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United Nations: Human Rights Council Guiding principles for the development of the Universal Periodic Review mechanism



16 August 2006
AI Index: IOR 40/031/2006

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Guiding principles for the development of the Universal Periodic Review mechanism

Submission by Amnesty International

Amnesty International recommends the following principles, – grounded in General Assembly resolution A/RES/60/251 – to guide the Human Rights Council in developing the Universal Periodic Review (UPR) mechanism and assessing specific proposals.

In order to meet the objective of improving each state’s fulfilment of its human rights obligations and commitments and to faithfully satisfy the requirements set out in resolution 60/251 (OP5 (e)), the UPR mechanism must respect the following principles:

1. **Equal treatment and non-selectivity:**¹ The conduct and the modalities of the review must be the same for all United Nations member states. This should extend to the periodicity of review, the procedures followed, and the common core standards on which the review is based.² However, the substantive issues addressed in the review and its outcome should be country-specific.
2. **Universality:**³ The review must be designed to assess the promotion and protection of all human rights in all states. The preparatory process should consider the fulfilment of *all* human rights obligations and commitments in the state under review, but effectiveness requires that each review focus on particular issues in each state as the best way to improve the enjoyment of rights in the state under review.
3. **Transparency:**⁴ The review must be public and transparent in all respects for all concerned parties. Full transparency should apply to the information that is used as the basis for the review, the review process, the inter-active dialogue, the outcome of the review, and the implementation of recommended measures and other follow-up.

¹ GA Resolution A/RES/60/251 Preambular paragraph (PP) 9, operative paragraph (OP) 5(e) and principles of universality, impartiality and non-selectivity in OP4.

² In current circumstances, the only common standard covering the full range of human rights is the Universal Declaration of Human Rights. Eventually as more states become party to the principal human rights treaties, those treaties might become part of the common core standards. The Convention on the Rights of the Child is one such treaty that in many respects is a common core standard. Although most commitments will be specific to individual states, consensus instruments such as the Vienna Declaration and Programme of Action may offer examples of common commitments.

³ This is closely related to, but distinct from, the principle of equality. Preambular paragraph 3, OP2, OP4.

⁴ OP 12.

4. **Efficiency:**⁵ The review must make the best possible use of the resources available to the Human Rights Council. An efficient process demands thorough preparation for each review, a commitment to cooperate by all parties involved, well-focussed decisions and recommendations in the outcome of the review, and sustained implementation of those decisions and recommendations.
5. **Effectiveness:**⁶ The review must aim at measures that can reasonably be expected to be implemented and lead to states better fulfilling their human rights obligations and commitments and protecting rights-holders. The review process should be well-informed and take account of the capacity and available resources in the reviewed state, other governments and the parts of the UN system that will be expected to contribute to the implementation of measures recommended in the review.
6. **Complementarity with other elements of the United Nations human rights program:**⁷ The review should both draw on and reinforce the other elements of the UN human rights program, particularly the treaty bodies and the Special Procedures. In addition to avoiding duplication with the human rights treaty bodies,⁸ it should respect the mandates and priorities of other UN human rights mechanisms, bodies and offices. The UPR is one means among others by which the Council can address situations in particular countries. The various options for action by the Council in respect of the situation in individual countries should complement one another.⁹
7. **Credibility:**¹⁰ The information that is used as the basis for the review, the review process itself (including the inter-active dialogue) and its outcomes must be credible to the participants in the review and to an informed public. While constructive international dialogue and cooperation should guide the UPR, the review should be frank and direct in addressing shortcomings by states in the fulfilment of their human rights obligations and commitments.
8. **Continuity:**¹¹ The review must be an internally coherent process that encompasses preparation, the review based on interactive dialogue, the outcome and follow-up. Each review should form part of a cycle that leads to ongoing improvement in a state's fulfilment of its human rights obligations and commitments and in which subsequent reviews build on the outcome of the preceding review.

⁵ PP8., OP6, OP9.

⁶ OP3, OP5(d), OP12.

⁷ OP5(e).

⁸ As required by OP5(e).

⁹ OP4, OP5(f), OP10.

¹⁰ OP3, OP4, OP5(e)

¹¹ OP12

9. **Cooperation:**¹² As a cooperative mechanism based on interactive dialogue, the review must be designed to promote cooperation among all participants, including the state under review. However, the UPR must be creative and robust enough to be able to cope with situations where cooperation from the state under review is not forthcoming.
10. **Full involvement of the country concerned:**¹³ This assumes that all relevant sectors of society of the country under review, including its government, civil society and independent national human rights institutions, have the opportunity to effectively contribute to the preparation of the review, the interactive dialogue, the outcome and its follow-up.

¹² PP1, OP4, OP5(e), OP9

¹³ PP11, OP5(e), OP5(h).