
Annex 5

Information and Guidelines for Stakeholders¹ on the UPR Mechanism*

[as of July 2008]

I. BACKGROUND

1. The Universal Periodic Review (UPR), established by General Assembly resolution 60/251 of 15 March 2006, is a new human rights mechanism. Through the UPR, the Human Rights Council (HRC) reviews, on a periodic basis, the fulfillment by each of the United Nations' 192 Member States of their human rights obligations and commitments. Resolution 60/251 provides that the UPR shall;²
 - Be based on objective and reliable information of the fulfillment by each State of its human rights obligations and commitments;
 - Be conducted in a manner which ensures universality of coverage and equal treatment with respect to all States;
 - 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; and
 - Complement and not duplicate the work of treaty bodies.
2. HRC resolution 5/1 of 18 June 2007 provides that the UPR should 'ensure the participation of all relevant stakeholders, including non-governmental organizations and national human rights institutions, in accordance with General Assembly resolution 60/251 of 15 March 2006 and Economic and Social Council resolution 1996/31 of 25 July 1996, as well as any decisions that the Council may take in this regard'.³

II. BASIS OF THE REVIEW

3. States are reviewed on the basis of:⁴
 - The Charter of the UN;
 - The Universal Declaration of Human Rights;
 - Human rights instruments to which the State is party;

*UN document. Please see: <http://www.ohchr.org/EN/HRBodies/UPR/Documents/TechnicalGuideEN.pdf>

Voluntary pledges and commitments, including (where relevant) those undertaken when presenting candidature for election to the HRC; and

Applicable international humanitarian law.

III. UNIVERSAL PERIODIC REVIEW AS A PROCESS

4. Reviewing all 192 UN Member States over a four-year cycle, the UPR is to be seen as a process consisting of several steps:
 - Preparation of the information upon which reviews are based, including: (i) information prepared by the State under review (national report); (ii) a compilation of UN information on the State under review prepared by the OHCHR, and (iii) a summary of information submitted by other relevant stakeholders, also prepared by OHCHR. The UPR review is based on these three documents, all of which are public;
 - The review itself takes place in Geneva in the Working Group on the UPR, composed of the 47 Member States of the HRC, and takes the form of an interactive dialogue held between the State under review and the Member and Observer States of the HRC. The Working Group meets in three two-week sessions each year and reviews 16 States at each session – a total of 48 States each year;
 - The Working Group's adoption of an outcome document at the end of each review;
 - The HRC's consideration and adoption of the UPR outcome, normally at the next regular HRC session; and
 - Follow-up by reviewed States on the implementation of the conclusions and recommendations contained within outcome documents.
5. The participation of all relevant stakeholders is encouraged throughout all relevant steps of the process. According to Human Rights Council resolution 5/1 of 18 June 2007:
 - (a) States are encouraged to prepare the information they submit 'through a broad consultation process at the national level with all relevant stakeholders' (paragraph 15 (a));
 - (b) Other relevant stakeholders may submit additional, credible and reliable information to the universal periodic review. Input received from stakeholders will be summarized by the Office of the High Commissioner for Human Rights in a Summary of Stakeholders' information which shall not exceed 10 pages (paragraph 15 (c));

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- (c) Other relevant stakeholders may attend the review in the working group (paragraph. 18 (c)), while not taking active part in the interactive dialogue;
 - (d) Before the adoption of the outcome by the plenary of the Council, the State concerned is offered the opportunity to present replies to questions or issues; Other relevant stakeholders will have the opportunity to make general comments before the adoption of the outcome by the plenary (paragraphs 29 and 31);
 - (e) The outcome of the universal periodic review, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders (paragraph 33).

IV. CONTRIBUTING WRITTEN SUBMISSIONS TOWARDS THE UPR PROCESS

A. Documentation upon which reviews are based

- 6. The documents on which reviews are based are:⁵
 - (a) Information prepared by the State concerned, which can take the form of a national report, on the basis of General Guidelines adopted by the HRC at its sixth session, and any other information considered relevant by the State concerned, which could be presented either orally or in writing, provided that the written presentation summarizing the information will not exceed 20 pages.
 - (b) A compilation prepared by OHCHR of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official UN documents, which shall not exceed 10 pages.
 - (c) Additional, credible and reliable information provided by other relevant stakeholders to the UPR which should also be taken into consideration by the HRC in the review. OHCHR will prepare a summary of such information which shall not exceed 10 pages.

B. Content and format of written submissions by relevant stakeholders to the OHCHR

- 7. HRC decision 6/102⁶ sets out General Guidelines for the preparation of information under the UPR. These Guidelines (available at http://ap.ohchr.org/documents/sdpage_e.aspx?b=10&se=69&t=3) apply to States and other stakeholders, as well as to OHCHR for the preparation of the documents under its responsibility.⁷

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- 8 Drawing from the above-mentioned general guidelines, stakeholders may wish to include in their submissions:
- (a) The methodology and the broad consultation process followed nationally for the preparation of information provided to the UPR by the country under review;
 - (b) The current normative and institutional framework of the country under review for the promotion and protection of human rights: constitution, legislation, policy measures such as national action plans, national jurisprudence, human rights infrastructure including national human rights institutions ...;
 - (c) The implementation and efficiency of the normative and institutional framework for the promotion and protection of human rights as described at subparagraph (b) above. This includes information on the implementation of the country's human rights obligations and commitments at the national and the international levels (for example information on the implementation of commitments made by the country under review at international conferences and other United Nations fora; of constitutional and legal reforms aimed at protecting human rights, of national action plans, of mechanisms and remedies aimed at improving human rights); on the activities of national human rights institutions; on human rights education and public awareness ...;
 - (d) Cooperation of the country under review with human rights mechanisms, and with national human rights institutions, NGOs, rights holders, human rights defenders, and other relevant national human rights stakeholders, both at the national, regional and international levels;
 - (e) Achievements made by the country under review, best practices which have emerged, and challenges and constraints faced by the country under review;
 - (f) Key national priorities as identified by stakeholders, initiatives and commitments that the State concerned should undertake, in the view of stakeholders, to overcome these challenges and constraints and improve human rights situations on the ground. This includes, for example, national strategies, areas where further progress is required, steps regarding implementation and follow-up to recommendations made by human rights mechanisms, commitments for future cooperation with OHCHR and human rights mechanisms and agencies, etc.;

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- (g) Expectations in terms of capacity-building and technical assistance provided and/or recommended by stakeholders through bilateral, regional and international cooperation.
9. Stakeholders are strongly encouraged to provide written submissions that:
- Are specifically tailored for the UPR;
 - Contain credible and reliable information on the State under review;
 - Highlight the main issues of concern and identify possible recommendations and/or best practices;
 - Cover a maximum four-year time period;
 - Do not contain language manifestly abusive;
 - Are no longer than five pages in the case of individual submissions, to which additional documentation can be annexed for reference. Submissions by large coalitions of stakeholders can be up to ten pages.
10. Stakeholders are encouraged, while drafting their contribution, in accordance with Human Rights Council resolution 5/1 (paragraph 1), to take into consideration all human rights obligations and commitments, including those set out in the United Nations Charter, the Universal Declaration of Human Rights, Human Rights instruments to which the country under review is a party, voluntary pledges and commitments made by that country, as well as applicable international humanitarian law.
11. Stakeholders may also, if they so wish, draw attention to specific conclusions and recommendations made by international and regional human rights mechanisms, and refer to the extent of implementation. However, stakeholders should refrain from listing all treaties ratification, concluding observations and recommendations of the human rights treaty bodies and/or the special procedures of the HRC, as the latter are reflected in the UN compilation prepared by OHCHR.
12. The UPR mechanism does not provide for confidentiality and is conducted on the basis of public documents. Submissions, as originally received, will be made available on-line on OHCHR's website, including the name of the submitting party (provided they do not contain language manifestly abusive).
13. Stakeholders are encouraged to consult with one another at the national level for the preparation of the UPR submissions. Joint submissions by a large number of stakeholders are encouraged. **For detailed technical guidance on modalities for stakeholders' submissions please refer to the information box annexed to these guidelines.**
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C. How and when should relevant stakeholders submit information?

14. Stakeholders' submissions should be sent to uprsubmissions@ohchr.org.
15. Deadlines for stakeholders' submissions can be found here at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/NewDeadlines.aspx>
17. For future country reviews under the UPR, stakeholders should note that written submissions to OHCHR should be sent indicatively at least five months before the relevant session of the Working Group on UPR, to take into account UN Conference Services' requirements. The exact deadlines will be posted in due course on the website.

V. PARTICIPATION IN THE UNIVERSAL PERIODIC REVIEW

18. NGOs in consultative relationship with ECOSOC may attend sessions of the Working Group on the UPR.⁸ At these sessions there is no provision for such NGOs to take the floor or submit written information;
19. NGOs in consultative relationship with ECOSOC may participate in regular sessions of the HRC, at which UPR outcomes are considered and adopted, and make brief general comments before the adoption of outcome documents by the HRC.⁹

For information on how to be accredited to HRC sessions please visit <http://www2.ohchr.org/english/bodies/hrcouncil/>.

VI. FOLLOW-UP TO THE UNIVERSAL PERIODIC REVIEW

20. Relevant stakeholders may wish to contribute to the follow-up to the outcome of the UPR process, to the extent that this is appropriate:
 - (a) Follow-up action could be undertaken in cooperation with the State entities, to whom the recommendations are addressed; and
 - (b) Stakeholders may disseminate the outcome of the UPR at the national level.
21. Stakeholders are encouraged to further disseminate these guidelines and raise awareness on the UPR.

VII. CONTACT INFORMATION

22. For further information, please contact:
OHCHR Civil Society Unit
Tel: +41 22 917 96 56
Fax: +41 22 917 90 11
E-mail: civilsocietyunit@ohchr.org

Technical guidelines for the submission of stakeholders' information to OHCHR

Where to submit?

Written information for the UPR review should be sent to the following address: uprsubmissions@ohchr.org. Please avoid sending information to other OHCHR electronic addresses. Please note (a) the OHCHR secretariat will confirm electronically receipt of your message and submission; and (b) while stakeholders are discouraged to fax or mail a hardcopy of their submission to the OHCHR secretariat, they may do so in the case of repeated technical difficulties with electronic mail to: +41 22 917 90 11.

Format of the written submission:

- Each electronic submission and relevant e-mail message should refer to **one country only**. In the **e-mail message** accompanying the submitted documents kindly include:
- In the title of the e-mail message: the name of the (main) stakeholder/ NGO submitting the contribution, the kind of contribution (individual and/or joint), the name of the reviewed country and indicate the month and year of relevant UPR session, e.g. *'Women's coalition – joint UPR submission – Brazil – April 2008'*;
- In the text of the e-mail message accompanying the submission, stakeholders should indicate the details of the relevant contact person;
- A paragraph describing the main activities of the submitting organization/ coalition, as well as date of establishment, especially for those organizations which interrelate for the first time with the UN, would be also welcomed;
- Should the submission be prepared jointly, the names of all submitting stakeholders should appear at the beginning of the submission text (not in the relevant e-mail message).
- Stakeholders' submissions should not be longer than five pages, to which a more detailed and factual report maybe attached; submissions by large coalitions of stakeholders can be up to ten pages;
- Written submissions should be saved as a Word document only, i.e. not as PDF file, in Times New Roman, font 12;

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- Written contributions should be submitted in UN official languages only, preferably in English, French or Spanish;
 - Written submissions should be final; in principle, it will not be possible to accommodate revisions;
 - Paragraphs and pages of each submission should be numbered;
 - Stakeholders are encouraged to include in their written submissions an introductory executive summary, capturing the main points contained therein; as a way of introduction, key words may also be indicated (e.g. domestic violence);
 - Written submissions should not include second-hand information (except when it clearly supports original information). Facts and details to support the identified priority issues and recommendations may be annexed for reference to the submission;
 - Annexes to the submissions should NOT include pictures, maps, organizations' annual reports or reports from other organizations;
 - OHCHR's summary will not refer to names of individuals mentioned in the written submission, except if they refer to emblematic cases;
 - The extensive use of footnotes is discouraged;

Please note also:

- Submissions in excess of the five/ten page maximum will not be considered;
- Submissions received in a language other than the six official UN languages will not be considered;
- Submissions received after specified deadlines will not be considered; and
- Submissions containing language manifestly abusive (i.e. incitement to violence, inherently racist language, etc.) will not be considered.

Notes

- 1 Stakeholders, which are referred to in resolution 5/1, include, inter alia, NGOs, national human rights institutions, human rights defenders, academic institutions and research institutes and regional organizations, as well as civil society representatives.
- 2 See operative paragraph (op.) 5(e).
- 3 See para 3(m) of the Annex to resolution 5/1.
- 4 See para 1 of the Annex to resolution 5/1.
- 5 See para 15 of the Annex to resolution 5/1.
- 6 Of 27 September 2007.
- 7 See section I, 'General guidelines for the preparation of information under the Universal Periodic Review' of HRC decision 6/102.
- 8 See para. 18(c) of the Annex to resolution 5/1.
- 9 See para. 31 of the Annex to resolution 5/1.