will be raised. ACFID can provide its members with the relevant DFAT contacts to facilitate this feedback.

NGOs can also be active in contributing to the follow-up implementation of UPR recommendations. Civil society has an important role in encouraging states to implement national policies and legislative reforms using the UPR recommendations as a basis for action. NGOs can also monitor the human rights situation and raise national awareness about the UPR and its outcomes.

NGOs should be aware that there are long lead-times between an NGO submitting information to the OHCHR and when a state appears before the Human Rights Council. See the calendar and deadlines hyperlinks below.

How can Australian NGOs participate in the review of Australia?

The Australian Government will be reviewed under the UPR in 2011. As above, Australian development NGOs can directly provide comments to the Working Group and attend sessions. However, the OHCHR encourages NGOs to form coalitions to provide a combined report as this increases the chance of the recommendations being adopted by the Working Group.

ACFID is engaged with the Australian coalition to prepare an NGO report for the UPR on Australia's human rights record. ACFID will consult with its members about the aid and development issues that should be highlighted in the UPR of Australia.

Additionally, the Human Rights Council Resolution 5/1 encourages states to prepare their national submissions towards the UPR through a consultative process with all relevant stakeholders. NGOs can contribute to Australia's National Report by providing information, recommendations and/or substantive comments in an attempt to influence the information contained in the National Report. The Attorney-General's Department is preparing the National Report.

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Further information:

Information on NGO involvement in the UPR from the OHCHR:

<http://www.ohchr.org/EN/HRBODIES/UPR/Pages/NgosNhris.aspx>

General information on the UPR from the OHCHR:

<http://www.ohchr.org/EN/HRBODIES/UPR/Pages/UPRMain.aspx>

Calendar of when states will be reviewed under the UPR (2008-2011):

<http://www.ohchr.org/EN/HRBodies/UPR/Documents/uprlist.pdf>

Deadlines for submission of stakeholders' information:

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/NewDeadlines.aspx>

Information on Australia and the UPR from the Attorney-General's Department:

http://www.ag.gov.au/www/agd/agd.nsf/page/Humanrightsandanti-discrimination_InternationalHumanRights_UniversalPeriodicReview

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