A Guide for
Recommending
States
at the UPR

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Contents

Introduction

Recommending States play a crucial role at the Universal Periodic Review (UPR), as their recommendations specify the actions that must be taken in the States under Review in order to improve respect for human rights. The political pressure that results from the Recommending States' scrutiny ensures that the State under Review voluntarily participates in the UPR and strives to implement the recommendations. But with this great power, comes great responsibility. Without an active participation of the Recommending States, the UPR process would not be so successful in ensuring that human rights on the ground are improved. That is why Recommending States must approach the UPR with the utmost seriousness. They must make effective recommendations that are precise and action-oriented and they must follow up on their recommendations during the implementation period and at the next review.

This document aims to serve as a comprehensive guide for Recommending State representatives. It serves both as an introduction to the UPR and a reference companion. It outlines the various points of participation for Recommending States, the best practices to ensure effective engagement with the UPR mechanism and it provides resources for additional information.

Timeline for UPR engagement
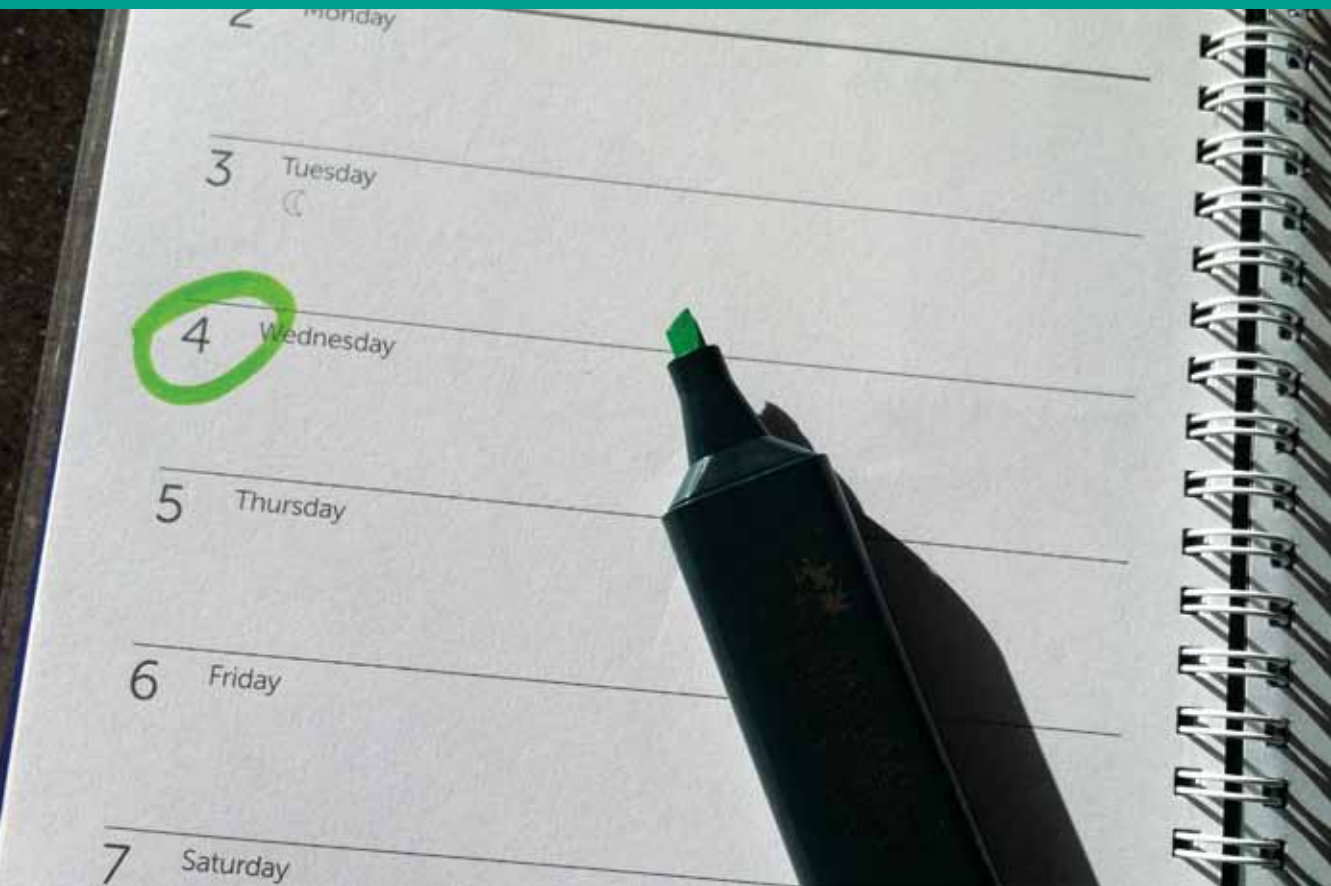
UPR STAGE:	TIMELINE:	WHAT TO DO:
Before the Review	1 to 2 months before the Review	■ Seek input from the Embassy in the State under Review ■ Attend *UPR Info* "pre-sessions" ■ Meet with civil society ■ Submit written questions
During the Review	Review	■ Attend the review ■ Ask questions ■ Make precise, action-oriented and SMART recommendations
Adoption of the list of recommendations	2 to 5 days after the Review	■ Be prepared to be approached by the troika members on the wording of its recommendations ■ Check the wording of its recommendations in the list of recommendations
Adoption of the full draft report	Within 2 weeks after the Review	■ Check the correctness of the summary of its statement
Adoption of the final report in the Human Rights Council	3 to 4 months after the Review	■ Ask for clarifications on its final responses to recommendations ■ Raise concerns, if any, on the responses provided by the government
Between two Reviews	1 to 4.5 years after the Review	■ Monitor the implementation of the recommendations made ■ Provide assistance to the government and other actors such as CSOs

I.
Short introduction
to the history
and modalities
of the UPR

A. History

The UPR was created out of the need to address several gaps in the United Nations (UN) Human Rights system. At the Commission on Human Rights, which preceded the Human Rights Council (HRC), States felt that the standing agenda items did not provide equal attention to all UN Member States. The treaty bodies, on the other hand, could only address a specific range of issues, if the State had ratified the relevant treaty and if that State had submitted a report for review. As for the Special Procedures, in order to visit certain countries, the mandate-holders had to be invited by the States. Thus, the human rights issues of some States went undiscussed for years.

The UPR appeared as a solution to ensuring the equal treatment of UN Member States, that all human rights issues are discussed and that these issues are discussed regularly. The first review was held in 2008 and gradually picked up momentum as all participants began to better understand how the UPR worked. By 2012, all of the UN Member States had undergone a review and the mechanism was slightly modified to improve the process for subsequent reviews.

The mechanism was largely hailed as a success due to the fact that, for the first time, all UN Member States had voluntarily subjected their human rights records to international scrutiny, that more than 21,000 recommendations were issued to the States under Review, and that more than 70% had been accepted. The UPR thus took root as an important human rights mechanism. But the question remained whether the UPR was also effective in changing the human rights situation on the ground.

In 2014, *UPR Info* published "Beyond promises: the impact of the UPR on the ground". The study reflected research from data collected from 165 countries in regard to the implementation of UPR recommendations at mid-term. The research findings indicated that only three years after the UPR, 48% of the recommendations had resulted in some kind of action by the State under

UPR: A three-stage process
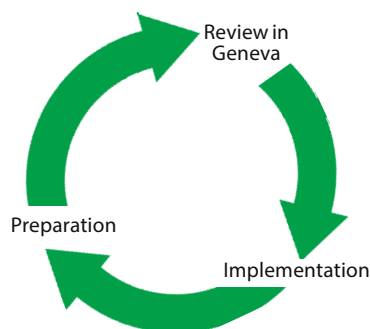
Review. The data presented in "Beyond promises" proved that the UPR is not only an effective platform for discussion at international level, but that it had a positive impact on human rights at national level.

B. Modalities of the UPR process

The UPR is a three-stage process by which the human rights record of a given country is reviewed in Geneva, then the country implements the recommendations and begins preparation for the following review.

| 4.5 year cycle | → | 14 UPR Working Group sessions per cycle | → | 3 two-week Working Group sessions per year | → | 14 countries reviewed per Working Group session | → | 3.5 hours per review of each State |

The UPR process is cyclical in nature, repeating every 4.5 years. Over the course of a cycle, 14 UPR Working Group sessions are convened, three times per year. During each two-week UPR Working Group session, 14 countries are reviewed. The actual review, during which the country's human rights record is discussed and recommendations are received, lasts 3.5 hours for each State, without exception. The term "Working Group" refers to all of the UN Member States and observers that provide recommendations.

Working Group

The UPR Working Group is the body that conducts the human rights review of States. In practice, all 193 UN Member States, as well as the Holy See and the State of Palestine, are part of the group. The Working Group meets in Geneva, Switzerland three times per year with a total of fourteen (14) countries for each session to be reviewed. Working Group sessions usually take place in January, April/May, and October/November.

To assist the State under Review, three UN Member States are chosen to serve as the "Troika". The three States that undertake the responsibilities of the troika can still make recommendations to the State under Review and participate as any other UN Member State in the Working Group. Troikas for all the States to be reviewed in a given year are chosen by lot at an organisational session of the HRC in January of that year. Only HRC members can be chosen as troika members. States under Review have the right to refuse one of the chosen countries as its troika member and have the option for their regional group to be represented as one of the troika members. The Recommending State may also excuse itself from serving as troika member.

Troika

The troika is a group of three UN Member States that assist the State under Review. The three States can still participate in the Working Group session as normal, but the troika representatives have two main roles: (1) receive all advance questions and relay them to the State under review and (2) help prepare the report of the WG with the assistance of the UN Secretariat and the State under Review. One troika member is in charge of introducing the list of recommendations before its adoption in the Working Group.

To prepare for the review, three reports provide the basis of information: 1) a national report 2) a compilation of information from the UN 3) a summary of individual reports submitted by civil society. These reports outline the progress and challenges of the human rights situation since the previous review. Recommending States, in addition to gathering information from their own Embassies in the States under Review, and meeting with civil society, use the three basis documents to prepare their recommendations for the review. Recommending States can also submit written questions in advance to the States under Review.

At the UPR, the State under Review takes the floor first to provide highlights of its achievements and challenges. Then, one-by-one, the Recommending States are called upon to make their statements and present their recommendations. The list of speakers is in alphabetical order, with the first speaker drawn by lot and the list proceeding alphabetically from that point.

Background documentation

1) National Report
The State under Review explains what have been its implementation accomplishments and challenges since the previous review (10,700 words)

2) Compilation of UN information
OHCHR summarises information from various UN agencies, special procedures and treaty bodies about the human rights situation in the country and developments since the previous cycle (5,350 words)

3) Stakeholder Summary
OHCHR summarises reports submitted by the national human rights institution(s) (NHRI) and civil society organisations (CSOs) about the human rights situation in the country and developments since the previous cycle (5,350 words)

The amount of time that each Recommending State has to speak varies according to several factors. Out of the total 3.5-hour review for any given country, 140 minutes are allocated for statements of the Recommending States. All those who have sought to speak are given this opportunity during the 140 minutes. If there are few States registered, HRC members are allotted 3 minutes to speak, while non-members can speak for 2 minutes. If time does not permit to accommodate all States in this way, then the speaking time is reduced to 2 minutes per State. However, if more than 70 States register to speak, the 140 minutes are divided by the total number of States. Sometimes, States have had as few as 50 seconds to speak. It is important to note that the final report reflects only what has been said in the room. As such, if a Recommending State representative is unable to read

aloud all the recommendations, those not read due to time limitations will not be included in the final report.

Review in Geneva

Introduction
The State under Review introduces the national report and responds to questions received in advance.

Interactive dialogue
Recommending States take the floor to make recommendations. (The State under Review should take the floor during the interactive dialogue to respond to questions and provide additional information).

Conclusion
The State under Review takes the floor to respond to questions, provide any additional information and to make final remarks.

The State under Review, which has a total of 70 minutes to speak, can choose to use this time throughout the review as it pleases. For example, a State under Review can choose to make an introduction lasting 20 minutes, intervene four times in the middle at 10 minutes each, and use 10 minutes at the end for closing remarks. The HRC President, who presides over the meeting of the Working Group, enforces the rules in regard to speaking times and interventions.

Upon completion of the review, the Office of the High Commissioner for Human Rights (OHCHR), with the support of the troika, drafts the list of recommendations and releases it within 48 hours so that Recommending States can verify whether their recommendations were properly recorded. The list is then presented to the Working Group a few days later by the troika and is adopted by the Working Group. After that point, the recommendations cannot be modified. The State under Review can provide its position on the recommendations immediately or opt to consider the recommendations over the following months. The State under Review's decision will be reflected in the draft of the report.

The final report, including summaries of the State under Review's intervention and the interactive dialogue, is released one week after the end of the UPR Working Group session. Meanwhile, the State under Review considers whether to "support" or "note" the recommendations. According to Resolution 5/1, the State under Review cannot "reject" recommendations but

can provide comments on "noted" recommendations, including explanations on why they do not support said recommendations. The State under Review presents its response in an addendum to the Working Group, which is officially adopted at the HRC during a plenary session 3–4 months after the review in the Working Group.

Description of the Geneva stage

Review → Adoption of the list of recommendations → Adoption of the report at the Human Rights Council
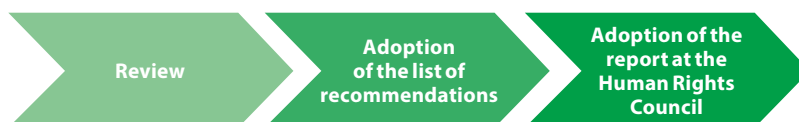
At the adoption of the "UPR outcome" in the plenary session of the HRC, the State under Review has 20 minutes to make a final statement about the review, provides its final responses to recommendations and to share any plans for implementation. A total of 20 minutes is also allocated for the Recommending States and for CSOs. If an A-status NHRI wishes to take the floor, it can speak for 2 minutes, right after the State under Review.

Time allocation at adoption in the HRC

20 minutes
State under Review
↓
20 minutes
Recommending States
↓
20 minutes
NHRIs & CSOs
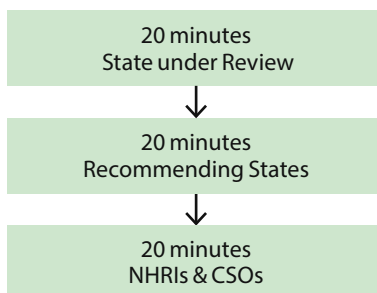
Once the Working Group report is adopted in the plenary session of the HRC, the implementation phase begins. The State under Review is encouraged to submit a voluntary mid-term report two years after its review to provide updates on its progress. It can do so during any Item 6 General Debate of the HRC. CSOs with ECOSOC status can also use this Item 6 General Debate to provide updates about the level of implementation of recommendations in a particular State.

Outcome document

The outcome of the UPR consists of a set of documents published in the framework of the review of a country which includes:

1) The Working Group report;
2) The addendum containing the responses to the recommendations; and
3) The statement delivered by the State under Review during the adoption of the Working Group report at the HRC.

The process starts all over again 4.5 years after a given review, with the State explaining what it has or has not done to implement the recommendations it had received and to improve the human rights situation.

II.
Practical participation in the UPR in Geneva

As seen above, the UPR process in Geneva contains several stages and the Recommending States should engage in each of them. They can participate in the UPR process before the review takes place in Geneva: by reading the documentation in preparation for the Working Group sessions; meeting with civil society of the States under Review; seeking the input of their respective Embassies in the country under review; and submitting advance questions. Recommending States should also register to take the floor during the review. Immediately following the review of a given State, Recommending States must verify that their recommendations were reflected properly in the draft Working Group report. At the adoption of the Working Group report in the HRC, Recommending States can take the floor to express their opinion of the State under Review's responses to the recommendations.

A. Before the Working Group session

Reading the background documentation

Before the UPR, three documents, 1) the national report submitted by the State under review 2) the compilation of information from the UN 3) the summary of reports submitted by civil society are available on the OHCHR website.[1] *UPR Info* also provides them on its country pages,[2] where documents related to reviews of all 193 UN Member States can be found. The documents are available approximately six weeks before the review itself. These documents provide information about the human rights situation, including progress and challenges, since the last review and it is necessary for recommending States to read them in order to have a clear understanding of the human rights in the countries under review.

Meeting with civil society

The summary of stakeholder's information contains key points of the reports submitted by CSOs. If the Recommending State needs additional information on a particular point, it can also download the report of the particular CSO. However, these documents are usually available late in the process and it can be burdensome to read hundreds of pages. Meeting with civil society members is a better and more direct way to access information. CSOs work closely with people that are most affected by human rights violations. They know the problems from the inside and can provide detailed explanations as to what precisely needs to be done, in a practical manner, to protect and promote human rights.

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[1] Available at http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx
[2] Available at http://www.upr-info.org/en/review

UPR Info's Pre-sessions

UPR Info organises "pre-sessions" during which diplomats have an opportunity to listen to several civil society representatives present the situation in their country and provide suggestions for the recommendations that would be most useful for their country. The pre-sessions take place in Geneva one month before the UPR Working Group sessions and each pre-session on any particular country lasts one hour. No registration is required to attend a pre-session and there are plenty of opportunities in between the pre-sessions to meet civil society members.

Meeting with civil society does not have to be a tiresome task. Both the Embassy in the State under Review and the Permanent Mission in Geneva can meet with civil society, in individual meetings and/or during group presentations.

Submitting questions in advance

Recommending States can send written questions to the State under Review in advance of the review in order to receive a response during the interactive dialogue. The questions are to be submitted to the OHCHR Secretariat (uprstates@ohchr.org) at least ten working days before the beginning of the session and are then transmitted to the State under Review through the troika. Questions submitted in advance are an opportunity to ask the State under Review about the status of implementation of the previous recommendations and voluntary pledges, or to ask for clarification about a specific human rights problem.

Registering to take the floor

Recommending States must register to speak at the reviews. Registration opens at 10:00 am on the Monday and closes at 6:00 pm on the Thursday during the week prior to the Working Group session. A registration desk is installed in Palais des Nations and the OHCHR Secretariat notifies Permanent Missions of its location. It is important to register during those four days, otherwise States will not be allowed to take the floor.

On the Friday of the week prior to the beginning of the Working Group session, the lists of speakers on all States under Review are arranged in alphabetical order and the HRC President chooses the first speaker by lot. The list continues from that first speaker in alphabetical order. The order of speakers and the speaking time is then communicated to Recommending States on the same day. Recommending States can decide to swap places on the list with another State, but must inform the OHCHR Secretariat of these changes. To indicate consent to the change, delegations are requested to sign the speakers list at the Secretariat desk in Room XX. The signature of delegates from both States is required to confirm the change. If a Recommending State is not present when it is due to speak, it may be possible to speak at the end of the review. The OHCHR Secretariat should be informed if this is the case.

B.   During the Working Group session

Taking the floor

During the Working Group session, the Recommending States take the floor to read their prepared statements (for statement preparation, see section III). Unless already submitted to the OHCHR Secretariat in electronic form, Recommending States should bring an additional copy of the statement for officers of conference services and interpreters. When reading the statement, it is important to speak clearly and at a speed that allows the interpreters to read the text without falling behind. However, it should be noted that any recommendations that are not read in the room will not be included in the Working Group report.

Adopting the list of recommendations

After the review of a State in the Working Group, the list of recommendations is finalised by the Secretariat with the support of the troika. Recommending States might be approached during the 48 hours pursuing the review by the troika to confirm the language in the recommendations, in particular where translations have taken place. At the adoption, Recommending States have one last opportunity to check whether their recommendations have been recorded properly. Changes to those recommendations can only be made orally at the adoption and will not be accepted afterwards. The adoption of the list of recommendations lasts 30 minutes for each country.

The final full draft report, including the adopted recommendation section, is distributed by the OHCHR Secretariat one week after the end of the UPR Working Group session. Recommending States can notify the OHCHR Secretariat about any errors to their statement summary within one week by writing to uprstates@ohchr.org.

C.   After the Working Group session

Adopting the final Working Group report in the Human Rights Council

The final step in Geneva, before the implementation period begins, is for the HRC to officially adopt the Working Group report during a plenary session. The final report is available a few weeks before the adoption in the plenary session. If the State under Review had not already provided responses to recommendations at the adoption in the Working Group, then it will usually provide these responses in an addendum to the final Working Group report.

The adoption only lasts for one hour per country, divided in three segments of 20 minutes between the State under Review, civil society and Recommending States. Registration for the latters begins on Monday of the week before the UPR segment of the HRC session and is open until Thursday. The list of speakers is in alphabetical order, with the first speaker drawn by lot and the list proceeding

alphabetically from that point. The speaking time for each speaker depends on the number of States registered, but with a minimum of 90 seconds each, which usually allows for 13 States to take the floor. If time is left, States beyond the 13th on the list are given the floor within the 20 minutes.

Recommending States take the floor at the adoption of the final Working Group report in the HRC in order to: ask for clarification of the State under Review's responses to recommendations; express regret or concern that certain recommendations were noted; and/or to disagree if there are recommendations that the State under Review has wrongfully indicated as "already implemented or in the process of implementation" and encourage implementation of recommendations. The Recommending State can also express its readiness to assist the State under Review with the implementation of specific recommendations.

The final Working Group report is always adopted by the HRC by consensus.

III.
Drafting UPR
statements

A.   Composition of a UPR statement

The statements that Recommending States prepare for the UPR should be short and concise. Most statements include an introduction that welcomes the delegation, acknowledges the implementation of a specific recommendation or voluntary pledge, raises concerns about specific issues, poses questions and, most importantly, provides recommendations.

Sample UPR statement

Introduction

Thank you Mr. President. [*Recommending State*] welcomes the delegation of [*State under Review*] and thanks it for the presentation of its second/third national report.

Acknowledging implementation of previous recommendations

[*Recommending State*] congratulates [*State under Review*] for the creation of a national mechanism for the prevention of torture following the ratification of the Optional Protocol to the Convention Against Torture.

Express concern

[*Recommending State*] is concerned by the proposed legislation limiting access of nongovernmental organisations to foreign funding.

Pose question

[*Recommending State*] would like to ask [*State under Review*] what measures will be taken to ensure that nongovernmental organisations are free to carry out their activities.

Make recommendations

[*Recommending State*] recommends to *[State under Review]* to:
1 /
2 /

It is up to the Recommending State to choose which sections listed above to include and in which order. There is no word limit for the statement of the Recommending State, but there is a strict time limit. Whatever is not said aloud during the speaker's statement will not be included in the official outcome report. Therefore it is important to make the statement as concise as possible, with some parts labelled low priority, in case they need to be excluded during the speech. The part concerning recommendations is

Important

States should keep in mind that only clearly identified recommendations (using the wording "we recommend" or "we have the following recommendations") will be acknowledged as recommendations. Sentences simply using the verbs "urge", encourage", or "call on" will not be listed as recommendations in the Working Group report.

the most important and should not be deleted. Some Recommending States choose to place recommendations at the beginning of the statement to ensure that there is enough time to read all of the recommendations aloud.

B.   Linking recommendations to the previous cycle

When writing statements, it is important to link the statement and recommendations to the previous cycle for the following reasons:

- ■ To increase the accountability of the State under Review. The more recommendations are repeated, the more pressure will be put on the State to implement these recommendations;

- ■ To strengthen the UPR. Each UPR cycle should build from the previous one in order to show progress.

Therefore, upon gathering information for the UPR, a best practice is to compare the recommendations and voluntary pledges issued in the previous cycle to the information presented in the reports of the new cycle. It is important to state whether the previous recommendations and voluntary pledges have been implemented fully, partially or not at all.

Recommendations repeated from the previous cycle should be clearly indicated by adding "as previously recommended" at the end of each recommendation that is repeated.

Do not forget the voluntary pledges!

Voluntary pledges are commitments made by a State under Review in the course of the UPR to do a specific action. Recommending States should not forget to refer to them and ask for updates about their implementation.

Once the statement is prepared, do not forget to submit a copy to the officers of conference services for publication on the Extranet.

IV.
How to phrase precise and action-oriented recommendations

Recommendations are the most important outcome of the review process in Geneva. For the UPR mechanism to be successful, the recommendations resulting from the review must be implemented. Such implementation has then to be assessed and carefully reported at the next review. In order to ensure this implementation and reporting, recommendations need to be precise and action-oriented.

A. Why recommendations should be precise and action-oriented

In resolution 5/1, States are encouraged to support an action-oriented UPR process (§3, let. d) and to be dedicated to improve human rights on the ground (§4, let .a). Those are two guiding principles that should influence the work of States when engaging with the UPR.

Precise and action-oriented recommendations are important because:

■ They are easier to implement: A State under Review cannot implement recommendations that it does not understand. A precise recommendation will clearly explain what action is expected from the State under Review;

■ They are easier to monitor: A precise recommendation, to which it is possible to say, yes or no on whether it has been implemented, will make the assessment easier.

In order to analyse the quality of recommendations, Professor Edward R. McMahon of the University of Vermont (US), with the support of *UPR Info*, decided to analyse the action requested by each recommendation, mostly looking into the verb starting the recommendation, and to attribute a category. This categorisation ranks recommendations on a scale from 1 (minimal action) to 5 (specific action).

Action category developed by Prof. McMahon with *UPR Info*

|	
Category 1	Recommendation directed at Recommending States, or calling upon the SuR to request technical assistance, or share information (Example of verbs: call on, seek, share).
Category 2	Recommendation emphasising continuity (Example of verbs: continue, maintain, persevere, persist, pursue).
Category 3	Recommendation to consider change (Example of verbs: analyse, consider, envisage, envision, examine, explore, reflect upon, revise, review, study).
Category 4	Recommendation of action that contains a general element (Example of verbs: accelerate, address, encourage, engage with, ensure, guarantee, intensify, promote, speed up, strengthen, take action, take measures or steps towards).
Category 5	Recommendation of specific action (Example of verbs: conduct, develop, eliminate, establish, investigate, undertake; as well as legal verbs: abolish, accede, adopt, amend, implement, enforce, ratify).

According to this ranking, only 35% of recommendations were specific (category 5) in the first cycle, showing that most recommendations are not consistent with the UPR ideals.[3]

Action categories of 1st cycle recommendations (session 1–12)

491 **2%**
3058 **14%**
7372 **35%**
2040 **10%**
8395 **39%**

1
2
3
4
5
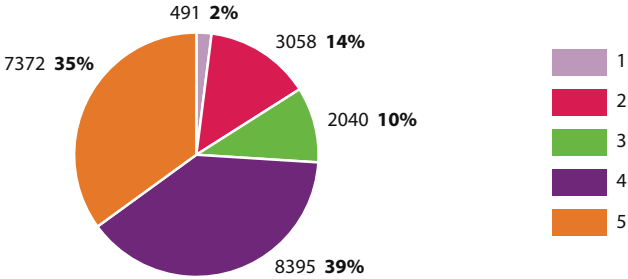
Aware of this inconsistency, 89 UN Member States have voluntarily committed to "always give high quality recommendations to other States, by ensuring that all our recommendations are precise, practical, constructive, forward looking and implementable".[4] Unfortunately, in the second UPR cycle the situation worsened. Halfway through the second cycle, a worrying 31% of the recommendations were precise.

Action categories of 2nd cycle recommendations (session 13–18)

89 **1%**
2930 **21%**
4425 **31%**
1060 **7%**
5610 **40%**

1
2
3
4
5
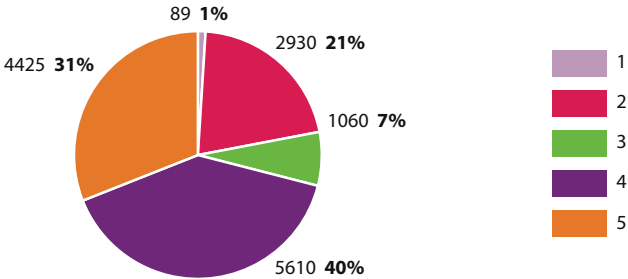
While there has been an increase in the number of recommendations received per State from the first cycle (average: 111 recommendations per State under Review) to the second cycle (average: 166 recommendations) – therefore resulting in an increase of the absolute number of specific recommendations – there has been a decrease in the percentage of specific, category 5 recommendations, by 4 points. At the same time, category 2 (starting with "continue to") rose from 14% to 21%. This increase of 7% might be explained by the fact that Recommending States want to encourage the States under Review to continue the action undertaken in the first cycle.

3   Data taken from UPR Info's database available at http://www.upr-info.org/database
4   Full statement available at http://s.upr-info.org/commitment89states

Precision Vs. Acceptance

When making a recommendation, States will often want that recommendation to be accepted in order to ensure its implementation. States therefore tend to make vaguer recommendations to reach that aim. While an accepted recommendation will have more chance of implementation, the aim of getting the recommendation accepted should not guide the drafting process. States should not censor themselves in order to have their recommendation accepted.

Indeed, acceptance is only one aspect of the UPR process. Because a recommendation is noted does not mean it will prove insignificant. The State under Review should still explain why the recommendation did not enjoy its support, therefore creating an opportunity to discuss contentious issues. At national level, the noted recommendations will remain on the discussion table for several reasons. Firstly, governments can change their position. In the past, we have seen noted recommendations being accepted eventually (for example, Denmark in the first UPR cycle[5]). Secondly, recommendations are directed at the State as a whole, comprising of ministries, agencies, local institutions *etc*, not at the Government only. Because the recommendation is not accepted by the Government does not mean that it will be rejected by the society willing to work on such recommendations and issues. Finally, recommendations noted are also implemented. According to *UPR Info*'s data, 19% of noted recommendations triggered action from the State, three years after the review.[6]

Finally, in order to increase the acceptance rate, many States use the verb "consider" to start their recommendations. However, according to analysis of responses, recommendations starting with "consider" (category 3 in our database) have a very similar acceptance rate as recommendations that are specific (category 5).

Acceptance rate of recommendations (sessions 1–19)
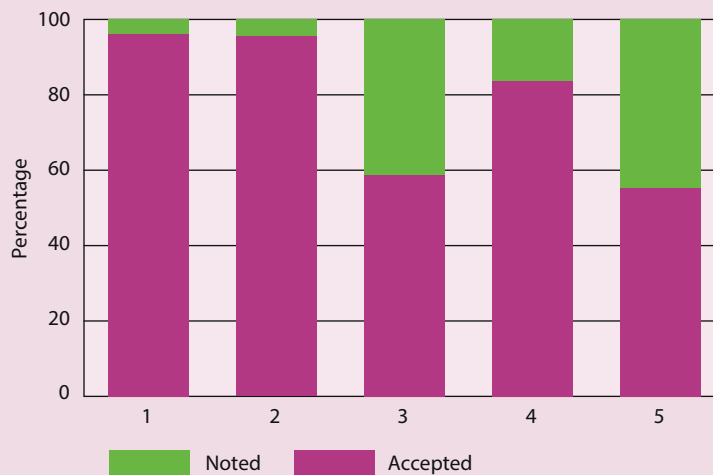
5 http://www.upr-info.org/en/news/denmark-accepts-20-new-recommendations-mid-term
6 See "Beyond promises: the impact of the UPR on the ground", 2014.

B. How to make precise and action-oriented recommendations

In order to make precise and action-oriented recommendations, each recommendation should include a single and specific issue and a single and specific action. This approach forms the basis of a useful recommendation because it clearly identifies the human rights problem and how to remedy it.

The SMART method also adds some helpful criteria for writing precise and action-oriented recommendations. These should be specific, measurable, achievable, relevant, and time-bound.

Specific

The *specific* dimension is meant to address a well-defined action in relation to a specific right or violation.

To do:	Establish a system of data collection which would allow a stock-taking of the situation of immigrant problems in areas such as employment and access to public office
	Conduct an awareness-raising campaign to ban violence against women
To avoid:	Ratify outstanding core international human rights instruments […].
	Ratify or accede to CAT, OP-CAT, ICCPR, and lift its broad reservations to CEDAW and CRC

Measurable

A *measurable* recommendation is a recommendation that can be assessed. Was the recommendation implemented or not? Recommendations that look at the result to be achieved, rather than specific actions to reach this result, are most often poorly measurable. Recommendations calling to "fight against impunity", or "end gender-based violence" look at the result to be achieved, rather than how to achieve it. This type of recommendation is too vague regarding the action to be undertaken and may well foster actions by the State under Review which are insufficient or contrary to the goal.

To do:	Raise the age of criminal responsibility for juvenile offenders to at least 12 years, in line with the CRC's general comment
	Establish a national human rights institution in accordance with the Paris Principles
To avoid:	Take all appropriate measures to address violence against indigenous women

Moreover, Recommending States should choose their wording carefully. To assess a recommendation suggesting "to sign and ratify the protocol" is not the same as "to ratify the protocol"; the first one can be considered as partially implemented if the State signs "the protocol", unlike the second one.

While having States signing conventions is important, having them ratifying conventions is more important. Thus in all cases the second kind of recommendation should have prevalence for the Recommending States.

To do:	Ratify the Rome Statute of the International Criminal Court
To avoid:	Sign and ratify CRPD and OP-CEDAW

Achievable

The *achievable* aspect is determined by the capacity of a State to comply with the recommendation. Such a limit should be defined only by material means, not by political will. In this regard, it is pragmatic to make precise recommendations that include step-by-step actions, while aiming for a bigger objective in the long run.

To do:	Increase the annual budget allocations for health section in order to provide for quality healthcare as well as adequate education, training and salaries for medical and paramedical staff

Relevant

Relevance refers to the link between the recommendation and the situation in the country. Relevance also refers to the link between the recommendation and the improvement of human rights on the ground.

To do:	Fully implement the Decade of Roma Inclusion 2005–2015 Programme to address all forms of discrimination against the Roma people and to improve the conditions of Roma settlements
	Promulgate draft law 2817, approved by the Philippine Senate in July 2011, which defines and sanctions enforced disappearances
To avoid:	Continue to exercise its sovereign right of implementing its laws and legislation, including on the death penalty, in conformity with the universally agreed human rights standards and norms

Time-bound

Lastly, the *time-bound* is related to a time frame during which the recommendation is expected to be implemented. It is understood that all recommendations should be implemented by the next review but shorter deadlines can be suggested. Very specific recommendations, such as legislative amendments, could contain a time limit before the next review.

To do:	Submit to human rights treaty bodies those reports which are overdue *within one year*
To avoid:	Consider, *when possible*, to gradually increase financial resources allocated to the budget of the Afghanistan Independent Human Rights Commission

Are there too many recommendations at the UPR?

Many stakeholders have voiced their concerns about the increase in the number of recommendations that each country under review has been receiving in the second UPR cycle.[7]

As discussions are emerging on what the third cycle of the UPR should look like, we believe it is misguided to focus on the quantity of recommendations. Indeed, limiting the number of recommendations could be detrimental to the UPR process for mainly two reasons:

- Firstly, if fewer recommendations were made, important issues would be left aside. Only mainstream issues would be raised at the UPR, thus narrowing the scope of the review on a given country;

- Secondly, having many similar or identical recommendations on a given issue demonstrates how important that issue is. Repetition does not overload the State under Review as it calls for similar action, rather, it shows the concerns of the international community on a specific issue.

UPR recommendations are the main added value and outcome of the review. Reducing their number voluntarily could, in fact, weaken the whole mechanism. While the number of recommendations has increased, unfortunately the number of quality recommendations has decreased, as shown above. The proportion of weak, unspecific recommendations is the problem – not the overall number itself. States should make an effort to improve the specificity of recommendations.

Consequently, each State should be free to make as many recommendations as needed as a limit could jeopardise the efficiency of the UPR.

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[7] Including during HRC item 6 General Debate in March 2012, 2013 and 2014. See http://s.upr-info.org/commitment89states

V.
Following up on
UPR recommendations

Recommendations in the UPR matter, but whether or not those recommendations are implemented matters even more. Recommending States can play an important role in the implementation process. Once the recommendations are made and the Working Group report is adopted by the HRC, the implementation phase begins. The State under Review holds the primary responsibility for implementing the recommendations but it should work closely with national and international actors to ensure effectiveness and efficiency.

During the implementation period, the Recommending State, through its Embassies and development agency, can assist the States under Review by providing technical and/or financial assistance for projects to implement the recommendations. Recommending States should also provide financial and political support to CSOs, which have unique knowledge and expertise that can help in the implementation process.

Recommending States wishing to inquire about the status of implementation of UPR recommendations can discuss the recommendations during bilateral meetings with the States under Review and civil society, and/or make a statement under Item 6 of the General Debate during HRC sessions. Recommending States can also include in their annual human rights report on the country under review the status of implementation of the recommendations they made.

To be able to easily access the recommendations previously made, Recommending States can create and use an internal database. However, *UPR Info* also provides a database of all UPR recommendations that have been made since 2008.

Finally, at the end of the implementation period, as the State under Review is about to be reviewed again, Recommending States should check whether their previously made recommendations have been implemented. If the recommendations have not been implemented or have only been implemented partially, the Recommending State should reiterate or elaborate upon its previously made recommendations.

VI.
Annex

A.   Tools & Resources

Beyond Promises: The Impact of the UPR on the Ground
An analysis by *UPR Info* of the implementation of 11,000 recommendations.

http://www.upr-info.org/sites/default/files/general-document/
pdf/2014_beyond_promises.pdf

Documents for States
A collection of publications about the UPR for States.

http://www.upr-info.org/en/how-to/documentation-for-states/
documentation-for-states

***UPR Info*'s database**
All recommendations from all reviews can be found in the UPR database. The database is searchable by issue, Recommending State, State under Review and more!

http://www.upr-info.org/database/

***UPR Info*'s statistics page**
UPR Info's statistics page contains global statistics, as well as statistics according to issues, the State under Review, Recommending State and more!

http://www.upr-info.org/database/statistics/

***UPR Info*'s country pages**
Country pages contain a timeline showing where in the UPR process is a particular country, all official documents for past and upcoming reviews, and any other documents or news that might be relevant for that country.

http://www.upr-info.org/en/review

Resolutions and decisions pertaining to the UPR

http://www.upr-info.org/en/upr-process/resolutions-and-decision

Webcasts
All webcasts from all past UPRs can be found on *UPR Info*'s website.

http://www.upr-info.org/en/webcast

Webcasts can also be streamed live at the abovementioned webpage or on:

http://webtv.un.org

UPR Extranet
The speaker's list, Recommending States' statements, "order of the day" and other important documents can be found on the UPR Extranet.

https://extranet.ohchr.org/sites/UPR/Pages/default.aspx

Login: hrc extranet   Password: 1session

B.   Explanation of resolutions pertaining to the UPR

On 15 March 2006, the UN General Assembly resolution 60/251 created the HRC and mandated it to: "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."

The UPR was established on 18 June 2007 when the HRC adopted its own "institution building package" in resolution 5/1. It is therefore a mechanism of the HRC. On 27 September 2007 the HRC adopted decision 6/102 as a follow-up to resolution 5/1. The first UPR session was held in April 2008.

Resolution 60/251, which founded the HRC, also decided that the HRC would review its work and functioning five years after its establishment. Therefore, following the process of its review, the HRC adopted resolution 16/21 on the outcome of the review and functioning of the HRC, in March 2011. This resolution contained the new modalities for the functioning of the HRC, but left several issues pending in relation to the second cycle of the UPR: the order of review; the timetable for each Working Group session; the list of speakers; the general guidelines for the three documents serving as the basis of the review; and the revised terms of reference of the Funds. Therefore the HRC followed resolution 16/21 by adopting decision 17/119 on 19 June 2011. This decision contained the new modalities on these issues for the second and subsequent cycles.

In order to clarify existing practice and rules regarding the UPR Working Group reports, the HRC President circulated a letter on 18 September 2013 to all Permanent Missions in Geneva recalling the UPR rules. The letter notably clarified that all recommendations suggested during the UPR have to be included in the body of the Working Group report and that all recommendations included in the report are part of the outcome that States under Review must address. Since then, this important HRC President's stand is regularly recalled by States and the HRC President during Working Group sessions.

All documents referred in this annex are available at:

http://www.upr-info.org/en/upr-process/resolutions-and-decision

C.   Glossary

Addendum: The addendum is a document drafted by the State under Review containing their responses to the Working Group list of recommendations. An addendum is limited to 2,675 words. The addendum is a secondary document to the Working Group Report.

Advance written questions: Advance questions are made by States and directed at the State under Review regarding its human rights situation. These questions are submitted to the State under Review through the troika, in writing, ten working days before the Working Group session. They are expected to be answered by the State under Review during the presentation of its National Report during the review.

Compilation of UN information: The Compilation of UN information is prepared by the OHCHR. It summarises and compiles all information submitted to the OHCHR on a specific State under Review by UN agencies and other UN human rights mechanisms, such as Treaty Bodies and Special Procedures. The compilation also includes potential recommendations. It cannot exceed 5,350 words. (It is one of the three documents used to conduct the review of a State; see also the National Report and the Summary of Other Stakeholders' information).

Extranet: The extranet is a website run by the OHCHR and is only accessible by a password. It contains organisational documents such as programmes of work, calendars of meetings and minutes of the HRC Bureau, as well as statements by States and CSOs, draft UPR Working Group reports and draft HRC resolutions.

Follow-up: The Follow-up is a phase of the UPR process, between two reviews, during which the State under Review should take appropriate measures to implement the recommendations. Other stakeholders are encouraged to provide support as well as monitor the progress made.

General Debate: The General Debate is a discussion that takes place at the HRC under each agenda item. During the General Debate on the UPR (item 6), States, NHRIs and CSOs take the floor to discuss UPR modalities. It is also the opportunity to provide feedback on the implementation of recommendations in a particular country. States usually present their Mid-term reports during the General Debate.

Implementation: Implementation consists of the steps undertaken by a State to comply with the recommendations received during their review (see also Follow-up).

Institutional-building package: *See 'Resolution 5/1'.*

Interactive dialogue: The interactive dialogue is the discussion taking place between the State under Review and other States during the 3.5 hour review in the Working Group. States pose questions and make comments as well as put forward recommendations to the State under Review. The latter is expected to respond to those questions and comments during this dialogue.

Item 6: Item of the HRC agenda that is dedicated to the UPR. The HRC agenda has 10 items in total.

National Report (or State Report): The national report is a report prepared by the Government of the State under Review about the human rights situation in the country. It should also include information regarding implementation of previous recommendations. The report cannot be longer than 10,700 words and should be submitted 12 weeks before the review. (The national report is one of three documents used to conduct the review of a State. See also Compilation of UN information and Summary of Other Stakeholders' information.)

Noted: According to resolution 5/1, recommendations at the UPR can either be supported or noted. Noted recommendations can, however, still be implemented and monitored, as part of the follow-up work of governments and civil society.

Office of the High Commissioner for Human Rights (OHCHR): The OHCHR is the human rights branch of the UN. It is part of the UN Secretariat, with headquarters in Geneva. The OHCHR has offices in various countries and regions and works to ensure that international human rights standards are effectively implemented on the ground. It supports the work of the UN treaty bodies and the HRC. The High Commissioner for Human Rights is the head of the Office and leads the work of the UN on human rights.

Outcome: The outcome of the UPR consists of a set of documents published in the framework of the review of a country which includes the Working Group report, the addendum, and the statement delivered by the State under Review during the adoption of the Working Group report at the HRC.

Pre-sessions: UPR pre-sessions are meetings organised by *UPR Info* bringing together Permanent Missions, NHRIs and CSOs to discuss the human rights situation in the States coming up for review at the UPR. The pre-sessions take place one month prior to a State's review and provide a valuable platform for civil society to engage with UN Member States and make their voice heard at the UPR.

Report of the Working Group: The Working Group report is the outcome of the review of a given State. It contains a full account of a State's review, including a summary of questions and comments made by States during the review as well as a complete list of all recommendations (including both

accepted and noted recommendations). The troika and the State under Review assist the HRC Secretariat in drafting this report.

Resolution 16/21: This HRC resolution was adopted in March 2011 following the Review of the HRC, which took place in 2010-2011. As a result of the Review, some modalities of the UPR were changed for the second cycle. Resolution 16/21 describes the changes and decisions made during the review. It notably indicates that the second cycle of the UPR would begin in June 2012, that the cycle period changed from four (4) years to four and a half (4 1/2) years and that only 42 Member States will be reviewed during the three (3) sessions of the Working Group. The resolution highlights that the second and subsequent cycles should focus on the implementation of the recommendations and the developments of the human rights situation in the State under Review.

Resolution 5/1: This HRC resolution outlines the practices and guidelines to be followed during the UPR. It was adopted on 18 June 2007 following one year of negotiations within the HRC. It is also called the Institutional-building package.

Resolution 60/251: Resolution 60/251 is the UN General Assembly resolution establishing the HRC and the UPR. It was adopted on 15 March 2006 and was part of the UN reforms that replaced the Commission on Human Rights with the HRC.

Review: The review is the examination by the UPR Working Group on whether UN Member States are respecting the commitments they made and agreements they signed under international law. In particular, States are reviewed on their human rights obligations deriving from the UN Charter, the Universal Declaration of Human Rights, UN Human rights treaties ratified by the State concerned, international humanitarian law and any voluntary pledges and commitments made by the State. The Working Group will use the National Report, the Compilation of UN Information and the Summary of Other Stakeholders' Information to conduct the review. During the process, an interactive dialogue takes place between the State under Review and other States in which questions concerning the State under Review's human rights record are addressed and recommendations on how to improve the human rights situation in the country are submitted. During the review, the State under Review has 70 minutes to speak, while the other States have 140 minutes.

Secretariat (HRC): The HRC Secretariat assists the HRC and the UPR in the organisation of the sessions. The HRC Secretariat is composed of staff from the OHCHR.

Session (Working Group): *See 'Working Group'.*

State Report: *See 'National Report'.*

State under Review (SuR): A SuR is a UN Member State that is having its human rights record reviewed under the UPR.

Summary of Other Stakeholders' Information: The Summary of Other Stakeholders' Information is a report compiled by the OHCHR that summarises the information and recommendations contained in the CSO submissions. The compilation cannot exceed 5,350 words. (It is one of the three documents used to conduct the review of a State; see also the National Report and the Compilation of UN information).

Troika: The troika assists the Working Group with the human rights review of a State. It is a group of three delegates from HRC members selected by drawing lots. A troika member may take the floor as any other delegation and ask questions and make recommendations during the interactive dialogue. The troika representatives have two main roles: (1) receive all advance questions raised by the Working Group and relay them to the State under Review and (2) help preparing the report of the Working Group with the assistance of the UN Secretariat and the State under Review. One troika member is in charge of introducing the list of recommendations before its adoption at the Working Group stage.

Voluntary pledges: Voluntary pledges are commitments made by a State under Review in the course of the UPR to do a specific action. Voluntary pledges can be made at different stages: during the drafting of the national report, during the review, and during the adoption of the Working Group report. For example, many States have made a voluntary pledge to submit a mid-term report on the implementation of recommendations received during their UPR review.

Webcast: The webcast is a live video streaming of a HRC or UPR session. The webcasts are then posted both on the OHCHR and *UPR Info* websites and are accessible by anyone.

Working Group: The UPR Working Group is the body that conducts the human rights review of States. In practice, all 193 UN Member States, as well as the Holy See and the State of Palestine, are part of the group. The Working Group meets in Geneva, Switzerland, three times per year with a total of fourteen (14) countries for each session to be reviewed. Working Group sessions usually take place in January, April/May, and October/November.

Working Group Report: *See 'Report of the Working Group'.*

A full Glossary is available at <ins>http://www.upr-info.org/en/glossary</ins>